



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3941

Introduced 5/1/2024, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Makes changes concerning confidentiality regarding the Office of Executive Inspector General. Makes conforming changes. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that, beginning on January 1, 2025, "prescription and nonprescription medicines and drugs" includes cannabis purchased by a qualified patient, designated caregiver, or provisional patient from a registered dispensing organization for purposes of provisions in those Acts that establish a 1% rate of taxation for prescription and nonprescription medicines and drugs. Amends the Compassionate Use of Medical Cannabis Program Act. Provides that a designated caregiver registered under the Act may perform the designated caregiver's duties at any licensed dispensary or dispensing organization licensed by the Department of Financial and Professional Regulation under the Cannabis Regulation and Tax Act. Makes changes concerning agents under the Act. Provides that a qualifying patient registered under the Act may purchase medical cannabis at any licensed dispensary or dispensing organization licensed by the Department of Financial and Professional Regulation under the Cannabis Regulation and Tax Act. Provides that the physical examination required under the Act may be performed by remote means. Makes changes in provisions concerning definitions; enforcement of the Act; destruction of medical cannabis; and the medical cannabis cultivation privilege tax. Repeals provisions concerning medical cannabis dispensing organization certification renewal and excluded offenses. Amends the Cannabis Regulation and Tax Act. Authorizes a dispensing organization to offer drive-through and pickup options for cannabis and cannabis-infused products and makes related changes. Requires a dispensing organization to implement other security measures. Makes changes in provisions concerning medical cannabis containers. Makes other changes. Effective immediately.

LRB103 40497 RJT 72953 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 3. The Department of Professional Regulation Law  
5 of the Civil Administrative Code of Illinois is amended by  
6 changing Section 2105-117 as follows:

7 (20 ILCS 2105/2105-117)

8 Sec. 2105-117. Confidentiality. All information collected  
9 by the Department in the course of an examination or  
10 investigation of a licensee, registrant, or applicant,  
11 including, but not limited to, any complaint against a  
12 licensee or registrant filed with the Department and  
13 information collected to investigate any such complaint, shall  
14 be maintained for the confidential use of the Department and  
15 shall not be disclosed. The Department may not disclose the  
16 information to anyone other than law enforcement officials,  
17 other regulatory agencies that have an appropriate regulatory  
18 interest as determined by the Director, the Office of  
19 Executive Inspector General, or a party presenting a lawful  
20 subpoena to the Department. Information and documents  
21 disclosed to a federal, State, county, or local law  
22 enforcement agency, including the Executive Inspector General  
23 shall not be disclosed by the agency for any purpose to any

1 other agency or person, except as necessary to those involved  
2 in enforcing the State Officials and Employees Ethics Act. A  
3 formal complaint filed against a licensee or registrant by the  
4 Department or any order issued by the Department against a  
5 licensee, registrant, or applicant shall be a public record,  
6 except as otherwise prohibited by law.

7 (Source: P.A. 99-227, eff. 8-3-15.)

8 Section 5. The Use Tax Act is amended by changing Section  
9 3-10 as follows:

10 (35 ILCS 105/3-10)

11 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
12 Section, the tax imposed by this Act is at the rate of 6.25% of  
13 either the selling price or the fair market value, if any, of  
14 the tangible personal property. In all cases where property  
15 functionally used or consumed is the same as the property that  
16 was purchased at retail, then the tax is imposed on the selling  
17 price of the property. In all cases where property  
18 functionally used or consumed is a by-product or waste product  
19 that has been refined, manufactured, or produced from property  
20 purchased at retail, then the tax is imposed on the lower of  
21 the fair market value, if any, of the specific property so used  
22 in this State or on the selling price of the property purchased  
23 at retail. For purposes of this Section "fair market value"  
24 means the price at which property would change hands between a

1 willing buyer and a willing seller, neither being under any  
2 compulsion to buy or sell and both having reasonable knowledge  
3 of the relevant facts. The fair market value shall be  
4 established by Illinois sales by the taxpayer of the same  
5 property as that functionally used or consumed, or if there  
6 are no such sales by the taxpayer, then comparable sales or  
7 purchases of property of like kind and character in Illinois.

8 Beginning on July 1, 2000 and through December 31, 2000,  
9 with respect to motor fuel, as defined in Section 1.1 of the  
10 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
11 the Use Tax Act, the tax is imposed at the rate of 1.25%.

12 Beginning on August 6, 2010 through August 15, 2010, and  
13 beginning again on August 5, 2022 through August 14, 2022,  
14 with respect to sales tax holiday items as defined in Section  
15 3-6 of this Act, the tax is imposed at the rate of 1.25%.

16 With respect to gasohol, the tax imposed by this Act  
17 applies to (i) 70% of the proceeds of sales made on or after  
18 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
19 proceeds of sales made on or after July 1, 2003 and on or  
20 before July 1, 2017, (iii) 100% of the proceeds of sales made  
21 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of  
22 the proceeds of sales made on or after January 1, 2024 and on  
23 or before December 31, 2028, and (v) 100% of the proceeds of  
24 sales made after December 31, 2028. If, at any time, however,  
25 the tax under this Act on sales of gasohol is imposed at the  
26 rate of 1.25%, then the tax imposed by this Act applies to 100%

1 of the proceeds of sales of gasohol made during that time.

2 With respect to mid-range ethanol blends, the tax imposed  
3 by this Act applies to (i) 80% of the proceeds of sales made on  
4 or after January 1, 2024 and on or before December 31, 2028 and  
5 (ii) 100% of the proceeds of sales made thereafter. If, at any  
6 time, however, the tax under this Act on sales of mid-range  
7 ethanol blends is imposed at the rate of 1.25%, then the tax  
8 imposed by this Act applies to 100% of the proceeds of sales of  
9 mid-range ethanol blends made during that time.

10 With respect to majority blended ethanol fuel, the tax  
11 imposed by this Act does not apply to the proceeds of sales  
12 made on or after July 1, 2003 and on or before December 31,  
13 2028 but applies to 100% of the proceeds of sales made  
14 thereafter.

15 With respect to biodiesel blends with no less than 1% and  
16 no more than 10% biodiesel, the tax imposed by this Act applies  
17 to (i) 80% of the proceeds of sales made on or after July 1,  
18 2003 and on or before December 31, 2018 and (ii) 100% of the  
19 proceeds of sales made after December 31, 2018 and before  
20 January 1, 2024. On and after January 1, 2024 and on or before  
21 December 31, 2030, the taxation of biodiesel, renewable  
22 diesel, and biodiesel blends shall be as provided in Section  
23 3-5.1. If, at any time, however, the tax under this Act on  
24 sales of biodiesel blends with no less than 1% and no more than  
25 10% biodiesel is imposed at the rate of 1.25%, then the tax  
26 imposed by this Act applies to 100% of the proceeds of sales of

1 biodiesel blends with no less than 1% and no more than 10%  
2 biodiesel made during that time.

3 With respect to biodiesel and biodiesel blends with more  
4 than 10% but no more than 99% biodiesel, the tax imposed by  
5 this Act does not apply to the proceeds of sales made on or  
6 after July 1, 2003 and on or before December 31, 2023. On and  
7 after January 1, 2024 and on or before December 31, 2030, the  
8 taxation of biodiesel, renewable diesel, and biodiesel blends  
9 shall be as provided in Section 3-5.1.

10 Until July 1, 2022 and beginning again on July 1, 2023,  
11 with respect to food for human consumption that is to be  
12 consumed off the premises where it is sold (other than  
13 alcoholic beverages, food consisting of or infused with adult  
14 use cannabis, soft drinks, and food that has been prepared for  
15 immediate consumption), the tax is imposed at the rate of 1%.  
16 Beginning on July 1, 2022 and until July 1, 2023, with respect  
17 to food for human consumption that is to be consumed off the  
18 premises where it is sold (other than alcoholic beverages,  
19 food consisting of or infused with adult use cannabis, soft  
20 drinks, and food that has been prepared for immediate  
21 consumption), the tax is imposed at the rate of 0%.

22 With respect to prescription and nonprescription  
23 medicines, drugs, medical appliances, products classified as  
24 Class III medical devices by the United States Food and Drug  
25 Administration that are used for cancer treatment pursuant to  
26 a prescription, as well as any accessories and components

1 related to those devices, modifications to a motor vehicle for  
2 the purpose of rendering it usable by a person with a  
3 disability, and insulin, blood sugar testing materials,  
4 syringes, and needles used by human diabetics, the tax is  
5 imposed at the rate of 1%. For the purposes of this Section,  
6 until September 1, 2009: the term "soft drinks" means any  
7 complete, finished, ready-to-use, non-alcoholic drink, whether  
8 carbonated or not, including, but not limited to, soda water,  
9 cola, fruit juice, vegetable juice, carbonated water, and all  
10 other preparations commonly known as soft drinks of whatever  
11 kind or description that are contained in any closed or sealed  
12 bottle, can, carton, or container, regardless of size; but  
13 "soft drinks" does not include coffee, tea, non-carbonated  
14 water, infant formula, milk or milk products as defined in the  
15 Grade A Pasteurized Milk and Milk Products Act, or drinks  
16 containing 50% or more natural fruit or vegetable juice.

17 Notwithstanding any other provisions of this Act,  
18 beginning September 1, 2009, "soft drinks" means non-alcoholic  
19 beverages that contain natural or artificial sweeteners. "Soft  
20 drinks" does not include beverages that contain milk or milk  
21 products, soy, rice or similar milk substitutes, or greater  
22 than 50% of vegetable or fruit juice by volume.

23 Until August 1, 2009, and notwithstanding any other  
24 provisions of this Act, "food for human consumption that is to  
25 be consumed off the premises where it is sold" includes all  
26 food sold through a vending machine, except soft drinks and

1 food products that are dispensed hot from a vending machine,  
2 regardless of the location of the vending machine. Beginning  
3 August 1, 2009, and notwithstanding any other provisions of  
4 this Act, "food for human consumption that is to be consumed  
5 off the premises where it is sold" includes all food sold  
6 through a vending machine, except soft drinks, candy, and food  
7 products that are dispensed hot from a vending machine,  
8 regardless of the location of the vending machine.

9 Notwithstanding any other provisions of this Act,  
10 beginning September 1, 2009, "food for human consumption that  
11 is to be consumed off the premises where it is sold" does not  
12 include candy. For purposes of this Section, "candy" means a  
13 preparation of sugar, honey, or other natural or artificial  
14 sweeteners in combination with chocolate, fruits, nuts or  
15 other ingredients or flavorings in the form of bars, drops, or  
16 pieces. "Candy" does not include any preparation that contains  
17 flour or requires refrigeration.

18 Notwithstanding any other provisions of this Act,  
19 beginning September 1, 2009, "nonprescription medicines and  
20 drugs" does not include grooming and hygiene products. For  
21 purposes of this Section, "grooming and hygiene products"  
22 includes, but is not limited to, soaps and cleaning solutions,  
23 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
24 lotions and screens, unless those products are available by  
25 prescription only, regardless of whether the products meet the  
26 definition of "over-the-counter-drugs". For the purposes of



1 this paragraph, "over-the-counter-drug" means a drug for human  
2 use that contains a label that identifies the product as a drug  
3 as required by 21 CFR 201.66. The "over-the-counter-drug"  
4 label includes:

5 (A) a "Drug Facts" panel; or

6 (B) a statement of the "active ingredient(s)" with a  
7 list of those ingredients contained in the compound,  
8 substance or preparation.

9 Beginning on January 1, 2014 (the effective date of Public  
10 Act 98-122) and until January 1, 2025, "prescription and  
11 nonprescription medicines and drugs" includes medical cannabis  
12 purchased from a registered dispensing organization under the  
13 Compassionate Use of Medical Cannabis Program Act.

14 Beginning on January 1, 2025, "prescription and  
15 nonprescription medicines and drugs" includes cannabis  
16 purchased by a qualified patient, designated caregiver, or  
17 provisional patient, as defined in the Compassionate Use of  
18 Medical Cannabis Program Act, from a registered dispensing  
19 organization.

20 As used in this Section, "adult use cannabis" means  
21 cannabis subject to tax under the Cannabis Cultivation  
22 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
23 and does not include cannabis purchased by a qualified  
24 patient, designated caregiver, or provisional patient, as  
25 defined in the Compassionate Use of Medical Cannabis Program  
26 Act ~~subject to tax under the Compassionate Use of Medical~~

1 ~~Cannabis Program Act.~~

2 If the property that is purchased at retail from a  
3 retailer is acquired outside Illinois and used outside  
4 Illinois before being brought to Illinois for use here and is  
5 taxable under this Act, the "selling price" on which the tax is  
6 computed shall be reduced by an amount that represents a  
7 reasonable allowance for depreciation for the period of prior  
8 out-of-state use.

9 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,  
10 Section 20-5, eff. 4-19-22; 102-700, Article 60, Section  
11 60-15, eff. 4-19-22; 102-700, Article 65, Section 65-5, eff.  
12 4-19-22; 103-9, eff. 6-7-23; 103-154 eff. 6-30-23.)

13 Section 10. The Service Use Tax Act is amended by changing  
14 Section 3-10 as follows:

15 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

16 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
17 Section, the tax imposed by this Act is at the rate of 6.25% of  
18 the selling price of tangible personal property transferred as  
19 an incident to the sale of service, but, for the purpose of  
20 computing this tax, in no event shall the selling price be less  
21 than the cost price of the property to the serviceman.

22 Beginning on July 1, 2000 and through December 31, 2000,  
23 with respect to motor fuel, as defined in Section 1.1 of the  
24 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of

1 the Use Tax Act, the tax is imposed at the rate of 1.25%.

2 With respect to gasohol, as defined in the Use Tax Act, the  
3 tax imposed by this Act applies to (i) 70% of the selling price  
4 of property transferred as an incident to the sale of service  
5 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
6 of the selling price of property transferred as an incident to  
7 the sale of service on or after July 1, 2003 and on or before  
8 July 1, 2017, (iii) 100% of the selling price of property  
9 transferred as an incident to the sale of service after July 1,  
10 2017 and before January 1, 2024, (iv) 90% of the selling price  
11 of property transferred as an incident to the sale of service  
12 on or after January 1, 2024 and on or before December 31, 2028,  
13 and (v) 100% of the selling price of property transferred as an  
14 incident to the sale of service after December 31, 2028. If, at  
15 any time, however, the tax under this Act on sales of gasohol,  
16 as defined in the Use Tax Act, is imposed at the rate of 1.25%,  
17 then the tax imposed by this Act applies to 100% of the  
18 proceeds of sales of gasohol made during that time.

19 With respect to mid-range ethanol blends, as defined in  
20 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act  
21 applies to (i) 80% of the selling price of property  
22 transferred as an incident to the sale of service on or after  
23 January 1, 2024 and on or before December 31, 2028 and (ii)  
24 100% of the selling price of property transferred as an  
25 incident to the sale of service after December 31, 2028. If, at  
26 any time, however, the tax under this Act on sales of mid-range

1 ethanol blends is imposed at the rate of 1.25%, then the tax  
2 imposed by this Act applies to 100% of the selling price of  
3 mid-range ethanol blends transferred as an incident to the  
4 sale of service during that time.

5 With respect to majority blended ethanol fuel, as defined  
6 in the Use Tax Act, the tax imposed by this Act does not apply  
7 to the selling price of property transferred as an incident to  
8 the sale of service on or after July 1, 2003 and on or before  
9 December 31, 2028 but applies to 100% of the selling price  
10 thereafter.

11 With respect to biodiesel blends, as defined in the Use  
12 Tax Act, with no less than 1% and no more than 10% biodiesel,  
13 the tax imposed by this Act applies to (i) 80% of the selling  
14 price of property transferred as an incident to the sale of  
15 service on or after July 1, 2003 and on or before December 31,  
16 2018 and (ii) 100% of the proceeds of the selling price after  
17 December 31, 2018 and before January 1, 2024. On and after  
18 January 1, 2024 and on or before December 31, 2030, the  
19 taxation of biodiesel, renewable diesel, and biodiesel blends  
20 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
21 at any time, however, the tax under this Act on sales of  
22 biodiesel blends, as defined in the Use Tax Act, with no less  
23 than 1% and no more than 10% biodiesel is imposed at the rate  
24 of 1.25%, then the tax imposed by this Act applies to 100% of  
25 the proceeds of sales of biodiesel blends with no less than 1%  
26 and no more than 10% biodiesel made during that time.

1           With respect to biodiesel, as defined in the Use Tax Act,  
2           and biodiesel blends, as defined in the Use Tax Act, with more  
3           than 10% but no more than 99% biodiesel, the tax imposed by  
4           this Act does not apply to the proceeds of the selling price of  
5           property transferred as an incident to the sale of service on  
6           or after July 1, 2003 and on or before December 31, 2023. On  
7           and after January 1, 2024 and on or before December 31, 2030,  
8           the taxation of biodiesel, renewable diesel, and biodiesel  
9           blends shall be as provided in Section 3-5.1 of the Use Tax  
10          Act.

11          At the election of any registered serviceman made for each  
12          fiscal year, sales of service in which the aggregate annual  
13          cost price of tangible personal property transferred as an  
14          incident to the sales of service is less than 35%, or 75% in  
15          the case of servicemen transferring prescription drugs or  
16          servicemen engaged in graphic arts production, of the  
17          aggregate annual total gross receipts from all sales of  
18          service, the tax imposed by this Act shall be based on the  
19          serviceman's cost price of the tangible personal property  
20          transferred as an incident to the sale of those services.

21          Until July 1, 2022 and beginning again on July 1, 2023, the  
22          tax shall be imposed at the rate of 1% on food prepared for  
23          immediate consumption and transferred incident to a sale of  
24          service subject to this Act or the Service Occupation Tax Act  
25          by an entity licensed under the Hospital Licensing Act, the  
26          Nursing Home Care Act, the Assisted Living and Shared Housing

1 Act, the ID/DD Community Care Act, the MC/DD Act, the  
2 Specialized Mental Health Rehabilitation Act of 2013, or the  
3 Child Care Act of 1969, or an entity that holds a permit issued  
4 pursuant to the Life Care Facilities Act. Until July 1, 2022  
5 and beginning again on July 1, 2023, the tax shall also be  
6 imposed at the rate of 1% on food for human consumption that is  
7 to be consumed off the premises where it is sold (other than  
8 alcoholic beverages, food consisting of or infused with adult  
9 use cannabis, soft drinks, and food that has been prepared for  
10 immediate consumption and is not otherwise included in this  
11 paragraph).

12 Beginning on July 1, 2022 and until July 1, 2023, the tax  
13 shall be imposed at the rate of 0% on food prepared for  
14 immediate consumption and transferred incident to a sale of  
15 service subject to this Act or the Service Occupation Tax Act  
16 by an entity licensed under the Hospital Licensing Act, the  
17 Nursing Home Care Act, the Assisted Living and Shared Housing  
18 Act, the ID/DD Community Care Act, the MC/DD Act, the  
19 Specialized Mental Health Rehabilitation Act of 2013, or the  
20 Child Care Act of 1969, or an entity that holds a permit issued  
21 pursuant to the Life Care Facilities Act. Beginning on July 1,  
22 2022 and until July 1, 2023, the tax shall also be imposed at  
23 the rate of 0% on food for human consumption that is to be  
24 consumed off the premises where it is sold (other than  
25 alcoholic beverages, food consisting of or infused with adult  
26 use cannabis, soft drinks, and food that has been prepared for

1 immediate consumption and is not otherwise included in this  
2 paragraph).

3 The tax shall also be imposed at the rate of 1% on  
4 prescription and nonprescription medicines, drugs, medical  
5 appliances, products classified as Class III medical devices  
6 by the United States Food and Drug Administration that are  
7 used for cancer treatment pursuant to a prescription, as well  
8 as any accessories and components related to those devices,  
9 modifications to a motor vehicle for the purpose of rendering  
10 it usable by a person with a disability, and insulin, blood  
11 sugar testing materials, syringes, and needles used by human  
12 diabetics. For the purposes of this Section, until September  
13 1, 2009: the term "soft drinks" means any complete, finished,  
14 ready-to-use, non-alcoholic drink, whether carbonated or not,  
15 including, but not limited to, soda water, cola, fruit juice,  
16 vegetable juice, carbonated water, and all other preparations  
17 commonly known as soft drinks of whatever kind or description  
18 that are contained in any closed or sealed bottle, can,  
19 carton, or container, regardless of size; but "soft drinks"  
20 does not include coffee, tea, non-carbonated water, infant  
21 formula, milk or milk products as defined in the Grade A  
22 Pasteurized Milk and Milk Products Act, or drinks containing  
23 50% or more natural fruit or vegetable juice.

24 Notwithstanding any other provisions of this Act,  
25 beginning September 1, 2009, "soft drinks" means non-alcoholic  
26 beverages that contain natural or artificial sweeteners. "Soft

1 drinks" does not include beverages that contain milk or milk  
2 products, soy, rice or similar milk substitutes, or greater  
3 than 50% of vegetable or fruit juice by volume.

4 Until August 1, 2009, and notwithstanding any other  
5 provisions of this Act, "food for human consumption that is to  
6 be consumed off the premises where it is sold" includes all  
7 food sold through a vending machine, except soft drinks and  
8 food products that are dispensed hot from a vending machine,  
9 regardless of the location of the vending machine. Beginning  
10 August 1, 2009, and notwithstanding any other provisions of  
11 this Act, "food for human consumption that is to be consumed  
12 off the premises where it is sold" includes all food sold  
13 through a vending machine, except soft drinks, candy, and food  
14 products that are dispensed hot from a vending machine,  
15 regardless of the location of the vending machine.

16 Notwithstanding any other provisions of this Act,  
17 beginning September 1, 2009, "food for human consumption that  
18 is to be consumed off the premises where it is sold" does not  
19 include candy. For purposes of this Section, "candy" means a  
20 preparation of sugar, honey, or other natural or artificial  
21 sweeteners in combination with chocolate, fruits, nuts or  
22 other ingredients or flavorings in the form of bars, drops, or  
23 pieces. "Candy" does not include any preparation that contains  
24 flour or requires refrigeration.

25 Notwithstanding any other provisions of this Act,  
26 beginning September 1, 2009, "nonprescription medicines and



1 drugs" does not include grooming and hygiene products. For  
2 purposes of this Section, "grooming and hygiene products"  
3 includes, but is not limited to, soaps and cleaning solutions,  
4 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
5 lotions and screens, unless those products are available by  
6 prescription only, regardless of whether the products meet the  
7 definition of "over-the-counter-drugs". For the purposes of  
8 this paragraph, "over-the-counter-drug" means a drug for human  
9 use that contains a label that identifies the product as a drug  
10 as required by 21 CFR 201.66. The "over-the-counter-drug"  
11 label includes:

12 (A) a "Drug Facts" panel; or

13 (B) a statement of the "active ingredient(s)" with a  
14 list of those ingredients contained in the compound,  
15 substance or preparation.

16 Beginning on January 1, 2014 (the effective date of Public  
17 Act 98-122) and until January 1, 2025, "prescription and  
18 nonprescription medicines and drugs" includes medical cannabis  
19 purchased from a registered dispensing organization under the  
20 Compassionate Use of Medical Cannabis Program Act.

21 Beginning on January 1, 2025, "prescription and  
22 nonprescription medicines and drugs" includes cannabis  
23 purchased by a qualified patient, designated caregiver, or  
24 provisional patient, as defined in the Compassionate Use of  
25 Medical Cannabis Program Act, from a registered dispensing  
26 organization.

1           As used in this Section, "adult use cannabis" means  
2 cannabis subject to tax under the Cannabis Cultivation  
3 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
4 and does not include cannabis purchased by a qualified  
5 patient, designated caregiver, or provisional patient, as  
6 defined in the Compassionate Use of Medical Cannabis Program  
7 Act ~~subject to tax under the Compassionate Use of Medical~~  
8 ~~Cannabis Program Act.~~

9           If the property that is acquired from a serviceman is  
10 acquired outside Illinois and used outside Illinois before  
11 being brought to Illinois for use here and is taxable under  
12 this Act, the "selling price" on which the tax is computed  
13 shall be reduced by an amount that represents a reasonable  
14 allowance for depreciation for the period of prior  
15 out-of-state use.

16           (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;  
17 102-700, Article 20, Section 20-10, eff. 4-19-22; 102-700,  
18 Article 60, Section 60-20, eff. 4-19-22; 103-9, eff. 6-7-23;  
19 103-154, eff. 6-30-23.)

20           Section 15. The Service Occupation Tax Act is amended by  
21 changing Section 3-10 as follows:

22           (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

23           Sec. 3-10. Rate of tax. Unless otherwise provided in this  
24 Section, the tax imposed by this Act is at the rate of 6.25% of

1 the "selling price", as defined in Section 2 of the Service Use  
2 Tax Act, of the tangible personal property. For the purpose of  
3 computing this tax, in no event shall the "selling price" be  
4 less than the cost price to the serviceman of the tangible  
5 personal property transferred. The selling price of each item  
6 of tangible personal property transferred as an incident of a  
7 sale of service may be shown as a distinct and separate item on  
8 the serviceman's billing to the service customer. If the  
9 selling price is not so shown, the selling price of the  
10 tangible personal property is deemed to be 50% of the  
11 serviceman's entire billing to the service customer. When,  
12 however, a serviceman contracts to design, develop, and  
13 produce special order machinery or equipment, the tax imposed  
14 by this Act shall be based on the serviceman's cost price of  
15 the tangible personal property transferred incident to the  
16 completion of the contract.

17 Beginning on July 1, 2000 and through December 31, 2000,  
18 with respect to motor fuel, as defined in Section 1.1 of the  
19 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
20 the Use Tax Act, the tax is imposed at the rate of 1.25%.

21 With respect to gasohol, as defined in the Use Tax Act, the  
22 tax imposed by this Act shall apply to (i) 70% of the cost  
23 price of property transferred as an incident to the sale of  
24 service on or after January 1, 1990, and before July 1, 2003,  
25 (ii) 80% of the selling price of property transferred as an  
26 incident to the sale of service on or after July 1, 2003 and on

1 or before July 1, 2017, (iii) 100% of the selling price of  
2 property transferred as an incident to the sale of service  
3 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of  
4 the selling price of property transferred as an incident to  
5 the sale of service on or after January 1, 2024 and on or  
6 before December 31, 2028, and (v) 100% of the selling price of  
7 property transferred as an incident to the sale of service  
8 after December 31, 2028. If, at any time, however, the tax  
9 under this Act on sales of gasohol, as defined in the Use Tax  
10 Act, is imposed at the rate of 1.25%, then the tax imposed by  
11 this Act applies to 100% of the proceeds of sales of gasohol  
12 made during that time.

13 With respect to mid-range ethanol blends, as defined in  
14 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act  
15 applies to (i) 80% of the selling price of property  
16 transferred as an incident to the sale of service on or after  
17 January 1, 2024 and on or before December 31, 2028 and (ii)  
18 100% of the selling price of property transferred as an  
19 incident to the sale of service after December 31, 2028. If, at  
20 any time, however, the tax under this Act on sales of mid-range  
21 ethanol blends is imposed at the rate of 1.25%, then the tax  
22 imposed by this Act applies to 100% of the selling price of  
23 mid-range ethanol blends transferred as an incident to the  
24 sale of service during that time.

25 With respect to majority blended ethanol fuel, as defined  
26 in the Use Tax Act, the tax imposed by this Act does not apply

1 to the selling price of property transferred as an incident to  
2 the sale of service on or after July 1, 2003 and on or before  
3 December 31, 2028 but applies to 100% of the selling price  
4 thereafter.

5 With respect to biodiesel blends, as defined in the Use  
6 Tax Act, with no less than 1% and no more than 10% biodiesel,  
7 the tax imposed by this Act applies to (i) 80% of the selling  
8 price of property transferred as an incident to the sale of  
9 service on or after July 1, 2003 and on or before December 31,  
10 2018 and (ii) 100% of the proceeds of the selling price after  
11 December 31, 2018 and before January 1, 2024. On and after  
12 January 1, 2024 and on or before December 31, 2030, the  
13 taxation of biodiesel, renewable diesel, and biodiesel blends  
14 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
15 at any time, however, the tax under this Act on sales of  
16 biodiesel blends, as defined in the Use Tax Act, with no less  
17 than 1% and no more than 10% biodiesel is imposed at the rate  
18 of 1.25%, then the tax imposed by this Act applies to 100% of  
19 the proceeds of sales of biodiesel blends with no less than 1%  
20 and no more than 10% biodiesel made during that time.

21 With respect to biodiesel, as defined in the Use Tax Act,  
22 and biodiesel blends, as defined in the Use Tax Act, with more  
23 than 10% but no more than 99% biodiesel material, the tax  
24 imposed by this Act does not apply to the proceeds of the  
25 selling price of property transferred as an incident to the  
26 sale of service on or after July 1, 2003 and on or before

1 December 31, 2023. On and after January 1, 2024 and on or  
2 before December 31, 2030, the taxation of biodiesel, renewable  
3 diesel, and biodiesel blends shall be as provided in Section  
4 3-5.1 of the Use Tax Act.

5 At the election of any registered serviceman made for each  
6 fiscal year, sales of service in which the aggregate annual  
7 cost price of tangible personal property transferred as an  
8 incident to the sales of service is less than 35%, or 75% in  
9 the case of servicemen transferring prescription drugs or  
10 servicemen engaged in graphic arts production, of the  
11 aggregate annual total gross receipts from all sales of  
12 service, the tax imposed by this Act shall be based on the  
13 serviceman's cost price of the tangible personal property  
14 transferred incident to the sale of those services.

15 Until July 1, 2022 and beginning again on July 1, 2023, the  
16 tax shall be imposed at the rate of 1% on food prepared for  
17 immediate consumption and transferred incident to a sale of  
18 service subject to this Act or the Service Use Tax Act by an  
19 entity licensed under the Hospital Licensing Act, the Nursing  
20 Home Care Act, the Assisted Living and Shared Housing Act, the  
21 ID/DD Community Care Act, the MC/DD Act, the Specialized  
22 Mental Health Rehabilitation Act of 2013, or the Child Care  
23 Act of 1969, or an entity that holds a permit issued pursuant  
24 to the Life Care Facilities Act. Until July 1, 2022 and  
25 beginning again on July 1, 2023, the tax shall also be imposed  
26 at the rate of 1% on food for human consumption that is to be

1 consumed off the premises where it is sold (other than  
2 alcoholic beverages, food consisting of or infused with adult  
3 use cannabis, soft drinks, and food that has been prepared for  
4 immediate consumption and is not otherwise included in this  
5 paragraph).

6 Beginning on July 1, 2022 and until July 1, 2023, the tax  
7 shall be imposed at the rate of 0% on food prepared for  
8 immediate consumption and transferred incident to a sale of  
9 service subject to this Act or the Service Use Tax Act by an  
10 entity licensed under the Hospital Licensing Act, the Nursing  
11 Home Care Act, the Assisted Living and Shared Housing Act, the  
12 ID/DD Community Care Act, the MC/DD Act, the Specialized  
13 Mental Health Rehabilitation Act of 2013, or the Child Care  
14 Act of 1969, or an entity that holds a permit issued pursuant  
15 to the Life Care Facilities Act. Beginning July 1, 2022 and  
16 until July 1, 2023, the tax shall also be imposed at the rate  
17 of 0% on food for human consumption that is to be consumed off  
18 the premises where it is sold (other than alcoholic beverages,  
19 food consisting of or infused with adult use cannabis, soft  
20 drinks, and food that has been prepared for immediate  
21 consumption and is not otherwise included in this paragraph).

22 The tax shall also be imposed at the rate of 1% on  
23 prescription and nonprescription medicines, drugs, medical  
24 appliances, products classified as Class III medical devices  
25 by the United States Food and Drug Administration that are  
26 used for cancer treatment pursuant to a prescription, as well

1 as any accessories and components related to those devices,  
2 modifications to a motor vehicle for the purpose of rendering  
3 it usable by a person with a disability, and insulin, blood  
4 sugar testing materials, syringes, and needles used by human  
5 diabetics. For the purposes of this Section, until September  
6 1, 2009: the term "soft drinks" means any complete, finished,  
7 ready-to-use, non-alcoholic drink, whether carbonated or not,  
8 including, but not limited to, soda water, cola, fruit juice,  
9 vegetable juice, carbonated water, and all other preparations  
10 commonly known as soft drinks of whatever kind or description  
11 that are contained in any closed or sealed can, carton, or  
12 container, regardless of size; but "soft drinks" does not  
13 include coffee, tea, non-carbonated water, infant formula,  
14 milk or milk products as defined in the Grade A Pasteurized  
15 Milk and Milk Products Act, or drinks containing 50% or more  
16 natural fruit or vegetable juice.

