

# HB0001



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB0001

Introduced 1/9/2025, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Prevention of Use of Hemp Cannabinoid Products Intended for Human Consumption by Ingestion or Inhalation by Persons Under 21 Years of Age Act. Permits the sale and possession of hemp cannabinoids by persons 21 years of age or over. Provides that no person shall offer or sell hemp cannabinoid products to consumers in the State unless the person applies for and holds a hemp retailer license issued by the Department of Financial and Professional Regulation. Provides that no person shall sell ready-to-eat hemp products to end consumers without holding a hemp food establishment license issued by the Department of Public Health. Provides that a hemp food establishment that sells ready-to-eat cannabinoid products shall be exclusively licensed and located in the State. Provides that hemp food establishments and hemp retailers shall require proof of age from a purchaser of any cannabinoid products before selling the product to that person. Provides that the Department of Financial and Professional Regulation shall administer and enforce the provisions of the Act relating to licensing and oversight of hemp distributors and hemp retailers unless otherwise provided in the Act. Establishes standards for the issuance of licenses under the Act. Provides for criminal and civil penalties for violation of the Act.

LRB104 03394 BDA 13416 b

A BILL FOR

1 AN ACT concerning hemp cannabinoids.

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

4 Section 1. Short title. This Act may be cited as the  
5 Prevention of Use of Hemp Cannabinoid Products Intended for  
6 Human Consumption by Ingestion or Inhalation by Persons Under  
7 21 Years of Age Act.

8 Section 5. Definitions. In this Act:

9 "Cannabinoid menu item" means a restaurant-type food that  
10 incorporates ready-to-eat cannabinoids included on a menu or  
11 menu board or offered as a food on display.

12 "Hemp business establishment" means a hemp retailer or  
13 hemp food establishment.

14 "Hemp cannabinoid" means the chemical constituents of hemp  
15 plants that are naturally occurring and biologically active.

16 "Hemp cannabinoid product" means a finished product for  
17 sale to hemp cannabinoid users at hemp business establishments  
18 within the State that contains cannabinoids derived from hemp  
19 and is intended for human consumption by inhalation or  
20 ingestion.

21 "Hemp cannabinoid user" means a member of the general  
22 public who buys or uses hemp and who is protected by laws  
23 against unfair or fraudulent practices in the marketplace.

1 "Hemp food establishment" means a facility regulated by  
2 the Department of Public Health that incorporates intermediate  
3 hemp products in the manufacturing, processing, or preparation  
4 of prepackaged or ready-to-eat hemp cannabinoid products for  
5 human ingestion and which meets the requirements of this Act.

6 "Hemp retailer" means a retailer operated by an  
7 organization or business that is licensed by the Department of  
8 Financial and Professional Regulation to sell hemp cannabinoid  
9 products to hemp cannabinoid users.

10 "Ingestion" means the process of consuming cannabinoid  
11 products through the mouth, whether by swallowing into the  
12 gastrointestinal system or through tissue absorption.

13 "Inhalation" means the process of consuming cannabinoid  
14 products through the mouth or nasal passage into the  
15 respiratory system.

16 "Intermediate hemp products" means products that are made  
17 from processed hemp that may only be sold to hemp business  
18 establishments to be used as ingredients for other  
19 intermediate hemp products or final hemp cannabinoid products  
20 for human consumption by ingestion or inhalation.

21 "Intermediate hemp products" include products that contain  
22 more than 0.3% THC.

23 "Menu" means the primary writing of the establishment from  
24 which a customer makes an order selection, including, but not  
25 limited to, breakfast, lunch, and dinner menus, dessert menus,  
26 beverage menus, other specialty menus, electronic menus, menu

1 boards, and menus published on the Internet.

2 "Ready-to-eat hemp cannabinoid product" means a type of  
3 hemp cannabinoid product that is available for human  
4 consumption, that is subject to time or temperature control,  
5 or both, for food safety, that is "ready-to-eat food" as  
6 defined in Section 1-201.10 of the Food Code 2017 of the United  
7 States Public Health Service of the Food and Drug  
8 Administration, that does not exceed 50 milligrams of THC per  
9 serving, that utilizes intermediate hemp products as an input,  
10 and that is produced as a single serving in a retail food  
11 establishment.

