

ILLINOIS REGISTER

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY RULES

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SOURCE: Adopted by emergency rulemaking at 44 Ill. Reg. ____, effective _____ for a maximum of 180 days.

SUBPART A: GENERAL PROVISIONS

Section 1300.10 Definitions and Incorporations

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Definitions for this Part can be located in Section 10 of the Cannabis Regulation and Tax Act [410 ILCS 705]. The following definitions shall also apply to this Part:

"Act" means the Cannabis Regulation and Tax Act [410 ILCS 705].

"Adult Use Cultivation Center License" means a license issued by the Department of Agriculture that licenses a person to act as a cultivation center under the Act and any administrative rule made in furtherance of the Act. [410 ILCS 705/1-10]

"Advertise" means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs. [410 ILCS 705/1-10]

"Alarm System" means a device or series of devices intended to summon law enforcement personnel during, or as a result of, an alarm condition. Devices may include hard-wired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audible, visual or electronic signal; motion detectors, pressure switches, duress alarms (a silent system signal generated by the entry of a designated code

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into the arming station to indicate that the user is disarming under duress); panic alarms (an audible system signal to indicate an emergency situation); and hold-up alarms (a silent system signal to indicate that a robbery is in progress). The Department and law enforcement agencies shall have the ability to access a cultivation center's security alarm system in real-time.

"Alterations" means permanent non-cosmetic changes in activities or processes at a cultivation center, or changes in production, handling or storage of the product mix, that do not modify the functions of facility structures or systems.

"Applicant" means the proposed licensee name as stated on the license application.

"Area Zoned for Residential Use" means an area zoned exclusively for residential use; provided that, in municipalities with a population over 2,000,000 people, an "area zoned for residential use" means an area zoned as a residential district or a residential planned development. An area that allows non-residential uses shall not be considered an area zoned exclusively for residential use.

"Batch" means the established segregation of a group of plants at the time of planting for the control of quantity, traceability and/or strain. A batch number will be assigned at the time of planting for a specified number of plants.

"Batch Number" means a unique numeric or alphanumeric identifier assigned to a batch by a cultivation center when the batch is first planted. The batch number shall contain the facility number and a sequence to allow for inventory and traceability.

"Biosecurity" means a set of preventative measures designed to reduce the risk of transmission of infectious diseases in crops, quarantined pests, invasive alien species, and living modified organisms.

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

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however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products. [410 ILCS 705/1-10]

"Cannabis Business Establishment" means a cultivation center, craft grower, infuser, dispensing organization, or transporter. [410 ILCS 705/1-10]

"Cannabis Container" means a sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation. [410 ILCS 705/1-10]

"Cannabis-infused Product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked. [410 ILCS 705/1-10]

"Cannabis Product" means a product containing medical or adult-use cannabis either in a physical form or infused with an extracted resin.

"Cannabis Waste" means all cannabis byproduct, scrap, harvested cannabis, and cannabis-infused products not intended for distribution to a dispensing organization.

"Community College Cannabis Vocational Training Pilot Program Faculty Participant" means a person who is 21 years of age or older, licensed by the Department of Agriculture, and employed or contracted by an Illinois community college to provide student instruction using cannabis plants at an Illinois Community College. [410 ILCS 705/1-10]

"Conditional Adult Use Cultivation Center License" means a license awarded to top-scoring applicants for an Adult Use Cultivation Organization License that reserves the right to an Adult Use Cultivation Center License if the applicant meets certain criteria as set forth in this Part [410 ILCS 705/1-10]. A Conditional Adult Use Cultivation Center License or applicant may also be referred to as a "cultivation center."

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"Craft Grower" means a facility operated by an organization or business that is licensed by the Department to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at an infuser. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with an infuser or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership. [410 ILCS 705/1-10]

"Craft grower agent" means a principal officer, board member, employee, or other agent of a craft grower who is 21 years of age or older. [410 ILCS 705/1-10]

"Crop Input" means any substance that is used for the production of adult-use cannabis. This may include pesticides as defined by the Illinois Pesticide Act or the American Association of Pesticide Control Officials, fertilizers as defined by the Illinois Fertilizer Act of 1961 or the American Association of Plant Food Officials, and soil amendments as defined by the Soil Amendment Act.

"Cultivation Center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments. [410 ILCS 705/1-10]

"Cultivation Center Agent" means a principal officer, board member, employee, or other agent of a cultivation center who is 21 years of age or older. [410 ILCS 705/1-10]

"Department" means the Illinois Department of Agriculture.

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“DFPR” means the Illinois Department of Financial and Professional Regulation.

“Director of Agriculture” or “director” means the Director of the Illinois Department of Agriculture.

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

Meets at least one of the following criteria:

The area has a poverty rate of at least 20% according to the latest federal decennial census; or

75% or more of the children in the area participate in the federal free lunch program according to reported statistics from the State Board of Education; or

At least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program; or

The area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the United States Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application; and

Has high rates of arrest, conviction, and incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis. [410 ILCS 705/1-10]

“DPH” means the Illinois Department of Public Health.