17 Notwithstanding any other provisions of this Act,  
18 beginning September 1, 2009, "soft drinks" means non-alcoholic  
19 beverages that contain natural or artificial sweeteners. "Soft  
20 drinks" does not include beverages that contain milk or milk  
21 products, soy, rice or similar milk substitutes, or greater  
22 than 50% of vegetable or fruit juice by volume.

23 Until August 1, 2009, and notwithstanding any other  
24 provisions of this Act, "food for human consumption that is to  
25 be consumed off the premises where it is sold" includes all  
26 food sold through a vending machine, except soft drinks and



1 food products that are dispensed hot from a vending machine,  
2 regardless of the location of the vending machine. Beginning  
3 August 1, 2009, and notwithstanding any other provisions of  
4 this Act, "food for human consumption that is to be consumed  
5 off the premises where it is sold" includes all food sold  
6 through a vending machine, except soft drinks, candy, and food  
7 products that are dispensed hot from a vending machine,  
8 regardless of the location of the vending machine.

9 Notwithstanding any other provisions of this Act,  
10 beginning September 1, 2009, "food for human consumption that  
11 is to be consumed off the premises where it is sold" does not  
12 include candy. For purposes of this Section, "candy" means a  
13 preparation of sugar, honey, or other natural or artificial  
14 sweeteners in combination with chocolate, fruits, nuts or  
15 other ingredients or flavorings in the form of bars, drops, or  
16 pieces. "Candy" does not include any preparation that contains  
17 flour or requires refrigeration.

18 Notwithstanding any other provisions of this Act,  
19 beginning September 1, 2009, "nonprescription medicines and  
20 drugs" does not include grooming and hygiene products. For  
21 purposes of this Section, "grooming and hygiene products"  
22 includes, but is not limited to, soaps and cleaning solutions,  
23 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
24 lotions and screens, unless those products are available by  
25 prescription only, regardless of whether the products meet the  
26 definition of "over-the-counter-drugs". For the purposes of

1 this paragraph, "over-the-counter-drug" means a drug for human  
2 use that contains a label that identifies the product as a drug  
3 as required by 21 CFR 201.66. The "over-the-counter-drug"  
4 label includes:

5 (A) a "Drug Facts" panel; or

6 (B) a statement of the "active ingredient(s)" with a  
7 list of those ingredients contained in the compound,  
8 substance or preparation.

9 Beginning on January 1, 2014 (the effective date of Public  
10 Act 98-122) and until January 1, 2025, "prescription and  
11 nonprescription medicines and drugs" includes medical cannabis  
12 purchased from a registered dispensing organization under the  
13 Compassionate Use of Medical Cannabis Program Act.

14 Beginning on January 1, 2025, "prescription and  
15 nonprescription medicines and drugs" includes cannabis  
16 purchased by a qualified patient, designated caregiver, or  
17 provisional patient, as defined in the Compassionate Use of  
18 Medical Cannabis Program Act, from a registered dispensing  
19 organization.

20 As used in this Section, "adult use cannabis" means  
21 cannabis subject to tax under the Cannabis Cultivation  
22 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
23 and does not include cannabis purchased by a qualified  
24 patient, designated caregiver, or provisional patient, as  
25 defined in the Compassionate Use of Medical Cannabis Program  
26 Act ~~subject to tax under the Compassionate Use of Medical~~

1 ~~Cannabis Program Act.~~

2 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;  
3 102-700, Article 20, Section 20-15, eff. 4-19-22; 102-700,  
4 Article 60, Section 60-25, eff. 4-19-22; 103-9, eff. 6-7-23;  
5 103-154, eff. 6-30-23.)

6 Section 20. The Retailers' Occupation Tax Act is amended  
7 by changing Section 2-10 as follows:

8 (35 ILCS 120/2-10)

9 Sec. 2-10. Rate of tax. Unless otherwise provided in this  
10 Section, the tax imposed by this Act is at the rate of 6.25% of  
11 gross receipts from sales of tangible personal property made  
12 in the course of business.

13 Beginning on July 1, 2000 and through December 31, 2000,  
14 with respect to motor fuel, as defined in Section 1.1 of the  
15 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
16 the Use Tax Act, the tax is imposed at the rate of 1.25%.

17 Beginning on August 6, 2010 through August 15, 2010, and  
18 beginning again on August 5, 2022 through August 14, 2022,  
19 with respect to sales tax holiday items as defined in Section  
20 2-8 of this Act, the tax is imposed at the rate of 1.25%.

21 Within 14 days after July 1, 2000 (the effective date of  
22 Public Act 91-872), each retailer of motor fuel and gasohol  
23 shall cause the following notice to be posted in a prominently  
24 visible place on each retail dispensing device that is used to

1 dispense motor fuel or gasohol in the State of Illinois: "As of  
2 July 1, 2000, the State of Illinois has eliminated the State's  
3 share of sales tax on motor fuel and gasohol through December  
4 31, 2000. The price on this pump should reflect the  
5 elimination of the tax." The notice shall be printed in bold  
6 print on a sign that is no smaller than 4 inches by 8 inches.  
7 The sign shall be clearly visible to customers. Any retailer  
8 who fails to post or maintain a required sign through December  
9 31, 2000 is guilty of a petty offense for which the fine shall  
10 be \$500 per day per each retail premises where a violation  
11 occurs.

12 With respect to gasohol, as defined in the Use Tax Act, the  
13 tax imposed by this Act applies to (i) 70% of the proceeds of  
14 sales made on or after January 1, 1990, and before July 1,  
15 2003, (ii) 80% of the proceeds of sales made on or after July  
16 1, 2003 and on or before July 1, 2017, (iii) 100% of the  
17 proceeds of sales made after July 1, 2017 and prior to January  
18 1, 2024, (iv) 90% of the proceeds of sales made on or after  
19 January 1, 2024 and on or before December 31, 2028, and (v)  
20 100% of the proceeds of sales made after December 31, 2028. If,  
21 at any time, however, the tax under this Act on sales of  
22 gasohol, as defined in the Use Tax Act, is imposed at the rate  
23 of 1.25%, then the tax imposed by this Act applies to 100% of  
24 the proceeds of sales of gasohol made during that time.

25 With respect to mid-range ethanol blends, as defined in  
26 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act

1 applies to (i) 80% of the proceeds of sales made on or after  
2 January 1, 2024 and on or before December 31, 2028 and (ii)  
3 100% of the proceeds of sales made after December 31, 2028. If,  
4 at any time, however, the tax under this Act on sales of  
5 mid-range ethanol blends is imposed at the rate of 1.25%, then  
6 the tax imposed by this Act applies to 100% of the proceeds of  
7 sales of mid-range ethanol blends made during that time.

8 With respect to majority blended ethanol fuel, as defined  
9 in the Use Tax Act, the tax imposed by this Act does not apply  
10 to the proceeds of sales made on or after July 1, 2003 and on  
11 or before December 31, 2028 but applies to 100% of the proceeds  
12 of sales made thereafter.

13 With respect to biodiesel blends, as defined in the Use  
14 Tax Act, with no less than 1% and no more than 10% biodiesel,  
15 the tax imposed by this Act applies to (i) 80% of the proceeds  
16 of sales made on or after July 1, 2003 and on or before  
17 December 31, 2018 and (ii) 100% of the proceeds of sales made  
18 after December 31, 2018 and before January 1, 2024. On and  
19 after January 1, 2024 and on or before December 31, 2030, the  
20 taxation of biodiesel, renewable diesel, and biodiesel blends  
21 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
22 at any time, however, the tax under this Act on sales of  
23 biodiesel blends, as defined in the Use Tax Act, with no less  
24 than 1% and no more than 10% biodiesel is imposed at the rate  
25 of 1.25%, then the tax imposed by this Act applies to 100% of  
26 the proceeds of sales of biodiesel blends with no less than 1%

1 and no more than 10% biodiesel made during that time.

2 With respect to biodiesel, as defined in the Use Tax Act,  
3 and biodiesel blends, as defined in the Use Tax Act, with more  
4 than 10% but no more than 99% biodiesel, the tax imposed by  
5 this Act does not apply to the proceeds of sales made on or  
6 after July 1, 2003 and on or before December 31, 2023. On and  
7 after January 1, 2024 and on or before December 31, 2030, the  
8 taxation of biodiesel, renewable diesel, and biodiesel blends  
9 shall be as provided in Section 3-5.1 of the Use Tax Act.

10 Until July 1, 2022 and beginning again on July 1, 2023,  
11 with respect to food for human consumption that is to be  
12 consumed off the premises where it is sold (other than  
13 alcoholic beverages, food consisting of or infused with adult  
14 use cannabis, soft drinks, and food that has been prepared for  
15 immediate consumption), the tax is imposed at the rate of 1%.  
16 Beginning July 1, 2022 and until July 1, 2023, with respect to  
17 food for human consumption that is to be consumed off the  
18 premises where it is sold (other than alcoholic beverages,  
19 food consisting of or infused with adult use cannabis, soft  
20 drinks, and food that has been prepared for immediate  
21 consumption), the tax is imposed at the rate of 0%.

22 With respect to prescription and nonprescription  
23 medicines, drugs, medical appliances, products classified as  
24 Class III medical devices by the United States Food and Drug  
25 Administration that are used for cancer treatment pursuant to  
26 a prescription, as well as any accessories and components

1 related to those devices, modifications to a motor vehicle for  
2 the purpose of rendering it usable by a person with a  
3 disability, and insulin, blood sugar testing materials,  
4 syringes, and needles used by human diabetics, the tax is  
5 imposed at the rate of 1%. For the purposes of this Section,  
6 until September 1, 2009: the term "soft drinks" means any  
7 complete, finished, ready-to-use, non-alcoholic drink, whether  
8 carbonated or not, including, but not limited to, soda water,  
9 cola, fruit juice, vegetable juice, carbonated water, and all  
10 other preparations commonly known as soft drinks of whatever  
11 kind or description that are contained in any closed or sealed  
12 bottle, can, carton, or container, regardless of size; but  
13 "soft drinks" does not include coffee, tea, non-carbonated  
14 water, infant formula, milk or milk products as defined in the  
15 Grade A Pasteurized Milk and Milk Products Act, or drinks  
16 containing 50% or more natural fruit or vegetable juice.

17 Notwithstanding any other provisions of this Act,  
18 beginning September 1, 2009, "soft drinks" means non-alcoholic  
19 beverages that contain natural or artificial sweeteners. "Soft  
20 drinks" does not include beverages that contain milk or milk  
21 products, soy, rice or similar milk substitutes, or greater  
22 than 50% of vegetable or fruit juice by volume.

23 Until August 1, 2009, and notwithstanding any other  
24 provisions of this Act, "food for human consumption that is to  
25 be consumed off the premises where it is sold" includes all  
26 food sold through a vending machine, except soft drinks and

1 food products that are dispensed hot from a vending machine,  
2 regardless of the location of the vending machine. Beginning  
3 August 1, 2009, and notwithstanding any other provisions of  
4 this Act, "food for human consumption that is to be consumed  
5 off the premises where it is sold" includes all food sold  
6 through a vending machine, except soft drinks, candy, and food  
7 products that are dispensed hot from a vending machine,  
8 regardless of the location of the vending machine.

9 Notwithstanding any other provisions of this Act,  
10 beginning September 1, 2009, "food for human consumption that  
11 is to be consumed off the premises where it is sold" does not  
12 include candy. For purposes of this Section, "candy" means a  
13 preparation of sugar, honey, or other natural or artificial  
14 sweeteners in combination with chocolate, fruits, nuts or  
15 other ingredients or flavorings in the form of bars, drops, or  
16 pieces. "Candy" does not include any preparation that contains  
17 flour or requires refrigeration.

18 Notwithstanding any other provisions of this Act,  
19 beginning September 1, 2009, "nonprescription medicines and  
20 drugs" does not include grooming and hygiene products. For  
21 purposes of this Section, "grooming and hygiene products"  
22 includes, but is not limited to, soaps and cleaning solutions,  
23 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
24 lotions and screens, unless those products are available by  
25 prescription only, regardless of whether the products meet the  
26 definition of "over-the-counter-drugs". For the purposes of



1 this paragraph, "over-the-counter-drug" means a drug for human  
2 use that contains a label that identifies the product as a drug  
3 as required by 21 CFR 201.66. The "over-the-counter-drug"  
4 label includes:

5 (A) a "Drug Facts" panel; or

6 (B) a statement of the "active ingredient(s)" with a  
7 list of those ingredients contained in the compound,  
8 substance or preparation.

9 Beginning on January 1, 2014 (the effective date of Public  
10 Act 98-122) and until January 1, 2025, "prescription and  
11 nonprescription medicines and drugs" includes medical cannabis  
12 purchased from a registered dispensing organization under the  
13 Compassionate Use of Medical Cannabis Program Act.

14 Beginning on January 1, 2025, "prescription and  
15 nonprescription medicines and drugs" includes cannabis  
16 purchased by a qualified patient, designated caregiver, or  
17 provisional patient, as defined in the Compassionate Use of  
18 Medical Cannabis Program Act, from a registered dispensing  
19 organization.

20 As used in this Section, "adult use cannabis" means  
21 cannabis subject to tax under the Cannabis Cultivation  
22 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
23 and does not include cannabis purchased by a qualified  
24 patient, designated caregiver, or provisional patient, as  
25 defined in the Compassionate Use of Medical Cannabis Program  
26 Act subject to tax under the Compassionate Use of Medical

1 ~~Cannabis Program Act.~~

2 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,  
3 Section 20-20, eff. 4-19-22; 102-700, Article 60, Section  
4 60-30, eff. 4-19-22; 102-700, Article 65, Section 65-10, eff.  
5 4-19-22; 103-9, eff. 6-7-23; 103-154, eff. 6-30-23.)

6 Section 25. The Compassionate Use of Medical Cannabis  
7 Program Act is amended by changing Sections 7, 10, 25, 30, 35,  
8 57, 70, 85, 105, 115, 115.5, 120, 130, 145, 150, 165, 170, 180,  
9 200, and 210 and by adding Section 136 as follows:

10 (410 ILCS 130/7)

11 Sec. 7. Lawful user and lawful products. For the purposes  
12 of this Act and to clarify the legislative findings on the  
13 lawful use of cannabis:

14 (1) A cardholder under this Act shall not be  
15 considered an unlawful user or addicted to narcotics  
16 solely as a result of his or her qualifying patient,  
17 provisional patient, or designated caregiver status.

18 (2) All ~~medical~~ cannabis products purchased by a  
19 qualifying patient, provisional patient, or designated  
20 caregiver at a licensed dispensing organization shall be  
21 lawful products ~~and a distinction shall be made between~~  
22 ~~medical and non-medical uses of cannabis as a result of~~  
23 ~~the qualifying patient's cardholder status, provisional~~  
24 ~~registration for qualifying patient cardholder status, or~~

1 ~~participation in the Opioid Alternative Pilot Program~~  
2 ~~under the authorized use granted under State law.~~

3 (3) An individual with a provisional registration for  
4 qualifying patient cardholder status, a qualifying patient  
5 in the Compassionate Use of Medical Cannabis Program, or  
6 an Opioid Alternative Pilot Program participant under  
7 Section 62 shall not be considered an unlawful user or  
8 addicted to narcotics solely as a result of his or her  
9 application to or participation in the program.

10 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

11 (410 ILCS 130/10)

12 Sec. 10. Definitions. The following terms, as used in this  
13 Act, shall have the meanings set forth in this Section:

14 (a) "Adequate medical supply" means:

15 (1) 2.5 ounces of usable cannabis during a period of  
16 14 days and that is derived solely from an intrastate  
17 source.

18 (2) Subject to the rules of the Department of Public  
19 Health, a patient may apply for a waiver where a  
20 certifying health care professional provides a substantial  
21 medical basis in a signed, written statement asserting  
22 that, based on the patient's medical history, in the  
23 certifying health care professional's professional  
24 judgment, 2.5 ounces is an insufficient adequate medical  
25 supply for a 14-day period to properly alleviate the

1 patient's debilitating medical condition or symptoms  
2 associated with the debilitating medical condition.

3 (3) This subsection may not be construed to authorize  
4 the possession of more than 2.5 ounces at any time without  
5 authority from the Department of Public Health.

6 (4) The pre-mixed weight of medical cannabis used in  
7 making a cannabis infused product shall apply toward the  
8 limit on the total amount of medical cannabis a registered  
9 qualifying patient may possess at any one time.

10 (a-5) "Advanced practice registered nurse" means a person  
11 who is licensed under the Nurse Practice Act as an advanced  
12 practice registered nurse and has a controlled substances  
13 license under Article III of the Illinois Controlled  
14 Substances Act.

15 (b) "Cannabis" has the meaning given that term in Section  
16 3 of the Cannabis Control Act.

17 (c) "Cannabis plant monitoring system" means a system that  
18 includes, but is not limited to, testing and data collection  
19 established and maintained by the registered cultivation  
20 center and available to the Department for the purposes of  
21 documenting each cannabis plant and for monitoring plant  
22 development throughout the life cycle of a cannabis plant  
23 cultivated for the intended use by a qualifying patient from  
24 seed planting to final packaging.

25 (d) "Cardholder" means a qualifying patient, provisional  
26 patient, or a designated caregiver who has been issued and

1 possesses a valid registry identification card by the  
2 Department of Public Health.

3 (d-5) "Certifying health care professional" means a  
4 physician, an advanced practice registered nurse, or a  
5 physician assistant.

6 (e) "Cultivation center" means a facility operated by an  
7 organization or business that is registered by the Department  
8 of Agriculture to perform necessary activities to provide only  
9 registered medical cannabis dispensing organizations with  
10 usable medical cannabis.

11 (f) "Cultivation center agent" means a principal officer,  
12 board member, employee, or agent of a registered cultivation  
13 center who is 21 years of age or older ~~and has not been~~  
14 ~~convicted of an excluded offense.~~

15 (g) "Cultivation center agent identification card" means a  
16 document issued by the Department of Agriculture that  
17 identifies a person as a cultivation center agent.

18 (h) "Debilitating medical condition" means one or more of  
19 the following:

20 (1) cancer, glaucoma, positive status for human  
21 immunodeficiency virus, acquired immune deficiency  
22 syndrome, hepatitis C, amyotrophic lateral sclerosis,  
23 Crohn's disease (including, but not limited to, ulcerative  
24 colitis), agitation of Alzheimer's disease,  
25 cachexia/wasting syndrome, muscular dystrophy, severe  
26 fibromyalgia, spinal cord disease, including but not

1 limited to arachnoiditis, Tarlov cysts, hydromyelia,  
2 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,  
3 spinal cord injury, traumatic brain injury and  
4 post-concussion syndrome, Multiple Sclerosis,  
5 Arnold-Chiari malformation and Syringomyelia,  
6 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,  
7 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD  
8 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS  
9 (Complex Regional Pain Syndromes Type II),  
10 Neurofibromatosis, Chronic Inflammatory Demyelinating  
11 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial  
12 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella  
13 syndrome, residual limb pain, seizures (including those  
14 characteristic of epilepsy), post-traumatic stress  
15 disorder (PTSD), autism, chronic pain, irritable bowel  
16 syndrome, migraines, osteoarthritis, anorexia nervosa,  
17 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune  
18 Disease, neuropathy, polycystic kidney disease, superior  
19 canal dehiscence syndrome, or the treatment of these  
20 conditions;

21 (1.5) terminal illness with a diagnosis of 6 months or  
22 less; if the terminal illness is not one of the qualifying  
23 debilitating medical conditions, then the certifying  
24 health care professional shall on the certification form  
25 identify the cause of the terminal illness; or

26 (2) any other debilitating medical condition or its

1 treatment that is added by the Department of Public Health  
2 by rule as provided in Section 45.

3 (i) "Designated caregiver" means a person who: (1) is at  
4 least 21 years of age; (2) has agreed to assist with a  
5 patient's medical use of cannabis; and (3) ~~has not been~~  
6 ~~convicted of an excluded offense; and (4)~~ assists no more than  
7 one registered qualifying patient with his or her medical use  
8 of cannabis. Beginning January 1, 2025, a designated caregiver  
9 registered under this Act may perform the designated  
10 caregiver's duties at any licensed dispensary or dispensing  
11 organization licensed by the Department of Financial and  
12 Professional Regulation under the Cannabis Regulation and Tax  
13 Act.

14 (j) "Dispensing organization agent identification card"  
15 means a document issued by the Department of Financial and  
16 Professional Regulation that identifies a person as a medical  
17 cannabis dispensing organization agent. Beginning January 1,  
18 2025, a dispensing organization agent identification card  
19 issued under this Act authorizes a person who is a medical  
20 cannabis dispensing organization agent to perform the agent's  
21 duties at any dispensary or dispensing organization licensed  
22 by the Department of Financial and Professional Regulation  
23 under the Cannabis Regulation and Tax Act.

24 (k) "Enclosed, locked facility" means a room, greenhouse,  
25 building, or other enclosed area equipped with locks or other  
26 security devices that permit access only by a cultivation

1 center's agents or a dispensing organization's agent working  
2 for the registered cultivation center or the registered  
3 dispensing organization to cultivate, store, and distribute  
4 cannabis for registered qualifying patients.

5 (1) (Blank). ~~"Excluded offense" for cultivation center~~  
6 ~~agents and dispensing organizations means:~~

7 ~~(1) a violent crime defined in Section 3 of the Rights~~  
8 ~~of Crime Victims and Witnesses Act or a substantially~~  
9 ~~similar offense that was classified as a felony in the~~  
10 ~~jurisdiction where the person was convicted; or~~

11 ~~(2) a violation of a state or federal controlled~~  
12 ~~substance law, the Cannabis Control Act, or the~~  
13 ~~Methamphetamine Control and Community Protection Act that~~  
14 ~~was classified as a felony in the jurisdiction where the~~  
15 ~~person was convicted, except that the registering~~  
16 ~~Department may waive this restriction if the person~~  
17 ~~demonstrates to the registering Department's satisfaction~~  
18 ~~that his or her conviction was for the possession,~~  
19 ~~cultivation, transfer, or delivery of a reasonable amount~~  
20 ~~of cannabis intended for medical use. This exception does~~  
21 ~~not apply if the conviction was under state law and~~  
22 ~~involved a violation of an existing medical cannabis law.~~

23 ~~For purposes of this subsection, the Department of Public~~  
24 ~~Health shall determine by emergency rule within 30 days after~~  
25 ~~the effective date of this amendatory Act of the 99th General~~  
26 ~~Assembly what constitutes a "reasonable amount".~~



1 (1-5) (Blank).

2 (1-10) "Illinois Cannabis Tracking System" means a  
3 web-based system established and maintained by the Department  
4 of Public Health that is available to the Department of  
5 Agriculture, the Department of Financial and Professional  
6 Regulation, the Illinois State Police, and registered medical  
7 cannabis dispensing organizations on a 24-hour basis to upload  
8 written certifications for Opioid Alternative Pilot Program  
9 participants, to verify Opioid Alternative Pilot Program  
10 participants, to verify Opioid Alternative Pilot Program  
11 participants' available cannabis allotment ~~and assigned~~  
12 ~~dispensary~~, and the tracking of the date of sale, amount, and  
13 price of medical cannabis purchased by an Opioid Alternative  
14 Pilot Program participant.

15 (m) "Medical cannabis cultivation center registration"  
16 means a registration issued by the Department of Agriculture.

17 (n) "Medical cannabis container" means a sealed,  
18 traceable, food compliant, tamper resistant, tamper evident  
19 container, or package used for the purpose of containment of  
20 medical cannabis from a cultivation center to a dispensing  
21 organization.

22 (o) "Medical cannabis dispensing organization", or  
23 "dispensing organization", or "dispensary organization" means  
24 a facility operated by an organization or business that is  
25 registered by the Department of Financial and Professional  
26 Regulation to acquire medical cannabis from a registered

1 cultivation center for the purpose of dispensing cannabis,  
2 paraphernalia, or related supplies and educational materials  
3 to registered qualifying patients, individuals with a  
4 provisional registration for qualifying patient cardholder  
5 status, or an Opioid Alternative Pilot Program participant.  
6 Beginning January 1, 2025, a medical cannabis dispensing  
7 organization licensed under this Act is subject to regulation  
8 under the Cannabis Regulation and Tax Act as a dispensary or  
9 dispensing organization as defined in that Act.

10 (p) "Medical cannabis dispensing organization agent" or  
11 "dispensing organization agent" means a principal officer,  
12 board member, employee, or agent of a registered medical  
13 cannabis dispensing organization who is 21 years of age or  
14 older ~~and has not been convicted of an excluded offense.~~  
15 Beginning January 1, 2025, a medical cannabis dispensing  
16 organization agent and a dispensing organization agent  
17 licensed under this Act are subject to regulation under the  
18 Cannabis Regulation and Tax Act as a dispensary organization  
19 agent as defined in that Act.

20 (q) "Medical cannabis infused product" means food, oils,  
21 ointments, or other products containing usable cannabis that  
22 are not smoked.

23 (r) "Medical use" means the acquisition; administration;  
24 delivery; possession; transfer; transportation; or use of  
25 cannabis to treat or alleviate a registered qualifying  
26 patient's debilitating medical condition or symptoms

1 associated with the patient's debilitating medical condition.

2 (r-5) "Opioid" means a narcotic drug or substance that is  
3 a Schedule II controlled substance under paragraph (1), (2),  
4 (3), or (5) of subsection (b) or under subsection (c) of  
5 Section 206 of the Illinois Controlled Substances Act.

6 (r-10) "Opioid Alternative Pilot Program participant"  
7 means an individual who has received a valid written  
8 certification to participate in the Opioid Alternative Pilot  
9 Program for a medical condition for which an opioid has been or  
10 could be prescribed by a certifying health care professional  
11 based on generally accepted standards of care.

12 (s) "Physician" means a doctor of medicine or doctor of  
13 osteopathy licensed under the Medical Practice Act of 1987 to  
14 practice medicine and who has a controlled substances license  
15 under Article III of the Illinois Controlled Substances Act.  
16 It does not include a licensed practitioner under any other  
17 Act including but not limited to the Illinois Dental Practice  
18 Act.

19 (s-1) "Physician assistant" means a physician assistant  
20 licensed under the Physician Assistant Practice Act of 1987  
21 and who has a controlled substances license under Article III  
22 of the Illinois Controlled Substances Act.

23 (s-5) "Provisional registration" means a document issued  
24 by the Department of Public Health to a qualifying patient who  
25 has submitted: (1) an online application and paid a fee to  
26 participate in Compassionate Use of Medical Cannabis Program

1 pending approval or denial of the patient's application; or  
2 (2) a completed application for terminal illness.

3 (s-10) "Provisional patient" means a qualifying patient  
4 who has received a provisional registration from the  
5 Department of Public Health.

6 (t) "Qualifying patient" means a person who has been  
7 diagnosed by a certifying health care professional as having a  
8 debilitating medical condition. Beginning January 1, 2025, a  
9 qualifying patient registered under this Act may purchase  
10 medical cannabis at any dispensary or dispensing organization  
11 licensed by the Department of Financial and Professional  
12 Regulation under the Cannabis Regulation and Tax Act.

13 (u) "Registered" means licensed, permitted, or otherwise  
14 certified by the Department of Agriculture, Department of  
15 Public Health, or Department of Financial and Professional  
16 Regulation.

17 (v) "Registry identification card" means a document issued  
18 by the Department of Public Health that identifies a person as  
19 a registered qualifying patient, provisional patient, or  
20 registered designated caregiver.

21 (w) "Usable cannabis" means the seeds, leaves, buds, and  
22 flowers of the cannabis plant and any mixture or preparation  
23 thereof, but does not include the stalks, and roots of the  
24 plant. It does not include the weight of any non-cannabis  
25 ingredients combined with cannabis, such as ingredients added  
26 to prepare a topical administration, food, or drink.

1           (x) "Verification system" means a Web-based system  
2 established and maintained by the Department of Public Health  
3 that is available to the Department of Agriculture, the  
4 Department of Financial and Professional Regulation, law  
5 enforcement personnel, and registered medical cannabis  
6 dispensing organization agents on a 24-hour basis for the  
7 verification of registry identification cards, the tracking of  
8 delivery of medical cannabis to medical cannabis dispensing  
9 organizations, and the tracking of the date of sale, amount,  
10 and price of medical cannabis purchased by a registered  
11 qualifying patient.

12           (y) "Written certification" means a document dated and  
13 signed by a certifying health care professional, stating (1)  
14 that the qualifying patient has a debilitating medical  
15 condition and specifying the debilitating medical condition  
16 the qualifying patient has; and (2) that (A) the certifying  
17 health care professional is treating or managing treatment of  
18 the patient's debilitating medical condition; or (B) an Opioid  
19 Alternative Pilot Program participant has a medical condition  
20 for which opioids have been or could be prescribed. A written  
21 certification shall be made only in the course of a bona fide  
22 health care professional-patient relationship, after the  
23 certifying health care professional has completed an  
24 assessment of either a qualifying patient's medical history or  
25 Opioid Alternative Pilot Program participant, reviewed  
26 relevant records related to the patient's debilitating

1 condition, and conducted a physical examination.

2 (z) "Bona fide health care professional-patient  
3 relationship" means a relationship established at a hospital,  
4 certifying health care professional's office, or other health  
5 care facility in which the certifying health care professional  
6 has an ongoing responsibility for the assessment, care, and  
7 treatment of a patient's debilitating medical condition or a  
8 symptom of the patient's debilitating medical condition.

9 A veteran who has received treatment at a VA hospital  
10 shall be deemed to have a bona fide health care  
11 professional-patient relationship with a VA certifying health  
12 care professional if the patient has been seen for his or her  
13 debilitating medical condition at the VA Hospital in  
14 accordance with VA Hospital protocols.

15 A bona fide health care professional-patient relationship  
16 under this subsection is a privileged communication within the  
17 meaning of Section 8-802 of the Code of Civil Procedure.

18 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

19 (410 ILCS 130/25)

20 Sec. 25. Immunities and presumptions related to the  
21 medical use of cannabis.

22 (a) A registered qualifying patient is not subject to  
23 arrest, prosecution, or denial of any right or privilege,  
24 including, but not limited to, civil penalty or disciplinary  
25 action by an occupational or professional licensing board, for

1 the medical use of cannabis in accordance with this Act, if the  
2 registered qualifying patient possesses an amount of cannabis  
3 that does not exceed an adequate medical supply as defined in  
4 subsection (a) of Section 10 of this Act of usable cannabis  
5 and, where the registered qualifying patient is a licensed  
6 professional, the use of cannabis does not impair that  
7 licensed professional when he or she is engaged in the  
8 practice of the profession for which he or she is licensed.

9 (b) A registered designated caregiver is not subject to  
10 arrest, prosecution, or denial of any right or privilege,  
11 including, but not limited to, civil penalty or disciplinary  
12 action by an occupational or professional licensing board, for  
13 acting in accordance with this Act to assist a registered  
14 qualifying patient to whom he or she is connected through the  
15 Department's registration process with the medical use of  
16 cannabis if the designated caregiver possesses an amount of  
17 cannabis that does not exceed an adequate medical supply as  
18 defined in subsection (a) of Section 10 of this Act of usable  
19 cannabis. A school nurse or school administrator is not  
20 subject to arrest, prosecution, or denial of any right or  
21 privilege, including, but not limited to, a civil penalty, for  
22 acting in accordance with Section 22-33 of the School Code  
23 relating to administering or assisting a student in  
24 self-administering a medical cannabis infused product. The  
25 total amount possessed between the qualifying patient and  
26 caregiver shall not exceed the patient's adequate medical

1 supply as defined in subsection (a) of Section 10 of this Act.

2 (c) A registered qualifying patient or registered  
3 designated caregiver is not subject to arrest, prosecution, or  
4 denial of any right or privilege, including, but not limited  
5 to, civil penalty or disciplinary action by an occupational or  
6 professional licensing board for possession of cannabis that  
7 is incidental to medical use, but is not usable cannabis as  
8 defined in this Act.

9 (d) (1) There is a rebuttable presumption that a registered  
10 qualifying patient is engaged in, or a designated caregiver is  
11 assisting with, the medical use of cannabis in accordance with  
12 this Act if the qualifying patient or designated caregiver:

13 (A) is in possession of a valid registry  
14 identification card; and

15 (B) is in possession of an amount of cannabis that  
16 does not exceed the amount allowed under subsection (a) of  
17 Section 10.

18 (2) The presumption may be rebutted by evidence that  
19 conduct related to cannabis was not for the purpose of  
20 treating or alleviating the qualifying patient's debilitating  
21 medical condition or symptoms associated with the debilitating  
22 medical condition in compliance with this Act.