12 Section 10. Sale of hemp cannabinoid products.

13 (a) The retail sale of hemp cannabinoids is allowed as  
14 provided in this Act.

15 (b) No person shall sell or offer for sale hemp  
16 cannabinoid products to consumers in the State unless the  
17 person applies for and holds a hemp retailer license issued by  
18 the Department of Financial and Professional Regulation. No  
19 person shall sell ready-to-eat hemp products to end consumers  
20 without holding a hemp food establishment license issued by  
21 the Department of Public Health.

22 (c) A hemp food establishment that sells ready-to-eat  
23 cannabinoid products shall be exclusively licensed and located  
24 in the State.

25 (d) No person shall sell a hemp cannabinoid product to any

1 person under the age of 21.

2 (e) No person shall sell, buy for, distribute samples of,  
3 or furnish any cannabinoid product to any person under the age  
4 of 21.

5 (f) No person under 21 years of age in the furtherance or  
6 facilitation of obtaining hemp cannabinoid products shall  
7 display or use a false or forged identification card or  
8 transfer, alter, or deface an identification card.

9 (g) A hemp food establishment or hemp retailer that sells  
10 cannabinoid products intended for inhalation shall post a  
11 clear and conspicuous sign directly adjacent to the display of  
12 the product that states the following: "THE SALE OF  
13 CANNABINOID PRODUCTS INTENDED FOR INHALATION TO PERSONS UNDER  
14 THE AGE OF 21 IS PROHIBITED. PROOF OF AGE IS REQUIRED FOR  
15 PURCHASE."

16 (h) Cannabinoid products may not be mailed, shipped, or  
17 otherwise delivered to a purchaser unless, before the delivery  
18 to the purchaser, the hemp retailer obtains confirmation that  
19 the purchaser is 21 years of age or older.

20 (i) Hemp food establishments and hemp retailers shall  
21 require proof of age from a purchaser of any cannabinoid  
22 products before selling the product to that person. Hemp food  
23 establishments and hemp retailers shall exercise diligence in  
24 the management and supervision of their premises and in the  
25 supervision and training of their employees to prevent the  
26 underage sale of these products.

1           (j) A product containing cannabinoids must not be  
2 considered adulterated or unsafe solely because the product  
3 contains cannabinoids or other material extracted or derived  
4 from hemp plants.

5           (k) A person, hemp food establishment, or hemp retailer  
6 that violates subsection (e) is guilty of a Class 4 felony. A  
7 person under the age of 21 who violates subsection (f) is  
8 guilty of a Class A misdemeanor.

9           Section 15. Licensing and regulation of hemp retailers.

10           (a) The Department of Financial and Professional  
11 Regulation shall administer and enforce the provisions of this  
12 Act relating to licensing and oversight of hemp distributors  
13 and hemp retailers unless otherwise provided in this Act.

14           (b) No person shall operate a hemp retail establishment  
15 for the purpose of serving purchasers of hemp cannabinoid  
16 products without a license issued under this Act by the  
17 Department of Financial and Professional Regulation.

18           (c) Subject to the provisions of this Act, the Department  
19 of Financial and Professional Regulation may exercise the  
20 following powers and duties:

21               (1) prescribe forms to be issued for the  
22 administration and enforcement of this Act;

23               (2) examine, inspect, and investigate the premises,  
24 operations, and records of hemp retail organization  
25 applicants and licensees;

1           (3) conduct investigations of possible violations of  
2 this Act pertaining to hemp retail organizations; and

3           (4) conduct hearings on proceedings to refuse to issue  
4 or renew licenses or to revoke, suspend, place on  
5 probation, reprimand, or otherwise discipline a license  
6 holder under this Act or take other nondisciplinary  
7 action.

8           (d) The Department of Financial and Professional  
9 Regulation may not limit the number of hemp retailer licenses.

10           (e) The Department of Financial and Professional  
11 Regulation may not limit the number of hemp retailer licenses  
12 an individual may hold.

13           (f) Applicants for a hemp retail license must submit all  
14 information required by the Department of Financial and  
15 Professional Regulation. Failure by an applicant to submit all  
16 required information may result in the application being  
17 disqualified.