"Early Approval Adult Use Cultivation Center License" or "Early Approval License" means a license that permits a medical cannabis cultivation center licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of the Cannabis Regulation and Tax Act to begin cultivating, infusing, packaging, transporting (unless otherwise provided in the Act), and

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selling cannabis to cannabis business establishments for resale to purchasers as permitted by the Act as of January 1, 2020. [410 ILCS 705/1-10]

"Enclosed, Locked Facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by cannabis business establishment agents working for the licensed cannabis business establishment or acting pursuant to the Act to cultivate, process, store, or distribute cannabis. [410 ILCS 705/1-10]

"Enclosed, Locked Space" means a closet, room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by authorized individuals under the Act. "Enclosed, locked space" may include:

A space within a residential building that is the primary residence of the individual cultivating 5 or fewer cannabis plants that are more than 5 inches tall and includes sleeping quarters and indoor plumbing. The space must only be accessible by a key or code that is different from any key or code that can be used to access the residential building from the exterior;
or

A structure, such as a shed or greenhouse, that lies on the same plot of land as a residential building that includes sleeping quarters and indoor plumbing and is used as a primary residence by the person cultivating 5 or fewer cannabis plants that are more than 5 inches tall, such as a shed or greenhouse. The structure must remain locked when it is unoccupied by people. [410 ILCS 705/1-10]

"Facility" means the physical structures associated with a licensee.

"Financial Interest" means any actual or future right to ownership, investment or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent or child, in a cultivation center. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent or child, in the aggregate, do not exceed one percent ownership in the cultivation center.

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"Fingerprint-based Criminal History Records Check" means a fingerprint-based criminal history records check conducted by the Department of State Police in accordance with the Uniform Conviction Information Act (UCIA) or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).

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

"Infuser" means a facility operated by an organization or business that is licensed by the Department to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product. [410 ILCS 705/1-10]

"Infuser agent" means a principal officer, board member, employee, or agent of an infuser.

"ISP" means the Illinois State Police.

"Label" means a display of written, printed or graphic matter on the immediate container of any product containing cannabis.

"Laboratory" means an independent laboratory located in Illinois and approved by the Department to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research or analysis.

"Livescan" means an inkless electronic system designed to capture an individual's fingerprint images and demographic data (name, sex, race, date of birth, etc.) in a digitized format that can be transmitted to ISP for processing. The data is forwarded to the ISP Bureau of Identification (BOI) over a virtual private network (VPN) and then processed by ISP's Automated Fingerprint Identification System (AFIS). Once received at the BOI for processing, the inquiry may, as permitted by law, be forwarded to the Federal Bureau of Investigation (FBI) electronically for processing.

"Livescan Vendor" means an entity licensed by the DFPR to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

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"Manufacturing" or "Manufacture" means the process of converting harvested cannabis material into a finished product by manual labor and/or machinery designed to meet a specific need or customer expectation, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

"Modification" means changes in structures, processes or activities at a cultivation center that will alter the functions of production structures, processing systems, and/or changes in the physical foot-print of the cultivation center.

"Monitoring" means the continuous and uninterrupted video surveillance of cultivation activities and oversight for potential suspicious actions. Monitoring includes video surveillance for the purpose of summoning a law enforcement officer to the premises during alarm conditions.

"Motor Vehicle" means a self-propelled vehicle as defined in Section 1-146 of the Illinois Vehicle Code.

"Natural Processing" or "Naturally Produced" means the preparation of the harvested cannabis without significantly changing its physical form.

"Operational and Management Practices Plan" means a narrative description of all practices that will be employed at the cultivation center for the production of cannabis and cannabis-infused products. The plan shall include, but is not limited to:

The types and quantities of cannabis products that will be produced at the cultivation center;

The methods of planting (seed or clones), harvesting, drying and storage of cannabis;

The estimated quantity of waste material to be generated and plans for subsequent disposal;

The quantity and proposed method for disposal for all crop inputs utilized for plant production;

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Methods for training employees for the specific phases of production;

Biosecurity measures to be implemented for plant production and edible infused product production;

Planned response to discrepancies in accounting of product inventories;

Sampling strategy and quality testing for labeling purposes;

Procedures to follow for proper labeling; and

Procedures to follow for handling mandatory and voluntary recalls of cannabis or cannabis-infused products.

"Ownership and Control" means ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership. [410 ILCS 705/1-10]

"Primary Residence" means a dwelling where a person usually stays or stays more often than other locations. It may be determined by, without limitation, presence, tax filings; address on an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; or voter registration. No person may have more than one primary residence. [410 ILCS 705/1-10]

"Principal Officer" includes:

A cannabis business establishment applicant or licensed cannabis business establishment's board member, owner with more than 1% interest of the total cannabis business establishment or more than 5% interest of the total cannabis business establishment of a publicly traded company;

President, vice president, secretary, treasurer, partner, officer, member, manager member, or person with a profit sharing, financial interest, or revenue sharing arrangement.

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The definition includes a person with authority to control the cannabis business establishment, a person who assumes responsibility for the debts of the cannabis business establishment, and a person who is further defined in the Act. [410 ILCS 705/1-10]

"Production" or "to Produce" means the planting, preparation, cultivation, growing, harvesting, propagation, compounding, conversion, natural processing or manufacturing of cannabis, and includes any packaging or repackaging of the substance, or labeling or relabeling of its container.

"Qualified applicant" means an applicant for a cultivation center permit who receives at least the minimum required score in each category required by the application.