23 (e) A certifying health care professional is not subject  
24 to arrest, prosecution, or penalty in any manner, or denial of  
25 any right or privilege, including, but not limited to, civil  
26 penalty or disciplinary action by the Medical Disciplinary



1 Board or by any other occupational or professional licensing  
2 board, solely for providing written certifications or for  
3 otherwise stating that, in the certifying health care  
4 professional's professional opinion, a patient is likely to  
5 receive therapeutic or palliative benefit from the medical use  
6 of cannabis to treat or alleviate the patient's debilitating  
7 medical condition or symptoms associated with the debilitating  
8 medical condition, provided that nothing shall prevent a  
9 professional licensing or disciplinary board from sanctioning  
10 a certifying health care professional for: (1) issuing a  
11 written certification to a patient who is not under the  
12 certifying health care professional's care for a debilitating  
13 medical condition; or (2) failing to properly evaluate a  
14 patient's medical condition or otherwise violating the  
15 standard of care for evaluating medical conditions.

16 (f) No person may be subject to arrest, prosecution, or  
17 denial of any right or privilege, including, but not limited  
18 to, civil penalty or disciplinary action by an occupational or  
19 professional licensing board, solely for: (1) selling cannabis  
20 paraphernalia to a cardholder upon presentation of an  
21 unexpired registry identification card in the recipient's  
22 name, if employed and registered as a dispensing agent by a  
23 registered dispensing organization; (2) being in the presence  
24 or vicinity of the medical use of cannabis as allowed under  
25 this Act; or (3) assisting a registered qualifying patient  
26 with the act of administering cannabis.

1 (g) A registered cultivation center is not subject to  
2 prosecution; search or inspection, except by the Department of  
3 Agriculture, Department of Public Health, or State or local  
4 law enforcement under Section 130; seizure; or penalty in any  
5 manner, or denial of any right or privilege, including, but  
6 not limited to, civil penalty or disciplinary action by a  
7 business licensing board or entity, for acting under this Act  
8 and Department of Agriculture rules to: acquire, possess,  
9 cultivate, manufacture, deliver, transfer, transport, supply,  
10 or sell cannabis to registered dispensing organizations.

11 (h) A registered cultivation center agent is not subject  
12 to prosecution, search, or penalty in any manner, or denial of  
13 any right or privilege, including, but not limited to, civil  
14 penalty or disciplinary action by a business licensing board  
15 or entity, for working or volunteering for a registered  
16 cannabis cultivation center under this Act and Department of  
17 Agriculture rules, including to perform the actions listed  
18 under subsection (g).

19 (i) A registered dispensing organization is not subject to  
20 prosecution; search or inspection, except by the Department of  
21 Financial and Professional Regulation or State or local law  
22 enforcement pursuant to Section 130; seizure; or penalty in  
23 any manner, or denial of any right or privilege, including,  
24 but not limited to, civil penalty or disciplinary action by a  
25 business licensing board or entity, for acting under this Act  
26 and Department of Financial and Professional Regulation rules

1 to: acquire, possess, or dispense cannabis, or related  
2 supplies, and educational materials to registered qualifying  
3 patients or registered designated caregivers on behalf of  
4 registered qualifying patients.

5 (j) A registered dispensing organization agent is not  
6 subject to prosecution, search, or penalty in any manner, or  
7 denial of any right or privilege, including, but not limited  
8 to, civil penalty or disciplinary action by a business  
9 licensing board or entity, for working or volunteering for a  
10 dispensing organization under this Act and Department of  
11 Financial and Professional Regulation rules, including to  
12 perform the actions listed under subsection (i).

13 (k) Any cannabis, cannabis paraphernalia, illegal  
14 property, or interest in legal property that is possessed,  
15 owned, or used in connection with the medical use of cannabis  
16 as allowed under this Act, or acts incidental to that use, may  
17 not be seized or forfeited. This Act does not prevent the  
18 seizure or forfeiture of cannabis exceeding the amounts  
19 allowed under this Act, nor shall it prevent seizure or  
20 forfeiture if the basis for the action is unrelated to the  
21 cannabis that is possessed, manufactured, transferred, or used  
22 under this Act.

23 (l) Mere possession of, or application for, a registry  
24 identification card or registration certificate does not  
25 constitute probable cause or reasonable suspicion, nor shall  
26 it be used as the sole basis to support the search of the

1 person, property, or home of the person possessing or applying  
2 for the registry identification card. The possession of, or  
3 application for, a registry identification card does not  
4 preclude the existence of probable cause if probable cause  
5 exists on other grounds.

6 (m) Nothing in this Act shall preclude local or State law  
7 enforcement agencies from searching a registered cultivation  
8 center where there is probable cause to believe that the  
9 criminal laws of this State have been violated and the search  
10 is conducted in conformity with the Illinois Constitution, the  
11 Constitution of the United States, and all State statutes.

12 (n) Nothing in this Act shall preclude local or State law  
13 enforcement agencies from searching a registered dispensing  
14 organization where there is probable cause to believe that the  
15 criminal laws of this State have been violated and the search  
16 is conducted in conformity with the Illinois Constitution, the  
17 Constitution of the United States, and all State statutes.

18 (o) No individual employed by the State of Illinois shall  
19 be subject to criminal or civil penalties for taking any  
20 action in accordance with the provisions of this Act, when the  
21 actions are within the scope of his or her employment.  
22 Representation and indemnification of State employees shall be  
23 provided to State employees as set forth in Section 2 of the  
24 State Employee Indemnification Act.

25 (p) No law enforcement or correctional agency, nor any  
26 individual employed by a law enforcement or correctional

1 agency, shall be subject to criminal or civil liability,  
2 except for willful and wanton misconduct, as a result of  
3 taking any action within the scope of the official duties of  
4 the agency or individual to prohibit or prevent the possession  
5 or use of cannabis by a cardholder incarcerated at a  
6 correctional facility, jail, or municipal lockup facility, on  
7 parole or mandatory supervised release, or otherwise under the  
8 lawful jurisdiction of the agency or individual.

9 (Source: P.A. 101-363, eff. 8-19-19; 101-370, eff. 1-1-20;  
10 102-558, eff. 8-20-21.)

11 (410 ILCS 130/30)

12 Sec. 30. Limitations and penalties.

13 (a) This Act does not permit any person to engage in, and  
14 does not prevent the imposition of any civil, criminal, or  
15 other penalties for engaging in, the following conduct:

16 (1) Undertaking any task under the influence of  
17 cannabis, when doing so would constitute negligence,  
18 professional malpractice, or professional misconduct;

19 (2) Possessing cannabis:

20 (A) except as provided under Section 22-33 of the  
21 School Code, in a school bus;

22 (B) except as provided under Section 22-33 of the  
23 School Code, on the grounds of any preschool or  
24 primary or secondary school;

25 (C) in any correctional facility;

1 (D) in a vehicle under Section 11-502.1 of the  
2 Illinois Vehicle Code;

3 (E) in a vehicle not open to the public unless the  
4 medical cannabis is in a reasonably secured, sealed  
5 container and reasonably inaccessible while the  
6 vehicle is moving; or

7 (F) in a private residence that is used at any time  
8 to provide licensed child care or other similar social  
9 service care on the premises;

10 (3) Using cannabis:

11 (A) except as provided under Section 22-33 of the  
12 School Code, in a school bus;

13 (B) except as provided under Section 22-33 of the  
14 School Code, on the grounds of any preschool or  
15 primary or secondary school;

16 (C) in any correctional facility;

17 (D) in any motor vehicle;

18 (E) in a private residence that is used at any time  
19 to provide licensed child care or other similar social  
20 service care on the premises;

21 (F) except as provided under Section 22-33 of the  
22 School Code and Section 31 of this Act, in any public  
23 place. "Public place" as used in this subsection means  
24 any place where an individual could reasonably be  
25 expected to be observed by others. A "public place"  
26 includes all parts of buildings owned in whole or in

1 part, or leased, by the State or a local unit of  
2 government. A "public place" does not include a  
3 private residence unless the private residence is used  
4 to provide licensed child care, foster care, or other  
5 similar social service care on the premises. For  
6 purposes of this subsection, a "public place" does not  
7 include a health care facility. For purposes of this  
8 Section, a "health care facility" includes, but is not  
9 limited to, hospitals, nursing homes, hospice care  
10 centers, and long-term care facilities;

11 (G) except as provided under Section 22-33 of the  
12 School Code and Section 31 of this Act, knowingly in  
13 close physical proximity to anyone under the age of 18  
14 years of age;

15 (4) Smoking medical cannabis in any public place where  
16 an individual could reasonably be expected to be observed  
17 by others, in a health care facility, or any other place  
18 where smoking is prohibited under the Smoke Free Illinois  
19 Act;

20 (5) Operating, navigating, or being in actual physical  
21 control of any motor vehicle, aircraft, or motorboat while  
22 using or under the influence of cannabis in violation of  
23 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

24 (6) Using or possessing cannabis if that person does  
25 not have a debilitating medical condition and is not a  
26 registered qualifying patient or caregiver;

1           (7) Allowing any person who is not allowed to use  
2 cannabis under this Act to use cannabis that a cardholder  
3 is allowed to possess under this Act;

4           (8) Transferring cannabis to any person contrary to  
5 the provisions of this Act;

6           (9) The use of medical cannabis by an active duty law  
7 enforcement officer, correctional officer, correctional  
8 probation officer, or firefighter; or

9           (10) The use of medical cannabis by a person who has a  
10 school bus permit or a Commercial Driver's License.

11           (b) Nothing in this Act shall be construed to prevent the  
12 arrest or prosecution of a registered qualifying patient for  
13 reckless driving or driving under the influence of cannabis  
14 where probable cause exists.

15           (c) Notwithstanding any other criminal penalties related  
16 to the unlawful possession of cannabis, knowingly making a  
17 misrepresentation to a law enforcement official of any fact or  
18 circumstance relating to the medical use of cannabis to avoid  
19 arrest or prosecution is a petty offense punishable by a fine  
20 of up to \$1,000, which shall be in addition to any other  
21 penalties that may apply for making a false statement or for  
22 the use of cannabis other than use undertaken under this Act.

23           (d) Notwithstanding any other criminal penalties related  
24 to the unlawful possession of cannabis, any person who makes a  
25 misrepresentation of a medical condition to a certifying  
26 health care professional or fraudulently provides material



1 misinformation to a certifying health care professional in  
2 order to obtain a written certification is guilty of a petty  
3 offense punishable by a fine of up to \$1,000.

4 (e) Any cardholder or registered caregiver who sells  
5 cannabis shall have his or her registry identification card  
6 revoked and is subject to other penalties for the unauthorized  
7 sale of cannabis.

8 (f) Any registered qualifying patient who commits a  
9 violation of Section 11-502.1 of the Illinois Vehicle Code or  
10 refuses a properly requested test related to operating a motor  
11 vehicle while under the influence of cannabis shall have his  
12 or her registry identification card revoked.

13 (g) No registered qualifying patient or designated  
14 caregiver shall knowingly obtain, seek to obtain, or possess,  
15 individually or collectively, an amount of usable cannabis  
16 from a registered medical cannabis dispensing organization  
17 that would cause him or her to exceed the authorized adequate  
18 medical supply under subsection (a) of Section 10.

19 (h) Nothing in this Act shall prevent a private business  
20 from restricting or prohibiting the medical use of cannabis on  
21 its property.

22 (i) Nothing in this Act shall prevent a university,  
23 college, or other institution of post-secondary education from  
24 restricting or prohibiting the use of medical cannabis on its  
25 property.

26 (Source: P.A. 101-363, eff. 8-9-19; 102-67, eff. 7-9-21.)

1 (410 ILCS 130/35)

2 Sec. 35. Certifying health care professional requirements.

3 (a) A certifying health care professional who certifies a  
4 debilitating medical condition for a qualifying patient shall  
5 comply with all of the following requirements:

6 (1) The certifying health care professional shall be  
7 currently licensed under the Medical Practice Act of 1987  
8 to practice medicine in all its branches, the Nurse  
9 Practice Act, or the Physician Assistant Practice Act of  
10 1987, shall be in good standing, and must hold a  
11 controlled substances license under Article III of the  
12 Illinois Controlled Substances Act.

13 (2) A certifying health care professional certifying a  
14 patient's condition shall comply with generally accepted  
15 standards of medical practice, the provisions of the Act  
16 under which he or she is licensed and all applicable  
17 rules.

18 (3) The physical examination required by this Act may  
19 ~~not~~ be performed by remote means, including telemedicine.

20 (4) The certifying health care professional shall  
21 maintain a record-keeping system for all patients for whom  
22 the certifying health care professional has certified the  
23 patient's medical condition. These records shall be  
24 accessible to and subject to review by the Department of  
25 Public Health and the Department of Financial and

1 Professional Regulation upon request.

2 (b) A certifying health care professional may not:

3 (1) accept, solicit, or offer any form of remuneration  
4 from or to a qualifying patient, provisional patient,  
5 primary caregiver, cultivation center, or dispensing  
6 organization, including each principal officer, board  
7 member, agent, and employee, to certify a patient, other  
8 than accepting payment from a patient for the fee  
9 associated with the required examination, except for the  
10 limited purpose of performing a medical cannabis-related  
11 research study;

12 (1.5) accept, solicit, or offer any form of  
13 remuneration from or to a medical cannabis cultivation  
14 center or dispensary organization for the purposes of  
15 referring a patient to a specific dispensary organization;

16 (1.10) engage in any activity that is prohibited under  
17 Section 22.2 of the Medical Practice Act of 1987,  
18 regardless of whether the certifying health care  
19 professional is a physician, advanced practice registered  
20 nurse, or physician assistant;

21 (2) offer a discount of any other item of value to a  
22 qualifying patient or provisional patient who uses or  
23 agrees to use a particular primary caregiver or dispensing  
24 organization to obtain medical cannabis;

25 (3) conduct a personal physical examination of a  
26 patient for purposes of diagnosing a debilitating medical

1 condition at a location where medical cannabis is sold or  
2 distributed or at the address of a principal officer,  
3 agent, or employee or a medical cannabis organization;

4 (4) hold a direct or indirect economic interest in a  
5 cultivation center or dispensing organization if he or she  
6 recommends the use of medical cannabis to qualified  
7 patients or is in a partnership or other fee or  
8 profit-sharing relationship with a certifying health care  
9 professional who recommends medical cannabis, except for  
10 the limited purpose of performing a medical  
11 cannabis-related research study;

12 (5) serve on the board of directors or as an employee  
13 of a cultivation center or dispensing organization;

14 (6) refer patients to a cultivation center, a  
15 dispensing organization, or a registered designated  
16 caregiver; or

17 (7) advertise in a cultivation center or a dispensing  
18 organization.

19 (c) The Department of Public Health may with reasonable  
20 cause refer a certifying health care professional, who has  
21 certified a debilitating medical condition of a patient, to  
22 the Illinois Department of Financial and Professional  
23 Regulation for potential violations of this Section.

24 (d) Any violation of this Section or any other provision  
25 of this Act or rules adopted under this Act is a violation of  
26 the certifying health care professional's licensure act.

1 (e) A certifying health care professional who certifies a  
2 debilitating medical condition for a qualifying patient may  
3 notify the Department of Public Health in writing: (1) if the  
4 certifying health care professional has reason to believe  
5 either that the registered qualifying patient has ceased to  
6 suffer from a debilitating medical condition; (2) that the  
7 bona fide health care professional-patient relationship has  
8 terminated; or (3) that continued use of medical cannabis  
9 would result in contraindication with the patient's other  
10 medication. The registered qualifying patient's registry  
11 identification card shall be revoked by the Department of  
12 Public Health after receiving the certifying health care  
13 professional's notification.

14 (f) Nothing in this Act shall preclude a certifying health  
15 care professional from referring a patient for health  
16 services, except when the referral is limited to certification  
17 purposes only, under this Act.

18 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

19 (410 ILCS 130/57)

20 Sec. 57. Qualifying patients.

21 (a) Qualifying patients that are under the age of 18 years  
22 shall not be prohibited from appointing up to 3 designated  
23 caregivers who meet the definition of "designated caregiver"  
24 under Section 10 so long as at least one designated caregiver  
25 is a biological parent or legal guardian.

1 (b) Qualifying patients that are 18 years of age or older  
2 shall not be prohibited from appointing up to 3 designated  
3 caregivers who meet the definition of "designated caregiver"  
4 under Section 10.

5 (c) Beginning January 1, 2025, qualifying patients  
6 registered under this Act may purchase cannabis and  
7 cannabis-infused products at a dispensing organization  
8 licensed by the Department of Financial and Professional  
9 Regulation.

10 (Source: P.A. 101-363, eff. 8-9-19.)

11 (410 ILCS 130/70)

12 Sec. 70. Registry identification cards.

13 (a) A registered qualifying patient or designated  
14 caregiver must keep their registry identification card in his  
15 or her possession at all times when engaging in the medical use  
16 of cannabis.

17 (b) Registry identification cards shall contain the  
18 following:

19 (1) the name of the cardholder;

20 (2) a designation of whether the cardholder is a  
21 designated caregiver or qualifying patient;

22 (3) the date of issuance and expiration date of the  
23 registry identification card;

24 (4) a random alphanumeric identification number that  
25 is unique to the cardholder;

1           (5) if the cardholder is a designated caregiver, the  
2           random alphanumeric identification number of the  
3           registered qualifying patient the designated caregiver is  
4           receiving the registry identification card to assist; and

5           (6) a photograph of the cardholder, if required by  
6           Department of Public Health rules.

7           (c) To maintain a valid registration identification card,  
8           a registered qualifying patient and caregiver must annually  
9           resubmit, at least 45 days prior to the expiration date stated  
10          on the registry identification card, a completed renewal  
11          application, renewal fee, and accompanying documentation as  
12          described in Department of Public Health rules. The Department  
13          of Public Health shall send a notification to a registered  
14          qualifying patient or registered designated caregiver 90 days  
15          prior to the expiration of the registered qualifying patient's  
16          or registered designated caregiver's identification card. If  
17          the Department of Public Health fails to grant or deny a  
18          renewal application received in accordance with this Section,  
19          then the renewal is deemed granted and the registered  
20          qualifying patient or registered designated caregiver may  
21          continue to use the expired identification card until the  
22          Department of Public Health denies the renewal or issues a new  
23          identification card.

24          (d) Except as otherwise provided in this Section, the  
25          expiration date is 3 years after the date of issuance.

26          (e) The Department of Public Health may electronically

1 store in the card any or all of the information listed in  
2 subsection (b), along with the address and date of birth of the  
3 cardholder ~~and the qualifying patient's designated dispensary~~  
4 ~~organization~~, to allow it to be read by law enforcement  
5 agents.

6 (Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16.)

7 (410 ILCS 130/85)

8 Sec. 85. Issuance and denial of medical cannabis  
9 cultivation permit.

10 (a) The Department of Agriculture may register up to 22  
11 cultivation center registrations for operation. The Department  
12 of Agriculture may not issue more than one registration per  
13 each Illinois State Police District boundary as specified on  
14 the date of January 1, 2013. The Department of Agriculture may  
15 not issue less than the 22 registrations if there are  
16 qualified applicants who have applied with the Department.

17 (b) The registrations shall be issued and renewed annually  
18 as determined by administrative rule.

19 (c) The Department of Agriculture shall determine a  
20 registration fee by rule.

21 (d) A cultivation center may only operate if it has been  
22 issued a valid registration from the Department of  
23 Agriculture. When applying for a cultivation center  
24 registration, the applicant shall submit the following in  
25 accordance with Department of Agriculture rules:



- 1 (1) the proposed legal name of the cultivation center;
- 2 (2) the proposed physical address of the cultivation  
3 center and description of the enclosed, locked facility as  
4 it applies to cultivation centers where medical cannabis  
5 will be grown, harvested, manufactured, packaged, or  
6 otherwise prepared for distribution to a dispensing  
7 organization;
- 8 (3) the name, address, and date of birth of each  
9 principal officer and board member of the cultivation  
10 center, provided that all those individuals shall be at  
11 least 21 years of age;
- 12 (4) any instance in which a business that any of the  
13 prospective board members of the cultivation center had  
14 managed or served on the board of the business and was  
15 convicted, fined, censured, or had a registration or  
16 license suspended or revoked in any administrative or  
17 judicial proceeding;
- 18 (5) cultivation, inventory, and packaging plans;
- 19 (6) proposed operating by-laws that include procedures  
20 for the oversight of the cultivation center, development  
21 and implementation of a plant monitoring system, medical  
22 cannabis container tracking system, accurate record  
23 keeping, staffing plan, and security plan reviewed by the  
24 Illinois State Police that are in accordance with the  
25 rules issued by the Department of Agriculture under this  
26 Act. A physical inventory shall be performed of all plants

1 and medical cannabis containers on a weekly basis;

2 (7) experience with agricultural cultivation  
3 techniques and industry standards;

4 (8) any academic degrees, certifications, or relevant  
5 experience with related businesses;

6 (9) the identity of every person, association, trust,  
7 or corporation having any direct or indirect pecuniary  
8 interest in the cultivation center operation with respect  
9 to which the registration is sought. If the disclosed  
10 entity is a trust, the application shall disclose the  
11 names and addresses of the beneficiaries; if a  
12 corporation, the names and addresses of all stockholders  
13 and directors; if a partnership, the names and addresses  
14 of all partners, both general and limited;

15 (10) verification from the Illinois State Police that  
16 all background checks of the principal officer, board  
17 members, and registered agents have been conducted ~~and~~  
18 ~~those individuals have not been convicted of an excluded~~  
19 ~~offense;~~

20 (11) provide a copy of the current local zoning  
21 ordinance to the Department of Agriculture and verify that  
22 proposed cultivation center is in compliance with the  
23 local zoning rules issued in accordance with Section 140;

24 (12) an application fee set by the Department of  
25 Agriculture by rule; and

26 (13) any other information required by Department of

1 Agriculture rules, including, but not limited to a  
2 cultivation center applicant's experience with the  
3 cultivation of agricultural or horticultural products,  
4 operating an agriculturally related business, or operating  
5 a horticultural business.

6 (e) An application for a cultivation center permit must be  
7 denied if any of the following conditions are met:

8 (1) the applicant failed to submit the materials  
9 required by this Section, including if the applicant's  
10 plans do not satisfy the security, oversight, inventory,  
11 or recordkeeping rules issued by the Department of  
12 Agriculture;

13 (2) the applicant would not be in compliance with  
14 local zoning rules issued in accordance with Section 140;

15 (3) (blank) ~~one or more of the prospective principal~~  
16 ~~officers or board members has been convicted of an~~  
17 ~~excluded offense;~~

18 (4) one or more of the prospective principal officers  
19 or board members has served as a principal officer or  
20 board member for a registered dispensing organization or  
21 cultivation center that has had its registration revoked;

22 (5) one or more of the principal officers or board  
23 members is under 21 years of age;

24 (6) (blank) ~~a principal officer or board member of the~~  
25 ~~cultivation center has been convicted of a felony under~~  
26 ~~the laws of this State, any other state, or the United~~

1 ~~States;~~

2 (7) (blank) ~~a principal officer or board member of the~~  
3 ~~cultivation center has been convicted of any violation of~~  
4 ~~Article 28 of the Criminal Code of 2012, or substantially~~  
5 ~~similar laws of any other jurisdiction; or~~

6 (8) the person has submitted an application for a  
7 certificate under this Act which contains false  
8 information.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (410 ILCS 130/105)

11 Sec. 105. Requirements; prohibitions; penalties for  
12 cultivation centers.

13 (a) The operating documents of a registered cultivation  
14 center shall include procedures for the oversight of the  
15 cultivation center, a cannabis plant monitoring system  
16 including a physical inventory recorded weekly, a cannabis  
17 container system including a physical inventory recorded  
18 weekly, accurate record keeping, and a staffing plan.

19 (b) A registered cultivation center shall implement a  
20 security plan reviewed by the Illinois State Police and  
21 including but not limited to: facility access controls,  
22 perimeter intrusion detection systems, personnel  
23 identification systems, 24-hour surveillance system to monitor  
24 the interior and exterior of the registered cultivation center  
25 facility and accessible to authorized law enforcement and the

1 Department of Agriculture in real-time.

2 (c) A registered cultivation center may not be located  
3 within 2,500 feet of the property line of a pre-existing  
4 public or private preschool or elementary or secondary school  
5 or day care center, day care home, group day care home, part  
6 day child care facility, or an area zoned for residential use.

7 (d) All cultivation of cannabis for distribution to a  
8 registered dispensing organization must take place in an  
9 enclosed, locked facility as it applies to cultivation centers  
10 at the physical address provided to the Department of  
11 Agriculture during the registration process. The cultivation  
12 center location shall only be accessed by the cultivation  
13 center agents working for the registered cultivation center,  
14 Department of Agriculture staff performing inspections,  
15 Department of Public Health staff performing inspections, law  
16 enforcement or other emergency personnel, and contractors  
17 working on jobs unrelated to medical cannabis, such as  
18 installing or maintaining security devices or performing  
19 electrical wiring.

20 (e) A cultivation center may not sell or distribute any  
21 cannabis to any individual or entity other than another  
22 cultivation center, a dispensing organization registered under  
23 this Act, or a laboratory licensed by the Department of  
24 Agriculture.

25 (f) All harvested cannabis intended for distribution to a  
26 dispensing organization must be packaged in a labeled medical

1 cannabis container and entered into a data collection system.

2 (g) (Blank). ~~No person who has been convicted of an~~  
3 ~~excluded offense may be a cultivation center agent.~~

4 (h) Registered cultivation centers are subject to random  
5 inspection by the Illinois State Police.

6 (i) Registered cultivation centers are subject to random  
7 inspections by the Department of Agriculture and the  
8 Department of Public Health.

9 (j) A cultivation center agent shall notify local law  
10 enforcement, the Illinois State Police, and the Department of  
11 Agriculture within 24 hours of the discovery of any loss or  
12 theft. Notification shall be made by phone or in-person, or by  
13 written or electronic communication.

14 (k) A cultivation center shall comply with all State and  
15 federal rules and regulations regarding the use of pesticides.  
16 (Source: P.A. 101-363, eff. 8-9-19; 102-538, eff. 8-20-21.)

17 (410 ILCS 130/115)

18 Sec. 115. Registration of dispensing organizations.

19 (a) The Department of Financial and Professional  
20 Regulation may issue up to 60 dispensing organization  
21 registrations for operation. The Department of Financial and  
22 Professional Regulation may not issue less than the 60  
23 registrations if there are qualified applicants who have  
24 applied with the Department of Financial and Professional  
25 Regulation. The organizations shall be geographically

1 dispersed throughout the State to allow all registered  
2 qualifying patients reasonable proximity and access to a  
3 dispensing organization.

4 (a-1) Beginning January 1, 2025, a dispensing organization  
5 registered under this Act shall be deemed a dispensing  
6 organization or a dispensary as defined in the Cannabis  
7 Regulation and Tax Act. Dispensing organizations registered  
8 under this Act have the same rights, privileges, duties, and  
9 responsibilities as dispensing organizations licensed under  
10 Section 15-36 of the Cannabis Regulation and Tax Act.  
11 Dispensing organizations licensed under Section 15-36 of the  
12 Cannabis Regulation and Tax Act may sell cannabis and  
13 cannabis-infused products to purchasers over 21 years of age  
14 and to qualifying patients, provisional patients, and  
15 designated caregivers registered under this Act.

16 (a-5) The Department of Financial and Professional  
17 Regulation may ~~shall~~ adopt rules to create a registration  
18 process for Social Equity Justice Involved Applicants and  
19 Qualifying Applicants, a streamlined application, and a Social  
20 Equity Justice Involved Medical Lottery under Section 115.5 to  
21 issue the remaining available 5 dispensing organization  
22 registrations for operation. For purposes of this Section:

23 "Disproportionately Impacted Area" means a census tract or  
24 comparable geographic area that satisfies the following  
25 criteria as determined by the Department of Commerce and  
26 Economic Opportunity, that:

1 (1) meets at least one of the following criteria:

2 (A) the area has a poverty rate of at least 20%  
3 according to the latest federal decennial census; or

4 (B) 75% or more of the children in the area  
5 participate in the federal free lunch program  
6 according to reported statistics from the State Board  
7 of Education; or

8 (C) at least 20% of the households in the area  
9 receive assistance under the Supplemental Nutrition  
10 Assistance Program; or

11 (D) the area has an average unemployment rate, as  
12 determined by the Illinois Department of Employment  
13 Security, that is more than 120% of the national  
14 unemployment average, as determined by the United  
15 States Department of Labor, for a period of at least 2  
16 consecutive calendar years preceding the date of the  
17 application; and

18 (2) has high rates of arrest, conviction, and  
19 incarceration related to sale, possession, use,  
20 cultivation, manufacture, or transport of cannabis.

21 "Qualifying Applicant" means an applicant that: (i)  
22 submitted an application pursuant to Section 15-30 of the  
23 Cannabis Regulation and Tax Act that received at least 85% of  
24 250 application points available under Section 15-30 of the  
25 Cannabis Regulation and Tax Act as the applicant's final  
26 score; (ii) received points at the conclusion of the scoring



1 process for meeting the definition of a "Social Equity  
2 Applicant" as set forth under the Cannabis Regulation and Tax  
3 Act; and (iii) is an applicant that did not receive a  
4 Conditional Adult Use Dispensing Organization License through  
5 a Qualifying Applicant Lottery pursuant to Section 15-35 of  
6 the Cannabis Regulation and Tax Act or any Tied Applicant  
7 Lottery conducted under the Cannabis Regulation and Tax Act.

8 "Social Equity Justice Involved Applicant" means an  
9 applicant that is an Illinois resident and one of the  
10 following:

11 (1) an applicant with at least 51% ownership and  
12 control by one or more individuals who have resided for at  
13 least 5 of the preceding 10 years in a Disproportionately  
14 Impacted Area;

15 (2) an applicant with at least 51% of ownership and  
16 control by one or more individuals who have been arrested  
17 for, convicted of, or adjudicated delinquent for any  
18 offense that is eligible for expungement under subsection  
19 (i) of Section 5.2 of the Criminal Identification Act; or

20 (3) an applicant with at least 51% ownership and  
21 control by one or more members of an impacted family.

22 (b) A dispensing organization may only operate if it has  
23 been issued a registration from the Department of Financial  
24 and Professional Regulation. The Department of Financial and  
25 Professional Regulation shall adopt rules establishing the  
26 procedures for applicants for dispensing organizations.

1           (c) When applying for a dispensing organization  
2 registration, the applicant shall submit, at a minimum, the  
3 following in accordance with Department of Financial and  
4 Professional Regulation rules:

5           (1) a non-refundable application fee established by  
6 rule;

7           (2) the proposed legal name of the dispensing  
8 organization;

9           (3) the proposed physical address of the dispensing  
10 organization;

11           (4) the name, address, and date of birth of each  
12 principal officer and board member of the dispensing  
13 organization, provided that all those individuals shall be  
14 at least 21 years of age;

15           (5) (blank);

16           (6) (blank); and

17           (7) (blank).

18           (d) The Department of Financial and Professional  
19 Regulation shall conduct a background check of the prospective  
20 dispensing organization agents in order to carry out this  
21 Section. The Department of State Police shall charge a fee for  
22 conducting the criminal history record check, which shall be  
23 deposited in the State Police Services Fund and shall not  
24 exceed the actual cost of the record check. Each person  
25 applying as a dispensing organization agent shall submit a  
26 full set of fingerprints to the Department of State Police for

1 the purpose of obtaining a State and federal criminal records  
2 check. These fingerprints shall be checked against the  
3 fingerprint records now and hereafter, to the extent allowed  
4 by law, filed in the Department of State Police and Federal  
5 Bureau of Investigation criminal history records databases.  
6 The Department of State Police shall furnish, following  
7 positive identification, all Illinois conviction information  
8 to the Department of Financial and Professional Regulation.

9 (e) A dispensing organization must pay a registration fee  
10 set by the Department of Financial and Professional  
11 Regulation.

12 (f) An application for a medical cannabis dispensing  
13 organization registration must be denied if any of the  
14 following conditions are met:

15 (1) the applicant failed to submit the materials  
16 required by this Section, including if the applicant's  
17 plans do not satisfy the security, oversight, or  
18 recordkeeping rules issued by the Department of Financial  
19 and Professional Regulation;

20 (2) the applicant would not be in compliance with  
21 local zoning rules issued in accordance with Section 140;

22 (3) the applicant does not meet the requirements of  
23 Section 130;

24 (4) (blank) ~~one or more of the prospective principal~~  
25 ~~officers or board members has been convicted of an~~  
26 ~~excluded offense;~~

1           (5) one or more of the prospective principal officers  
2           or board members has served as a principal officer or  
3           board member for a registered medical cannabis dispensing  
4           organization that has had its registration revoked; and

5           (6) one or more of the principal officers or board  
6           members is under 21 years of age.