18           (g) The Department of Financial and Professional  
19 Regulation may verify information contained in each  
20 application and accompanying documentation to assess the  
21 applicant's veracity and fitness to operate a hemp business  
22 establishment.

23           (h) The Department of Financial and Professional  
24 Regulation may refuse to issue a license to any applicant who:

25           (1) fails to disclose or states falsely any  
26 information called for in the applications;

1           (2) has been found guilty of a violation of this Act,  
2           who has had any disciplinary order entered against it by  
3           the Department of Financial and Professional Regulation,  
4           who has entered into a disciplinary or nondisciplinary  
5           agreement with the Department of Financial and  
6           Professional Regulation, or whose hemp business license  
7           was suspended, restricted, revoked, or denied in another  
8           State; or

9           (3) has engaged in a pattern or practice of unfair or  
10          illegal practices, methods, or activities in the conduct  
11          of owning a hemp business establishment or other business.

12          (i) The Department of Financial and Professional  
13          Regulation shall deny the license if any principal officer,  
14          board member, or persons having a financial or voting interest  
15          of 5% or greater on the license is delinquent in filing any  
16          required tax returns or paying any amounts owed to the State.

17          (j) The Department of Financial and Professional  
18          Regulation shall verify an applicant's compliance with the  
19          requirements of this Act and rules before issuing a hemp  
20          retailer license.

21          Section 20. Operational requirements of hemp retailers.

22          (a) A hemp retailer shall operate in accordance with the  
23          representations made in its application and license materials.  
24          It shall be in compliance with this Act and rules.

25          (b) A hemp retailer that obtains a hemp food establishment



1 license may prepare and sell ready-to-eat hemp cannabinoid  
2 products.

3 (c) A hemp retailer shall maintain compliance with State  
4 and local building, fire, and zoning requirements and  
5 regulations.

6 (d) A hemp retailer's license allows for a hemp retailer  
7 to be operated only at a single location.

8 (e) A hemp retailer shall ensure that any building or  
9 equipment used by the hemp retailer for the sale of hemp, hemp  
10 cannabinoid products, and ready-to-eat hemp cannabinoid  
11 products are maintained in a clean and sanitary condition.

12 (f) A hemp retailer's premises shall be free from  
13 infestation by insects, rodents, or pests.

14 (g) A hemp retailer license shall not give the licensee  
15 the right to:

16 (1) grow hemp;

17 (2) produce or manufacture hemp or hemp cannabinoid  
18 products;

19 (3) sell hemp cannabinoid products to a purchaser  
20 unless the purchaser is a medical patient or that the  
21 purchaser has been verified to be 21 years of age or older;  
22 or

23 (4) violate any other requirements or prohibitions set  
24 by Department of Financial and Professional Regulation  
25 rules.

26 (h) A hemp retailer license may be obtained by an

1 out-of-state entity if:

2 (1) the applicant and its principals and officers on  
3 the application retain a registered agent or office in the  
4 State and agree to submit to tax nexus within the State for  
5 jurisdictional, regulatory, and enforcement purposes; and

6 (2) the applicant maintains a log of all sales to  
7 residents located within the State to be submitted for  
8 inspection by the Department.

9 Section 25. Regulation of hemp food establishments.

10 (a) As used in this Section, "Department" means the  
11 Department of Public Health.

12 (b) The Department shall administer and enforce the  
13 provisions of this Act relating to the licensing and oversight  
14 of hemp food establishments unless otherwise provided in this  
15 Act.

16 (c) No person shall operate a hemp food establishment for  
17 the purpose of serving hemp cannabinoid products for human  
18 ingestion or ready-to-eat hemp cannabinoid products without a  
19 license issued under this Act.

20 (d) Subject to the provisions of this Act, the Department  
21 may exercise the following powers and duties:

22 (1) prescribe forms to be issued for the  
23 administration and enforcement of this Act;

24 (2) examine, inspect, and investigate the premises,  
25 operations, and records of hemp food establishment

1 applicants and licensees;

2 (3) conduct investigations of possible violations of  
3 this Act pertaining to hemp food establishments; and

4 (4) conduct hearings on proceedings to refuse to issue  
5 or renew licenses or to revoke, suspend, place on  
6 probation, reprimand, or otherwise discipline a license  
7 holder under this Act or take other nondisciplinary  
8 action.