"Qualified Social Equity Applicant" means a Social Equity Applicant who has been awarded a conditional license under this Act to operate a cannabis business establishment. [410 ILCS 705/1-10]

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

A signed lease agreement that includes the applicant's name;

A property deed that includes the applicant's name;

School records;

A voter registration card;

An Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;

A paycheck stub;

A utility bill; or

Any other proof of residency or other information necessary to establish residence as provided by this Part. [410 ILCS 705/1-10]

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"Restricted Area" means a building, room or other contiguous area upon the permitted premises where cannabis is grown, cultivated, harvested, stored, weighed, packaged, sold or processed for sale, under control of the permitted facility.

"Sale" means any form of delivery, which includes barter, exchange or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant or employee.

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

An applicant with at least 51% ownership and control by one or more individuals who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area;

An applicant with at least 51% ownership and control by one or more individuals who:

Have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act; or

Is a member of an impacted family;

For applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:

Currently reside in a Disproportionately Impacted Area; or

Have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act or member of an impacted family. [410 ILCS 705/1-10]

"THC" means tetrahydrocannabinol.

"THCA" means tetrahydrocannabinolic acid.

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“Transportation Activities” means the transport of cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.”

"Transporter" or transporters means an organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program. [410 ILCS 705/1-10]

“Transporter Agent” means a principal officer, board member, employee, or agent of a transporting organization.

"Usable Cannabis" means the seeds, leaves, buds, and flowers of the cannabis plant, and any mixture or preparation thereof, including the resin extracted from any part of the plant, but does not include the stalks, and roots of the plant. It does not include the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.

"Veteran" means a person who served in one of the five active-duty Armed Services or their respective Guard or Reserve units, and who was discharged or released from service under conditions other than dishonorable.

Section 1300.20 Referenced Materials

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- a) The following Illinois statutes are referenced in this Part:
 - 1) Cannabis Regulation and Tax Act [410 ILCS 705]
 - 2) Compassionate Use of Medical Cannabis Program Act [410 ILCS 130]
 - 3) Administrative Review Law (Article III of the Code of Civil Procedure) [735 ILCS 5/Art. III]
 - 4) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
 - 5) Food Handling Regulation Enforcement Act [410 ILCS 625]
 - 6) Sanitary Food Preparation Act [410 ILCS 650]

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- 7) Illinois Uniform Conviction Information Act [20 ILCS 2635]
 - 8) Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447]
 - 9) Illinois Vehicle Code [625 ILCS 5]
 - 10) Code of Civil Procedure [735 ILCS 5]
 - 11) Probate Act of 1975 [755 ILCS 5]
 - 12) Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code, Ch. I and II
 - 13) Illinois Pesticide Act [415 ILCS 60] and 8 Ill. Adm. Code 250
 - 14) Illinois Fertilizer Act of 1961 [505 ILCS 80]
 - 15) Soil Amendment Act [505 ILCS 120]
 - 16) Weights and Measures Act [225 ILCS 470]
 - 17) Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575]
 - 18) Department of Professional Regulation Law of the Civil Administrative Code of Illinois [20 ILCS 2105]
 - 19) State Records Act [5 ILCS 160]
 - 20) Industrial Hemp Act [505 ILCS 89]
 - 21) Illinois Procurement Code [30 ILCS 500]
 - 22) Public Community College Act [110 ILCS 805]
- b) The following State administrative rules are referenced in this Part:

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- 1) Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - 2) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - 3) Illinois Pesticide Act (8 Ill. Adm. Code 250)
 - 4) Weights and Measures Code (8 Ill. Adm. Code 600)
 - 5) Supplemental Nutritional Assistance Program (89 Ill. Adm. Code 121)
- c) Incorporations by reference in this Part do not include any later amendments or editions beyond the date specified.

Section 1300.30 Scope and Application

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- a) *The Department of Agriculture shall administer and enforce provisions of the Act relating to the oversight and registration of cultivation centers, craft growers, infusers, transporters, and agents, including the issuance of identification cards and establishing limits on potency or serving size for cannabis or cannabis products. [410 ILCS 705/5-10]*
- b) A cultivation center shall be in compliance with all of this Part prior to the commencement of operational activities and/or storage of cannabis.
- c) This Part shall apply to applicants for and holders of a cannabis business establishment license, pursuant to the Act
- d) **Authorized On-Premises Storage.** A cultivation center is authorized to store cannabis and cannabis-infused products inventory on the licensed premises. All inventory stored on the licensed premises must be secured in a limited access area and tracked using the inventory and security requirements of this Part.
- e) **Packaging and Labeling Standards Required.** A cultivation center is prohibited from selling cannabis that is not packaged and labeled in accordance with Subpart J.
- f) **Sale to Consumer Prohibited.** A cultivation center is prohibited from selling cannabis or any cannabis-infused product directly to a consumer.

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- g) Consumption Prohibited. A cultivation center shall not permit the consumption of cannabis or cannabis-infused products on its licensed premises.

Section 1300.40 Operation of a Cannabis Business Establishment
EMERGENCY

- a) Only a cannabis business establishment that has been issued a license by the Department under the Act and this Part shall own or operate a cultivation center, craft grower, infuser, or transporter.
- b) A cannabis business establishment, including each principal officer, board member, agent and employee, shall not:
 - 1) Produce, manufacture, or store cannabis in any place except in those areas designated in the license;
 - 2) Produce or manufacture or store cannabis for use outside of Illinois;
 - 3) Sell, deliver, transport or distribute cannabis to any person or entity other than a dispensing organization registered with the DFPR, a testing laboratory approved by the Department, or a State regulatory entity or law enforcement;
 - 4) Enter into an exclusive agreement with any other cannabis business establishment;
 - 5) Refuse to conduct business with any other cannabis business establishment that has the financial ability to pay for products or services, except where prohibited by law;
 - 6) Either directly or indirectly discriminate in price among different cannabis business establishments. Nothing in this subsection (b)(7) prevents pricing cannabis differently based on differences in the cost of production, the quantities sold (such as volume discounts), the way the products are delivered, or delivery costs relative to distance travelled.