7           (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21.)

8           (410 ILCS 130/115.5)

9           Sec. 115.5. Social Equity Justice Involved Medical  
10          Lottery.

11          (a) In this Section:

12           "By lot" has the same meaning as defined in Section 1-10 of  
13          the Cannabis Regulation and Tax Act.

14           "Qualifying Applicant" has the same meaning as defined in  
15          subsection (a-5) of Section 115.

16           "Social Equity Justice Involved Applicant" has the same  
17          meaning as defined in subsection (a-5) of Section 115.

18           "Social Equity Justice Involved Medical Lottery" means the  
19          process of issuing 5 available medical cannabis dispensing  
20          organization registrations by lot, conducted by the Department  
21          of Financial and Professional Regulation, for applicants who  
22          are either: (i) Social Equity Justice Involved Applicants; or  
23          (ii) Qualifying Applicants.

24          (b) The Department of Financial and Professional  
25          Regulation ~~may shall~~ conduct a Social Equity Justice Involved

1 Medical Lottery to award up to 5 medical cannabis dispensing  
2 organization registrations by lot in accordance with Section  
3 115.

4 (c) The Department of Financial and Professional  
5 Regulation shall adopt rules through emergency rulemaking in  
6 accordance with subsection (kk) of Section 5-45 of the  
7 Illinois Administrative Procedure Act to create a registration  
8 process, a streamlined application, an application fee not to  
9 exceed \$5,000 for purposes of this Section, and limits on the  
10 number of entries into the Social Equity Justice Involved  
11 Medical Lottery, as well as any other measures to reduce  
12 barriers to enter the cannabis industry. The General Assembly  
13 finds that the adoption of rules to regulate cannabis use is  
14 deemed an emergency and necessary for the public interest,  
15 safety, and welfare.

16 (d) Social Equity Justice Involved Applicants awarded a  
17 registration under subsection (a-5) of Section 115 are  
18 eligible to serve purchasers at the same site and a secondary  
19 site under the Cannabis Regulation and Tax Act, subject to  
20 application and inspection processes established by the  
21 Department. The licenses issued under this Section shall be  
22 valid for 2 years after the date of issuance and shall renew in  
23 the manner proscribed by the Department.

24 (e) No applicant may be awarded more than one medical  
25 cannabis dispensing organization registration at the  
26 conclusion of the lottery conducted under this Section.

1 (f) No individual may be listed as a principal officer of  
2 more than one medical cannabis dispensing organization  
3 registration awarded under this Section.

4 (Source: P.A. 102-98, eff. 7-15-21.)

5 (410 ILCS 130/120)

6 Sec. 120. Dispensing organization agent identification  
7 card.

8 (a) Beginning January 1, 2025, a dispensing organization  
9 agent registered under this Act shall be deemed to be a  
10 dispensing organization agent under the Cannabis Regulation  
11 and Tax Act. Dispensing organization agents registered under  
12 this Act have the same rights, privileges, duties, and  
13 responsibilities as dispensing organization agents licensed  
14 under the Cannabis Regulation and Tax Act. Dispensing  
15 organization agents are subject to the Cannabis Regulation and  
16 Tax Act and any rules adopted under that Act. ~~The Department of~~  
17 ~~Financial and Professional Regulation shall:~~

18 ~~(1) verify the information contained in an application~~  
19 ~~or renewal for a dispensing organization agent~~  
20 ~~identification card submitted under this Act, and approve~~  
21 ~~or deny an application or renewal, within 30 days of~~  
22 ~~receiving a completed application or renewal application~~  
23 ~~and all supporting documentation required by rule;~~

24 ~~(2) issue a dispensing organization agent~~  
25 ~~identification card to a qualifying agent within 15~~

~~business days of approving the application or renewal;~~

~~(3) enter the registry identification number of the dispensing organization where the agent works; and~~

~~(4) allow for an electronic application process, and provide a confirmation by electronic or other methods that an application has been submitted.~~

(b) The Department of Financial and Professional Regulation shall, pursuant to Section 15-45 of the Cannabis Regulation and Tax Act and subject to the agent meeting all other licensing requirements, issue all dispensing organization agents a new license number at the time of their first renewal after the effective date of this amendatory Act of the 103rd General Assembly. ~~A dispensing agent must keep his or her identification card visible at all times when on the property of a dispensing organization.~~

(c) (Blank). ~~The dispensing organization agent identification cards shall contain the following:~~

~~(1) the name of the cardholder;~~

~~(2) the date of issuance and expiration date of the dispensing organization agent identification cards;~~

~~(3) a random 10 digit alphanumeric identification number containing at least 4 numbers and at least 4 letters; that is unique to the holder; and~~

~~(4) a photograph of the cardholder.~~

(d) (Blank). ~~The dispensing organization agent identification cards shall be immediately returned to the~~

1 ~~dispensing organization upon termination of employment.~~

2 (e) (Blank). ~~Any card lost by a dispensing organization~~  
3 ~~agent shall be reported to the Illinois State Police and the~~  
4 ~~Department of Financial and Professional Regulation~~  
5 ~~immediately upon discovery of the loss.~~

6 (f) (Blank). ~~An applicant shall be denied a dispensing~~  
7 ~~organization agent identification card if he or she has been~~  
8 ~~convicted of an excluded offense.~~

9 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

10 (410 ILCS 130/130)

11 Sec. 130. Requirements; prohibitions; penalties;  
12 dispensing organizations.

13 (a) Beginning January 1, 2025, a dispensing organization  
14 registered under this Act shall be deemed to be a dispensing  
15 organization or a dispensary as defined in the Cannabis  
16 Regulation and Tax Act. Dispensing organizations registered  
17 under this Act have the same rights, privileges, duties, and  
18 responsibilities as a dispensing organization licensed under  
19 Section 15-36 of the Cannabis Regulation and Tax Act.  
20 Dispensing organizations are subject to the Cannabis  
21 Regulation and Tax Act and any rules adopted under that Act.  
22 ~~The Department of Financial and Professional Regulation shall~~  
23 ~~implement the provisions of this Section by rule.~~

24 (b) (Blank). ~~A dispensing organization shall maintain~~  
25 ~~operating documents which shall include procedures for the~~



1 ~~oversight of the registered dispensing organization and~~  
2 ~~procedures to ensure accurate recordkeeping.~~

3 (c) (Blank). ~~A dispensing organization shall implement~~  
4 ~~appropriate security measures, as provided by rule, to deter~~  
5 ~~and prevent the theft of cannabis and unauthorized entrance~~  
6 ~~into areas containing cannabis.~~

7 (d) (Blank). ~~A dispensing organization may not be located~~  
8 ~~within 1,000 feet of the property line of a pre existing~~  
9 ~~public or private preschool or elementary or secondary school~~  
10 ~~or day care center, day care home, group day care home, or part~~  
11 ~~day child care facility. A registered dispensing organization~~  
12 ~~may not be located in a house, apartment, condominium, or an~~  
13 ~~area zoned for residential use. This subsection shall not~~  
14 ~~apply to any dispensing organizations registered on or after~~  
15 ~~July 1, 2019.~~

16 (e) (Blank). ~~A dispensing organization is prohibited from~~  
17 ~~acquiring cannabis from anyone other than a cultivation~~  
18 ~~center, craft grower, processing organization, another~~  
19 ~~dispensing organization, or transporting organization licensed~~  
20 ~~or registered under this Act or the Cannabis Regulation and~~  
21 ~~Tax Act. A dispensing organization is prohibited from~~  
22 ~~obtaining cannabis from outside the State of Illinois.~~

23 (f) (Blank). ~~A registered dispensing organization is~~  
24 ~~prohibited from dispensing cannabis for any purpose except to~~  
25 ~~assist registered qualifying patients with the medical use of~~  
26 ~~cannabis directly or through the qualifying patients'~~

1 ~~designated caregivers.~~

2 (g) (Blank). ~~The area in a dispensing organization where~~  
3 ~~medical cannabis is stored can only be accessed by dispensing~~  
4 ~~organization agents working for the dispensing organization,~~  
5 ~~Department of Financial and Professional Regulation staff~~  
6 ~~performing inspections, law enforcement or other emergency~~  
7 ~~personnel, and contractors working on jobs unrelated to~~  
8 ~~medical cannabis, such as installing or maintaining security~~  
9 ~~devices or performing electrical wiring.~~

10 (h) (Blank). ~~A dispensing organization may not dispense~~  
11 ~~more than 2.5 ounces of cannabis to a registered qualifying~~  
12 ~~patient, directly or via a designated caregiver, in any 14-day~~  
13 ~~period unless the qualifying patient has a Department of~~  
14 ~~Public Health approved quantity waiver. Any Department of~~  
15 ~~Public Health approved quantity waiver process must be made~~  
16 ~~available to qualified veterans.~~

17 (i) (Blank). ~~Except as provided in subsection (i 5),~~  
18 ~~before medical cannabis may be dispensed to a designated~~  
19 ~~caregiver or a registered qualifying patient, a dispensing~~  
20 ~~organization agent must determine that the individual is a~~  
21 ~~current cardholder in the verification system and must verify~~  
22 ~~each of the following:~~

23 ~~(1) that the registry identification card presented to~~  
24 ~~the registered dispensing organization is valid;~~

25 ~~(2) that the person presenting the card is the person~~  
26 ~~identified on the registry identification card presented~~

1 ~~to the dispensing organization agent;~~

2 ~~(3) (blank); and~~

3 ~~(4) that the registered qualifying patient has not~~  
4 ~~exceeded his or her adequate supply.~~

5 (i-5) (Blank). ~~A dispensing organization may dispense~~  
6 ~~medical cannabis to an Opioid Alternative Pilot Program~~  
7 ~~participant under Section 62 and to a person presenting proof~~  
8 ~~of provisional registration under Section 55. Before~~  
9 ~~dispensing medical cannabis, the dispensing organization shall~~  
10 ~~comply with the requirements of Section 62 or Section 55,~~  
11 ~~whichever is applicable, and verify the following:~~

12 ~~(1) that the written certification presented to the~~  
13 ~~registered dispensing organization is valid and an~~  
14 ~~original document;~~

15 ~~(2) that the person presenting the written~~  
16 ~~certification is the person identified on the written~~  
17 ~~certification; and~~

18 ~~(3) that the participant has not exceeded his or her~~  
19 ~~adequate supply.~~

20 (j) (Blank). ~~Dispensing organizations shall ensure~~  
21 ~~compliance with this limitation by maintaining internal,~~  
22 ~~confidential records that include records specifying how much~~  
23 ~~medical cannabis is dispensed to the registered qualifying~~  
24 ~~patient and whether it was dispensed directly to the~~  
25 ~~registered qualifying patient or to the designated caregiver.~~  
26 ~~Each entry must include the date and time the cannabis was~~

1 ~~dispensed. Additional recordkeeping requirements may be set by~~  
2 ~~rule.~~

3 (k) (Blank). ~~The health care professional patient~~  
4 ~~privilege as set forth by Section 8-802 of the Code of Civil~~  
5 ~~Procedure shall apply between a qualifying patient and a~~  
6 ~~registered dispensing organization and its agents with respect~~  
7 ~~to communications and records concerning qualifying patients'~~  
8 ~~debilitating conditions.~~

9 (l) (Blank). ~~A dispensing organization may not permit any~~  
10 ~~person to consume cannabis on the property of a medical~~  
11 ~~cannabis organization.~~

12 (m) (Blank). ~~A dispensing organization may not share~~  
13 ~~office space with or refer patients to a certifying health~~  
14 ~~care professional.~~

15 (n) (Blank). ~~Notwithstanding any other criminal penalties~~  
16 ~~related to the unlawful possession of cannabis, the Department~~  
17 ~~of Financial and Professional Regulation may revoke, suspend,~~  
18 ~~place on probation, reprimand, refuse to issue or renew, or~~  
19 ~~take any other disciplinary or non disciplinary action as the~~  
20 ~~Department of Financial and Professional Regulation may deem~~  
21 ~~proper with regard to the registration of any person issued~~  
22 ~~under this Act to operate a dispensing organization or act as a~~  
23 ~~dispensing organization agent, including imposing fines not to~~  
24 ~~exceed \$10,000 for each violation, for any violations of this~~  
25 ~~Act and rules adopted in accordance with this Act. The~~  
26 ~~procedures for disciplining a registered dispensing~~

1 ~~organization shall be determined by rule. All final~~  
2 ~~administrative decisions of the Department of Financial and~~  
3 ~~Professional Regulation are subject to judicial review under~~  
4 ~~the Administrative Review Law and its rules. The term~~  
5 ~~"administrative decision" is defined as in Section 3-101 of~~  
6 ~~the Code of Civil Procedure.~~

7 (o) (Blank). ~~Dispensing organizations are subject to~~  
8 ~~random inspection and cannabis testing by the Department of~~  
9 ~~Financial and Professional Regulation, the Illinois State~~  
10 ~~Police, the Department of Revenue, the Department of Public~~  
11 ~~Health, the Department of Agriculture, or as provided by rule.~~

12 (p) (Blank). ~~The Department of Financial and Professional~~  
13 ~~Regulation shall adopt rules permitting returns, and potential~~  
14 ~~refunds, for damaged or inadequate products.~~

15 (q) (Blank). ~~The Department of Financial and Professional~~  
16 ~~Regulation may issue nondisciplinary citations for minor~~  
17 ~~violations which may be accompanied by a civil penalty not to~~  
18 ~~exceed \$10,000 per violation. The penalty shall be a civil~~  
19 ~~penalty or other condition as established by rule. The~~  
20 ~~citation shall be issued to the licensee and shall contain the~~  
21 ~~licensee's name, address, and license number, a brief factual~~  
22 ~~statement, the Sections of the law or rule allegedly violated,~~  
23 ~~and the civil penalty, if any, imposed. The citation must~~  
24 ~~clearly state that the licensee may choose, in lieu of~~  
25 ~~accepting the citation, to request a hearing. If the licensee~~  
26 ~~does not dispute the matter in the citation with the~~

1 ~~Department of Financial and Professional Regulation within 30~~  
2 ~~days after the citation is served, then the citation shall~~  
3 ~~become final and shall not be subject to appeal.~~

4 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21.)

5 (410 ILCS 130/145)

6 Sec. 145. Confidentiality.

7 (a) The following information received and records kept by  
8 the Department of Public Health, Department of Financial and  
9 Professional Regulation, Department of Agriculture, the  
10 Department of Commerce and Economic Opportunity, the Office of  
11 Executive Inspector General, or Illinois State Police for  
12 purposes of administering this Act are subject to all  
13 applicable federal privacy laws, confidential, and exempt from  
14 the Freedom of Information Act, and not subject to disclosure  
15 to any individual or public or private entity, except as  
16 necessary for authorized employees of those authorized  
17 agencies to perform official duties under this Act and except  
18 as necessary to those involved in enforcing the State  
19 Officials and Employees Ethics Act, and the following  
20 information received and records kept by Department of Public  
21 Health, Department of Agriculture, Department of Commerce and  
22 Economic Opportunity, Department of Financial and Professional  
23 Regulation, Office of Executive Inspector General, and  
24 Illinois State Police, excluding any existing or non-existing  
25 Illinois or national criminal history record information as

1 defined in subsection (d), may be disclosed to each other upon  
2 request:

3 (1) Applications and renewals, their contents, and  
4 supporting information submitted by qualifying patients  
5 and designated caregivers, including information regarding  
6 their designated caregivers and certifying health care  
7 professionals.

8 (2) Applications and renewals, their contents, and  
9 supporting information submitted by or on behalf of  
10 cultivation centers and dispensing organizations in  
11 compliance with this Act, including their physical  
12 addresses. This does not preclude the release of ownership  
13 information of cannabis business establishment licenses.

14 (3) The individual names and other information  
15 identifying persons to whom the Department of Public  
16 Health has issued registry identification cards.

17 (4) Any dispensing information required to be kept  
18 under Section 135, Section 150, or Department of Public  
19 Health, Department of Agriculture, or Department of  
20 Financial and Professional Regulation rules shall identify  
21 cardholders and registered cultivation centers by their  
22 registry identification numbers and medical cannabis  
23 dispensing organizations by their registration number and  
24 not contain names or other personally identifying  
25 information.

26 (5) All medical records provided to the Department of

1 Public Health in connection with an application for a  
2 registry card.

3 (b) Nothing in this Section precludes the following:

4 (1) Department of Agriculture, Department of Financial  
5 and Professional Regulation, or Public Health employees  
6 may notify law enforcement about falsified or fraudulent  
7 information submitted to the Departments if the employee  
8 who suspects that falsified or fraudulent information has  
9 been submitted conferred with his or her supervisor and  
10 both agree that circumstances exist that warrant  
11 reporting.

12 (2) If the employee conferred with his or her  
13 supervisor and both agree that circumstances exist that  
14 warrant reporting, Department of Public Health employees  
15 may notify the Department of Financial and Professional  
16 Regulation if there is reasonable cause to believe a  
17 certifying health care professional:

18 (A) issued a written certification without a bona  
19 fide health care professional-patient relationship  
20 under this Act;

21 (B) issued a written certification to a person who  
22 was not under the certifying health care  
23 professional's care for the debilitating medical  
24 condition; or

25 (C) failed to abide by the acceptable and  
26 prevailing standard of care when evaluating a



1 patient's medical condition.

2 (3) The Department of Public Health, Department of  
3 Agriculture, and Department of Financial and Professional  
4 Regulation may notify State or local law enforcement about  
5 apparent criminal violations of this Act if the employee  
6 who suspects the offense has conferred with his or her  
7 supervisor and both agree that circumstances exist that  
8 warrant reporting.

9 (4) Medical cannabis cultivation center agents and  
10 medical cannabis dispensing organizations may notify the  
11 Department of Public Health, Department of Financial and  
12 Professional Regulation, or Department of Agriculture of a  
13 suspected violation or attempted violation of this Act or  
14 the rules issued under it.

15 (5) Each Department may verify registry identification  
16 cards under Section 150.

17 (6) The submission of the report to the General  
18 Assembly under Section 160.

19 (b-5) Each Department responsible for licensure under this  
20 Act shall publish on the Department's website a list of the  
21 ownership information of cannabis business establishment  
22 licensees under the Department's jurisdiction. The list shall  
23 include, but shall not be limited to, the name of the person or  
24 entity holding each cannabis business establishment license  
25 and the address at which the entity is operating under this  
26 Act. This list shall be published and updated monthly.

1 (c) Except for any ownership information released pursuant  
2 to subsection (b-5) or as otherwise authorized or required by  
3 law, it is a Class B misdemeanor with a \$1,000 fine for any  
4 person, including an employee or official of the Department of  
5 Public Health, Department of Financial and Professional  
6 Regulation, or Department of Agriculture or another State  
7 agency or local government, to breach the confidentiality of  
8 information obtained under this Act.

9 (d) The Department of Public Health, the Department of  
10 Agriculture, the Illinois State Police, and the Department of  
11 Financial and Professional Regulation shall not share or  
12 disclose any existing or non-existing Illinois or national  
13 criminal history record information. For the purposes of this  
14 Section, "any existing or non-existing Illinois or national  
15 criminal history record information" means any Illinois or  
16 national criminal history record information, including but  
17 not limited to the lack of or non-existence of these records.

18 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21;  
19 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

20 (410 ILCS 130/150)

21 Sec. 150. Registry identification and registration  
22 certificate verification.

23 (a) The Department of Public Health shall maintain a  
24 confidential list of the persons to whom the Department of  
25 Public Health has issued registry identification cards and

1 their addresses, phone numbers, and registry identification  
2 numbers. This confidential list may not be combined or linked  
3 in any manner with any other list or database except as  
4 provided in this Section.

5 (b) Within 180 days of the effective date of this Act, the  
6 Department of Public Health, Department of Financial and  
7 Professional Regulation, and Department of Agriculture shall  
8 together establish a computerized database or verification  
9 system. The database or verification system must allow law  
10 enforcement personnel and medical cannabis dispensary  
11 organization agents to determine whether or not the  
12 identification number corresponds with a current, valid  
13 registry identification card. The system shall only disclose  
14 whether the identification card is valid, whether the  
15 cardholder is a registered qualifying patient, provisional  
16 patient, or a registered designated caregiver, ~~the registry~~  
17 ~~identification number of the registered medical cannabis~~  
18 ~~dispensing organization designated to serve the registered~~  
19 ~~qualifying patient who holds the card,~~ and the registry  
20 identification number of the patient who is assisted by a  
21 registered designated caregiver who holds the card. The  
22 Department of Public Health, the Department of Agriculture,  
23 the Illinois State Police, and the Department of Financial and  
24 Professional Regulation shall not share or disclose any  
25 existing or non-existing Illinois or national criminal history  
26 record information. Notwithstanding any other requirements

1 established by this subsection, the Department of Public  
2 Health shall issue registry cards to qualifying patients, ~~the~~  
3 ~~Department of Financial and Professional Regulation may issue~~  
4 ~~registration to medical cannabis dispensing organizations for~~  
5 ~~the period during which the database is being established,~~ and  
6 the Department of Agriculture may issue registration cards to  
7 medical cannabis cultivation organizations for the period  
8 during which the database is being established.

9 (c) For the purposes of this Section, "any existing or  
10 non-existing Illinois or national criminal history record  
11 information" means any Illinois or national criminal history  
12 record information, including but not limited to the lack of  
13 or non-existence of these records.

14 (Source: P.A. 102-538, eff. 8-20-21.)

15 (410 ILCS 130/165)

16 Sec. 165. Administrative rulemaking.

17 (a) Not later than 120 days after the effective date of  
18 this Act, the Department of Public Health, Department of  
19 Agriculture, and the Department of Financial and Professional  
20 Regulation shall develop rules in accordance to their  
21 responsibilities under this Act and file those rules with the  
22 Joint Committee on Administrative Rules.

23 (b) The Department of Public Health rules shall address,  
24 but not be limited to, the following:

25 (1) fees for applications for registration as a

1 qualified patient or caregiver;

2 (2) establishing the form and content of registration  
3 and renewal applications submitted under this Act,  
4 including a standard form for written certifications;

5 (3) governing the manner in which it shall consider  
6 applications for and renewals of registry identification  
7 cards;

8 (4) the manufacture of medical cannabis-infused  
9 products;

10 (5) fees for the application and renewal of registry  
11 identification cards. Fee revenue may be offset or  
12 supplemented by private donations;

13 (6) any other matters as are necessary for the fair,  
14 impartial, stringent, and comprehensive administration of  
15 this Act; and

16 (7) reasonable rules concerning the medical use of  
17 cannabis at a nursing care institution, hospice, assisted  
18 living center, assisted living facility, assisted living  
19 home, residential care institution, or adult day health  
20 care facility.

21 (c) The Department of Agriculture rules shall address, but  
22 not be limited to the following related to registered  
23 cultivation centers, with the goal of protecting against  
24 diversion and theft, without imposing an undue burden on the  
25 registered cultivation centers:

26 (1) oversight requirements for registered cultivation

1 centers;

2 (2) recordkeeping requirements for registered  
3 cultivation centers;

4 (3) security requirements for registered cultivation  
5 centers, which shall include that each registered  
6 cultivation center location must be protected by a fully  
7 operational security alarm system;

8 (4) rules and standards for what constitutes an  
9 enclosed, locked facility under this Act;

10 (5) procedures for suspending or revoking the  
11 registration certificates or registry identification cards  
12 of registered cultivation centers and their agents that  
13 commit violations of the provisions of this Act or the  
14 rules adopted under this Section;

15 (6) rules concerning the intrastate transportation of  
16 medical cannabis from a cultivation center to a dispensing  
17 organization;

18 (7) standards concerning the testing, quality, and  
19 cultivation of medical cannabis;

20 (8) any other matters as are necessary for the fair,  
21 impartial, stringent, and comprehensive administration of  
22 this Act;

23 (9) application and renewal fees for cultivation  
24 center agents; and

25 (10) application, renewal, and registration fees for  
26 cultivation centers.

1           (d) Beginning January 1, 2025, a dispensing organization  
2 registered under this Act shall be deemed to be a dispensing  
3 organization or a dispensary under the Cannabis Regulation and  
4 Tax Act. Dispensing organizations registered under this Act  
5 have the same rights, privileges, duties, and responsibilities  
6 as a dispensing organization licensed under Section 15-36 of  
7 the Cannabis Regulation and Tax Act. Dispensing organizations  
8 are subject to the Cannabis Regulation and Tax Act and any  
9 rules adopted under that Act. ~~The Department of Financial and~~  
10 ~~Professional Regulation rules shall address, but not be~~  
11 ~~limited to the following matters related to registered~~  
12 ~~dispensing organizations, with the goal of protecting against~~  
13 ~~diversion and theft, without imposing an undue burden on the~~  
14 ~~registered dispensing organizations or compromising the~~  
15 ~~confidentiality of cardholders:~~

16           ~~(1) application and renewal and registration fees for~~  
17 ~~dispensing organizations and dispensing organizations~~  
18 ~~agents;~~

19           ~~(2) medical cannabis dispensing agent in charge~~  
20 ~~oversight requirements for dispensing organizations;~~

21           ~~(3) recordkeeping requirements for dispensing~~  
22 ~~organizations;~~

23           ~~(4) security requirements for medical cannabis~~  
24 ~~dispensing organizations, which shall include that each~~  
25 ~~registered dispensing organization location must be~~  
26 ~~protected by a fully operational security alarm system;~~

1           ~~(5) procedures for suspending or revoking the~~  
2           ~~registrations of dispensing organizations and dispensing~~  
3           ~~organization agents that commit violations of the~~  
4           ~~provisions of this Act or the rules adopted under this~~  
5           ~~Act;~~

6           ~~(6) application and renewal fees for dispensing~~  
7           ~~organizations; and~~

8           ~~(7) application and renewal fees for dispensing~~  
9           ~~organization agents.~~

10          (e) The Department of Public Health may establish a  
11          sliding scale of patient application and renewal fees based  
12          upon a qualifying patient's household income. The Department  
13          of Public health may accept donations from private sources to  
14          reduce application and renewal fees, and registry  
15          identification card fees shall include an additional fee set  
16          by rule which shall be used to develop and disseminate  
17          educational information about the health risks associated with  
18          the abuse of cannabis and prescription medications.

19          (f) During the rule-making process, each Department shall  
20          make a good faith effort to consult with stakeholders  
21          identified in the rule-making analysis as being impacted by  
22          the rules, including patients or a representative of an  
23          organization advocating on behalf of patients.

24          (g) The Department of Public Health shall develop and  
25          disseminate educational information about the health risks  
26          associated with the abuse of cannabis and prescription



1 medications.

2 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

3 (410 ILCS 130/170)

4 Sec. 170. Enforcement of this Act.

5 (a) If a Department fails to adopt rules to implement this  
6 Act within the times provided for in this Act, any citizen may  
7 commence a mandamus action in the Circuit Court to compel the  
8 Departments to perform the actions mandated under the  
9 provisions of this Act.

10 (b) If the Department of Public Health or the ~~Department~~  
11 ~~of Agriculture, or Department of Financial and Professional~~  
12 ~~Regulation~~ fails to issue a valid identification card in  
13 response to a valid application or renewal submitted under  
14 this Act or fails to issue a verbal or written notice of denial  
15 of the application within 30 days of its submission, the  
16 identification card is deemed granted, and a copy of the  
17 registry identification application, including a valid written  
18 certification in the case of patients, or renewal shall be  
19 deemed a valid registry identification card.

20 (c) Authorized employees of State or local law enforcement  
21 agencies shall immediately notify the Department of Public  
22 Health when any person in possession of a registry  
23 identification card has been determined by a court of law to  
24 have willfully violated the provisions of this Act or has pled  
25 guilty to the offense.

1 (Source: P.A. 98-122, eff. 1-1-14.)

2 (410 ILCS 130/180)

3 Sec. 180. Destruction of medical cannabis.

4 (a) All cannabis byproduct, scrap, and harvested cannabis  
5 not intended for distribution to a medical cannabis  
6 organization must be destroyed and disposed of pursuant to  
7 State law. Documentation of destruction and disposal shall be  
8 retained at the cultivation center for a period of not less  
9 than 5 years.

10 (b) A cultivation center shall prior to the destruction,  
11 notify the Department of Agriculture and the Illinois State  
12 Police.

13 (c) The cultivation center shall keep record of the date  
14 of destruction and how much was destroyed.

15 (d) (Blank). ~~A dispensary organization shall destroy all~~  
16 ~~cannabis, including cannabis infused products, that are not~~  
17 ~~sold to registered qualifying patients. Documentation of~~  
18 ~~destruction and disposal shall be retained at the dispensary~~  
19 ~~organization for a period of not less than 5 years.~~

20 (e) (Blank). ~~A dispensary organization shall prior to the~~  
21 ~~destruction, notify the Department of Financial and~~  
22 ~~Professional Regulation and the Illinois State Police.~~

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (410 ILCS 130/200)

1           Sec. 200. Tax imposed.

2           (a) Beginning on the effective date of this Act and until  
3 January 1, 2025, a tax is imposed upon the privilege of  
4 cultivating medical cannabis at a rate of 7% of the sales price  
5 per ounce. Beginning on January 1, 2025, a tax is imposed upon  
6 the privilege of cultivating medical cannabis at the rate of  
7 7% of the gross receipts from the first sale of medical  
8 cannabis by a cultivator. The sale of any product that  
9 contains any amount of medical cannabis or any derivative  
10 thereof is subject to the tax under this Section on the full  
11 selling price of the product. The Department of Revenue may  
12 determine the selling price of the medical cannabis when a  
13 value is not established for the medical cannabis and either  
14 (i) the seller and purchaser are affiliated persons or (ii)  
15 the sale and purchase of medical cannabis is not an arm's  
16 length transaction. The value determined by the Department  
17 shall be commensurate with the actual price received for  
18 products of like quality, character, and use in the area. If  
19 there are no sales of medical cannabis of like quality,  
20 character, and use in the same area, then the Department shall  
21 establish a reasonable value based on sales of products of  
22 like quality, character, and use in other areas of the State,  
23 taking into consideration any other relevant factors. The  
24 proceeds from this tax shall be deposited into the  
25 Compassionate Use of Medical Cannabis Fund created under the  
26 Compassionate Use of Medical Cannabis Program Act. This tax

1 shall be paid by a cultivation center and is not the  
2 responsibility of a dispensing organization or a qualifying  
3 patient.

4 (b) The tax imposed under this Act shall be in addition to  
5 all other occupation or privilege taxes imposed by the State  
6 of Illinois or by any municipal corporation or political  
7 subdivision thereof.

8 (Source: P.A. 101-363, eff. 8-9-19.)

9 (410 ILCS 130/210)

10 Sec. 210. Returns.

11 (a) This subsection (a) applies to returns due on or  
12 before June 25, 2019 (the effective date of Public Act 101-27)  
13 ~~this amendatory Act of the 101st General Assembly~~. On or  
14 before the twentieth day of each calendar month, every person  
15 subject to the tax imposed under this Law during the preceding  
16 calendar month shall file a return with the Department,  
17 stating:

18 (1) The name of the taxpayer;

19 (2) The number of ounces of medical cannabis sold to a  
20 dispensing organization or a registered qualifying patient  
21 during the preceding calendar month;

22 (3) The amount of tax due;

23 (4) The signature of the taxpayer; and

24 (5) Such other reasonable information as the  
25 Department may require.

1           If a taxpayer fails to sign a return within 30 days after  
2 the proper notice and demand for signature by the Department,  
3 the return shall be considered valid and any amount shown to be  
4 due on the return shall be deemed assessed.

5           The taxpayer shall remit the amount of the tax due to the  
6 Department at the time the taxpayer files his or her return.

7           (b) Beginning on June 25, 2019 (the effective date of  
8 Public Act 101-27) ~~this amendatory Act of the 101st General~~  
9 ~~Assembly~~, Section 60-20 ~~65-20~~ of the Cannabis Regulation and  
10 Tax Act shall apply to returns filed and taxes paid under this  
11 Act to the same extent as if those provisions were set forth in  
12 full in this Section.

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

14           (410 ILCS 130/125 rep.)

15           Section 30. The Compassionate Use of Medical Cannabis  
16 Program Act is amended by repealing Section 125.

17           Section 35. The Cannabis Regulation and Tax Act is amended  
18 by changing Sections 1-10, 10-10, 15-15, 15-20, 15-25, 15-35,  
19 15-35.10, 15-36, 15-70, 15-85, 15-100, 55-30, and 55-65 and  
20 adding Section 15-13, 15-17, 15-23, 15-24 as follows:

21           (410 ILCS 705/1-10)

22           Sec. 1-10. Definitions. In this Act:

23           "Adequate medical supply" means:

1           (1) 2.5 ounces of usable cannabis during a period of  
2           14 days and that is derived solely from an intrastate  
3           source.