9 (e) The Department may not limit the number of hemp food  
10 establishment licenses.

11 (f) The Department shall not limit the number of licenses  
12 an individual may hold. Applicants for a hemp food  
13 establishment license must submit all information required by  
14 the Department. Failure by an applicant to submit all required  
15 information may result in the application being disqualified.

16 (g) The Department may verify information contained in  
17 each application and accompanying documentation to assess the  
18 applicant's veracity and fitness to operate a hemp food  
19 establishment.

20 (h) The Department may refuse to issue an authorization to  
21 any applicant who:

22 (1) fails to disclose or falsifies any information  
23 called for in the application;

24 (2) has been found guilty of a violation of this Act,  
25 who has had any disciplinary order entered against the  
26 applicant by the Department, who has entered into a

1 disciplinary or nondisciplinary agreement with the  
2 Department, or whose hemp business establishment license  
3 was suspended, restricted, revoked, or denied in another  
4 state; or

5 (3) has engaged in a pattern or practice of unfair or  
6 illegal practices, methods, or activities in the conduct  
7 of owning a hemp business establishment or other business.

8 (i) The Department shall deny the license if any principal  
9 officer, board member, or persons having a financial or voting  
10 interest of 5% or greater on the license is delinquent in  
11 filing any required tax returns or paying any amounts owed to  
12 the State.

13 (j) The Department shall verify an applicant's compliance  
14 with the requirements of this Act and rules before issuing a  
15 hemp food establishment license.

16 Section 30. Operational requirements of hemp food  
17 establishments.

18 (a) A hemp food establishment that deals in the  
19 manufacture and sale of food items and that does not comply  
20 with either the existing State laws related to food handling  
21 or the health and food handling regulations of a unit of local  
22 government having jurisdiction over the establishment may be  
23 enjoined from doing business in the following manner: the  
24 Department of Public Health or a local department of health  
25 may seek an injunction in the circuit court of the county in

1 which the establishment is located. An injunction, if granted,  
2 shall prohibit the hemp food establishment from selling hemp  
3 cannabinoid products for human ingestion until it complies  
4 with any applicable State law or regulations of a unit of local  
5 government. However, no injunction may be sought or granted  
6 before January 1, 2027, to enforce any rule or regulation  
7 requiring a licensed food business to adhere to those rules  
8 and regulations.

9 (b) The Department of Public Health shall adopt and  
10 enforce rules for the manufacturing and processing of hemp  
11 cannabinoid products for human ingestion at a hemp food  
12 establishment, and, for that purpose, it may at all times  
13 enter every building, room, basement, enclosure, or premises  
14 occupied or used, or suspected of being occupied or used, for  
15 the production, preparation, manufacture for sale, storage,  
16 sale, processing, distribution, or transportation and to  
17 inspect the premises of a hemp food establishment together  
18 with all utensils, fixtures, furniture, and machinery used for  
19 the preparation of these products.

20 (c) A hemp food establishment shall be under the  
21 operational supervision of a certified food service sanitation  
22 manager in accordance with rules adopted under this Act.

23 (d) A hemp food establishment shall operate in accordance  
24 with the representations made in its application and license  
25 materials. It shall be in compliance with this Act and rules.

26 (e) A hemp food establishment shall comply with the food

1 handling, preparation, packaging and labeling provisions of  
2 the Illinois Food, Drug and Cosmetic Act, the Food Handling  
3 Regulation Enforcement Act, and the Sanitary Food Preparation  
4 Act.

5 (f) A hemp food establishment that obtains a hemp retailer  
6 license may prepare and sell ready-to-eat hemp cannabinoid  
7 products.

8 (g) A hemp food establishment shall maintain compliance  
9 with State and local building, fire, and zoning requirements.

10 (h) A hemp food establishment license allows for a hemp  
11 food establishment to be operated only at a single location.

12 (i) A hemp food establishment shall ensure that any  
13 building or equipment used by the hemp food establishment for  
14 the storage, preparation, or sale of hemp cannabinoid products  
15 for human ingestion and ready-to-eat hemp cannabinoid products  
16 are maintained in a clean and sanitary condition.

