



Sen. Darin M. LaHood

Filed: 5/2/2014

09800HB5085sam001

LRB098 16286 MGM 58934 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 Section 8 and adding Section 15.2 as follows:

6 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

7 Sec. 8. It is unlawful for any person knowingly to produce
8 the cannabis sativa plant or to possess such plants unless
9 production or possession has been authorized pursuant to the
10 provisions of Section 11 or 15.2 of the Act. Any person who
11 violates this Section with respect to production or possession
12 of:

13 (a) Not more than 5 plants is guilty of a Class A
14 misdemeanor.

15 (b) More than 5, but not more than 20 plants, is guilty of
16 a Class 4 felony.

1 (c) More than 20, but not more than 50 plants, is guilty of
2 a Class 3 felony.

3 (d) More than 50, but not more than 200 plants, is guilty
4 of a Class 2 felony for which a fine not to exceed \$100,000 may
5 be imposed and for which liability for the cost of conducting
6 the investigation and eradicating such plants may be assessed.
7 Compensation for expenses incurred in the enforcement of this
8 provision shall be transmitted to and deposited in the
9 treasurer's office at the level of government represented by
10 the Illinois law enforcement agency whose officers or employees
11 conducted the investigation or caused the arrest or arrests
12 leading to the prosecution, to be subsequently made available
13 to that law enforcement agency as expendable receipts for use
14 in the enforcement of laws regulating controlled substances and
15 cannabis. If such seizure was made by a combination of law
16 enforcement personnel representing different levels of
17 government, the court levying the assessment shall determine
18 the allocation of such assessment. The proceeds of assessment
19 awarded to the State treasury shall be deposited in a special
20 fund known as the Drug Traffic Prevention Fund.

21 (e) More than 200 plants is guilty of a Class 1 felony for
22 which a fine not to exceed \$100,000 may be imposed and for
23 which liability for the cost of conducting the investigation
24 and eradicating such plants may be assessed. Compensation for
25 expenses incurred in the enforcement of this provision shall be
26 transmitted to and deposited in the treasurer's office at the

1 level of government represented by the Illinois law enforcement
2 agency whose officers or employees conducted the investigation
3 or caused the arrest or arrests leading to the prosecution, to
4 be subsequently made available to that law enforcement agency
5 as expendable receipts for use in the enforcement of laws
6 regulating controlled substances and cannabis. If such seizure
7 was made by a combination of law enforcement personnel
8 representing different levels of government, the court levying
9 the assessment shall determine the allocation of such
10 assessment. The proceeds of assessment awarded to the State
11 treasury shall be deposited in a special fund known as the Drug
12 Traffic Prevention Fund.

13 (Source: P.A. 95-247, eff. 1-1-08.)

14 (720 ILCS 550/15.2 new)

15 Sec. 15.2. Industrial hemp pilot program.

16 (a) Pursuant to Section 7606 the federal Agricultural Act
17 of 2014, an institution of higher education or the Department
18 of Agriculture may grow or cultivate industrial hemp if:

19 (1) the industrial hemp is grown or cultivated for
20 purposes of research conducted under an agricultural pilot
21 program or other agricultural or academic research;

22 (2) the pilot program studies the growth, cultivation,
23 or marketing of industrial hemp; and

24 (3) any site used for the growing or cultivating of
25 industrial hemp is certified by, and registered with, the

1 Department of Agriculture.

2 (b) Before conducting industrial hemp research, an
3 institution of higher education shall notify the Department of
4 Agriculture and any local law enforcement agency in writing.

5 (c) The institution of higher education shall provide
6 quarterly reports and an annual report to the Department of
7 Agriculture on the research and the research program shall be
8 subject to random inspection by the Department of Agriculture,
9 the Department of State Police, or local law enforcement
10 agencies. The institution of higher education shall submit the
11 annual report to the Department of Agriculture on or before
12 October 1.

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

1 rule-making process. The adoption of emergency rules
2 authorized by this Section shall be deemed to be necessary for
3 the public interest, safety, and welfare.

4 The Department of Agriculture may determine, by rule, the
5 duration of an institution of higher education's pilot program
6 or industrial hemp research. If the institution of higher
7 education has not completed its program within the timeframe
8 established by rule, then the Department of Agriculture may
9 grant an extension to the pilot program if unanticipated
10 circumstances arose that impacted the program.

11 (e) As used in this Section:

12 "Industrial hemp" means cannabis sativa L. having no
13 more than 0.3% total THC available, upon heating, or
14 maximum delta-9 tetrahydrocannabinol content possible.

15 "Institution of higher education" means a State
16 institution of higher education that offers a 4-year degree
17 in agricultural science."