4           (2) Subject to the rules of the Department of Public  
5           Health, a patient may apply for a waiver where a  
6           certifying health care professional provides a substantial  
7           medical basis in a signed, written statement asserting  
8           that, based on the patient's medical history, in the  
9           certifying health care professional's professional  
10           judgment, 2.5 ounces is an insufficient adequate medical  
11           supply for a 14-day period to properly alleviate the  
12           patient's debilitating medical condition or symptoms  
13           associated with the debilitating medical condition.

14           (3) This subsection may not be construed to authorize  
15           the possession of more than 2.5 ounces at any time without  
16           authority from the Department of Public Health.

17           (4) The pre-mixed weight of medical cannabis used in  
18           making a cannabis infused product shall apply toward the  
19           limit on the total amount of medical cannabis a registered  
20           qualifying patient may possess at any one time.

21           "Adult Use Cultivation Center License" means a license  
22           issued by the Department of Agriculture that permits a person  
23           to act as a cultivation center under this Act and any  
24           administrative rule made in furtherance of this Act.

25           "Adult Use Dispensing Organization License" means a  
26           license issued by the Department of Financial and Professional

1 Regulation that permits a person to act as a dispensing  
2 organization under this Act and any administrative rule made  
3 in furtherance of this Act.

4 "Advertise" means to engage in promotional activities  
5 including, but not limited to: newspaper, radio, Internet and  
6 electronic media, and television advertising; the distribution  
7 of fliers and circulars; billboard advertising; and the  
8 display of window and interior signs. "Advertise" does not  
9 mean exterior signage displaying only the name of the licensed  
10 cannabis business establishment.

11 "Application points" means the number of points a  
12 Dispensary Applicant receives on an application for a  
13 Conditional Adult Use Dispensing Organization License.

14 "BLS Region" means a region in Illinois used by the United  
15 States Bureau of Labor Statistics to gather and categorize  
16 certain employment and wage data. The 17 such regions in  
17 Illinois are: ~~Bloomington, Cape Girardeau, Carbondale Marion,  
18 Champaign Urbana, Chicago Naperville Elgin, Danville,  
19 Davenport Moline Rock Island, Decatur, Kankakee, Peoria,  
20 Rockford, St. Louis, Springfield, Northwest Illinois  
21 nonmetropolitan area, West Central Illinois nonmetropolitan  
22 area, East Central Illinois nonmetropolitan area, and South  
23 Illinois nonmetropolitan area.~~

24 (1) Bloomington (DeWitt County; McLean County),

25 (2) Cape Girardeau (Alexander County),

26 (3) Carbondale-Marion (Jackson County; Williamson

1 County),

2 (4) Champaign-Urbana (Champaign County; Ford County;  
3 Piatt County),

4 (5) Chicago-Naperville-Elgin (Cook County; DeKalb  
5 County; DuPage County; Grundy County; Kane County; Kendall  
6 County; Lake County; McHenry County; Will County),

7 (6) Danville (Vermilion County),

8 (7) Davenport-Moline-Rock Island (Henry County; Mercer  
9 County; Rock Island County),

10 (8) Decatur (Macon County),

11 (9) Kankakee (Kankakee County),

12 (10) Peoria (Marshall County; Peoria County; Stark  
13 County; Tazewell County; Woodford County),

14 (11) Rockford (Boone County; Winnebago County),

15 (12) St. Louis (Bond County; Calhoun County; Clinton  
16 County; Jersey County; Madison County; Macoupin County;  
17 Monroe County; St. Clair County),

18 (13) Springfield (Menard County; Sangamon County),

19 (14) Northwest Illinois nonmetropolitan area (Bureau  
20 County; Carroll County; Jo Daviess County; LaSalle County;  
21 Lee County; Ogle County; Putnam County; Stephenson County;  
22 Whiteside County),

23 (15) West Central Illinois nonmetropolitan area (Adams  
24 County; Brown County; Cass County; Christian County;  
25 Fulton County; Greene County; Hancock County; Henderson  
26 County; Knox County; Livingston County; Logan County;



1 Mason County; McDonough County; Montgomery County; Morgan  
2 County; Moultrie County; Pike County; Schuyler County;  
3 Scott County; Shelby County; Warren County),

4 (16) East Central Illinois nonmetropolitan area (Clark  
5 County; Clay County; Coles County; Crawford County;  
6 Cumberland County; Douglas County; Edgar County; Effingham  
7 County; Fayette County; Iroquois County; Jasper County;  
8 Lawrence County; Marion County; Richland County), and

9 (17) South Illinois nonmetropolitan area (Edwards  
10 County; Franklin County; Gallatin County; Hamilton County;  
11 Hardin County; Jefferson County; Johnson County; Massac  
12 County; Perry County; Pope County; Pulaski County;  
13 Randolph County; Saline County; Union County; Wabash  
14 County; Wayne County; White County).

15 "By lot" means a randomized method of choosing between 2  
16 or more Eligible Tied Applicants or 2 or more Qualifying  
17 Applicants.

18 "Cannabis" means marijuana, hashish, and other substances  
19 that are identified as including any parts of the plant  
20 Cannabis sativa and including derivatives or subspecies, such  
21 as indica, of all strains of cannabis, whether growing or not;  
22 the seeds thereof, the resin extracted from any part of the  
23 plant; and any compound, manufacture, salt, derivative,  
24 mixture, or preparation of the plant, its seeds, or resin,  
25 including tetrahydrocannabinol (THC) and all other naturally  
26 produced cannabinol derivatives, whether produced directly or

1 indirectly by extraction; however, "cannabis" does not include  
2 the mature stalks of the plant, fiber produced from the  
3 stalks, oil or cake made from the seeds of the plant, any other  
4 compound, manufacture, salt, derivative, mixture, or  
5 preparation of the mature stalks (except the resin extracted  
6 from it), fiber, oil or cake, or the sterilized seed of the  
7 plant that is incapable of germination. "Cannabis" does not  
8 include industrial hemp as defined and authorized under the  
9 Industrial Hemp Act. "Cannabis" also means cannabis flower,  
10 concentrate, and cannabis-infused products.

11 "Cannabis business establishment" means a cultivation  
12 center, craft grower, processing organization, infuser  
13 organization, dispensing organization, or transporting  
14 organization.

15 "Cannabis concentrate" means a product derived from  
16 cannabis that is produced by extracting cannabinoids,  
17 including tetrahydrocannabinol (THC), from the plant through  
18 the use of propylene glycol, glycerin, butter, olive oil, or  
19 other typical cooking fats; water, ice, or dry ice; or butane,  
20 propane, CO<sub>2</sub>, ethanol, or isopropanol and with the intended  
21 use of smoking or making a cannabis-infused product. The use  
22 of any other solvent is expressly prohibited unless and until  
23 it is approved by the Department of Agriculture.

24 "Cannabis container" means a sealed or resealable,  
25 traceable, container, or package used for the purpose of  
26 containment of cannabis or cannabis-infused product during

1 transportation.

2 "Cannabis flower" means marijuana, hashish, and other  
3 substances that are identified as including any parts of the  
4 plant Cannabis sativa and including derivatives or subspecies,  
5 such as indica, of all strains of cannabis; including raw  
6 kief, leaves, and buds, but not resin that has been extracted  
7 from any part of such plant; nor any compound, manufacture,  
8 salt, derivative, mixture, or preparation of such plant, its  
9 seeds, or resin.

10 "Cannabis-infused product" means a beverage, food, oil,  
11 ointment, tincture, topical formulation, or another product  
12 containing cannabis or cannabis concentrate that is not  
13 intended to be smoked.

14 "Cannabis paraphernalia" means equipment, products, or  
15 materials intended to be used for planting, propagating,  
16 cultivating, growing, harvesting, manufacturing, producing,  
17 processing, preparing, testing, analyzing, packaging,  
18 repackaging, storing, containing, concealing, ingesting, or  
19 otherwise introducing cannabis into the human body.

20 "Cannabis plant monitoring system" or "plant monitoring  
21 system" means a system that includes, but is not limited to,  
22 testing and data collection established and maintained by the  
23 cultivation center, craft grower, or processing organization  
24 and that is available to the Department of Revenue, the  
25 Department of Agriculture, the Department of Financial and  
26 Professional Regulation, and the Illinois State Police for the

1 purposes of documenting each cannabis plant and monitoring  
2 plant development throughout the life cycle of a cannabis  
3 plant cultivated for the intended use by a customer from seed  
4 planting to final packaging.

5 "Cannabis testing facility" means an entity registered by  
6 the Department of Agriculture to test cannabis for potency and  
7 contaminants.

8 "Clone" means a plant section from a female cannabis plant  
9 not yet rootbound, growing in a water solution or other  
10 propagation matrix, that is capable of developing into a new  
11 plant.

12 "Community College Cannabis Vocational Training Pilot  
13 Program faculty participant" means a person who is 21 years of  
14 age or older, licensed by the Department of Agriculture, and  
15 is employed or contracted by an Illinois community college to  
16 provide student instruction using cannabis plants at an  
17 Illinois Community College.

18 "Community College Cannabis Vocational Training Pilot  
19 Program faculty participant Agent Identification Card" means a  
20 document issued by the Department of Agriculture that  
21 identifies a person as a Community College Cannabis Vocational  
22 Training Pilot Program faculty participant.

23 "Conditional Adult Use Dispensing Organization License"  
24 means a contingent license awarded to applicants for an Adult  
25 Use Dispensing Organization License that reserves the right to  
26 an Adult Use Dispensing Organization License if the applicant

1 meets certain conditions described in this Act, but does not  
2 entitle the recipient to begin purchasing or selling cannabis  
3 or cannabis-infused products.

4 "Conditional Adult Use Cultivation Center License" means a  
5 license awarded to top-scoring applicants for an Adult Use  
6 Cultivation Center License that reserves the right to an Adult  
7 Use Cultivation Center License if the applicant meets certain  
8 conditions as determined by the Department of Agriculture by  
9 rule, but does not entitle the recipient to begin growing,  
10 processing, or selling cannabis or cannabis-infused products.

11 "Craft grower" means a facility operated by an  
12 organization or business that is licensed by the Department of  
13 Agriculture to cultivate, dry, cure, and package cannabis and  
14 perform other necessary activities to make cannabis available  
15 for sale at a dispensing organization or use at a processing  
16 organization. A craft grower may contain up to 5,000 square  
17 feet of canopy space on its premises for plants in the  
18 flowering state. The Department of Agriculture may authorize  
19 an increase or decrease of flowering stage cultivation space  
20 in increments of 3,000 square feet by rule based on market  
21 need, craft grower capacity, and the licensee's history of  
22 compliance or noncompliance, with a maximum space of 14,000  
23 square feet for cultivating plants in the flowering stage,  
24 which must be cultivated in all stages of growth in an enclosed  
25 and secure area. A craft grower may share premises with a  
26 processing organization or a dispensing organization, or both,

1 provided each licensee stores currency and cannabis or  
2 cannabis-infused products in a separate secured vault to which  
3 the other licensee does not have access or all licensees  
4 sharing a vault share more than 50% of the same ownership.

5 "Craft grower agent" means a principal officer, board  
6 member, employee, or other agent of a craft grower who is 21  
7 years of age or older.

8 "Craft Grower Agent Identification Card" means a document  
9 issued by the Department of Agriculture that identifies a  
10 person as a craft grower agent.

11 "Cultivation center" means a facility operated by an  
12 organization or business that is licensed by the Department of  
13 Agriculture to cultivate, process, transport (unless otherwise  
14 limited by this Act), and perform other necessary activities  
15 to provide cannabis and cannabis-infused products to cannabis  
16 business establishments.

17 "Cultivation center agent" means a principal officer,  
18 board member, employee, or other agent of a cultivation center  
19 who is 21 years of age or older.

20 "Cultivation Center Agent Identification Card" means a  
21 document issued by the Department of Agriculture that  
22 identifies a person as a cultivation center agent.

23 "Currency" means currency and coin of the United States.

24 "Designated caregiver" means a person who:

25 (1) is at least 21 years of age;

26 (2) has agreed to assist with a patient's medical use

1 of cannabis;

2 (3) has not been convicted of an excluded offense; and

3 (4) assists no more than one registered qualifying  
4 patient with his or her medical use of cannabis.

5 Beginning January 1, 2025, all "designated caregivers"  
6 registered under the Compassionate Use of Medical Program Act  
7 shall be permitted to perform his or her duties at any licensed  
8 dispensary or dispensing organization licensed by the  
9 Department of Financial and Professional Regulation pursuant  
10 to the Cannabis Regulation and Tax Act.

11 ~~"Dispensary" means a facility operated by a dispensing~~  
12 ~~organization at which activities licensed by this Act may~~  
13 ~~occur.~~

14 "Dispensary Applicant" means the Proposed Dispensing  
15 Organization Name as stated on an application for a  
16 Conditional Adult Use Dispensing Organization License.

17 "Dispensing organization" or "dispensary" means a facility  
18 operated by an organization or business that is licensed by  
19 the Department of Financial and Professional Regulation to  
20 acquire cannabis from a cultivation center, craft grower,  
21 processing organization, or another dispensary for the purpose  
22 of selling or dispensing cannabis, cannabis-infused products,  
23 cannabis seeds, paraphernalia, or related supplies under this  
24 Act to purchasers or to qualified ~~registered medical cannabis~~  
25 patients and designated caregivers and provisional patients  
26 registered under the Compassionate Use of Medical Cannabis

1 Program Act. As used in this Act, "dispensing organization" or  
2 "dispensary" includes those medical cannabis dispensing  
3 organizations as licensed under the Compassionate Use of  
4 Medical Program Act ~~includes a registered medical cannabis~~  
5 ~~organization as defined in~~ the Compassionate Use of Medical  
6 Cannabis Program Act ~~or its successor Act that has obtained an~~  
7 ~~Early Approval Adult Use Dispensing Organization License.~~

8 "Dispensing organization agent" means a principal officer,  
9 employee, or agent of a dispensing organization who is 21  
10 years of age or older.

11 "Dispensing organization agent identification card" means  
12 a document issued by the Department of Financial and  
13 Professional Regulation that identifies a person as a  
14 dispensing organization agent.

15 "Disproportionately Impacted Area" means a census tract or  
16 comparable geographic area that satisfies the following  
17 criteria as determined by the Department of Commerce and  
18 Economic Opportunity, that:

19 (1) meets at least one of the following criteria:

20 (A) the area has a poverty rate of at least 20%  
21 according to the latest federal decennial census; or

22 (B) 75% or more of the children in the area  
23 participate in the federal free lunch program  
24 according to reported statistics from the State Board  
25 of Education; or

26 (C) at least 20% of the households in the area



1 receive assistance under the Supplemental Nutrition  
2 Assistance Program; or

3 (D) the area has an average unemployment rate, as  
4 determined by the Illinois Department of Employment  
5 Security, that is more than 120% of the national  
6 unemployment average, as determined by the United  
7 States Department of Labor, for a period of at least 2  
8 consecutive calendar years preceding the date of the  
9 application; and

10 (2) has high rates of arrest, conviction, and  
11 incarceration related to the sale, possession, use,  
12 cultivation, manufacture, or transport of cannabis.

13 "Early Approval Adult Use Cultivation Center License"  
14 means a license that permits a medical cannabis cultivation  
15 center licensed under the Compassionate Use of Medical  
16 Cannabis Program Act as of the effective date of this Act to  
17 begin cultivating, infusing, packaging, transporting (unless  
18 otherwise provided in this Act), processing, and selling  
19 cannabis or cannabis-infused product to cannabis business  
20 establishments for resale to purchasers as permitted by this  
21 Act as of January 1, 2020.

22 "Early Approval Adult Use Dispensing Organization License"  
23 means a license that permits a medical cannabis dispensing  
24 organization licensed under the Compassionate Use of Medical  
25 Cannabis Program Act as of the effective date of this Act to  
26 begin selling cannabis or cannabis-infused product to

1 purchasers as permitted by this Act as of January 1, 2020.

2 "Early Approval Adult Use Dispensing Organization at a  
3 secondary site" means a license that permits a medical  
4 cannabis dispensing organization licensed under the  
5 Compassionate Use of Medical Cannabis Program Act as of the  
6 effective date of this Act to begin selling cannabis or  
7 cannabis-infused product to purchasers as permitted by this  
8 Act on January 1, 2020 at a different dispensary location from  
9 its existing registered medical dispensary location.

10 "Eligible Tied Applicant" means a Tied Applicant that is  
11 eligible to participate in the process by which a remaining  
12 available license is distributed by lot pursuant to a Tied  
13 Applicant Lottery.

14 "Enclosed, locked facility" means a room, greenhouse,  
15 building, or other enclosed area equipped with locks or other  
16 security devices that permit access only by cannabis business  
17 establishment agents working for the licensed cannabis  
18 business establishment or acting pursuant to this Act to  
19 cultivate, process, store, or distribute cannabis.

20 "Enclosed, locked space" means a closet, room, greenhouse,  
21 building, or other enclosed area equipped with locks or other  
22 security devices that permit access only by authorized  
23 individuals under this Act. "Enclosed, locked space" may  
24 include:

25 (1) a space within a residential building that (i) is  
26 the primary residence of the individual cultivating 5 or

1 fewer cannabis plants that are more than 5 inches tall and  
2 (ii) includes sleeping quarters and indoor plumbing. The  
3 space must only be accessible by a key or code that is  
4 different from any key or code that can be used to access  
5 the residential building from the exterior; or

6 (2) a structure, such as a shed or greenhouse, that  
7 lies on the same plot of land as a residential building  
8 that (i) includes sleeping quarters and indoor plumbing  
9 and (ii) is used as a primary residence by the person  
10 cultivating 5 or fewer cannabis plants that are more than  
11 5 inches tall, such as a shed or greenhouse. The structure  
12 must remain locked when it is unoccupied by people.

13 "Financial institution" has the same meaning as "financial  
14 organization" as defined in Section 1501 of the Illinois  
15 Income Tax Act, and also includes the holding companies,  
16 subsidiaries, and affiliates of such financial organizations.

17 "Flowering stage" means the stage of cultivation where and  
18 when a cannabis plant is cultivated to produce plant material  
19 for cannabis products. This includes mature plants as follows:

20 (1) if greater than 2 stigmas are visible at each  
21 internode of the plant; or

22 (2) if the cannabis plant is in an area that has been  
23 intentionally deprived of light for a period of time  
24 intended to produce flower buds and induce maturation,  
25 from the moment the light deprivation began through the  
26 remainder of the marijuana plant growth cycle.

1 "Individual" means a natural person.

2 "Infuser organization" or "infuser" means a facility  
3 operated by an organization or business that is licensed by  
4 the Department of Agriculture to directly incorporate cannabis  
5 or cannabis concentrate into a product formulation to produce  
6 a cannabis-infused product.

7 "Kief" means the resinous crystal-like trichomes that are  
8 found on cannabis and that are accumulated, resulting in a  
9 higher concentration of cannabinoids, untreated by heat or  
10 pressure, or extracted using a solvent.

11 "Labor peace agreement" means an agreement between a  
12 cannabis business establishment and any labor organization  
13 recognized under the National Labor Relations Act, referred to  
14 in this Act as a bona fide labor organization, that prohibits  
15 labor organizations and members from engaging in picketing,  
16 work stoppages, boycotts, and any other economic interference  
17 with the cannabis business establishment. This agreement means  
18 that the cannabis business establishment has agreed not to  
19 disrupt efforts by the bona fide labor organization to  
20 communicate with, and attempt to organize and represent, the  
21 cannabis business establishment's employees. The agreement  
22 shall provide a bona fide labor organization access at  
23 reasonable times to areas in which the cannabis business  
24 establishment's employees work, for the purpose of meeting  
25 with employees to discuss their right to representation,  
26 employment rights under State law, and terms and conditions of

1 employment. This type of agreement shall not mandate a  
2 particular method of election or certification of the bona  
3 fide labor organization.

4 "Limited access area" means a room or other area under the  
5 control of a cannabis dispensing organization licensed under  
6 this Act and upon the licensed premises where cannabis sales  
7 occur with access limited to purchasers, dispensing  
8 organization owners and other dispensing organization agents,  
9 or service professionals conducting business with the  
10 dispensing organization, or, if sales to registered qualifying  
11 patients, caregivers, provisional patients, and Opioid  
12 Alternative Pilot Program participants licensed pursuant to  
13 the Compassionate Use of Medical Cannabis Program Act are also  
14 permitted at the dispensary, registered qualifying patients,  
15 caregivers, provisional patients, and Opioid Alternative Pilot  
16 Program participants.

17 "Member of an impacted family" means an individual who has  
18 a parent, legal guardian, child, spouse, or dependent, or was  
19 a dependent of an individual who, prior to the effective date  
20 of this Act, was arrested for, convicted of, or adjudicated  
21 delinquent for any offense that is eligible for expungement  
22 under this Act.

23 "Mother plant" means a cannabis plant that is cultivated  
24 or maintained for the purpose of generating clones, and that  
25 will not be used to produce plant material for sale to an  
26 infuser or dispensing organization.

1 "Ordinary public view" means within the sight line with  
2 normal visual range of a person, unassisted by visual aids,  
3 from a public street or sidewalk adjacent to real property, or  
4 from within an adjacent property.

5 "Ownership and control" means ownership of at least 51% of  
6 the business, including corporate stock if a corporation, and  
7 control over the management and day-to-day operations of the  
8 business and an interest in the capital, assets, and profits  
9 and losses of the business proportionate to percentage of  
10 ownership.

11 "Person" means a natural individual, firm, partnership,  
12 association, joint stock company, joint venture, public or  
13 private corporation, limited liability company, or a receiver,  
14 executor, trustee, guardian, or other representative appointed  
15 by order of any court.

16 "Possession limit" means the amount of cannabis under  
17 Section 10-10 that may be possessed at any one time by a person  
18 21 years of age or older or who is a registered qualifying  
19 medical cannabis patient or caregiver under the Compassionate  
20 Use of Medical Cannabis Program Act.

21 "Principal officer" includes a cannabis business  
22 establishment applicant or licensed cannabis business  
23 establishment's board member, owner with more than 1% interest  
24 of the total cannabis business establishment or more than 5%  
25 interest of the total cannabis business establishment of a  
26 publicly traded company, president, vice president, secretary,

1 treasurer, partner, officer, member, manager member, or person  
2 with a profit sharing, financial interest, or revenue sharing  
3 arrangement. The definition includes a person with authority  
4 to control the cannabis business establishment, a person who  
5 assumes responsibility for the debts of the cannabis business  
6 establishment and who is further defined in this Act.

7 "Primary residence" means a dwelling where a person  
8 usually stays or stays more often than other locations. It may  
9 be determined by, without limitation, presence, tax filings;  
10 address on an Illinois driver's license, an Illinois  
11 Identification Card, or an Illinois Person with a Disability  
12 Identification Card; or voter registration. No person may have  
13 more than one primary residence.

14 "Processing organization" or "processor" means a facility  
15 operated by an organization or business that is licensed by  
16 the Department of Agriculture to either extract constituent  
17 chemicals or compounds to produce cannabis concentrate or  
18 incorporate cannabis or cannabis concentrate into a product  
19 formulation to produce a cannabis product.

20 "Processing organization agent" means a principal officer,  
21 board member, employee, or agent of a processing organization.

22 "Processing organization agent identification card" means  
23 a document issued by the Department of Agriculture that  
24 identifies a person as a processing organization agent.

25 "Provisional registration" means a document issued by the  
26 Department of Public Health to a qualifying patient who has

1 submitted (i) an online application and paid a fee to  
2 participate in Compassionate Use of Medical Cannabis Program  
3 pending approval or denial of the patient's application or  
4 (ii) a completed application for terminal illness.

5 "Provisional patient" means a qualifying patient who has  
6 received a provisional registration from the Department of  
7 Public Health.

8 "Purchaser" means a person 21 years of age or older who  
9 acquires cannabis for a valuable consideration. "Purchaser"  
10 does not include a cardholder under the Compassionate Use of  
11 Medical Cannabis Program Act.

12 "Qualifying Applicant" means an applicant that submitted  
13 an application pursuant to Section 15-30 that received at  
14 least 85% of 250 application points available under Section  
15 15-30 as the applicant's final score and meets the definition  
16 of "Social Equity Applicant" as set forth under this Section.

17 "Qualifying Social Equity Justice Involved Applicant"  
18 means an applicant that submitted an application pursuant to  
19 Section 15-30 that received at least 85% of 250 application  
20 points available under Section 15-30 as the applicant's final  
21 score and meets the criteria of either paragraph (1) or (2) of  
22 the definition of "Social Equity Applicant" as set forth under  
23 this Section.

24 "Qualified Social Equity Applicant" means a Social Equity  
25 Applicant who has been awarded a conditional license under  
26 this Act to operate a cannabis business establishment.



1       "Qualifying patient" means a person who has been diagnosed  
2 by a certifying health care professional as having a  
3 debilitating medical condition. Beginning on January 1, 2025,  
4 all "qualifying patients" registered under the Compassionate  
5 Use of Medical Cannabis Program Act shall be permitted to  
6 purchase cannabis and cannabis-infused products at any  
7 dispensary or dispensing organization licensed by the  
8 Department of Financial and Professional Regulation pursuant  
9 to the Cannabis Regulation and Tax Act.

10       "Resided" means an individual's primary residence was  
11 located within the relevant geographic area as established by  
12 2 of the following:

13           (1) a signed lease agreement that includes the  
14 applicant's name;

15           (2) a property deed that includes the applicant's  
16 name;

17           (3) school records;

18           (4) a voter registration card;

19           (5) an Illinois driver's license, an Illinois  
20 Identification Card, or an Illinois Person with a  
21 Disability Identification Card;

22           (6) a paycheck stub;

23           (7) a utility bill;

24           (8) tax records; or

25           (9) any other proof of residency or other information  
26 necessary to establish residence as provided by rule.

1 "Smoking" means the inhalation of smoke caused by the  
2 combustion of cannabis.

3 "Social Equity Applicant" means an applicant that is an  
4 Illinois resident that meets one of the following criteria:

5 (1) an applicant with at least 51% ownership and  
6 control by one or more individuals who have resided for at  
7 least 5 of the preceding 10 years in a Disproportionately  
8 Impacted Area;

9 (2) an applicant with at least 51% ownership and  
10 control by one or more individuals who:

11 (i) have been arrested for, convicted of, or  
12 adjudicated delinquent for any offense that is  
13 eligible for expungement under this Act; or

14 (ii) is a member of an impacted family;

15 (3) for applicants with a minimum of 10 full-time  
16 employees, an applicant with at least 51% of current  
17 employees who:

18 (i) currently reside in a Disproportionately  
19 Impacted Area; or

20 (ii) have been arrested for, convicted of, or  
21 adjudicated delinquent for any offense that is  
22 eligible for expungement under this Act or member of  
23 an impacted family.

24 Nothing in this Act shall be construed to preempt or limit  
25 the duties of any employer under the Job Opportunities for  
26 Qualified Applicants Act. Nothing in this Act shall permit an

1 employer to require an employee to disclose sealed or expunged  
2 offenses, unless otherwise required by law.

3 "Tied Applicant" means an application submitted by a  
4 Dispensary Applicant pursuant to Section 15-30 that received  
5 the same number of application points under Section 15-30 as  
6 the Dispensary Applicant's final score as one or more  
7 top-scoring applications in the same BLS Region and would have  
8 been awarded a license but for the one or more other  
9 top-scoring applications that received the same number of  
10 application points. Each application for which a Dispensary  
11 Applicant was required to pay a required application fee for  
12 the application period ending January 2, 2020 shall be  
13 considered an application of a separate Tied Applicant.

14 "Tied Applicant Lottery" means the process established  
15 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult  
16 Use Dispensing Organization Licenses pursuant to Sections  
17 15-25 and 15-30 among Eligible Tied Applicants.

18 "Tincture" means a cannabis-infused solution, typically  
19 comprised of alcohol, glycerin, or vegetable oils, derived  
20 either directly from the cannabis plant or from a processed  
21 cannabis extract. A tincture is not an alcoholic liquor as  
22 defined in the Liquor Control Act of 1934. A tincture shall  
23 include a calibrated dropper or other similar device capable  
24 of accurately measuring servings.

25 "Transporting organization" or "transporter" means an  
26 organization or business that is licensed by the Department of

1 Agriculture to transport cannabis or cannabis-infused product  
2 on behalf of a cannabis business establishment or a community  
3 college licensed under the Community College Cannabis  
4 Vocational Training Pilot Program.

5 "Transporting organization agent" means a principal  
6 officer, board member, employee, or agent of a transporting  
7 organization.

8 "Transporting organization agent identification card"  
9 means a document issued by the Department of Agriculture that  
10 identifies a person as a transporting organization agent.

11 "Unit of local government" means any county, city,  
12 village, or incorporated town.

13 "Vegetative stage" means the stage of cultivation in which  
14 a cannabis plant is propagated to produce additional cannabis  
15 plants or reach a sufficient size for production. This  
16 includes seedlings, clones, mothers, and other immature  
17 cannabis plants as follows:

18 (1) if the cannabis plant is in an area that has not  
19 been intentionally deprived of light for a period of time  
20 intended to produce flower buds and induce maturation, it  
21 has no more than 2 stigmas visible at each internode of the  
22 cannabis plant; or

23 (2) any cannabis plant that is cultivated solely for  
24 the purpose of propagating clones and is never used to  
25 produce cannabis.

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

1 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.  
2 5-13-22.)

3 (410 ILCS 705/10-10)

4 Sec. 10-10. Possession limit.

5 (a) Except if otherwise authorized by this Act, for a  
6 person who is 21 years of age or older and a resident of this  
7 State, the possession limit is as follows:

8 (1) 30 grams of cannabis flower;

9 (2) no more than 500 milligrams of THC contained in  
10 cannabis-infused product;

11 (3) 5 grams of cannabis concentrate; and

12 (4) for registered qualifying patients, any cannabis  
13 produced by cannabis plants grown under subsection (b) of  
14 Section 10-5, provided any amount of cannabis produced in  
15 excess of 30 grams of raw cannabis or its equivalent must  
16 remain secured within the residence or residential  
17 property in which it was grown.

18 (b) For a person who is 21 years of age or older and who is  
19 not a resident of this State, the possession limit is:

20 (1) 15 grams of cannabis flower;

21 (2) 2.5 grams of cannabis concentrate; and

22 (3) 250 milligrams of THC contained in a  
23 cannabis-infused product.

24 (c) The possession limits found in subsections (a) and (b)  
25 of this Section are to be considered cumulative.

1 (d) No person shall knowingly obtain, seek to obtain, or  
2 possess an amount of cannabis from a dispensing organization  
3 or craft grower that would cause him or her to exceed the  
4 possession limit under this Section, including cannabis that  
5 is cultivated by a person under this Act or obtained under the  
6 Compassionate Use of Medical Cannabis Program Act.

7 (e) Cannabis and cannabis-derived substances regulated  
8 under the Industrial Hemp Act are not covered by this Act.

9 (f) No registered qualifying patient, provisional patient,  
10 or designated caregiver shall knowingly obtain, seek to  
11 obtain, or possess, individually or collectively, an amount of  
12 usable cannabis from a dispensing organization that would  
13 cause the person to exceed their adequate medical supply.

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

15 (410 ILCS 705/15-13 new)

16 Sec. 15-13. Adult Use and medical cannabis dispensing  
17 organization license merger; medical patient prioritization.

18 (a) Beginning January 1, 2025, all dispensing  
19 organizations shall sell cannabis and cannabis-infused  
20 products to purchasers who are 21 years of age or older, and to  
21 qualifying patients, provisional patients, and designated  
22 caregivers registered under the Compassionate Use of Medical  
23 Cannabis Act. By April 1, 2025, all dispensing organizations  
24 licensed under Section 15-36 shall have paid the required fee  
25 identified in subsection (d) or shall have entered into an

1 approved payment plan with the Department to pay the required  
2 fee.

3 (b) Beginning on January 1, 2025, all dispensing  
4 organization agents registered under the Compassionate Use of  
5 Medical Cannabis Program Act shall be deemed to be a  
6 "dispensing organization agent" as that term is defined in  
7 this Act. All dispensing organization agents registered under  
8 the Compassionate Use of Medical Cannabis Program Act shall  
9 then have the same rights, privileges, duties, and  
10 responsibilities of dispensing organization agents licensed  
11 pursuant this Act. All dispensing organization agents shall be  
12 subject to the rules and regulations of this Act and any  
13 administrative rules promulgated pursuant to this Act.