SUBPART B: ADULT USE CULTIVATION CENTERS

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Section 1300.100 Application, Selection, and Operation of Early Adult Use Cultivation Center License
EMERGENCY

- a) *A medical cannabis cultivation center seeking issuance of an Early Approval Adult Use Cultivation Center License shall submit an application on forms provided by the Department of Agriculture. The application must meet or include the following qualifications:*
- 1) *Payment of a nonrefundable application fee of \$100,000, unless the applicant is eligible for a fee waiver pursuant to Section 7-20 of the Act;*
 - 2) *Proof of registration as a medical cannabis cultivation center that is in good standing;*
 - 3) *Submission of the application by the same person or entity that holds the medical cannabis cultivation center registration;*
 - 4) *Certification that the applicant will comply with the requirements of Section 20-30 of the Act;*
 - 5) *The legal name of the cultivation center;*
 - 6) *The physical address of the cultivation center;*
 - 7) *The name, address, social security number and date of birth of each principal officer and board member of the cultivation center; each of those individuals shall be at least 21 years of age;*
 - 8) *A nonrefundable Cannabis Business Development Fee equal to 5% of the cultivation center's total sales between June 1, 2018 to June 1, 2019 or \$750,000, whichever is less, but not less than \$250,000, to be deposited into the Cannabis Business Development Fund; and*
 - 9) *A commitment to completing one of the Social Equity Inclusion Plans before the expiration of the Early Approval Adult Use Cultivation Center License:*

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- A) *A contribution of 5% of the cultivation center's total sales from June 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to one of the following:*
- i) *The Cannabis Business Development Fund. This is in addition to the fee required by item (8) of this subsection (a);*
 - ii) *A cannabis industry training or education program at an Illinois community college, as defined in the Public Community College Act;*
 - iii) *A program that provides job training services to persons recently incarcerated or that operates in a Disproportionately Impacted Area.*
- B) *Participate, for at least one year, as a host in a cannabis business incubator program for at least one year approved by the Department of Commerce and Economic Opportunity, and in which an Early Approval Adult Use Cultivation Center License holder agrees to provide a loan of at least \$100,000 and mentorship to incubate a licensee that qualifies as a Social Equity Applicant. As used in this Section, "incubate" means providing direct financial assistance and training necessary to engage in licensed cannabis industry activity similar to that of the host licensee. The Early Approval Adult Use Cultivation Center License holder or the same entity holding any other licenses issued pursuant to the Act shall not take an ownership stake of greater than 10% in any business receiving incubation services to comply with this Part. If an Early Approval Adult Use Cultivation Center License holder fails to find a business to incubate to comply with this Part before its Early Approval Adult Use Cultivation Center License expires, it may opt to meet the requirements of this Part by completing another item from this subsection prior to the expiration of its Early Approval Adult Use Cultivation Center License to avoid a penalty. [410 ILCS 705/20-10(b)]*
- b) *An Early Approval Adult Use Cultivation Center License is valid until March 31, 2021. A cultivation center that obtains an Early Approval Adult Use Cultivation*

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Center License will receive written or electronic notice, 90 days before the expiration of the license, that the license will expire. The notice will inform the license holder that it may renew its Early Approval Adult Use Cultivation Center License. The Department will grant a renewal of an Early Approval Adult Use Cultivation Center License within 60 days after submission of an application if:

- 1) *The cultivation center submits an application and the required renewal fee of \$100,000 for an Early Approval Adult Use Cultivation Center License;*
 - 2) *The Department has not suspended the license of the cultivation center or suspended or revoked the license for violating the Act or this Part; and*
 - 3) *The cultivation center has completed a Social Equity Inclusion Plan as required by subsection (a)(9). [410 ILCS 705/20-10(c)]*
- c) *The Early Approval Adult Use Cultivation Center License renewed pursuant to subsection (b) shall expire March 31, 2022. The Early Approval Adult Use Cultivation Center Licensee holder will receive written or electronic notice, 90 days before the expiration of the license, that the license will expire. The notice will inform the license holder that it may apply for an Adult Use Cultivation Center License. The Department will grant an Adult Use Dispensing Organization License within 60 days after an application being deemed complete if the applicant meets all of the criteria in Section 20-21 of the Act. [410 ILCS 705/20-10(c-5)]*
- d) *The license fee required by subsection (a)(1) shall be in addition to any license fee required for the renewal of a registered medical cannabis cultivation center license that expires during the effective period of the Early Approval Adult Use Cultivation Center License. [410 ILCS 705/20-10(d)]*
- e) *Applicants must submit to the Department all required information, including the requirements in subsection (a). Failure by an applicant to submit all required information may result in the application being disqualified. [410 ILCS 705/20-10(e)]*
- f) *If the Department receives an application with missing information, the Department shall issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to submit complete*

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information. Applications that are still incomplete after this opportunity to cure may be disqualified. [410 ILCS 705/20-10(f)]

