



Rep. David R. Leitch

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09800HB5085ham002

LRB098 16286 RLC 58430 a

1 AMENDMENT TO HOUSE BILL 5085

2 AMENDMENT NO. _____. Amend House Bill 5085 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Cannabis Control Act is amended by changing
5 Sections 3 and 15 as follows:

6 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

7 Sec. 3. As used in this Act, unless the context otherwise
8 requires:

9 (a) "Cannabis" includes marihuana, hashish and other
10 substances which are identified as including any parts of the
11 plant Cannabis Sativa, whether growing or not; the seeds
12 thereof, the resin extracted from any part of such plant; and
13 any compound, manufacture, salt, derivative, mixture, or
14 preparation of such plant, its seeds, or resin, including
15 tetrahydrocannabinol (THC) and all other cannabiniol
16 derivatives, including its naturally occurring or

1 synthetically produced ingredients, whether produced directly
2 or indirectly by extraction, or independently by means of
3 chemical synthesis or by a combination of extraction and
4 chemical synthesis; but shall not include the mature stalks of
5 such plant, fiber produced from such stalks, oil or cake made
6 from the seeds of such plant, any other compound, manufacture,
7 salt, derivative, mixture, or preparation of such mature stalks
8 (except the resin extracted therefrom), fiber, oil or cake, or
9 the sterilized seed of such plant which is incapable of
10 germination.

11 (b) "Casual delivery" means the delivery of not more than
12 10 grams of any substance containing cannabis without
13 consideration.

14 (c) "Department" means the Illinois Department of Human
15 Services (as successor to the Department of Alcoholism and
16 Substance Abuse) or its successor agency.

17 (d) "Deliver" or "delivery" means the actual, constructive
18 or attempted transfer of possession of cannabis, with or
19 without consideration, whether or not there is an agency
20 relationship.

21 (e) "Department of State Police" means the Department of
22 State Police of the State of Illinois or its successor agency.

23 (f) "Director" means the Director of the Department of
24 State Police or his designated agent.

25 (f-5) "Industrial hemp" means cannabis sativa L. having no
26 more than three-tenths of 1% Delta-9-tetrahydrocannabinol.

1 (g) "Local authorities" means a duly organized State,
2 county, or municipal peace unit or police force.

3 (h) "Manufacture" means the production, preparation,
4 propagation, compounding, conversion or processing of
5 cannabis, either directly or indirectly, by extraction from
6 substances of natural origin, or independently by means of
7 chemical synthesis, or by a combination of extraction and
8 chemical synthesis, and includes any packaging or repackaging
9 of cannabis or labeling of its container, except that this term
10 does not include the preparation, compounding, packaging, or
11 labeling of cannabis as an incident to lawful research,
12 teaching, or chemical analysis and not for sale.

13 (i) "Person" means any individual, corporation, government
14 or governmental subdivision or agency, business trust, estate,
15 trust, partnership or association, or any other entity.

16 (j) "Produce" or "production" means planting, cultivating,
17 tending or harvesting.

18 (k) "State" includes the State of Illinois and any state,
19 district, commonwealth, territory, insular possession thereof,
20 and any area subject to the legal authority of the United
21 States of America.

22 (l) "Subsequent offense" means an offense under this Act,
23 the offender of which, prior to his conviction of the offense,
24 has at any time been convicted under this Act or under any laws
25 of the United States or of any state relating to cannabis, or
26 any controlled substance as defined in the Illinois Controlled

1 Substances Act.

2 (Source: P.A. 89-507, eff. 7-1-97.)

3 (720 ILCS 550/15) (from Ch. 56 1/2, par. 715)

4 Sec. 15. Research ~~The Department shall encourage research~~
5 on cannabis.

6 (a) The Department shall encourage research on cannabis. In
7 connection with the research, and in furtherance of the
8 purposes of this Act, the Department ~~it~~ may:

9 (1) establish methods to assess accurately the effect
10 of cannabis;

11 (2) make studies and undertake programs of research to:

12 (i) develop new or improved approaches,
13 techniques, systems, equipment and devices to
14 strengthen the enforcement of this Act;

15 (ii) determine patterns of use of cannabis and its
16 social effects; and

17 (iii) improve methods for preventing, predicting,
18 understanding, and dealing with the use of cannabis;

19 (3) enter into contracts with public agencies,
20 educational institutions, and private organizations or
21 individuals for the purpose of conducting research,
22 demonstrations, or special projects which relate to the use
23 of cannabis.

24 (b) The Department of Agriculture may encourage research on
25 industrial hemp for agricultural purposes. In connection with

1 the research, and in furtherance of this purpose, the
2 Department of Agriculture may:

3 (1) grow and cultivate industrial hemp;

4 (2) perform studies and undertake programs of research

5 to:

6 (i) develop new or improved approaches,
7 techniques, systems, equipment, and devices for
8 growing and cultivating industrial hemp; and

9 (ii) determine uses for industrial hemp; and

10 (3) authorize institutions of higher learning to grow
11 or cultivate industrial hemp for the purpose of conducting
12 research, demonstrations, or special projects which relate
13 to the use of industrial hemp.

14 The Department of Agriculture may adopt rules to implement
15 this subsection. In order to provide for the expeditious and
16 timely implementation of this subsection, upon notification by
17 an institution of higher learning that the institution wishes
18 to engage in the growth or cultivation of industrial hemp for
19 agricultural research purposes, the Department of Agriculture
20 shall adopt emergency rules under Section 5-45 of the Illinois
21 Administrative Procedure Act to implement the provisions of
22 this subsection. If changes to the rules are required to comply
23 with federal rules, the Department of Agriculture may adopt
24 peremptory rules as necessary to comply with changes to
25 corresponding federal rules. All other rules that the
26 Department of Agriculture deems necessary to adopt in

1 connection with this Section must proceed through the ordinary
2 rule-making process. The adoption of emergency rules
3 authorized by this subsection (b) shall be deemed to be
4 necessary for the public interest, safety, and welfare.

5 (Source: P.A. 83-969.)".