14 (c) At the date of a dispensing organization's first  
15 renewal after the effective date of this amendatory Act of the  
16 103rd General Assembly, a dispensing organizations shall renew  
17 their licenses pursuant to Section 15-45.

18 (d) By April 1, 2025, all dispensing organizations shall  
19 pay a one-time fee of \$10,000 to be deposited into the  
20 Compassionate Use of Medical Cannabis Fund. After this  
21 one-time fee, all dispensing organizations shall renew under  
22 Section 15-45. The Department may approve payment plans which  
23 extend beyond April 1, 2025 for the fee paid under this  
24 subsection if the first payment under the payment plan  
25 remitted by April 1, 2025.

26 (e) All dispensing organizations must maintain an adequate

1 medical supply of cannabis and cannabis-infused products for  
2 purchase by qualifying patients, designated caregivers, and  
3 provisional patients. For the purposes of this subsection,  
4 "adequate medical supply" shall have the same meaning as used  
5 in Section 1-10.

6 (f) If there is a shortage of cannabis or cannabis-infused  
7 products, a dispensing organization shall prioritize serving  
8 qualifying patients, designated caregivers, and provisional  
9 patients before serving purchasers.

10 (g) Beginning on January 1, 2025, cannabis and  
11 cannabis-infused products purchased from a registered  
12 dispensing organization by a qualified patient, provisional  
13 patient, or designated caregiver is not subject to Section  
14 65-10.

15 (410 ILCS 705/15-15)

16 Sec. 15-15. Early Approval Adult Use Dispensing  
17 Organization License.

18 (a) Any medical cannabis dispensing organization holding a  
19 valid registration under the Compassionate Use of Medical  
20 Cannabis Program Act as of the effective date of this Act may,  
21 within 60 days of the effective date of this Act, apply to the  
22 Department for an Early Approval Adult Use Dispensing  
23 Organization License to serve purchasers at any medical  
24 cannabis dispensing location in operation on the effective  
25 date of this Act, pursuant to this Section.



1 (b) A medical cannabis dispensing organization seeking  
2 issuance of an Early Approval Adult Use Dispensing  
3 Organization License to serve purchasers at any medical  
4 cannabis dispensing location in operation as of the effective  
5 date of this Act shall submit an application on forms provided  
6 by the Department. The application must be submitted by the  
7 same person or entity that holds the medical cannabis  
8 dispensing organization registration and include the  
9 following:

10 (1) Payment of a nonrefundable fee of \$30,000 to be  
11 deposited into the Cannabis Regulation Fund;

12 (2) Proof of registration as a medical cannabis  
13 dispensing organization that is in good standing;

14 (3) Certification that the applicant will comply with  
15 the requirements contained in the Compassionate Use of  
16 Medical Cannabis Program Act except as provided in this  
17 Act;

18 (4) The legal name of the dispensing organization;

19 (5) The physical address of the dispensing  
20 organization;

21 (6) The name, address, social security number, and  
22 date of birth of each principal officer and board member  
23 of the dispensing organization, each of whom must be at  
24 least 21 years of age;

25 (7) A nonrefundable Cannabis Business Development Fee  
26 equal to 3% of the dispensing organization's total sales

1 between June 1, 2018 to June 1, 2019, or \$100,000,  
2 whichever is less, to be deposited into the Cannabis  
3 Business Development Fund; and

4 (8) Identification of one of the following Social  
5 Equity Inclusion Plans to be completed by March 31, 2021:

6 (A) Make a contribution of 3% of total sales from  
7 June 1, 2018 to June 1, 2019, or \$100,000, whichever is  
8 less, to the Cannabis Business Development Fund. This  
9 is in addition to the fee required by item (7) of this  
10 subsection (b);

11 (B) Make a grant of 3% of total sales from June 1,  
12 2018 to June 1, 2019, or \$100,000, whichever is less,  
13 to a cannabis industry training or education program  
14 at an Illinois community college as defined in the  
15 Public Community College Act;

16 (C) Make a donation of \$100,000 or more to a  
17 program that provides job training services to persons  
18 recently incarcerated or that operates in a  
19 Disproportionately Impacted Area;

20 (D) Participate as a host in a cannabis business  
21 establishment incubator program approved by the  
22 Department of Commerce and Economic Opportunity, and  
23 in which an Early Approval Adult Use Dispensing  
24 Organization License holder agrees to provide a loan  
25 of at least \$100,000 and mentorship to incubate, for  
26 at least a year, a Social Equity Applicant intending

1 to seek a license or a licensee that qualifies as a  
2 Social Equity Applicant. As used in this Section,  
3 "incubate" means providing direct financial assistance  
4 and training necessary to engage in licensed cannabis  
5 industry activity similar to that of the host  
6 licensee. The Early Approval Adult Use Dispensing  
7 Organization License holder or the same entity holding  
8 any other licenses issued pursuant to this Act shall  
9 not take an ownership stake of greater than 10% in any  
10 business receiving incubation services to comply with  
11 this subsection. If an Early Approval Adult Use  
12 Dispensing Organization License holder fails to find a  
13 business to incubate to comply with this subsection  
14 before its Early Approval Adult Use Dispensing  
15 Organization License expires, it may opt to meet the  
16 requirement of this subsection by completing another  
17 item from this subsection; or

18 (E) Participate in a sponsorship program for at  
19 least 2 years approved by the Department of Commerce  
20 and Economic Opportunity in which an Early Approval  
21 Adult Use Dispensing Organization License holder  
22 agrees to provide an interest-free loan of at least  
23 \$200,000 to a Social Equity Applicant. The sponsor  
24 shall not take an ownership stake in any cannabis  
25 business establishment receiving sponsorship services  
26 to comply with this subsection.

1 (b-5) Beginning 90 days after the effective date of this  
2 amendatory Act of the 102nd General Assembly, an Early  
3 Approval Adult Use Dispensing Organization licensee whose  
4 license was issued pursuant to this Section may apply to  
5 relocate within the same geographic district where its  
6 existing associated medical cannabis dispensing organization  
7 dispensary licensed under the Compassionate Use of Medical  
8 Cannabis Act is authorized to operate. A request to relocate  
9 under this subsection is subject to approval by the  
10 Department. An Early Approval Adult Use Dispensing  
11 Organization's application to relocate its license under this  
12 subsection shall be deemed approved 30 days following the  
13 submission of a complete application to relocate, unless  
14 sooner approved or denied in writing by the Department. If an  
15 application to relocate is denied, the Department shall  
16 provide, in writing, the specific reason for denial.

17 An Early Approval Adult Use Dispensing Organization may  
18 request to relocate under this subsection if:

19 (1) its existing location is within the boundaries of  
20 a unit of local government that prohibits the sale of  
21 adult use cannabis; or

22 (2) the Early Approval Adult Use Dispensing  
23 Organization has obtained the approval of the municipality  
24 or, if outside the boundaries of a municipality in an  
25 unincorporated area of the county, the approval of the  
26 county where the existing license is located to move to

1 another location within that unit of local government.

2 At no time may an Early Approval Adult Use Dispensing  
3 Organization dispensary licensed under this Section operate in  
4 a separate facility from its associated medical cannabis  
5 dispensing organization dispensary licensed under the  
6 Compassionate Use of Medical Cannabis Act. The relocation of  
7 an Early Approval Adult Use Dispensing Organization License  
8 under this subsection shall be subject to Sections 55-25 and  
9 55-28 of this Act.

10 (c) The license fee required by paragraph (1) of  
11 subsection (b) of this Section shall be in addition to any  
12 license fee required for the renewal of a registered medical  
13 cannabis dispensing organization license.

14 (d) Applicants must submit all required information,  
15 including the requirements in subsection (b) of this Section,  
16 to the Department. Failure by an applicant to submit all  
17 required information may result in the application being  
18 disqualified.

19 (e) If the Department receives an application that fails  
20 to provide the required elements contained in subsection (b),  
21 the Department shall issue a deficiency notice to the  
22 applicant. The applicant shall have 10 calendar days from the  
23 date of the deficiency notice to submit complete information.  
24 Applications that are still incomplete after this opportunity  
25 to cure may be disqualified.

26 (f) If an applicant meets all the requirements of

1 subsection (b) of this Section, the Department shall issue the  
2 Early Approval Adult Use Dispensing Organization License  
3 within 14 days of receiving a completed application unless:

4 (1) The licensee or a principal officer is delinquent  
5 in filing any required tax returns or paying any amounts  
6 owed to the State of Illinois;

7 (2) The Secretary of Financial and Professional  
8 Regulation determines there is reason, based on documented  
9 compliance violations, the licensee is not entitled to an  
10 Early Approval Adult Use Dispensing Organization License;  
11 or

12 (3) Any principal officer fails to register and remain  
13 in compliance with this Act or the Compassionate Use of  
14 Medical Cannabis Program Act.

15 (g) A registered medical cannabis dispensing organization  
16 that obtains an Early Approval Adult Use Dispensing  
17 Organization License may begin selling cannabis,  
18 cannabis-infused products, paraphernalia, and related items to  
19 purchasers under the rules of this Act no sooner than January  
20 1, 2020.

21 (h) A dispensing organization holding a medical cannabis  
22 dispensing organization license issued under the Compassionate  
23 Use of Medical Cannabis Program Act must maintain an adequate  
24 supply of cannabis and cannabis-infused products for purchase  
25 by qualifying patients, caregivers, provisional patients, and  
26 Opioid Alternative Pilot Program participants. For the

1 purposes of this subsection, "adequate supply" means a monthly  
2 inventory level that is comparable in type and quantity to  
3 those medical cannabis products provided to patients and  
4 caregivers on an average monthly basis for the 6 months before  
5 the effective date of this Act.

6 (i) If there is a shortage of cannabis or cannabis-infused  
7 products, a dispensing organization holding both a dispensing  
8 organization license under the Compassionate Use of Medical  
9 Cannabis Program Act and this Act shall prioritize serving  
10 qualifying patients, caregivers, provisional patients, and  
11 Opioid Alternative Pilot Program participants before serving  
12 purchasers.

13 (j) Notwithstanding any law or rule to the contrary, a  
14 person that holds a medical cannabis dispensing organization  
15 license issued under the Compassionate Use of Medical Cannabis  
16 Program Act and an Early Approval Adult Use Dispensing  
17 Organization License may permit purchasers into a limited  
18 access area as that term is defined in administrative rules  
19 made under the authority in the Compassionate Use of Medical  
20 Cannabis Program Act.

21 (k) An Early Approval Adult Use Dispensing Organization  
22 License is valid until March 31, 2021. A dispensing  
23 organization that obtains an Early Approval Adult Use  
24 Dispensing Organization License shall receive written or  
25 electronic notice 90 days before the expiration of the license  
26 that the license will expire, and that informs the license

1 holder that it may apply to renew its Early Approval Adult Use  
2 Dispensing Organization License on forms provided by the  
3 Department. The Department shall renew the Early Approval  
4 Adult Use Dispensing Organization License within 60 days of  
5 the renewal application being deemed complete if:

6 (1) the dispensing organization submits an application  
7 and the required nonrefundable renewal fee of \$30,000, to  
8 be deposited into the Cannabis Regulation Fund;

9 (2) the Department has not suspended or permanently  
10 revoked the Early Approval Adult Use Dispensing  
11 Organization License or a medical cannabis dispensing  
12 organization license on the same premises for violations  
13 of this Act, the Compassionate Use of Medical Cannabis  
14 Program Act, or rules adopted pursuant to those Acts;

15 (3) the dispensing organization has completed a Social  
16 Equity Inclusion Plan as provided by parts (A), (B), and  
17 (C) of paragraph (8) of subsection (b) of this Section or  
18 has made substantial progress toward completing a Social  
19 Equity Inclusion Plan as provided by parts (D) and (E) of  
20 paragraph (8) of subsection (b) of this Section; and

21 (4) the dispensing organization is in compliance with  
22 this Act and rules.

23 (1) The Early Approval Adult Use Dispensing Organization  
24 License renewed pursuant to subsection (k) of this Section  
25 shall expire March 31, 2022. The Early Approval Adult Use  
26 Dispensing Organization Licensee shall receive written or



1 electronic notice 90 days before the expiration of the license  
2 that the license will expire, and that informs the license  
3 holder that it may apply for an Adult Use Dispensing  
4 Organization License on forms provided by the Department. The  
5 Department shall grant an Adult Use Dispensing Organization  
6 License within 60 days of an application being deemed complete  
7 if the applicant has met all of the criteria in Section 15-36.

8 (m) If a dispensing organization fails to submit an  
9 application for renewal of an Early Approval Adult Use  
10 Dispensing Organization License or for an Adult Use Dispensing  
11 Organization License before the expiration dates provided in  
12 subsections (k) and (l) of this Section, the dispensing  
13 organization shall cease serving purchasers and cease all  
14 operations until it receives a renewal or an Adult Use  
15 Dispensing Organization License, as the case may be.

16 (n) A dispensing organization agent who holds a valid  
17 dispensing organization agent identification card issued under  
18 the Compassionate Use of Medical Cannabis Program Act and is  
19 an officer, director, manager, or employee of the dispensing  
20 organization licensed under this Section may engage in all  
21 activities authorized by this Article to be performed by a  
22 dispensing organization agent.

23 (o) If the Department suspends, permanently revokes, or  
24 otherwise disciplines the Early Approval Adult Use Dispensing  
25 Organization License of a dispensing organization that also  
26 holds a medical cannabis dispensing organization license

1 issued under the Compassionate Use of Medical Cannabis Program  
2 Act, the Department may consider the suspension, permanent  
3 revocation, or other discipline of the medical cannabis  
4 dispensing organization license.

5 (p) All fees collected pursuant to this Section shall be  
6 deposited into the Cannabis Regulation Fund, unless otherwise  
7 specified.

8 (q) Beginning January 1, 2025, all dispensing  
9 organization licenses which were or are issued as Early  
10 Approval Adult Use Dispensing Organization licenses under this  
11 Section shall be a "dispensing organization" or a "dispensary"  
12 as those terms are defined under this Act and shall be an adult  
13 use dispensing organization license holder under Section  
14 15-36.

15 (r) This Section is inoperative one year after the  
16 effective date of this amendatory Act of the 103rd General  
17 Assembly.

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

20 (410 ILCS 705/15-17 new)

21 Sec. 15-17. Early Approval Adult Use Dispensing  
22 Organization license merger with Adult Use Dispensing  
23 Organization license.

24 (a) Beginning January 1, 2025, all dispensing  
25 organizations previously registered as an Early Approval Adult

1 Use Dispensing Organization license shall be a "dispensing  
2 organization" or a "dispensary" under this Act and shall be an  
3 Adult Use Dispensing Organization license holder under Section  
4 15-36.

5 (b) The BLS Region in which all dispensing organization  
6 licenses originally issued pursuant as Early Approval Adult  
7 Use Dispensing Organization Licenses shall be considered that  
8 license's BLS Region. The dispensing organization shall remain  
9 in that BLS Region, even if the license changes its ownership,  
10 is sold, is transferred, or receives authorization under  
11 subsection (e-5) of Section 15-25.

12 (410 ILCS 705/15-20)

13 Sec. 15-20. Early Approval Adult Use Dispensing  
14 Organization License; secondary site.

15 (a) Any medical cannabis dispensing organization holding a  
16 valid registration under the Compassionate Use of Medical  
17 Cannabis Program Act as of the effective date of this Act may,  
18 within 60 days of the effective date of this Act, apply to the  
19 Department for an Early Approval Adult Use Dispensing  
20 Organization License to operate a dispensing organization to  
21 serve purchasers at a secondary site not within 1,500 feet of  
22 another medical cannabis dispensing organization or adult use  
23 dispensing organization. The Early Approval Adult Use  
24 Dispensing Organization secondary site shall be within any BLS  
25 Region that shares territory with the dispensing organization

1 district to which the medical cannabis dispensing organization  
2 is assigned under the administrative rules for dispensing  
3 organizations under the Compassionate Use of Medical Cannabis  
4 Program Act.

5 (a-5) If, within 360 days of the effective date of this  
6 Act, a dispensing organization is unable to find a location  
7 within the BLS Regions prescribed in subsection (a) of this  
8 Section in which to operate an Early Approval Adult Use  
9 Dispensing Organization at a secondary site because no  
10 jurisdiction within the prescribed area allows the operation  
11 of an Adult Use Cannabis Dispensing Organization, the  
12 Department of Financial and Professional Regulation may waive  
13 the geographic restrictions of subsection (a) of this Section  
14 and specify another BLS Region into which the dispensary may  
15 be placed.

16 (b) (Blank).

17 (c) A medical cannabis dispensing organization seeking  
18 issuance of an Early Approval Adult Use Dispensing  
19 Organization License at a secondary site to serve purchasers  
20 at a secondary site as prescribed in subsection (a) of this  
21 Section shall submit an application on forms provided by the  
22 Department. The application must meet or include the following  
23 qualifications:

24 (1) a payment of a nonrefundable application fee of  
25 \$30,000;

26 (2) proof of registration as a medical cannabis

1           dispensing organization that is in good standing;

2           (3) submission of the application by the same person  
3           or entity that holds the medical cannabis dispensing  
4           organization registration;

5           (4) the legal name of the medical cannabis dispensing  
6           organization;

7           (5) the physical address of the medical cannabis  
8           dispensing organization and the proposed physical address  
9           of the secondary site;

10          (6) a copy of the current local zoning ordinance  
11          Sections relevant to dispensary operations and  
12          documentation of the approval, the conditional approval or  
13          the status of a request for zoning approval from the local  
14          zoning office that the proposed dispensary location is in  
15          compliance with the local zoning rules;

16          (7) a plot plan of the dispensary drawn to scale. The  
17          applicant shall submit general specifications of the  
18          building exterior and interior layout;

19          (8) a statement that the dispensing organization  
20          agrees to respond to the Department's supplemental  
21          requests for information;

22          (9) for the building or land to be used as the proposed  
23          dispensary:

24                 (A) if the property is not owned by the applicant,  
25                 a written statement from the property owner and  
26                 landlord, if any, certifying consent that the

1 applicant may operate a dispensary on the premises; or

2 (B) if the property is owned by the applicant,  
3 confirmation of ownership;

4 (10) a copy of the proposed operating bylaws;

5 (11) a copy of the proposed business plan that  
6 complies with the requirements in this Act, including, at  
7 a minimum, the following:

8 (A) a description of services to be offered; and

9 (B) a description of the process of dispensing  
10 cannabis;

11 (12) a copy of the proposed security plan that  
12 complies with the requirements in this Article, including:

13 (A) a description of the delivery process by which  
14 cannabis will be received from a transporting  
15 organization, including receipt of manifests and  
16 protocols that will be used to avoid diversion, theft,  
17 or loss at the dispensary acceptance point; and

18 (B) the process or controls that will be  
19 implemented to monitor the dispensary, secure the  
20 premises, agents, patients, and currency, and prevent  
21 the diversion, theft, or loss of cannabis; and

22 (C) the process to ensure that access to the  
23 restricted access areas is restricted to, registered  
24 agents, service professionals, transporting  
25 organization agents, Department inspectors, and  
26 security personnel;

1 (13) a proposed inventory control plan that complies  
2 with this Section;

3 (14) the name, address, social security number, and  
4 date of birth of each principal officer and board member  
5 of the dispensing organization; each of those individuals  
6 shall be at least 21 years of age;

7 (15) a nonrefundable Cannabis Business Development Fee  
8 equal to \$200,000, to be deposited into the Cannabis  
9 Business Development Fund; and

10 (16) a commitment to completing one of the following  
11 Social Equity Inclusion Plans in subsection (d).

12 (d) Before receiving an Early Approval Adult Use  
13 Dispensing Organization License at a secondary site, a  
14 dispensing organization shall indicate the Social Equity  
15 Inclusion Plan that the applicant plans to achieve before the  
16 expiration of the Early Approval Adult Use Dispensing  
17 Organization License from the list below:

18 (1) make a contribution of 3% of total sales from June  
19 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to  
20 the Cannabis Business Development Fund. This is in  
21 addition to the fee required by paragraph (16) of  
22 subsection (c) of this Section;

23 (2) make a grant of 3% of total sales from June 1, 2018  
24 to June 1, 2019, or \$100,000, whichever is less, to a  
25 cannabis industry training or education program at an  
26 Illinois community college as defined in the Public

1 Community College Act;

2 (3) make a donation of \$100,000 or more to a program  
3 that provides job training services to persons recently  
4 incarcerated or that operates in a Disproportionately  
5 Impacted Area;

6 (4) participate as a host in a cannabis business  
7 establishment incubator program approved by the Department  
8 of Commerce and Economic Opportunity, and in which an  
9 Early Approval Adult Use Dispensing Organization License  
10 at a secondary site holder agrees to provide a loan of at  
11 least \$100,000 and mentorship to incubate, for at least a  
12 year, a Social Equity Applicant intending to seek a  
13 license or a licensee that qualifies as a Social Equity  
14 Applicant. In this paragraph (4), "incubate" means  
15 providing direct financial assistance and training  
16 necessary to engage in licensed cannabis industry activity  
17 similar to that of the host licensee. The Early Approval  
18 Adult Use Dispensing Organization License holder or the  
19 same entity holding any other licenses issued under this  
20 Act shall not take an ownership stake of greater than 10%  
21 in any business receiving incubation services to comply  
22 with this subsection. If an Early Approval Adult Use  
23 Dispensing Organization License at a secondary site holder  
24 fails to find a business to incubate in order to comply  
25 with this subsection before its Early Approval Adult Use  
26 Dispensing Organization License at a secondary site



1 expires, it may opt to meet the requirement of this  
2 subsection by completing another item from this subsection  
3 before the expiration of its Early Approval Adult Use  
4 Dispensing Organization License at a secondary site to  
5 avoid a penalty; or

6 (5) participate in a sponsorship program for at least  
7 2 years approved by the Department of Commerce and  
8 Economic Opportunity in which an Early Approval Adult Use  
9 Dispensing Organization License at a secondary site holder  
10 agrees to provide an interest-free loan of at least  
11 \$200,000 to a Social Equity Applicant. The sponsor shall  
12 not take an ownership stake of greater than 10% in any  
13 business receiving sponsorship services to comply with  
14 this subsection.

15 (e) The license fee required by paragraph (1) of  
16 subsection (c) of this Section is in addition to any license  
17 fee required for the renewal of a registered medical cannabis  
18 dispensing organization license.

19 (f) Applicants must submit all required information,  
20 including the requirements in subsection (c) of this Section,  
21 to the Department. Failure by an applicant to submit all  
22 required information may result in the application being  
23 disqualified. Principal officers shall not be required to  
24 submit to the fingerprint and background check requirements of  
25 Section 5-20.

26 (g) If the Department receives an application that fails

1 to provide the required elements contained in subsection (c),  
2 the Department shall issue a deficiency notice to the  
3 applicant. The applicant shall have 10 calendar days from the  
4 date of the deficiency notice to submit complete information.  
5 Applications that are still incomplete after this opportunity  
6 to cure may be disqualified.

7 (h) Once all required information and documents have been  
8 submitted, the Department will review the application. The  
9 Department may request revisions and retains final approval  
10 over dispensary features. Once the application is complete and  
11 meets the Department's approval, the Department shall  
12 conditionally approve the license. Final approval is  
13 contingent on the build-out and Department inspection.

14 (i) Upon submission of the Early Approval Adult Use  
15 Dispensing Organization at a secondary site application, the  
16 applicant shall request an inspection and the Department may  
17 inspect the Early Approval Adult Use Dispensing Organization's  
18 secondary site to confirm compliance with the application and  
19 this Act.

20 (j) The Department shall only issue an Early Approval  
21 Adult Use Dispensing Organization License at a secondary site  
22 after the completion of a successful inspection.

23 (k) If an applicant passes the inspection under this  
24 Section, the Department shall issue the Early Approval Adult  
25 Use Dispensing Organization License at a secondary site within  
26 10 business days unless:

1           (1) The licensee, any principal officer or board  
2 member of the licensee, or any person having a financial  
3 or voting interest of 5% or greater in the licensee is  
4 delinquent in filing any required tax returns or paying  
5 any amounts owed to the State of Illinois; or

6           (2) The Secretary of Financial and Professional  
7 Regulation determines there is reason, based on documented  
8 compliance violations, the licensee is not entitled to an  
9 Early Approval Adult Use Dispensing Organization License  
10 at its secondary site.

11           (1) Once the Department has issued a license, the  
12 dispensing organization shall notify the Department of the  
13 proposed opening date.

14           (m) A registered medical cannabis dispensing organization  
15 that obtains an Early Approval Adult Use Dispensing  
16 Organization License at a secondary site may begin selling  
17 cannabis, cannabis-infused products, paraphernalia, and  
18 related items to purchasers under the rules of this Act no  
19 sooner than January 1, 2020.

20           (n) If there is a shortage of cannabis or cannabis-infused  
21 products, a dispensing organization holding both a dispensing  
22 organization license under the Compassionate Use of Medical  
23 Cannabis Program Act and this Article shall prioritize serving  
24 qualifying patients, provisional patients, and caregivers  
25 before serving purchasers.

26           (o) An Early Approval Adult Use Dispensing Organization

1 License at a secondary site is valid until March 31, 2021. A  
2 dispensing organization that obtains an Early Approval Adult  
3 Use Dispensing Organization License at a secondary site shall  
4 receive written or electronic notice 90 days before the  
5 expiration of the license that the license will expire, and  
6 inform the license holder that it may renew its Early Approval  
7 Adult Use Dispensing Organization License at a secondary site.  
8 The Department shall renew an Early Approval Adult Use  
9 Dispensing Organization License at a secondary site within 60  
10 days of submission of the renewal application being deemed  
11 complete if:

12 (1) the dispensing organization submits an application  
13 and the required nonrefundable renewal fee of \$30,000, to  
14 be deposited into the Cannabis Regulation Fund;

15 (2) the Department has not suspended or permanently  
16 revoked the Early Approval Adult Use Dispensing  
17 Organization License or a medical cannabis dispensing  
18 organization license held by the same person or entity for  
19 violating this Act or rules adopted under this Act or the  
20 Compassionate Use of Medical Cannabis Program Act or rules  
21 adopted under that Act; and

22 (3) the dispensing organization has completed a Social  
23 Equity Inclusion Plan provided by paragraph (1), (2), or  
24 (3) of subsection (d) of this Section or has made  
25 substantial progress toward completing a Social Equity  
26 Inclusion Plan provided by paragraph (4) or (5) of

1 subsection (d) of this Section.

2 (p) The Early Approval Adult Use Dispensing Organization  
3 Licensee at a secondary site renewed pursuant to subsection  
4 (o) shall receive written or electronic notice 90 days before  
5 the expiration of the license that the license will expire,  
6 and that informs the license holder that it may apply for an  
7 Adult Use Dispensing Organization License on forms provided by  
8 the Department. The Department shall grant an Adult Use  
9 Dispensing Organization License within 60 days of an  
10 application being deemed complete if the applicant has meet  
11 all of the criteria in Section 15-36.

12 (q) If a dispensing organization fails to submit an  
13 application for renewal of an Early Approval Adult Use  
14 Dispensing Organization License or for an Adult Use Dispensing  
15 Organization License before the expiration dates provided in  
16 subsections (o) and (p) of this Section, the dispensing  
17 organization shall cease serving purchasers until it receives  
18 a renewal or an Adult Use Dispensing Organization License.

19 (r) A dispensing organization agent who holds a valid  
20 dispensing organization agent identification card issued under  
21 the Compassionate Use of Medical Cannabis Program Act and is  
22 an officer, director, manager, or employee of the dispensing  
23 organization licensed under this Section may engage in all  
24 activities authorized by this Article to be performed by a  
25 dispensing organization agent.

26 (s) If the Department suspends, permanently revokes, or

1 otherwise disciplines the Early Approval Adult Use Dispensing  
2 Organization License of a dispensing organization that also  
3 holds a medical cannabis dispensing organization license  
4 issued under the Compassionate Use of Medical Cannabis Program  
5 Act, the Department may consider the suspension, permanent  
6 revocation, or other discipline as grounds to take  
7 disciplinary action against the medical cannabis dispensing  
8 organization.

9 (t) All fees collected pursuant to this Section shall be  
10 deposited into the Cannabis Regulation Fund, unless otherwise  
11 specified.

12 (u) Beginning January 1, 2025, all dispensing organization  
13 licenses which were or are issued as Early Approval Adult Use  
14 Dispensing Organization licenses, Secondary Site, under this  
15 Section shall be a "dispensing organization" or a "dispensary"  
16 as those terms are defined under this Act and shall be an adult  
17 use dispensing organization license holder under Section  
18 15-36.

19 (v) This Section is inoperative one year after the  
20 effective date of this amendatory Act of the 103rd General  
21 Assembly.

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

23 (410 ILCS 705/15-23 new)

24 Sec. 15-23. Medical dispensary merger for Early Approval  
25 Adult Use Dispensing Organization Licenses at a Secondary

1 Site.

2 (a) Beginning January 1, 2025,, all dispensing  
3 organizations previously registered as an Early Approval Adult  
4 Use Dispensing Organization license at a Secondary Site shall  
5 be a "dispensing organization" or a "dispensary" and shall be  
6 an adult use dispensing organization license holder under  
7 Section 15-36.

8 (b) The BLS Region in which all dispensing organization  
9 licenses originally issued as an Early Approval Adult Use  
10 Dispensing Organization License at a Secondary Site shall be  
11 considered that license's BLS Region. The dispensing  
12 organization shall remain in that BLS region, even if the  
13 license changes its ownership, sold, transferred, or receives  
14 authorization under subsection (e-5) of Section 15-25.

15 (410 ILCS 705/15-24 new)

16 Sec. 15-24. Adult Use Dispensing Organization licensees  
17 relocation. An Adult Use Dispensing Organization licensee may  
18 apply to relocate within their specific BLS Region. A request  
19 to relocate under this Section is subject to approval by the  
20 Department. An Early Approval Adult Use Dispensing  
21 Organization's application to relocate its license under this  
22 Section shall be considered to be approved 30 days following  
23 the submission of a complete application to relocate, unless  
24 the request is sooner approved or denied in writing by the  
25 Department. If an application to relocate is denied, the

1 Department shall provide, in writing, the specific reason for  
2 denial. An Adult Use Dispensing Organization may request to  
3 relocate under this Section if:

4 (1) The Adult Use Dispensing Organization's existing  
5 location is within the boundaries of a unit of local  
6 government that prohibits the sale of adult use cannabis;  
7 or

8 (2) The Adult Use Dispensing Organization has obtained  
9 the approval of the municipality or, if outside the  
10 boundaries of a municipality in an unincorporated area of  
11 the county, the approval of the county where the existing  
12 license is located to move to another location within that  
13 unit of local government.

14 The relocation of an Adult Use Dispensing Organization  
15 License under this Section shall be subject to Sections 55-25  
16 and 55-28.

17 (410 ILCS 705/15-25)

18 Sec. 15-25. Awarding of Conditional Adult Use Dispensing  
19 Organization Licenses prior to January 1, 2021.

20 (a) The Department shall issue up to 75 Conditional Adult  
21 Use Dispensing Organization Licenses before May 1, 2020.

22 (b) The Department shall make the application for a  
23 Conditional Adult Use Dispensing Organization License  
24 available no later than October 1, 2019 and shall accept  
25 applications no later than January 1, 2020.