- g) *If an applicant meets all the requirements of subsection (a), the Department will issue the Early Approval Adult Use Cultivation Center License within 14 days after receiving the application unless:*
- 1) *The licensee; principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois;*
 - 2) *The Director of Agriculture determines there is reason, based on an inordinate number of documented compliance violations, the licensee is not entitled to an Early Approval Adult Use Cultivation Center License; or*
 - 3) *The licensee fails to commit to the Social Equity Inclusion Plan. [410 ILCS 705/20-10(g)]*
- h) *A cultivation center may begin producing cannabis and cannabis-infused products once the Early Approval Adult Use Cultivation Center License is approved. A cultivation center that obtains an Early Approval Adult Use Cultivation Center License may begin selling cannabis and cannabis-infused products on December 1, 2019. [410 ILCS 705/20-10(h)]*
- i) *An Early Approval Adult Use Cultivation Center License holder must produce and provide cannabis and cannabis-infused products in type and quantity proportionate to the number of patients and caregivers it served on an average monthly basis for the 6 months before the effective date of the Act.*
- j) *If there is a shortage of cannabis or cannabis-infused products, a license holder shall prioritize patients registered under the Compassionate Use of Medical Cannabis Pilot Program Act over adult use purchasers. [410 ILCS 705/20-10(j)]*
- k) *If an Early Approval Adult Use Cultivation Center licensee fails to submit an application for an Adult Use Cultivation Center License before the expiration of the Early Approval Adult Use Cultivation Center (See subsection (c)), the cultivation center shall cease adult use cultivation until it receives an Adult Use Cultivation Center License. [410 ILCS 705/20-10(k)]*

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- l) *A cultivation center agent who holds a valid cultivation center agent identification card issued under the Compassionate Use of Medical Cannabis Pilot Program Act and is an officer, director, manager, or employee of the cultivation center licensed under this Section may engage in all activities authorized by Article 20 if the Act to be performed by a cultivation center agent. [410 ILCS 705/20-10(l)]*
- m) *If the Department suspends or revokes the Early Approval Adult Use Cultivation Center License of a cultivation center that also holds a medical cannabis cultivation center, the Department may suspend or revoke the medical cannabis cultivation center license concurrently with the Early Approval Adult Use Cultivation Center License. [410 ILCS 705/20-10(m)]*
- n) *All fees or fines collected from an Early Approval Adult Use Cultivation Center License holder as a result of a disciplinary action in the enforcement of the Act shall be deposited into the Cannabis Regulation Fund. [410 ILCS 705/20-10(n)]*

Section 1300.102 Application for Conditional Adult Use Cultivation Center License
EMERGENCY

- a) A conditional adult use cultivation center license shall be obtained for each facility prior to commencement of any production activities. The license shall, along with any other certificate, business license, or other authorization required to conduct production activities, be posted in a conspicuous place within the facility.
- b) The Department shall accept applications for conditional adult use cultivation center licenses for 14 calendar days after the date indicated on the Department's website as the commencement date for accepting applications.
 - 1) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which they are so delivered or, if sent electronically, on the date received by the Department if received on or before 5 p.m. Central Time. If received electronically after 5 p.m., they will be considered received on the next business day.

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- 2) Submissions received after the 14-day period, or by a means other than required in this subsection (b), shall be returned to the applicant.
 - 3) Notification of the availability of applications, instructions for completion and submission of applications, and application forms will be posted on the Department's website at www.agr.state.il.us/. Application forms will be made available online at that website.
- c) The license application shall be submitted on the forms provided by the Department. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by the Act and this Part and will include requests for information, plans, maps and other materials in support of the application needed by the Department to make its determination on the license request. The instructions on the application will reflect the total maximum number of points that can be awarded for each required criteria, measure and bonus point category listed in Section 1300.105. The instructions/application will also identify the total minimum number of points necessary from the required criteria and measures to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner. If all materials, documentations, fees and information required by the application form are not submitted, the application shall be returned to the applicant along with a deficiency notice from the Department. The applicant shall then have 10 calendar days from the date of the deficiency notice to resubmit the application in its entirety. Applications that are still incomplete after this opportunity to cure will not be scored and will be returned to the applicant. [410 ILCS 705/15-15(e)] Once submitted, the required fee will not be returned. Upon receipt of an application deemed to be complete, the Department will engage in no further communication with the applicant until after the selection process is completed.
- d) An applicant applying for conditional adult use cultivation center license shall submit, in duplicate, the following:
- 1) The legal name of the cultivation center;
 - 2) The proposed physical address of the cultivation center;

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- 3) A description of the enclosed, locked facility where cannabis will be grown, harvested, manufactured, processed, packaged, or otherwise prepared for distribution to a dispensing organization;
- 4) The name, address, social security number, and date of birth of each principal officer and board member of the cultivation center; each principal officer and board member shall be at least 21 years of age;
- 5) The details of any administrative or judicial proceeding in which any of the principal officers or board members of the cultivation center:
 - A) Pled guilty, or were convicted, fined, or had a registration or license suspended or revoked; or
 - B) Managed or served on the board of a business or non-profit organization that pled guilty or was convicted, fined, or had a registration or license suspended or revoked;
- 6) Cultivation, processing, inventory, and packaging plans;
- 7) Proposed operating by-laws (Operation and Management Practices Plan) that include procedures for the oversight of the cultivation center, development and implementation of a plant monitoring system, cannabis container tracking system, accurate record keeping, staffing plan, and security plan reviewed by ISP that are in accordance with the rules issued by the Department under the Act. A physical inventory shall be performed of all plants and cannabis containers on a weekly basis. ISP may utilize the services of a private security contractor licensed by DFPR to assist with performing a security plan review;
- 8) Proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;
- 9) A statement demonstrating experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;

