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**91\_SB1397eng**

SB1397 Engrossed

LRB9111501MWpc

1 AN ACT concerning industrial hemp.

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

4 Section 5. The University of Illinois Act is amended by  
5 adding Section 20 as follows:

6 (110 ILCS 305/20 new)

7 Sec. 20. Industrial hemp study.

8 (a) In this Section, "industrial hemp" means any variety  
9 of Cannabis sativa L. with a delta-9 tetrahydrocannabinol  
10 concentration that does not exceed 0.3% on a dry weight  
11 basis, that meets the standards set forth by Health Canada as  
12 of July 1, 1999, and that is grown in compliance with federal  
13 and State permit conditions.

14 (b) The University shall study the feasibility and  
15 desirability of industrial hemp production in this State,  
16 subject to an appropriation for that purpose. The study  
17 shall include an analysis of required soils and growing  
18 conditions, seed availability and varieties, including  
19 in-the-ground seed variety trials, harvest methods, market  
20 economies, and environmental benefits. The University shall  
21 obtain all federal and State permits needed to legally grow  
22 industrial hemp for fiber or seed production prior to  
23 importing any non-sterilized industrial hemp seeds capable of  
24 germination into the State. The University shall report its  
25 findings and recommendations to the General Assembly by  
26 January 1, 2002.

27 Section 10. The Southern Illinois University Management  
28 Act is amended by adding Section 10 as follows:

29 (110 ILCS 520/10 new)

1 Sec. 10. Industrial hemp study.

2 (a) In this Section, "industrial hemp" means any variety  
3 of Cannabis sativa L. with a delta-9 tetrahydrocannabinol  
4 concentration that does not exceed 0.3% on a dry weight  
5 basis, that meets the standards set forth by Health Canada as  
6 of July 1, 1999, and that is grown in compliance with federal  
7 and State permit conditions.

8 (b) The University shall study the feasibility and  
9 desirability of industrial hemp production in this State,  
10 subject to an appropriation for that purpose. The study  
11 shall include an analysis of required soils and growing  
12 conditions, seed availability and varieties, including  
13 in-the-ground seed variety trials, harvest methods, market  
14 economies, and environmental benefits. The University shall  
15 obtain all federal and State permits needed to legally grow  
16 industrial hemp for fiber or seed production prior to  
17 importing any non-sterilized industrial hemp seeds capable of  
18 germination into the State. The University shall report its  
19 findings and recommendations to the General Assembly by  
20 January 1, 2002.

21 Section 15. The Cannabis Control Act is amended by  
22 changing Section 3 as follows:

23 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

24 Sec. 3. As used in this Act, unless the context  
25 otherwise requires:

26 (a) "Cannabis" includes marihuana, hashish and other  
27 substances which are identified as including any parts of the  
28 plant Cannabis Sativa, whether growing or not; the seeds  
29 thereof, the resin extracted from any part of such plant; and  
30 any compound, manufacture, salt, derivative, mixture, or  
31 preparation of such plant, its seeds, or resin, including  
32 tetrahydrocannabinol (THC) and all other cannabinol

1 derivatives, including its naturally occurring or  
2 synthetically produced ingredients, whether produced directly  
3 or indirectly by extraction, or independently by means of  
4 chemical synthesis or by a combination of extraction and  
5 chemical synthesis; but shall not include the mature stalks  
6 of such plant, fiber produced from such stalks, oil or cake  
7 made from the seeds of such plant, any other compound,  
8 manufacture, salt, derivative, mixture, or preparation of  
9 such mature stalks (except the resin extracted therefrom),  
10 fiber, oil or cake, ~~or~~ the sterilized seed of such plant  
11 which is incapable of germination, or industrial hemp solely  
12 as authorized for the purposes of Section 20 of the  
13 University of Illinois Act and Section 10 of the Southern  
14 Illinois University Management Act.

15 (b) "Casual delivery" means the delivery of not more  
16 than 10 grams of any substance containing cannabis without  
17 consideration.

18 (c) "Department" means the Illinois Department of Human  
19 Services (as successor to the Department of Alcoholism and  
20 Substance Abuse) or its successor agency.

21 (d) "Deliver" or "delivery" means the actual,  
22 constructive or attempted transfer of possession of cannabis,  
23 with or without consideration, whether or not there is an  
24 agency relationship.

25 (e) "Department of State Police" means the Department of  
26 State Police of the State of Illinois or its successor  
27 agency.