1 (c) To ensure the geographic dispersion of Conditional  
2 Adult Use Dispensing Organization License holders, the  
3 following number of licenses shall be awarded in each BLS  
4 Region as determined by each region's percentage of the  
5 State's population:

6 (1) Bloomington: 1

7 (2) Cape Girardeau: 1

8 (3) Carbondale-Marion: 1

9 (4) Champaign-Urbana: 1

10 (5) Chicago-Naperville-Elgin: 47

11 (6) Danville: 1

12 (7) Davenport-Moline-Rock Island: 1

13 (8) Decatur: 1

14 (9) Kankakee: 1

15 (10) Peoria: 3

16 (11) Rockford: 2

17 (12) St. Louis: 4

18 (13) Springfield: 1

19 (14) Northwest Illinois nonmetropolitan: 3

20 (15) West Central Illinois nonmetropolitan: 3

21 (16) East Central Illinois nonmetropolitan: 2

22 (17) South Illinois nonmetropolitan: 2

23 (d) An applicant seeking issuance of a Conditional Adult  
24 Use Dispensing Organization License shall submit an  
25 application on forms provided by the Department. An applicant  
26 must meet the following requirements:

1           (1) Payment of a nonrefundable application fee of  
2           \$5,000 for each license for which the applicant is  
3           applying, which shall be deposited into the Cannabis  
4           Regulation Fund;

5           (2) Certification that the applicant will comply with  
6           the requirements contained in this Act;

7           (3) The legal name of the proposed dispensing  
8           organization;

9           (4) A statement that the dispensing organization  
10          agrees to respond to the Department's supplemental  
11          requests for information;

12          (5) From each principal officer, a statement  
13          indicating whether that person:

14                (A) has previously held or currently holds an  
15                ownership interest in a cannabis business  
16                establishment in Illinois; or

17                (B) has held an ownership interest in a dispensing  
18                organization or its equivalent in another state or  
19                territory of the United States that had the dispensing  
20                organization registration or license suspended,  
21                revoked, placed on probationary status, or subjected  
22                to other disciplinary action;

23          (6) Disclosure of whether any principal officer has  
24          ever filed for bankruptcy or defaulted on spousal support  
25          or child support obligation;

26          (7) A resume for each principal officer, including

1           whether that person has an academic degree, certification,  
2           or relevant experience with a cannabis business  
3           establishment or in a related industry;

4           (8) A description of the training and education that  
5           will be provided to dispensing organization agents;

6           (9) A copy of the proposed operating bylaws;

7           (10) A copy of the proposed business plan that  
8           complies with the requirements in this Act, including, at  
9           a minimum, the following:

10           (A) A description of services to be offered; and

11           (B) A description of the process of dispensing  
12           cannabis;

13           (11) A copy of the proposed security plan that  
14           complies with the requirements in this Article, including:

15           (A) The process or controls that will be  
16           implemented to monitor the dispensary, secure the  
17           premises, agents, and currency, and prevent the  
18           diversion, theft, or loss of cannabis; and

19           (B) The process to ensure that access to the  
20           restricted access areas is restricted to, registered  
21           agents, service professionals, transporting  
22           organization agents, Department inspectors, and  
23           security personnel;

24           (12) A proposed inventory control plan that complies  
25           with this Section;

26           (13) A proposed floor plan, a square footage estimate,

1 and a description of proposed security devices, including,  
2 without limitation, cameras, motion detectors, servers,  
3 video storage capabilities, and alarm service providers;

4 (14) The name, address, social security number, and  
5 date of birth of each principal officer and board member  
6 of the dispensing organization; each of those individuals  
7 shall be at least 21 years of age;

8 (15) Evidence of the applicant's status as a Social  
9 Equity Applicant, if applicable, and whether a Social  
10 Equity Applicant plans to apply for a loan or grant issued  
11 by the Department of Commerce and Economic Opportunity;

12 (16) The address, telephone number, and email address  
13 of the applicant's principal place of business, if  
14 applicable. A post office box is not permitted;

15 (17) Written summaries of any information regarding  
16 instances in which a business or not-for-profit that a  
17 prospective board member previously managed or served on  
18 were fined or censured, or any instances in which a  
19 business or not-for-profit that a prospective board member  
20 previously managed or served on had its registration  
21 suspended or revoked in any administrative or judicial  
22 proceeding;

23 (18) A plan for community engagement;

24 (19) Procedures to ensure accurate recordkeeping and  
25 security measures that are in accordance with this Article  
26 and Department rules;

1           (20) The estimated volume of cannabis it plans to  
2 store at the dispensary;

3           (21) A description of the features that will provide  
4 accessibility to purchasers as required by the Americans  
5 with Disabilities Act;

6           (22) A detailed description of air treatment systems  
7 that will be installed to reduce odors;

8           (23) A reasonable assurance that the issuance of a  
9 license will not have a detrimental impact on the  
10 community in which the applicant wishes to locate;

11           (24) The dated signature of each principal officer;

12           (25) A description of the enclosed, locked facility  
13 where cannabis will be stored by the dispensing  
14 organization;

15           (26) Signed statements from each dispensing  
16 organization agent stating that he or she will not divert  
17 cannabis;

18           (27) The number of licenses it is applying for in each  
19 BLS Region;

20           (28) A diversity plan that includes a narrative of at  
21 least 2,500 words that establishes a goal of diversity in  
22 ownership, management, employment, and contracting to  
23 ensure that diverse participants and groups are afforded  
24 equality of opportunity;

25           (29) A contract with a private security contractor  
26 agency that is licensed under Section 10-5 of the Private

1 Detective, Private Alarm, Private Security, Fingerprint  
2 Vendor, and Locksmith Act of 2004 in order for the  
3 dispensary to have adequate security at its facility; and

4 (30) Other information deemed necessary by the  
5 Illinois Cannabis Regulation Oversight Officer to conduct  
6 the disparity and availability study referenced in  
7 subsection (e) of Section 5-45.

8 (e) An applicant who receives a Conditional Adult Use  
9 Dispensing Organization License under this Section has 180  
10 days from the date of award to identify a physical location for  
11 the dispensing organization retail storefront. The applicant  
12 shall provide evidence that the location is not within 1,500  
13 feet of an existing dispensing organization, unless the  
14 applicant is a Social Equity Applicant or Social Equity  
15 Justice Involved Applicant located or seeking to locate within  
16 1,500 feet of a dispensing organization licensed under Section  
17 15-15 or Section 15-20. If an applicant is unable to find a  
18 suitable physical address in the opinion of the Department  
19 within 180 days of the issuance of the Conditional Adult Use  
20 Dispensing Organization License, the Department may extend the  
21 period for finding a physical address an additional 540 days  
22 if the Conditional Adult Use Dispensing Organization License  
23 holder demonstrates concrete attempts to secure a location and  
24 a hardship. If the Department denies the extension or the  
25 Conditional Adult Use Dispensing Organization License holder  
26 is unable to find a location within 720 days of being awarded a

1 conditional license and then becomes operational within 120  
2 days of finding a location, or is unable to become operational  
3 within 720 days of being awarded a conditional license, the  
4 Department shall rescind the conditional license and award it  
5 to the next highest scoring applicant in the BLS Region for  
6 which the license was assigned, provided the applicant  
7 receiving the license: (i) confirms a continued interest in  
8 operating a dispensing organization; (ii) can provide evidence  
9 that the applicant continues to meet all requirements for  
10 holding a Conditional Adult Use Dispensing Organization  
11 License set forth in this Act; and (iii) has not otherwise  
12 become ineligible to be awarded a dispensing organization  
13 license. If the new awardee is unable to accept the  
14 Conditional Adult Use Dispensing Organization License, the  
15 Department shall award the Conditional Adult Use Dispensing  
16 Organization License to the next highest scoring applicant in  
17 the same manner. The new awardee shall be subject to the same  
18 required deadlines as provided in this subsection.

19 (e-5) If, within 720 days of being awarded a Conditional  
20 Adult Use Dispensing Organization License, a dispensing  
21 organization is unable to find a location within the BLS  
22 Region in which it was awarded a Conditional Adult Use  
23 Dispensing Organization License because no jurisdiction within  
24 the BLS Region allows for the operation of an Adult Use  
25 Dispensing Organization, the Department of Financial and  
26 Professional Regulation may authorize the Conditional Adult

1 Use Dispensing Organization License holder to transfer its  
2 license to a BLS Region specified by the Department.

3 (f) A dispensing organization that is awarded a  
4 Conditional Adult Use Dispensing Organization License pursuant  
5 to the criteria in Section 15-30 shall not purchase, possess,  
6 sell, or dispense cannabis or cannabis-infused products until  
7 the person has received an Adult Use Dispensing Organization  
8 License issued by the Department pursuant to Section 15-36 of  
9 this Act.

10 (g) The Department shall conduct a background check of the  
11 prospective organization agents in order to carry out this  
12 Article. The Illinois State Police shall charge the applicant  
13 a fee for conducting the criminal history record check, which  
14 shall be deposited into the State Police Services Fund and  
15 shall not exceed the actual cost of the record check. Each  
16 person applying as a dispensing organization agent shall  
17 submit a full set of fingerprints to the Illinois State Police  
18 for the purpose of obtaining a State and federal criminal  
19 records check. These fingerprints shall be checked against the  
20 fingerprint records now and hereafter, to the extent allowed  
21 by law, filed in the Illinois State Police and Federal Bureau  
22 of Identification criminal history records databases. The  
23 Illinois State Police shall furnish, following positive  
24 identification, all Illinois conviction information to the  
25 Department.

26 (Source: P.A. 102-98, eff. 7-15-21; 102-538, eff. 8-20-21;



1 102-813, eff. 5-13-22; 103-8, eff. 6-7-23.)

2 (410 ILCS 705/15-35)

3 Sec. 15-35. Qualifying Applicant Lottery for Conditional  
4 Adult Use Dispensing Organization Licenses.

5 (a) In addition to any of the licenses issued under  
6 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,  
7 or Section 15-35.10 of this Act, within 10 business days after  
8 the resulting final scores for all scored applications  
9 pursuant to Sections 15-25 and 15-30 are released, the  
10 Department shall issue up to 55 Conditional Adult Use  
11 Dispensing Organization Licenses by lot, pursuant to the  
12 application process adopted under this Section. In order to be  
13 eligible to be awarded a Conditional Adult Use Dispensing  
14 Organization License by lot under this Section, a Dispensary  
15 Applicant must be a Qualifying Applicant.

16 The licenses issued under this Section shall be awarded in  
17 each BLS Region in the following amounts:

- 18 (1) Bloomington: 1.  
19 (2) Cape Girardeau: 1.  
20 (3) Carbondale-Marion: 1.  
21 (4) Champaign-Urbana: 1.  
22 (5) Chicago-Naperville-Elgin: 36.  
23 (6) Danville: 1.  
24 (7) Davenport-Moline-Rock Island: 1.  
25 (8) Decatur: 1.

- 1 (9) Kankakee: 1.
- 2 (10) Peoria: 2.
- 3 (11) Rockford: 1.
- 4 (12) St. Louis: 3.
- 5 (13) Springfield: 1.
- 6 (14) Northwest Illinois nonmetropolitan: 1.
- 7 (15) West Central Illinois nonmetropolitan: 1.
- 8 (16) East Central Illinois nonmetropolitan: 1.
- 9 (17) South Illinois nonmetropolitan: 1.

10 (a-5) Prior to issuing licenses under subsection (a), the  
11 Department may adopt rules through emergency rulemaking in  
12 accordance with subsection (kk) of Section 5-45 of the  
13 Illinois Administrative Procedure Act. The General Assembly  
14 finds that the adoption of rules to regulate cannabis use is  
15 deemed an emergency and necessary for the public interest,  
16 safety, and welfare.

17 (b) The Department shall distribute the available licenses  
18 established under this Section subject to the following:

19 (1) The drawing by lot for all available licenses  
20 issued under this Section shall occur on the same day when  
21 practicable.

22 (2) Within each BLS Region, the first Qualifying  
23 Applicant drawn will have the first right to an available  
24 license. The second Qualifying Applicant drawn will have  
25 the second right to an available license. The same pattern  
26 will continue for each subsequent Qualifying Applicant

1 drawn.

2 (3) The process for distributing available licenses  
3 under this Section shall be recorded by the Department in  
4 a format selected by the Department.

5 (4) A Dispensary Applicant is prohibited from becoming  
6 a Qualifying Applicant if a principal officer resigns  
7 after the resulting final scores for all scored  
8 applications pursuant to Sections 15-25 and 15-30 are  
9 released.

10 (5) No Qualifying Applicant may be awarded more than 2  
11 Conditional Adult Use Dispensing Organization Licenses at  
12 the conclusion of a lottery conducted under this Section.

13 (6) No individual may be listed as a principal officer  
14 of more than 2 Conditional Adult Use Dispensing  
15 Organization Licenses awarded under this Section.

16 (7) If, upon being selected for an available license  
17 established under this Section, a Qualifying Applicant  
18 exceeds the limits under paragraph (5) or (6), the  
19 Qualifying Applicant must choose which license to abandon  
20 and notify the Department in writing within 5 business  
21 days. If the Qualifying Applicant does not notify the  
22 Department as required, the Department shall refuse to  
23 issue the Qualifying Applicant all available licenses  
24 established under this Section obtained by lot in all BLS  
25 Regions.

26 (8) If, upon being selected for an available license

1 established under this Section, a Qualifying Applicant has  
2 a principal officer who is a principal officer in more  
3 than 10 Early Approval Adult Use Dispensing Organization  
4 Licenses, Conditional Adult Use Dispensing Organization  
5 Licenses, Adult Use Dispensing Organization Licenses, or  
6 any combination thereof, the licensees and the Qualifying  
7 Applicant listing that principal officer must choose which  
8 license to abandon pursuant to subsection (d) of Section  
9 15-36 and notify the Department in writing within 5  
10 business days. If the Qualifying Applicant or licensees do  
11 not notify the Department as required, the Department  
12 shall refuse to issue the Qualifying Applicant all  
13 available licenses established under this Section obtained  
14 by lot in all BLS Regions.

15 (9) All available licenses that have been abandoned  
16 under paragraph (7) or (8) shall be distributed to the  
17 next Qualifying Applicant drawn by lot.

18 Any and all rights conferred or obtained under this  
19 Section shall be limited to the provisions of this Section.

20 (c) An applicant who receives a Conditional Adult Use  
21 Dispensing Organization License under this Section has 180  
22 days from the date it is awarded to identify a physical  
23 location for the dispensing organization's retail storefront.  
24 The applicant shall provide evidence that the location is not  
25 within 1,500 feet of an existing dispensing organization,  
26 unless the applicant is a Social Equity Applicant or Social

1 Equity Justice Involved Applicant located or seeking to locate  
2 within 1,500 feet of a dispensing organization licensed under  
3 Section 15-15 or Section 15-20. If an applicant is unable to  
4 find a suitable physical address in the opinion of the  
5 Department within 180 days from the issuance of the  
6 Conditional Adult Use Dispensing Organization License, the  
7 Department may extend the period for finding a physical  
8 address an additional 540 days if the Conditional Adult Use  
9 Dispensing Organization License holder demonstrates a concrete  
10 attempt to secure a location and a hardship. If the Department  
11 denies the extension or the Conditional Adult Use Dispensing  
12 Organization License holder is unable to find a location  
13 within 720 days of being awarded a conditional license and  
14 then becomes operational within 120 days of finding a  
15 location, or is unable to become operational within 720 days  
16 of being awarded a Conditional Adult Use Dispensing  
17 Organization License under this Section, the Department shall  
18 rescind the Conditional Adult Use Dispensing Organization  
19 License and award it pursuant to subsection (b), provided the  
20 applicant receiving the Conditional Adult Use Dispensing  
21 Organization License: (i) confirms a continued interest in  
22 operating a dispensing organization; (ii) can provide evidence  
23 that the applicant continues to meet all requirements for  
24 holding a Conditional Adult Use Dispensing Organization  
25 License set forth in this Act; and (iii) has not otherwise  
26 become ineligible to be awarded a Conditional Adult Use

1 Dispensing Organization License. If the new awardee is unable  
2 to accept the Conditional Adult Use Dispensing Organization  
3 License, the Department shall award the Conditional Adult Use  
4 Dispensing Organization License pursuant to subsection (b).  
5 The new awardee shall be subject to the same required  
6 deadlines as provided in this subsection.

7 (d) If, within 720 days of being awarded a Conditional  
8 Adult Use Dispensing Organization License, a dispensing  
9 organization is unable to find a location within the BLS  
10 Region in which it was awarded a Conditional Adult Use  
11 Dispensing Organization License because no jurisdiction within  
12 the BLS Region allows for the operation of an Adult Use  
13 Dispensing Organization, the Department may authorize the  
14 Conditional Adult Use Dispensing Organization License holder  
15 to transfer its Conditional Adult Use Dispensing Organization  
16 License to a BLS Region specified by the Department.

17 (e) A dispensing organization that is awarded a  
18 Conditional Adult Use Dispensing Organization License under  
19 this Section shall not purchase, possess, sell, or dispense  
20 cannabis or cannabis-infused products until the dispensing  
21 organization has received an Adult Use Dispensing Organization  
22 License issued by the Department pursuant to Section 15-36.

23 (f) The Department shall conduct a background check of the  
24 prospective dispensing organization agents in order to carry  
25 out this Article. The Illinois State Police shall charge the  
26 applicant a fee for conducting the criminal history record

1 check, which shall be deposited into the State Police Services  
2 Fund and shall not exceed the actual cost of the record check.  
3 Each person applying as a dispensing organization agent shall  
4 submit a full set of fingerprints to the Illinois State Police  
5 for the purpose of obtaining a State and federal criminal  
6 records check. These fingerprints shall be checked against the  
7 fingerprint records now and hereafter, to the extent allowed  
8 by law, filed with the Illinois State Police and the Federal  
9 Bureau of Investigation criminal history records databases.  
10 The Illinois State Police shall furnish, following positive  
11 identification, all Illinois conviction information to the  
12 Department.

13 (g) The Department may verify information contained in  
14 each application and accompanying documentation to assess the  
15 applicant's veracity and fitness to operate a dispensing  
16 organization.

17 (h) The Department may, in its discretion, refuse to issue  
18 authorization to an applicant who meets any of the following  
19 criteria:

20 (1) An applicant who is unqualified to perform the  
21 duties required of the applicant.

22 (2) An applicant who fails to disclose or states  
23 falsely any information called for in the application.

24 (3) An applicant who has been found guilty of a  
25 violation of this Act, who has had any disciplinary order  
26 entered against the applicant by the Department, who has

1 entered into a disciplinary or nondisciplinary agreement  
2 with the Department, whose medical cannabis dispensing  
3 organization, medical cannabis cultivation organization,  
4 Early Approval Adult Use Dispensing Organization License,  
5 Early Approval Adult Use Dispensing Organization License  
6 at a secondary site, Early Approval Cultivation Center  
7 License, Conditional Adult Use Dispensing Organization  
8 License, or Adult Use Dispensing Organization License was  
9 suspended, restricted, revoked, or denied for just cause,  
10 or whose cannabis business establishment license was  
11 suspended, restricted, revoked, or denied in any other  
12 state.

13 (4) An applicant who has engaged in a pattern or  
14 practice of unfair or illegal practices, methods, or  
15 activities in the conduct of owning a cannabis business  
16 establishment or other business.

17 (i) The Department shall deny issuance of a license under  
18 this Section if any principal officer, board member, or person  
19 having a financial or voting interest of 5% or greater in the  
20 licensee is delinquent in filing any required tax return or  
21 paying any amount owed to the State of Illinois.

22 (j) The Department shall verify an applicant's compliance  
23 with the requirements of this Article and rules adopted under  
24 this Article before issuing a Conditional Adult Use Dispensing  
25 Organization License under this Section.

26 (k) If an applicant is awarded a Conditional Adult Use



1 Dispensing Organization License under this Section, the  
2 information and plans provided in the application, including  
3 any plans submitted for bonus points, shall become a condition  
4 of the Conditional Adult Use Dispensing Organization License  
5 and any Adult Use Dispensing Organization License issued to  
6 the holder of the Conditional Adult Use Dispensing  
7 Organization License, except as otherwise provided by this Act  
8 or by rule. A dispensing organization has a duty to disclose  
9 any material changes to the application. The Department shall  
10 review all material changes disclosed by the dispensing  
11 organization and may reevaluate its prior decision regarding  
12 the awarding of a Conditional Adult Use Dispensing  
13 Organization License, including, but not limited to,  
14 suspending or permanently revoking a Conditional Adult Use  
15 Dispensing Organization License. Failure to comply with the  
16 conditions or requirements in the application may subject the  
17 dispensing organization to discipline up to and including  
18 suspension or permanent revocation of its authorization or  
19 Conditional Adult Use Dispensing Organization License by the  
20 Department.

21 (1) If an applicant has not begun operating as a  
22 dispensing organization within one year after the issuance of  
23 the Conditional Adult Use Dispensing Organization License  
24 under this Section, the Department may permanently revoke the  
25 Conditional Adult Use Dispensing Organization License and  
26 award it to the next highest scoring applicant in the BLS

1 Region if a suitable applicant indicates a continued interest  
2 in the Conditional Adult Use Dispensing Organization License  
3 or may begin a new selection process to award a Conditional  
4 Adult Use Dispensing Organization License.

5 (Source: P.A. 102-98, eff. 7-15-21; 103-8, eff. 6-7-23.)

6 (410 ILCS 705/15-35.10)

7 Sec. 15-35.10. Social Equity Justice Involved Lottery for  
8 Conditional Adult Use Dispensing Organization Licenses.

9 (a) In addition to any of the licenses issued under  
10 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,  
11 or Section 15-35, within 10 business days after the resulting  
12 final scores for all scored applications pursuant to Sections  
13 15-25 and 15-30 are released, the Department shall issue up to  
14 55 Conditional Adult Use Dispensing Organization Licenses by  
15 lot, pursuant to the application process adopted under this  
16 Section. In order to be eligible to be awarded a Conditional  
17 Adult Use Dispensing Organization License by lot, a Dispensary  
18 Applicant must be a Qualifying Social Equity Justice Involved  
19 Applicant.

20 The licenses issued under this Section shall be awarded in  
21 each BLS Region in the following amounts:

- 22 (1) Bloomington: 1.
- 23 (2) Cape Girardeau: 1.
- 24 (3) Carbondale-Marion: 1.
- 25 (4) Champaign-Urbana: 1.

- 1 (5) Chicago-Naperville-Elgin: 36.
- 2 (6) Danville: 1.
- 3 (7) Davenport-Moline-Rock Island: 1.
- 4 (8) Decatur: 1.
- 5 (9) Kankakee: 1.
- 6 (10) Peoria: 2.
- 7 (11) Rockford: 1.
- 8 (12) St. Louis: 3.
- 9 (13) Springfield: 1.
- 10 (14) Northwest Illinois nonmetropolitan: 1.
- 11 (15) West Central Illinois nonmetropolitan: 1.
- 12 (16) East Central Illinois nonmetropolitan: 1.
- 13 (17) South Illinois nonmetropolitan: 1.

14 (a-5) Prior to issuing licenses under subsection (a), the  
15 Department may adopt rules through emergency rulemaking in  
16 accordance with subsection (kk) of Section 5-45 of the  
17 Illinois Administrative Procedure Act. The General Assembly  
18 finds that the adoption of rules to regulate cannabis use is  
19 deemed an emergency and necessary for the public interest,  
20 safety, and welfare.

21 (b) The Department shall distribute the available licenses  
22 established under this Section subject to the following:

23 (1) The drawing by lot for all available licenses  
24 established under this Section shall occur on the same day  
25 when practicable.

26 (2) Within each BLS Region, the first Qualifying

1 Social Equity Justice Involved Applicant drawn will have  
2 the first right to an available license. The second  
3 Qualifying Social Equity Justice Involved Applicant drawn  
4 will have the second right to an available license. The  
5 same pattern will continue for each subsequent applicant  
6 drawn.

7 (3) The process for distributing available licenses  
8 under this Section shall be recorded by the Department in  
9 a format selected by the Department.

10 (4) A Dispensary Applicant is prohibited from becoming  
11 a Qualifying Social Equity Justice Involved Applicant if a  
12 principal officer resigns after the resulting final scores  
13 for all scored applications pursuant to Sections 15-25 and  
14 15-30 are released.

15 (5) No Qualifying Social Equity Justice Involved  
16 Applicant may be awarded more than 2 Conditional Adult Use  
17 Dispensing Organization Licenses at the conclusion of a  
18 lottery conducted under this Section.

19 (6) No individual may be listed as a principal officer  
20 of more than 2 Conditional Adult Use Dispensing  
21 Organization Licenses awarded under this Section.

22 (7) If, upon being selected for an available license  
23 established under this Section, a Qualifying Social Equity  
24 Justice Involved Applicant exceeds the limits under  
25 paragraph (5) or (6), the Qualifying Social Equity Justice  
26 Involved Applicant must choose which license to abandon

1 and notify the Department in writing within 5 business  
2 days on forms prescribed by the Department. If the  
3 Qualifying Social Equity Justice Involved Applicant does  
4 not notify the Department as required, the Department  
5 shall refuse to issue the Qualifying Social Equity Justice  
6 Involved Applicant all available licenses established  
7 under this Section obtained by lot in all BLS Regions.

8 (8) If, upon being selected for an available license  
9 established under this Section, a Qualifying Social Equity  
10 Justice Involved Applicant has a principal officer who is  
11 a principal officer in more than 10 Early Approval Adult  
12 Use Dispensing Organization Licenses, Conditional Adult  
13 Use Dispensing Organization Licenses, Adult Use Dispensing  
14 Organization Licenses, or any combination thereof, the  
15 licensees and the Qualifying Social Equity Justice  
16 Involved Applicant listing that principal officer must  
17 choose which license to abandon pursuant to subsection (d)  
18 of Section 15-36 and notify the Department in writing  
19 within 5 business days on forms prescribed by the  
20 Department. If the Dispensary Applicant or licensees do  
21 not notify the Department as required, the Department  
22 shall refuse to issue the Qualifying Social Equity Justice  
23 Involved Applicant all available licenses established  
24 under this Section obtained by lot in all BLS Regions.

25 (9) All available licenses that have been abandoned  
26 under paragraph (7) or (8) shall be distributed to the

1 next Qualifying Social Equity Justice Involved Applicant  
2 drawn by lot.

3 Any and all rights conferred or obtained under this  
4 subsection shall be limited to the provisions of this  
5 subsection.

6 (c) An applicant who receives a Conditional Adult Use  
7 Dispensing Organization License under this Section has 180  
8 days from the date of the award to identify a physical location  
9 for the dispensing organization's retail storefront. The  
10 applicant shall provide evidence that the location is not  
11 within 1,500 feet of an existing dispensing organization,  
12 unless the applicant is a Social Equity Applicant or Social  
13 Equity Justice Involved Applicant located or seeking to locate  
14 within 1,500 feet of a dispensing organization licensed under  
15 Section 15-15 or Section 15-20. If an applicant is unable to  
16 find a suitable physical address in the opinion of the  
17 Department within 180 days from the issuance of the  
18 Conditional Adult Use Dispensing Organization License, the  
19 Department may extend the period for finding a physical  
20 address an additional 540 days if the Conditional Adult Use  
21 Dispensing Organization License holder demonstrates a concrete  
22 attempt to secure a location and a hardship. If the Department  
23 denies the extension or the Conditional Adult Use Dispensing  
24 Organization License holder is unable to find a location  
25 within 720 days of being awarded a conditional license and  
26 then becomes operational within 120 days of finding a

1 location, or is unable to become operational within 720 days  
2 of being awarded a Conditional Adult Use Dispensing  
3 Organization License under this Section, the Department shall  
4 rescind the Conditional Adult Use Dispensing Organization  
5 License and award it pursuant to subsection (b) and notify the  
6 new awardee at the email address provided in the awardee's  
7 application, provided the applicant receiving the Conditional  
8 Adult Use Dispensing Organization License: (i) confirms a  
9 continued interest in operating a dispensing organization;  
10 (ii) can provide evidence that the applicant continues to meet  
11 all requirements for holding a Conditional Adult Use  
12 Dispensing Organization License set forth in this Act; and  
13 (iii) has not otherwise become ineligible to be awarded a  
14 Conditional Adult Use Dispensing Organization License. If the  
15 new awardee is unable to accept the Conditional Adult Use  
16 Dispensing Organization License, the Department shall award  
17 the Conditional Adult Use Dispensing Organization License  
18 pursuant to subsection (b). The new awardee shall be subject  
19 to the same required deadlines as provided in this subsection.

20 (d) If, within 720 ~~180~~ days of being awarded a Conditional  
21 Adult Use Dispensing Organization License, a dispensing  
22 organization is unable to find a location within the BLS  
23 Region in which it was awarded a Conditional Adult Use  
24 Dispensing Organization License under this Section because no  
25 jurisdiction within the BLS Region allows for the operation of  
26 an Adult Use Dispensing Organization, the Department may

1 authorize the Conditional Adult Use Dispensing Organization  
2 License holder to transfer its Conditional Adult Use  
3 Dispensing Organization License to a BLS Region specified by  
4 the Department.

5 (e) A dispensing organization that is awarded a  
6 Conditional Adult Use Dispensing Organization License under  
7 this Section shall not purchase, possess, sell, or dispense  
8 cannabis or cannabis-infused products until the dispensing  
9 organization has received an Adult Use Dispensing Organization  
10 License issued by the Department pursuant to Section 15-36.

11 (f) The Department shall conduct a background check of the  
12 prospective dispensing organization agents in order to carry  
13 out this Article. The Illinois State Police shall charge the  
14 applicant a fee for conducting the criminal history record  
15 check, which shall be deposited into the State Police Services  
16 Fund and shall not exceed the actual cost of the record check.  
17 Each person applying as a dispensing organization agent shall  
18 submit a full set of fingerprints to the Illinois State Police  
19 for the purpose of obtaining a State and federal criminal  
20 records check. These fingerprints shall be checked against the  
21 fingerprint records now and hereafter, to the extent allowed  
22 by law, filed with the Illinois State Police and the Federal  
23 Bureau of Investigation criminal history records databases.  
24 The Illinois State Police shall furnish, following positive  
25 identification, all Illinois conviction information to the  
26 Department.



1 (g) The Department may verify information contained in  
2 each application and accompanying documentation to assess the  
3 applicant's veracity and fitness to operate a dispensing  
4 organization.

5 (h) The Department may, in its discretion, refuse to issue  
6 an authorization to an applicant who meets any of the  
7 following criteria:

8 (1) An applicant who is unqualified to perform the  
9 duties required of the applicant.

10 (2) An applicant who fails to disclose or states  
11 falsely any information called for in the application.

12 (3) An applicant who has been found guilty of a  
13 violation of this Act, who has had any disciplinary order  
14 entered against the applicant by the Department, who has  
15 entered into a disciplinary or nondisciplinary agreement  
16 with the Department, whose medical cannabis dispensing  
17 organization, medical cannabis cultivation organization,  
18 Early Approval Adult Use Dispensing Organization License,  
19 Early Approval Adult Use Dispensing Organization License  
20 at a secondary site, Early Approval Cultivation Center  
21 License, Conditional Adult Use Dispensing Organization  
22 License, or Adult Use Dispensing Organization License was  
23 suspended, restricted, revoked, or denied for just cause,  
24 or whose cannabis business establishment license was  
25 suspended, restricted, revoked, or denied in any other  
26 state.

1           (4) An applicant who has engaged in a pattern or  
2           practice of unfair or illegal practices, methods, or  
3           activities in the conduct of owning a cannabis business  
4           establishment or other business.

5           (i) The Department shall deny the license if any principal  
6           officer, board member, or person having a financial or voting  
7           interest of 5% or greater in the licensee is delinquent in  
8           filing any required tax return or paying any amount owed to the  
9           State of Illinois.

10          (j) The Department shall verify an applicant's compliance  
11          with the requirements of this Article and rules adopted under  
12          this Article before issuing a Conditional Adult Use Dispensing  
13          Organization License.

14          (k) If an applicant is awarded a Conditional Adult Use  
15          Dispensing Organization License under this Section, the  
16          information and plans provided in the application, including  
17          any plans submitted for bonus points, shall become a condition  
18          of the Conditional Adult Use Dispensing Organization License  
19          and any Adult Use Dispensing Organization License issued to  
20          the holder of the Conditional Adult Use Dispensing  
21          Organization License, except as otherwise provided by this Act  
22          or by rule. Dispensing organizations have a duty to disclose  
23          any material changes to the application. The Department shall  
24          review all material changes disclosed by the dispensing  
25          organization and may reevaluate its prior decision regarding  
26          the awarding of a Conditional Adult Use Dispensing

1 Organization License, including, but not limited to,  
2 suspending or permanently revoking a Conditional Adult Use  
3 Dispensing Organization License. Failure to comply with the  
4 conditions or requirements in the application may subject the  
5 dispensing organization to discipline up to and including  
6 suspension or permanent revocation of its authorization or  
7 Conditional Adult Use Dispensing Organization License by the  
8 Department.

9 (1) If an applicant has not begun operating as a  
10 dispensing organization within one year after the issuance of  
11 the Conditional Adult Use Dispensing Organization License  
12 under this Section, the Department may permanently revoke the  
13 Conditional Adult Use Dispensing Organization License and  
14 award it to the next highest scoring applicant in the BLS  
15 Region if a suitable applicant indicates a continued interest  
16 in the Conditional Adult Use Dispensing Organization License  
17 or may begin a new selection process to award a Conditional  
18 Adult Use Dispensing Organization License.

19 (Source: P.A. 102-98, eff. 7-15-21; 103-8, eff. 6-7-23.)