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- 10) A statement demonstrating experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;
- 11) Any academic degrees, certifications, or relevant experience with related businesses; [410 ILCS 705/20-15]
- 12) The identity of every person, association, trust, partnership, other entity or corporation having any direct or indirect pecuniary interest in the cultivation center operation with respect to which the registration is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries;
- 13) If a sole proprietorship, the name, residence and date of birth of the owner;
- 14) If a partnership, the names and addresses of all partners, both general and limited and any partnership or joint venture documents;
 - A) For a domestic limited partnership, a copy of the Certificate of Limited Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days;
 - B) For a foreign limited partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State, and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days;
- 15) If a limited liability partnership, the names and addresses of all partners, and any partnership or joint venture documents;
 - A) For a domestic limited liability partnership, a copy of the Certificate of Limited Liability Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days;
 - B) For a foreign limited liability partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State, and a Certificate of

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Good Standing from the Illinois Secretary of State dated within the last 60-days;

- 16) If a corporation based in Illinois, a copy of the Articles of Incorporation and a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60-days. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, a copy of the Certificate of Good Standing from the state or country in which the corporation is domiciled, a copy of the Certificate of Authority from the Illinois Secretary of State, and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. Additionally, applicants shall include the names and addresses of all stockholders and directors of the corporation;
- 17) If a limited liability company:
 - A) For a domestic limited liability company, a copy of the Articles of Organization, a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days, and a listing of the members of the limited liability company and their contact information;
 - B) For a foreign limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing from the state of organization, a copy of the Application for Admission to Transact Business in Illinois, along with a Certificate of Good Standing issued by the Illinois Secretary of State, all dated within the last 60 days;
- 18) If another type of business entity, the same or similar information, as applicable, to that listed in this subsection (d);
- 19) Verification from ISP that all background checks of the prospective principal officers, board members, and agents of the cannabis business establishment have been conducted. If ISP has not completed the background check, then the applicant shall provide verification that the request has been submitted to ISP;

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- 20) A copy of the current local zoning ordinance or permit and verification that the proposed cultivation center is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;
- A) If the property is not owned but is currently leased by the applicant, the applicant shall provide: a copy of the lease; confirmation of land ownership; identification of any mortgagees and/or lienholders; a written statement from the property owner and/or landlord, certifying consent that the applicant may operate a cultivation center on the premises; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center, and consent to that use by any mortgagees and/or perfected lienholders;
 - B) If the property is not owned or currently leased by the applicant, the applicant shall provide: a written statement from the property owner and/or landlord certifying consent that the applicant will lease or purchase the property for the purpose of operating a cultivation center; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center, and consent thereto by any mortgagees and/or perfected lienholders;
 - C) If the property is owned by the applicant, the applicant shall provide: confirmation of land ownership; identification of any and all mortgagees and/or perfected lienholders; and, if applicable, verification of notification to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center, and consent to that use by any mortgagees and/or perfected lienholders;
- 21) A non-refundable application fee;
- 22) A survey of the enclosed, locked facility, including the space used for cultivation;

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- 23) A map of the cultivation center. The map must clearly demonstrate that the proposed cultivation center is not located within 1,500 feet of the property line of another cultivation center or craft grower;
- 24) A plot plan of the cultivation center drawn to a reasonable scale. If the cultivation center building is in existence at the time of the application, the applicant shall submit plans and specifications drawn to scale for the interior of the building. If the building is not in existence at the time of application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed;
- 25) Documentation acceptable to the Department that the individual or entity filing the application has at least \$100,000 in liquid assets. Documentation acceptable to the Department includes a signed statement from an Illinois Licensed CPA attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying. The statement must be dated within 30 calendar days before the date the application was submitted;
- 26) Documentation acceptable to the Department that the individual or entity filing the application will be able to obtain insurance sufficient to indemnify and hold harmless the State and its officers and employees as required in 8 Ill. Adm. Code 1000.50(b)(4)(B);
- 27) All relevant financial information set forth in Section 1300.103 of this Part;
- 28) If any principal officers or board members are currently or have previously been licensed or authorized in another state or jurisdiction to produce or otherwise deal in the distribution of cannabis in any form, the following:
 - A) A copy of each licensing/authorizing document verifying licensure in that state or jurisdiction;
 - B) A statement granting permission to contact the regulatory agency that granted the license to confirm the information contained in the application; and

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- C) If the license/authorization or application was ever denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant was so licensed and was never sanctioned;
- 29) A plan describing how the cultivation center will address each of the following:
- A) Energy needs, including estimates of monthly electricity and gas usage, to what extent it will procure energy from a local utility or from on-site generation, and if it has or will adopt a sustainable energy use and energy conservation policy;
 - B) Water needs, including estimated water draw and if it has or will adopt a sustainable water use and water conservation policy; and
 - C) Waste management, including if it has or will adopt a waste reduction policy;
- 30) A diversity plan that includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity;
- 31) The applicant's recycling plan describing the following commitments:
- A) Purchaser packaging, including cartridges, shall be accepted by the applicant and recycled.
 - B) Any recyclable waste generated shall be recycled per applicable State and local laws, ordinances, and rules.
 - C) Any cannabis waste, liquid waste, or hazardous waste shall be disposed of in accordance with 8 Ill. Adm. Code 1000.460, except, to the greatest extent feasible, all cannabis plant waste will be rendered unusable by grinding and incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