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

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

32 (h) "Manufacture" means the production, preparation,  
33 propagation, compounding, conversion or processing of  
34 cannabis, either directly or indirectly, by extraction from

1 substances of natural origin, or independently by means of  
2 chemical synthesis, or by a combination of extraction and  
3 chemical synthesis, and includes any packaging or repackaging  
4 of cannabis or labeling of its container, except that this  
5 term does not include the preparation, compounding,  
6 packaging, or labeling of cannabis as an incident to lawful  
7 research, teaching, or chemical analysis and not for sale.

8 (i) "Person" means any individual, corporation,  
9 government or governmental subdivision or agency, business  
10 trust, estate, trust, partnership or association, or any  
11 other entity.

12 (j) "Produce" or "production" means planting,  
13 cultivating, tending or harvesting.

14 (k) "State" includes the State of Illinois and any  
15 state, district, commonwealth, territory, insular possession  
16 thereof, and any area subject to the legal authority of the  
17 United States of America.

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

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

25 Section 20. The Cannabis and Controlled Substances Tort  
26 Claims Act is amended by changing Section 3 as follows:

27 (740 ILCS 20/3) (from Ch. 70, par. 903)

28 Sec. 3. Definitions. As used in this Act, unless the  
29 context otherwise requires:

30 "Cannabis" includes marihuana, hashish, and other  
31 substances that are identified as including any parts of the  
32 plant Cannabis Sativa, whether growing or not, the seeds of

1 that plant, the resin extracted from any part of that plant,  
2 and any compound, manufacture, salt, derivative, mixture, or  
3 preparation of that plant, its seeds, or resin, including  
4 tetrahydrocannabinol (THC) and all other cannabinol  
5 derivatives, including its naturally occurring or  
6 synthetically produced ingredients, whether produced directly  
7 or indirectly by extraction, independently by means of  
8 chemical synthesis, or by a combination of extraction and  
9 chemical synthesis. "Cannabis" does not include the mature  
10 stalks of that plant, fiber produced from those stalks, oil  
11 or cake made from the seeds of that plant, any other  
12 compound, manufacture, salt, derivative, mixture, or  
13 preparation of mature stalks (except the extracted resin),  
14 fiber, oil or cake, ~~or~~ the sterilized seeds of that plant  
15 that are incapable of germination, or industrial hemp solely  
16 as authorized for the purposes of Section 20 of the  
17 University of Illinois Act and Section 10 of the Southern  
18 Illinois University Management Act.

19 "Controlled substance" means a drug, substance, or  
20 immediate precursor in the Schedules of Article II of the  
21 Illinois Controlled Substances Act.

22 "Counterfeit substance" means a controlled substance or  
23 the container or labeling of a controlled substance that,  
24 without authorization, bears the trademark, trade name, or  
25 other identifying mark, imprint, number, device, or any  
26 likeness thereof of a manufacturer, distributor, or dispenser  
27 other than the person who in fact manufactured, distributed,  
28 or dispensed the substance.

29 "Deliver" or "delivery" means the actual, constructive,  
30 or attempted transfer of possession of a controlled substance  
31 or cannabis, with or without consideration, whether or not  
32 there is an agency relationship.

33 "Manufacture" means the production, preparation,  
34 propagation, compounding, conversion, or processing of a

1 controlled substance, either directly or indirectly, by  
2 extraction from substances of natural origin, independently  
3 by means of chemical synthesis, or by a combination of  
4 extraction and chemical synthesis, and includes any packaging  
5 or repackaging of the substance or labeling of its container,  
6 except that the term does not include:

- 7 (1) by an ultimate user, the preparation or  
8 compounding of a controlled substance for his own use;  
9 (2) by a practitioner or his authorized agent under  
10 his supervision, the preparation, compounding, packaging,  
11 or labeling of a controlled substance;  
12 (A) as an incident to his administering or  
13 dispensing of a controlled substance in the course  
14 of his professional practice; or  
15 (B) as an incident to lawful research,  
16 teaching or chemical analysis and not for sale; or  
17 (3) the preparation, compounding, packaging, or  
18 labeling of cannabis as an incident to lawful research,  
19 teaching, or chemical analysis and not for sale.

20 "Owner" means a person who has possession of or any  
21 interest whatsoever in the property involved.

22 "Person" means an individual, a corporation, a  
23 government, a governmental subdivision or agency, a business  
24 trust, an estate, a trust, a partnership or association, or  
25 any other entity.

26 "Production" means planting, cultivating, tending, or  
27 harvesting.

28 "Property" means real property, including things growing  
29 on, affixed to, and found in land, and tangible or intangible  
30 personal property, including rights, services, privileges,  
31 interests, claims, and securities.

32 (Source: P.A. 87-544.)

33 Section 99. Effective date. This Act takes effect upon

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1 becoming law.

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