17 (j) A hemp food establishment shall be free from  
18 infestation by insects, rodents, or pests.

19 (k) A hemp food establishment, when combined with an  
20 on-site hemp retailer license, allows for the preparation and  
21 sale of ready-to-eat hemp cannabinoid products.

22 (l) A hemp food establishment license shall not give the  
23 establishment the right to:

24 (1) grow hemp;

25 (2) process hemp;

26 (3) prepare and sell ready-to-eat hemp cannabinoid

1 products to a purchaser unless the purchaser has been  
2 verified to be 21 years of age or older; or

3 (4) violate any other requirements or prohibitions set  
4 by the Department of Public Health rules.

5 Section 35. Recipes and dosing of ready-to-eat hemp  
6 cannabinoid products. In order to sell ready-to-eat hemp  
7 cannabinoid products, a hemp food establishment shall:

8 (1) keep THC dosing at or below 50 milligrams per  
9 serving;

10 (2) submit a standard operating procedure for dosing  
11 to the Department of Public Health for approval and  
12 registration. The approval shall be granted within 30 days  
13 of submission unless the Department provides good cause,  
14 in writing, for withholding approval;

15 (3) submit the recipe, at the hemp food  
16 establishment's expense, to a third-party testing  
17 laboratory for potency testing to ensure 0.3% THC  
18 compliance on an annual basis;

19 (4) use only the varietal or proportional varietals of  
20 ingredients included in the tested recipe for all  
21 subsequent batches of the recipe; and

22 (5) provide documentation of the annual test results  
23 of the recipe submitted under this paragraph upon  
24 registration and to an inspector upon request during any  
25 inspection authorized by the Department.

1 Section 40. Disclosure and labeling of ready-to-eat hemp  
2 cannabinoid products.

3 (a) Hemp food establishments must ensure that the total  
4 milligram content of each type of cannabinoid exceeding one  
5 milligram contained in each ready-to-eat hemp cannabinoid menu  
6 item is listed on the menu adjacent to the name or the price of  
7 the associated menu item.

8 (b) Hemp food establishments must ensure that served  
9 ready-to-eat hemp cannabinoid menu items include a label that:

10 (1) indicates the total milligram content of the  
11 served items; and

12 (2) provides a QR code for a link to a web page  
13 containing a copy of:

14 (A) the testing results of the intermediate hemp  
15 product used;

16 (B) the dosing standard operating procedure; and

17 (C) a representative compliance test for the  
18 recipe.

19 Section 45. Administrative hearings.

20 (a) Administrative hearings involving licenses issued  
21 under this Act shall be conducted by the department issuing  
22 the licenses under the rules that govern formal administrative  
23 proceedings of the department issuing the licenses. As used in  
24 this Section, "department issuing the license" means (1) the



1 Department of Financial and Professional Regulation in the  
2 case of a violation of this Act or rules adopted under this Act  
3 relating to a hemp retailer or (2) the Department of Public  
4 Health in the case of a violation of this Act or rules adopted  
5 under this Act relating to a hemp food establishment.

6 (b) The following administrative penalties may be imposed  
7 by the department issuing the license upon any person or  
8 entity who violates any provision of this Act or any rule  
9 adopted by any State department under this Act:

10 (1) a penalty of \$2,500 for a first violation;

11 (2) a penalty of \$5,000 for a second violation at the  
12 same location within 2 years of the first violation; and

13 (3) a penalty of \$10,000 for a third or subsequent  
14 violation at the same location within 2 years of the  
15 second or subsequent violation.

16 Any penalty of \$5,000 or greater that is not paid within  
17 120 days of issuance of notice from the department issuing the  
18 license shall be submitted to the Department of Revenue for  
19 collection as provided under the Illinois State Collection Act  
20 of 1986. The department issuing the license may prohibit any  
21 person from selling or distributing a hemp cannabinoid product  
22 for failure to pay an administrative penalty within 60 days of  
23 issuance of notice from the department.

24 (c) All final administrative decisions of the department  
25 issuing the license are subject to judicial review under the  
26 Administrative Review Law. For the purposes of this

1 subsection, "administrative decision" has the meaning given to  
2 that term in Section 3-101 of the Code of Civil Procedure.