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- 32) A statement describing the applicant's commitment to comply with local waste provisions. A cultivation facility must remain in compliance with applicable State and federal environmental requirements, including, but not limited to:
- A) Storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis products, in accordance with applicable State and local laws, ordinances, and rules; and
 - B) Disposing liquid waste containing cannabis or byproducts of cannabis processing in compliance with all applicable State and federal requirements, including, but not limited to permits under Title X of the Environmental Protection Act;
- 33) A commitment to use resources efficiently, including energy and water.
- A) Lighting

The Lighting Power Densities (LPD) for cultivation space commits to not exceed an average of 36 watts per gross square foot of active and growing space canopy, or all installed lighting technology shall meet a photosynthetic photon efficacy (PPE) of no less than 2.2 micromoles per joule fixture and shall be featured on the Design Lights Consortium (DLC) Horticultural Specification Qualified Products List (QPL). In the event that DLC requirement for minimum efficacy exceeds 2.2 micromoles per joule fixture, that PPE shall become the new standard;
 - B) HVAC
 - i) For cannabis grow operations with less than 6,000 square feet of canopy, the licensee commits that all HVAC units will be high-efficiency ductless split HVAC units, or other more energy efficient equipment;
 - ii) For cannabis grow operations with 6,000 square feet of canopy or more, the licensee commits that all HVAC units

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will be variable refrigerant flow HVAC units, or other more energy efficient equipment;

- C) Water Application
 - i) A commitment to use automated watering systems, including, but not limited to, drip irrigation and flood tables, to irrigate cannabis crop;
 - ii) A commitment to measure runoff from watering events and report this volume in its water usage plan, and that, on average, watering events shall have no more than 20% of runoff of water;
 - D) Filtration. A commitment that HVAC condensate, dehumidification water, excess runoff, and other wastewater produced shall be captured and filtered to the best of the facility's ability to achieve the quality needed to be reused in subsequent watering rounds; [410 ILCS 705/20-15]
- 34) If applicable, the applicant's status as a Social Equity Applicant, as demonstrated by:
- A) Evidence of the applicant's status as an "Illinois resident" as demonstrated by incorporation documents, or, if applying as an individual, at least two of the following: (i) a signed lease agreement that includes the applicant's name, (ii) a property deed that includes the applicant's name, (iii) school records, (iv) voter registration card, (v) an Illinois driver's license, ID card, or a Person with a Disability ID card, (vi) a paycheck stub, (vii) a utility bill, or (viii) any other proof of residency or other information necessary to establish residence. A person must have been domiciled in the state for a period of 30 days to be an "Illinois resident" as used in this application; and one of the following:
 - i) Evidence the person or persons owning and controlling more than 51% of the proposed license have lived in a disproportionately impacted area for 5 of the preceding 10 years as demonstrated by, but not limited to, tax filings,

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voter registrations, leases, mortgages, paycheck stubs, utility bills, insurance forms, or school records that include the qualifying principal officers' names on them; or

- ii) Evidence the person or persons owning and controlling more than 51% of the proposed license have been arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of such action; or
- iii) Evidence the person or persons owning and controlling more than 51% of the proposed license has had a parent, legal guardian, child, spouse, dependent, or was a dependent of an individual who prior to June 25, 2019, was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of such action. The applicant must also provide evidence of the relationship between the applicant's principal officer or officers and the person who was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act; or
- iv) Evidence that the applicant employs 10 or more full-time employees, and evidence that 51% or more of those employees (1) currently reside in a disproportionately impacted area; (2) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act; or (3) are members of an "impacted family" as that term is defined in the Act. The applicant must provide evidence as described above for each employee. The applicant shall also provide evidence the employees were engaging in full time work as of the date the application was submitted. If employee information or employment status of employees changes before licenses are awarded, the applicant has a duty to notify the Department of the change in employee information or status.

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- e) The applicant shall sign a notarized statement certifying that:
- 1) The cultivation center will register with the Illinois Department of Revenue should the applicant be granted a license;
 - 2) The application is complete and accurate; and
 - 3) The applicant has actual notice that, notwithstanding any State law:
 - A) Cannabis is a prohibited Schedule I controlled substance under federal law;
 - B) Participation in the program is licensed only to the extent provided by the strict requirements of the Act and this Part;
 - C) Any activity not sanctioned by the Act or this Part may be a violation of State law;
 - D) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
 - E) Use of cannabis may affect an individual's ability to receive federal or State licensure in other areas;
 - F) Use of cannabis, in tandem with other conduct, may be a violation of State or federal law;
 - G) Participation in the program does not authorize any person to violate federal law or State law and, other than as set out in Article 45 of the Act, does not provide any immunity from, or affirmative defense to arrest, or prosecution under federal or State law; and
 - H) Applicants shall indemnify and hold harmless the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

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- 4) All of applicant's principal officers expressly agree to be subject to service of process in Illinois with a current Illinois address on file with the Department.