20 (410 ILCS 705/15-36)

21 Sec. 15-36. Adult Use Dispensing Organization License.

22 (a) A person is only eligible to receive or hold an Adult  
23 Use Dispensing Organization if the person has been awarded a  
24 Conditional Adult Use Dispensing Organization License pursuant  
25 to this Act or has renewed its license pursuant to Section

1 ~~15-45 subsection (k) of Section 15-15 or subsection (p) of~~  
2 ~~Section 15-20.~~

3 (a-5) Beginning January 1, 2025, all dispensing  
4 organizations registered under the Compassionate Use of  
5 Medical Cannabis Program Act and Section 15-15 and 15-20 shall  
6 be a "dispensing organization" or a "dispensary" as those  
7 terms are defined in this Act and shall be an adult use  
8 dispensing organization license holder under this Section.

9 Beginning on the effective date of this amendatory Act of the  
10 103rd General Assembly, all dispensing organizations  
11 registered under the Compassionate Use of Medical Cannabis  
12 Program Act and Section 15-15 and 15-20 shall have the same  
13 rights, privileges, duties, and responsibilities of dispensing  
14 organizations licensed pursuant to this Section and shall be  
15 subject to the rules this Act.

16 (a-10) Beginning January 1, 2025, all adult use dispensing  
17 organization licensees shall sell cannabis and  
18 cannabis-infused products to both persons 21 years of age or  
19 older and to persons who are a registered qualifying medical  
20 cannabis patient, provisional patient, or designated  
21 caregiver.

22 (a-15) By April 1, 2025, all dispensing organizations  
23 licensed under Section 15-36 shall pay the fee under  
24 subsection (d) of Section 15-10 or shall have entered into an  
25 approved payment plan with the Department to pay the fee.

26 (b) The Department shall not issue an Adult Use Dispensing

1 Organization License until:

2 (1) the Department has inspected the dispensary site  
3 and proposed operations and verified that they are in  
4 compliance with this Act and local zoning laws;

5 (2) the Conditional Adult Use Dispensing Organization  
6 License holder has paid a license fee of \$70,000 ~~\$60,000~~  
7 or a prorated amount accounting for the difference of time  
8 between when the Adult Use Dispensing Organization License  
9 is issued and March 31 of the next even-numbered year and  
10 \$60,000, or the proportional prorated amount paid, shall  
11 be remitted into the Cannabis Business Development Fund  
12 and \$10,000, or the proportional prorated amount paid,  
13 shall be remitted into the Compassionate Use of Medical  
14 Cannabis Fund; and

15 (3) the Conditional Adult Use Dispensing Organization  
16 License holder has met all the requirements in this Act  
17 and rules.

18 (c) No person or entity shall hold any legal, equitable,  
19 ownership, or beneficial interest, directly or indirectly, of  
20 more than 10 dispensing organizations licensed under this  
21 Article. Further, no person or entity that is:

22 (1) employed by, is an agent of, or participates in  
23 the management of a dispensing organization ~~or registered~~  
24 ~~medical cannabis dispensing organization;~~

25 (2) a principal officer of a dispensing organization  
26 ~~or registered medical cannabis dispensing organization; or~~

1           (3) an entity controlled by or affiliated with a  
2           principal officer of a dispensing organization ~~or~~  
3           ~~registered medical cannabis dispensing organization;~~  
4           shall hold any legal, equitable, ownership, or beneficial  
5           interest, directly or indirectly, in a dispensing organization  
6           that would result in such person or entity owning or  
7           participating in the management of more than 10 ~~Early Approval~~  
8           ~~Adult Use Dispensing Organization Licenses, Early Approval~~  
9           ~~Adult Use Dispensing Organization Licenses at a secondary~~  
10          ~~site,~~ Conditional Adult Use Dispensing Organization Licenses,  
11          or Adult Use Dispensing Organization Licenses. For the purpose  
12          of this subsection, participating in management may include,  
13          without limitation, controlling decisions regarding staffing,  
14          pricing, purchasing, marketing, store design, hiring, and  
15          website design.

16          (d) The Department shall deny an application if granting  
17          that application would result in a person or entity obtaining  
18          direct or indirect financial interest in more than 10 ~~Early~~  
19          ~~Approval Adult Use Dispensing Organization Licenses,~~  
20          Conditional Adult Use Dispensing Organization Licenses, Adult  
21          Use Dispensing Organization Licenses, or any combination  
22          thereof. If a person or entity is awarded a Conditional Adult  
23          Use Dispensing Organization License that would cause the  
24          person or entity to be in violation of this subsection, he,  
25          she, or it shall choose which license application it wants to  
26          abandon and such licenses shall become available to the next

1 qualified applicant in the region in which the abandoned  
2 license was awarded.

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

4 (410 ILCS 705/15-70)

5 Sec. 15-70. Operational requirements; prohibitions.

6 (a) A dispensing organization shall operate in accordance  
7 with the representations made in its application and license  
8 materials. It shall be in compliance with this Act and rules.

9 (b) A dispensing organization must include the legal name  
10 of the dispensary on the packaging of any cannabis product it  
11 sells.

12 (c) All cannabis, cannabis-infused products, and cannabis  
13 seeds must be obtained from an Illinois registered ~~adult use~~  
14 cultivation center, craft grower, infuser, or another  
15 dispensary.

16 (c-5) A dispensing organization may sell cannabis and  
17 cannabis-infused products purchased from any cultivation  
18 center, craft grower, infuser, or other dispensary to persons  
19 over 21 years of age and to qualifying patients, designated  
20 caregivers, and provisional patients.

21 (d) Dispensing organizations are prohibited from selling  
22 any product containing alcohol except tinctures, which must be  
23 limited to containers that are no larger than 100 milliliters.

24 (e) A dispensing organization shall inspect and count  
25 product received from a transporting organization, adult use

1 cultivation center, craft grower, infuser organization, or  
2 other dispensing organization before dispensing it.

3 (f) A dispensing organization may only accept cannabis  
4 deliveries into a restricted access area. Deliveries may not  
5 be accepted through the public or limited access areas unless  
6 otherwise approved by the Department.

7 (g) A dispensing organization shall maintain compliance  
8 with State and local building, fire, and zoning requirements  
9 or regulations.

10 (h) A dispensing organization shall submit a list to the  
11 Department of the names of all service professionals that will  
12 work at the dispensary. The list shall include a description  
13 of the type of business or service provided. Changes to the  
14 service professional list shall be promptly provided. No  
15 service professional shall work in the dispensary until the  
16 name is provided to the Department on the service professional  
17 list.

18 (i) A dispensing organization's license allows for a  
19 dispensary to be operated only at a single location.

20 (j) A dispensary may operate between 6 a.m. and 10 p.m.  
21 local time.

22 (k) A dispensing organization must keep all lighting  
23 outside and inside the dispensary in good working order and  
24 wattage sufficient for security cameras.

25 (l) A dispensing organization must keep all air treatment  
26 systems that will be installed to reduce odors in good working



1 order.

2 (m) A dispensing organization must contract with a private  
3 security contractor that is licensed under Section 10-5 of the  
4 Private Detective, Private Alarm, Private Security,  
5 Fingerprint Vendor, and Locksmith Act of 2004 to provide  
6 on-site security at all hours of the dispensary's operation.

7 (n) A dispensing organization shall ensure that any  
8 building or equipment used by a dispensing organization for  
9 the storage or sale of cannabis is maintained in a clean and  
10 sanitary condition.

11 (o) The dispensary shall be free from infestation by  
12 insects, rodents, or pests.

13 (p) A dispensing organization shall not:

14 (1) Produce or manufacture cannabis;

15 (2) Accept a cannabis product from a ~~an adult use~~  
16 cultivation center, craft grower, infuser, dispensing  
17 organization, or transporting organization unless it is  
18 pre-packaged and labeled in accordance with this Act and  
19 any rules that may be adopted pursuant to this Act;

20 (3) Obtain cannabis or cannabis-infused products from  
21 outside the State of Illinois;

22 (4) Sell cannabis or cannabis-infused products to a  
23 purchaser unless the purchaser is a qualified patient,  
24 designated caregiver, or provisional patient ~~the~~  
25 ~~dispensing organization is licensed under the~~  
26 ~~Compassionate Use of Medical Cannabis Program Act, and the~~

1 ~~individual is registered under the Compassionate Use of~~  
2 ~~Medical Cannabis Program~~ or the purchaser has been  
3 verified to be 21 years of age or older;

4 (5) Enter into an exclusive agreement with any adult  
5 use cultivation center, craft grower, or infuser.  
6 Dispensaries shall provide consumers an assortment of  
7 products from various cannabis business establishment  
8 licensees such that the inventory available for sale at  
9 any dispensary from any single cultivation center, craft  
10 grower, processor, transporter, or infuser entity shall  
11 not be more than 40% of the total inventory available for  
12 sale. For the purpose of this subsection, a cultivation  
13 center, craft grower, processor, or infuser shall be  
14 considered part of the same entity if the licensees share  
15 at least one principal officer. The Department may request  
16 that a dispensary diversify its products as needed or  
17 otherwise discipline a dispensing organization for  
18 violating this requirement;

19 (6) Refuse to conduct business with an adult use  
20 cultivation center, craft grower, transporting  
21 organization, or infuser that has the ability to properly  
22 deliver the product and is permitted by the Department of  
23 Agriculture, on the same terms as other adult use  
24 cultivation centers, craft growers, infusers, or  
25 transporters with whom it is dealing;

26 (7) (Blank) ~~Operate drive through windows;~~

1 (8) Allow for the dispensing of cannabis or  
2 cannabis-infused products in vending machines;

3 (9) Transport cannabis to residences or transport  
4 cannabis to other locations where purchasers may be for  
5 delivery, except for the limited circumstances provided in  
6 paragraph (5.5) of subsection (c) of Section 15-100;

7 (10) Enter into agreements to allow persons who are  
8 not dispensing organization agents to deliver cannabis or  
9 to transport cannabis to purchasers;

10 (11) Operate a dispensary if its video surveillance  
11 equipment is inoperative;

12 (12) Operate a dispensary if the point-of-sale  
13 equipment is inoperative;

14 (13) Operate a dispensary if the State's cannabis  
15 electronic verification system is inoperative;

16 (14) Have fewer than 2 people working at the  
17 dispensary at any time while the dispensary is open;

18 (15) Be located within 1,500 feet of the property line  
19 of a pre-existing dispensing organization, unless the  
20 applicant is a Social Equity Applicant or Social Equity  
21 Justice Involved Applicant located or seeking to locate  
22 within 1,500 feet of a dispensing organization licensed  
23 under Section 15-15 or Section 15-20;

24 (16) Sell seeds, clones, or any other live plant  
25 material, except to a registered qualifying medical  
26 cannabis patient or designated caregiver;

1           (17) Sell cannabis, cannabis concentrate, or  
2 cannabis-infused products in combination or bundled with  
3 each other or any other items for one price, and each item  
4 of cannabis, concentrate, or cannabis-infused product must  
5 be separately identified by quantity and price on the  
6 receipt;

7           (18) Violate any other requirements or prohibitions  
8 set by Department rules.

9           (q) It is unlawful for any person having an Early Approval  
10 Adult Use Cannabis Dispensing Organization License, a  
11 Conditional Adult Use Cannabis Dispensing Organization, an  
12 Adult Use Dispensing Organization License, or a medical  
13 cannabis dispensing organization license issued under the  
14 Compassionate Use of Medical Cannabis Program Act or any  
15 officer, associate, member, representative, or agent of such  
16 licensee to accept, receive, or borrow money or anything else  
17 of value or accept or receive credit (other than merchandising  
18 credit in the ordinary course of business for a period not to  
19 exceed 30 days) directly or indirectly from any adult use  
20 cultivation center, craft grower, infuser, or transporting  
21 organization in exchange for preferential placement on the  
22 dispensing organization's shelves, display cases, or website.  
23 This includes anything received or borrowed or from any  
24 stockholders, officers, agents, or persons connected with an  
25 adult use cultivation center, craft grower, infuser, or  
26 transporting organization.

1 (r) It is unlawful for any person having an Early Approval  
2 Adult Use Cannabis Dispensing Organization License, a  
3 Conditional Adult Use Cannabis Dispensing Organization, an  
4 Adult Use Dispensing Organization License, or a medical  
5 cannabis dispensing organization license issued under the  
6 Compassionate Use of Medical Cannabis Program to enter into  
7 any contract with any person licensed to cultivate, process,  
8 or transport cannabis whereby such dispensing organization  
9 agrees not to sell any cannabis cultivated, processed,  
10 transported, manufactured, or distributed by any other  
11 cultivator, transporter, or infuser, and any provision in any  
12 contract violative of this Section shall render the whole of  
13 such contract void and no action shall be brought thereon in  
14 any court.

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

17 (410 ILCS 705/15-85)

18 Sec. 15-85. Dispensing cannabis.

19 (a) Before a dispensing organization agent dispenses  
20 cannabis to a purchaser, the agent shall:

21 (1) Verify the age of the purchaser by checking a  
22 government-issued identification card by use of an  
23 electronic reader or electronic scanning device to scan a  
24 purchaser's government-issued identification, if  
25 applicable, to determine the purchaser's age and the

1 validity of the identification;

2 (2) Verify the validity of the government-issued  
3 identification card by use of an electronic reader or  
4 electronic scanning device to scan a purchaser's  
5 government-issued identification, if applicable, to  
6 determine the purchaser's age and the validity of the  
7 identification;

8 (3) Offer any appropriate purchaser education or  
9 support materials;

10 (3.5) Verify the qualifying patient, provisional  
11 patient, or designated caregiver registration card, if  
12 applicable;

13 (4) Enter the following information into the State's  
14 cannabis electronic verification system:

15 (i) The dispensing organization agent's  
16 identification number, or if the agent's card  
17 application is pending the Department's approval, a  
18 temporary and unique identifier until the agent's card  
19 application is approved or denied by the Department;

20 (ii) The dispensing organization's identification  
21 number;

22 (iii) The amount, type (including strain, if  
23 applicable) of cannabis or cannabis-infused product  
24 dispensed;

25 (iv) The date and time the cannabis was dispensed.

26 (b) A dispensing organization shall refuse to sell

1 cannabis or cannabis-infused products to any person unless the  
2 person produces a valid identification showing that the person  
3 is 21 years of age or older. A ~~medical cannabis~~ dispensing  
4 organization may sell cannabis or cannabis-infused products to  
5 a person who is under 21 years of age if the sale complies with  
6 the provisions of the Compassionate Use of Medical Cannabis  
7 Program Act and this Act ~~rules~~.

8 (c) For the purposes of this Section, valid identification  
9 must:

10 (1) Be valid and unexpired;

11 (2) Contain a photograph and the date of birth of the  
12 person.

13 (d) Notwithstanding any other provision of law, a  
14 dispensing organization may offer pickup or drive-through  
15 locations of cannabis or cannabis-infused products to  
16 purchasers over 21 years of age, qualifying patients,  
17 provisional patients, and designated caregivers, in accordance  
18 with Section 15-100.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;  
20 102-98, eff. 7-15-21.)

21 (410 ILCS 705/15-100)

22 Sec. 15-100. Security.

23 (a) A dispensing organization shall implement security  
24 measures to deter and prevent entry into and theft of cannabis  
25 or currency.

1 (b) A dispensing organization shall submit any changes to  
2 the floor plan or security plan to the Department for  
3 pre-approval. All cannabis shall be maintained and stored in a  
4 restricted access area during construction.

5 (c) The dispensing organization shall implement security  
6 measures to protect the premises, purchasers, and dispensing  
7 organization agents including, but not limited to the  
8 following:

9 (1) Establish a locked door or barrier between the  
10 facility's entrance and the limited access area;

11 (2) Prevent individuals from remaining on the premises  
12 if they are not engaging in activity permitted by this Act  
13 or rules;

14 (3) Develop a policy that addresses the maximum  
15 capacity and purchaser flow in the waiting rooms and  
16 limited access areas;

17 (4) Dispose of cannabis in accordance with this Act  
18 and rules;

19 (5) During hours of operation, store ~~and dispense~~ all  
20 cannabis in ~~from~~ the restricted access area. ~~During~~  
21 ~~operational hours, cannabis shall be stored~~ in an enclosed  
22 locked room or cabinet and accessible only to specifically  
23 authorized dispensing organization agents;

24 (5.5) During hours of operation, dispense all cannabis  
25 from the restricted access area, including a drive-through  
26 window, or from a pickup location in close proximity to



1       the restricted access area if (i) all orders in a pickup or  
2       drive-through location must be placed in advance, (ii) no  
3       in-person or on-site ordering is permitted for a pickup or  
4       drive-through location, and (iii) dispensing organizations  
5       confirm that the purchaser, registered qualifying patient,  
6       provisional patient, or designated caregiver complies with  
7       Section 15-85; as used in this paragraph, "pickup location  
8       in close proximity" means an area contiguous to the real  
9       property of the dispensary, such as a sidewalk or parking  
10       lot;

11           (6) When the dispensary is closed, store all cannabis  
12           and currency in a reinforced vault room in the restricted  
13           access area and in a manner as to prevent diversion,  
14           theft, or loss;

15           (7) Keep the reinforced vault room and any other  
16           equipment or cannabis storage areas securely locked and  
17           protected from unauthorized entry;

18           (8) Keep an electronic daily log of dispensing  
19           organization agents with access to the reinforced vault  
20           room and knowledge of the access code or combination;

21           (9) Keep all locks and security equipment in good  
22           working order;

23           (10) Maintain an operational security and alarm system  
24           at all times;

25           (11) Prohibit keys, if applicable, from being left in  
26           the locks, or stored or placed in a location accessible to

1 persons other than specifically authorized personnel;

2 (12) Prohibit accessibility of security measures,  
3 including combination numbers, passwords, or electronic or  
4 biometric security systems to persons other than  
5 specifically authorized dispensing organization agents;

6 (13) Ensure that the dispensary interior and exterior  
7 premises are sufficiently lit to facilitate surveillance;

8 (14) Ensure that trees, bushes, and other foliage  
9 outside of the dispensary premises do not allow for a  
10 person or persons to conceal themselves from sight;

11 (15) Develop emergency policies and procedures for  
12 securing all product and currency following any instance  
13 of diversion, theft, or loss of cannabis, and conduct an  
14 assessment to determine whether additional safeguards are  
15 necessary; and

16 (16) Develop sufficient additional safeguards in  
17 response to any special security concerns, or as required  
18 by the Department.

19 (d) The Department may request or approve alternative  
20 security provisions that it determines are an adequate  
21 substitute for a security requirement specified in this  
22 Article. Any additional protections may be considered by the  
23 Department in evaluating overall security measures.

24 (e) A dispensing organization may share premises with a  
25 craft grower or an infuser organization, or both, provided  
26 each licensee stores currency and cannabis or cannabis-infused

1 products in a separate secured vault to which the other  
2 licensee does not have access or all licensees sharing a vault  
3 share more than 50% of the same ownership.

4 (f) A dispensing organization shall provide additional  
5 security as needed and in a manner appropriate for the  
6 community where it operates.

7 (g) Restricted access areas.

8 (1) All restricted access areas must be identified by  
9 the posting of a sign that is a minimum of 12 inches by 12  
10 inches and that states "Do Not Enter - Restricted Access  
11 Area - Authorized Personnel Only" in lettering no smaller  
12 than one inch in height.

13 (2) All restricted access areas shall be clearly  
14 described in the floor plan of the premises, in the form  
15 and manner determined by the Department, reflecting walls,  
16 partitions, counters, and all areas of entry and exit. The  
17 floor plan shall show all storage, disposal, and retail  
18 sales areas.

19 (3) All restricted access areas must be secure, with  
20 locking devices that prevent access from the limited  
21 access areas.

22 (h) Security and alarm.

23 (1) A dispensing organization shall have an adequate  
24 security plan and security system to prevent and detect  
25 diversion, theft, or loss of cannabis, currency, or  
26 unauthorized intrusion using commercial grade equipment

1 installed by an Illinois licensed private alarm contractor  
2 or private alarm contractor agency that shall, at a  
3 minimum, include:

4 (i) A perimeter alarm on all entry points and  
5 glass break protection on perimeter windows;

6 (ii) Security shatterproof tinted film on exterior  
7 windows;

8 (iii) A failure notification system that provides  
9 an audible, text, or visual notification of any  
10 failure in the surveillance system, including, but not  
11 limited to, panic buttons, alarms, and video  
12 monitoring system. The failure notification system  
13 shall provide an alert to designated dispensing  
14 organization agents within 5 minutes after the  
15 failure, either by telephone or text message;

16 (iv) A duress alarm, panic button, and alarm, or  
17 holdup alarm and after-hours intrusion detection alarm  
18 that by design and purpose will directly or indirectly  
19 notify, by the most efficient means, the Public Safety  
20 Answering Point for the law enforcement agency having  
21 primary jurisdiction;

22 (v) Security equipment to deter and prevent  
23 unauthorized entrance into the dispensary, including  
24 electronic door locks on the limited and restricted  
25 access areas that include devices or a series of  
26 devices to detect unauthorized intrusion that may

1 include a signal system interconnected with a radio  
2 frequency method, cellular, private radio signals or  
3 other mechanical or electronic device.

4 (2) All security system equipment and recordings shall  
5 be maintained in good working order, in a secure location  
6 so as to prevent theft, loss, destruction, or alterations.

7 (3) Access to surveillance monitoring recording  
8 equipment shall be limited to persons who are essential to  
9 surveillance operations, law enforcement authorities  
10 acting within their jurisdiction, security system service  
11 personnel, and the Department. A current list of  
12 authorized dispensing organization agents and service  
13 personnel that have access to the surveillance equipment  
14 must be available to the Department upon request.

15 (4) All security equipment shall be inspected and  
16 tested at regular intervals, not to exceed one month from  
17 the previous inspection, and tested to ensure the systems  
18 remain functional.

19 (5) The security system shall provide protection  
20 against theft and diversion that is facilitated or hidden  
21 by tampering with computers or electronic records.

22 (6) The dispensary shall ensure all access doors are  
23 not solely controlled by an electronic access panel to  
24 ensure that locks are not released during a power outage.

25 (i) To monitor the dispensary, the dispensing organization  
26 shall incorporate continuous electronic video monitoring

1 including the following:

2 (1) All monitors must be 19 inches or greater;

3 (2) Unobstructed video surveillance of all enclosed  
4 dispensary areas, unless prohibited by law, including all  
5 points of entry and exit that shall be appropriate for the  
6 normal lighting conditions of the area under surveillance.  
7 The cameras shall be directed so all areas are captured,  
8 including, but not limited to, safes, vaults, sales areas,  
9 and areas where cannabis is stored, handled, dispensed, or  
10 destroyed. Cameras shall be angled to allow for facial  
11 recognition, the capture of clear and certain  
12 identification of any person entering or exiting the  
13 dispensary area and in lighting sufficient during all  
14 times of night or day;

15 (3) Unobstructed video surveillance of outside areas,  
16 the storefront, and the parking lot, that shall be  
17 appropriate for the normal lighting conditions of the area  
18 under surveillance. Cameras shall be angled so as to allow  
19 for the capture of facial recognition, clear and certain  
20 identification of any person entering or exiting the  
21 dispensary and the immediate surrounding area, and license  
22 plates of vehicles in the parking lot;

23 (4) 24-hour recordings from all video cameras  
24 available for immediate viewing by the Department upon  
25 request. Recordings shall not be destroyed or altered and  
26 shall be retained for at least 90 days. Recordings shall

1 be retained as long as necessary if the dispensing  
2 organization is aware of the loss or theft of cannabis or a  
3 pending criminal, civil, or administrative investigation  
4 or legal proceeding for which the recording may contain  
5 relevant information;

6 (5) The ability to immediately produce a clear, color  
7 still photo from the surveillance video, either live or  
8 recorded;

9 (6) A date and time stamp embedded on all video  
10 surveillance recordings. The date and time shall be  
11 synchronized and set correctly and shall not significantly  
12 obscure the picture;

13 (7) The ability to remain operational during a power  
14 outage and ensure all access doors are not solely  
15 controlled by an electronic access panel to ensure that  
16 locks are not released during a power outage;

17 (8) All video surveillance equipment shall allow for  
18 the exporting of still images in an industry standard  
19 image format, including .jpg, .bmp, and .gif. Exported  
20 video shall have the ability to be archived in a  
21 proprietary format that ensures authentication of the  
22 video and guarantees that no alteration of the recorded  
23 image has taken place. Exported video shall also have the  
24 ability to be saved in an industry standard file format  
25 that can be played on a standard computer operating  
26 system. All recordings shall be erased or destroyed before

1 disposal;

2 (9) The video surveillance system shall be operational  
3 during a power outage with a 4-hour minimum battery  
4 backup;

5 (10) A video camera or cameras recording at each  
6 point-of-sale location allowing for the identification of  
7 the dispensing organization agent distributing the  
8 cannabis and any purchaser. The camera or cameras shall  
9 capture the sale, the individuals and the computer  
10 monitors used for the sale;

11 (11) A failure notification system that provides an  
12 audible and visual notification of any failure in the  
13 electronic video monitoring system; and

14 (12) All electronic video surveillance monitoring must  
15 record at least the equivalent of 8 frames per second and  
16 be available as recordings to the Department and the  
17 Illinois State Police 24 hours a day via a secure  
18 web-based portal with reverse functionality.

19 (j) The requirements contained in this Act are minimum  
20 requirements for operating a dispensing organization. The  
21 Department may establish additional requirements by rule.

22 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;  
23 102-538, eff. 8-20-21.)

24 (410 ILCS 705/55-30)

25 Sec. 55-30. Confidentiality.



1 (a) Information provided by the cannabis business  
2 establishment licensees or applicants to the Department of  
3 Agriculture, the Department of Public Health, the Department  
4 of Financial and Professional Regulation, the Department of  
5 Commerce and Economic Opportunity, or other agency shall be  
6 limited to information necessary for the purposes of  
7 administering this Act. The information is subject to the  
8 provisions and limitations contained in the Freedom of  
9 Information Act and may be disclosed in accordance with  
10 Section 55-65.

11 (b) The following information received and records kept by  
12 the Department of Agriculture, the Department of Public  
13 Health, the Illinois State Police, and the Department of  
14 Financial and Professional Regulation for purposes of  
15 administering this Article are subject to all applicable  
16 federal privacy laws, are confidential and exempt from  
17 disclosure under the Freedom of Information Act, except as  
18 provided in this Act, and not subject to disclosure to any  
19 individual or public or private entity, except to the  
20 Department of Financial and Professional Regulation, the  
21 Department of Agriculture, the Department of Public Health,  
22 the Department of Commerce and Economic Opportunity, the  
23 Office of Executive Inspector General, and the Illinois State  
24 Police as necessary to perform official duties under this  
25 Article and to the Attorney General as necessary to enforce  
26 the provisions of this Act and except as necessary to those

1 involved in enforcing the State Officials and Employees Ethics  
2 Act. The following information received and kept by the  
3 Department of Financial and Professional Regulation or the  
4 Department of Agriculture may be disclosed to the Department  
5 of Public Health, the Department of Agriculture, the  
6 Department of Revenue, the Department of Commerce and Economic  
7 Opportunity, the Illinois State Police, the Office of  
8 Executive Inspector General, or the Attorney General upon  
9 proper request:

10 (1) Applications and renewals, their contents, and  
11 supporting information submitted by or on behalf of  
12 dispensing organizations, cannabis business  
13 establishments, or Community College Cannabis Vocational  
14 Program licensees, in compliance with this Article,  
15 including their physical addresses; however, this does not  
16 preclude the release of ownership information about  
17 cannabis business establishment licenses, or information  
18 submitted with an application required to be disclosed  
19 pursuant to subsection (f);

20 (2) Any plans, procedures, policies, or other records  
21 relating to cannabis business establishment security; and

22 (3) Information otherwise exempt from disclosure by  
23 State or federal law.

24 Illinois or national criminal history record information,  
25 or the nonexistence or lack of such information, may not be  
26 disclosed by the Department of Financial and Professional

1 Regulation or the Department of Agriculture, except as  
2 necessary to the Attorney General to enforce this Act.

3 (c) The name and address of a dispensing organization  
4 licensed under this Act shall be subject to disclosure under  
5 the Freedom of Information Act. The name and cannabis business  
6 establishment address of the person or entity holding each  
7 cannabis business establishment license shall be subject to  
8 disclosure.

9 (d) All information collected by the Department of  
10 Financial and Professional Regulation or the Department of  
11 Agriculture in the course of an examination, inspection, or  
12 investigation of a licensee or applicant, including, but not  
13 limited to, any complaint against a licensee or applicant  
14 filed with the Department of Financial and Professional  
15 Regulation or the Department of Agriculture and information  
16 collected to investigate any such complaint, shall be  
17 maintained for the confidential use of the Department of  
18 Financial and Professional Regulation or the Department of  
19 Agriculture and shall not be disclosed, except to those  
20 involved in enforcing the State Officials and Employees Ethics  
21 Act and as otherwise provided in this Act. A formal complaint  
22 against a licensee by the Department of Financial and  
23 Professional Regulation or the Department of Agriculture or  
24 any disciplinary order issued by the Department of Financial  
25 and Professional Regulation or the Department of Agriculture  
26 against a licensee or applicant shall be a public record,

1 except as otherwise provided by law. Complaints from consumers  
2 or members of the general public received regarding a  
3 specific, named licensee or complaints regarding conduct by  
4 unlicensed entities shall be subject to disclosure under the  
5 Freedom of Information Act.

6 (e) The Department of Agriculture, the Illinois State  
7 Police, and the Department of Financial and Professional  
8 Regulation shall not share or disclose any Illinois or  
9 national criminal history record information, or the  
10 nonexistence or lack of such information, to any person or  
11 entity not expressly authorized by this Act.

12 (f) Each Department responsible for licensure under this  
13 Act shall publish on the Department's website a list of the  
14 ownership information of cannabis business establishment  
15 licensees under the Department's jurisdiction. The list shall  
16 include, but is not limited to: the name of the person or  
17 entity holding each cannabis business establishment license;  
18 and the address at which the entity is operating under this  
19 Act. This list shall be published and updated monthly.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;  
21 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.  
22 5-13-22.)

23 (410 ILCS 705/55-65)

24 Sec. 55-65. Financial institutions.

25 (a) A financial institution that provides financial

1 services customarily provided by financial institutions to a  
2 cannabis business establishment authorized under this Act or  
3 the Compassionate Use of Medical Cannabis Program Act, or to a  
4 person that is affiliated with such cannabis business  
5 establishment, is exempt from any criminal law of this State  
6 as it relates to cannabis-related conduct authorized under  
7 State law.

8 (b) Upon request of a financial institution, a cannabis  
9 business establishment or proposed cannabis business  
10 establishment may provide to the financial institution the  
11 following information:

12 (1) Whether a cannabis business establishment with  
13 which the financial institution is doing or is considering  
14 doing business holds a license under this Act or the  
15 Compassionate Use of Medical Cannabis Program Act;

16 (2) The name of any other business or individual  
17 affiliate with the cannabis business establishment;

18 (3) A copy of the application, and any supporting  
19 documentation submitted with the application, for a  
20 license or a permit submitted on behalf of the proposed  
21 cannabis business establishment;

22 (4) If applicable, data relating to sales and the  
23 volume of product sold by the cannabis business  
24 establishment;

25 (5) Any past or pending violation by the person of  
26 this Act, the Compassionate Use of Medical Cannabis

1 Program Act, or the rules adopted under these Acts where  
2 applicable; and

3 (6) Any penalty imposed upon the person for violating  
4 this Act, the Compassionate Use of Medical Cannabis  
5 Program Act, or the rules adopted under these Acts.

6 (c) (Blank).

7 (d) (Blank).

8 (e) Information received by a financial institution under  
9 this Section is confidential. Except as otherwise required or  
10 permitted by this Act, State law or rule, or federal law or  
11 regulation, a financial institution may not make the  
12 information available to any person other than:

13 (1) the customer to whom the information applies;

14 (2) a trustee, conservator, guardian, personal  
15 representative, or agent of the customer to whom the  
16 information applies; a federal or State regulator when  
17 requested in connection with an examination of the  
18 financial institution or if otherwise necessary for  
19 complying with federal or State law;

20 (3) a federal or State regulator when requested in  
21 connection with an examination of the financial  
22 institution or if otherwise necessary for complying with  
23 federal or State law; ~~and~~

24 (4) a third party performing services for the  
25 financial institution, provided the third party is  
26 performing such services under a written agreement that

1 expressly or by operation of law prohibits the third  
2 party's sharing and use of such confidential information  
3 for any purpose other than as provided in its agreement to  
4 provide services to the financial institution; ~~and-~~

5 (5) the Office of Executive Inspector General pursuant  
6 to an investigation.

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

8 (410 ILCS 705/15-10 rep.)

9 Section 40. The Cannabis Regulation and Tax Act is amended  
10 by repealing Section 15-10.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.

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