Section 1300.103 Financial Disclosure
EMERGENCY

- a) When applying for a conditional adult use cultivation center license, the applicant shall disclose all relevant financial information to the Department. The applicant shall have a continuing duty to disclose promptly any material changes in the financial information provided to the Department. If an applicant is issued an adult use cultivation center license, this duty of ongoing disclosure shall continue throughout the licensed period. These disclosures shall include:
 - 1) The ownership structure of the cultivation center;
 - 2) A current organizational chart that includes position descriptions and the names and resumes of persons holding each position, to the extent those positions have been filled. To the extent not revealed by the resume, include additional pages with each resume setting out the employee's particular skills, education, experience or significant accomplishments that are relevant to owning or operating a cultivation center;
 - 3) Documents such as the articles of incorporation, articles of association, charter, by-laws, partnership agreement, agreements between any two or more members of the applicant that relate in any manner to the assets, property or profit of the applicant, or any other comparable documents that set forth the legal structure of the applicant or relate to the organization, management or control of the applicant;
 - 4) A copy of all compensation agreements with directors, owners, officers and growers;
 - 5) The nature, type, terms, covenants and priorities of all outstanding bonds, loans, mortgages, trust deeds, pledges, lines of credit, notes, debentures or other forms of indebtedness issued or executed, or to be issued or executed, in connection with opening or operating the proposed cultivation center;

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- 6) Audited financial statements for the previous fiscal year, which shall include, but are not limited to, an income statement, balance sheet, statement of retained earnings or owners' equity, statement of cash flows, and all notes to these statements and related financial schedules, prepared in accordance with generally accepted accounting principles, along with the accompanying independent auditor's report. If the applicant was formed within the year preceding the application for license, provide certified financial statements for the period of time the applicant has been in existence and any pro forma financials used for business planning purposes;
- b) The applicant shall disclose all sources of funding used to acquire or develop the business for which the license is sought, and shall provide independent documentation concerning the source of the funds and copies of closing documents in connection with the purchase of a registered business.
- c) The applicant shall disclose the estimated expenditures to be incurred before the cultivation center is operational.
- d) The applicant shall disclose whether any principal officer and/or board member:
 - 1) Has ever filed for bankruptcy;
 - 2) *Is more than 30-days delinquent in complying with a child support order* [5 ILCS 100/10-65(c)]; or
 - 3) Has been disciplined or sanctioned by a State or federal agency.
- e) The applicant shall disclose whether there are currently or have ever been any State or federal tax liens against the property of the applicant, as well as the property of any principal officer and/or board member.

Section 1300.105 License Selection Criteria

EMERGENCY

- a) The license selection criteria for the conditional adult use cultivation center license shall include the following, with each criterion accounting for up to the indicated maximum number of the total points available for each criteria, out of a 1,000 total points (“bonus” points are an additional 15 points):

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- 1) Suitability of the Proposed Facility (75 points):
 - A) Measure 1 (25 points): The applicant demonstrates that the proposed facility is suitable for effective and safe cultivation of cannabis, sufficient in size, power allocation, air exchange and air flow, interior layout and lighting, and sufficient both in the interior and exterior to handle the bulk agricultural production of cannabis, cannabis-infused products, product handling, storage, trimming, packaging, loading and shipping. The loading/unloading of cannabis in the transport motor vehicle for shipping shall be in an enclosed, secure area out of public sight.
 - B) Measure 2 (25 points): The applicant demonstrates the capacity to meet consumer demand by operating the cultivation center in a safe and efficient manner with minimal impact on the environment and the surrounding community.
 - C) Measure 3 (25 points): The applicant provides an Operations and Management Practices Plan that demonstrates compliance with this Part and the Act.
- 2) Suitability of Employee Training Plan (50 points):
 - A) Measure 1 (25 points): The applicant fully describes a staffing plan that will provide and ensure adequate staffing and experience for all accessible business hours, safe production, sanitation, adequate security and theft prevention.
 - B) Measure 2 (25 points): The applicant provides an employee handbook that will provide employees with a working guide to the understanding of the day-to-day administration of personnel policies and practices.
- 3) Security Plan and Recordkeeping (145 points):
 - A) Measure 1 (40 points): The applicant's security plan demonstrates its ability to prevent the theft or diversion of cannabis and how the plan will assist ISP, the Department, and local law enforcement.

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Specifically, it shall evidence compliance with all items in Sections 1300.180 and 1300.185 of this Part.

- B) Measure 2 (40 points): The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, quality control and security, and other policies and procedures will discourage unlawful activity. It also describes the applicant's plan to coordinate with, and dispose of unused or surplus cannabis through ISP, and the Department.
 - C) Measure 3 (40 points): The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store cannabis, its security measures, including when the location is closed for business, and the steps taken to ensure that cannabis is not visible to the public.
 - D) Measure 4 (25 points): The applicant's plan to apply for a transporter license or plan to work with a licensed transporter and the applicant's procedures for safely and securely delivering cannabis and cannabis-infused products to cannabis business establishments.
- 4) Cultivation Plan (75 points):
- A) Measure 1 (25 points): The applicant shall describe its plan to provide a steady, uninterrupted supply of cannabis to registered dispensaries or infusers.
 - B) Measure 2 (25 points): The applicant demonstrates knowledge of cultivation methods to be used in the cultivation of cannabis. The applicant shall describe the various strains to be cultivated and its experience, if applicable, with growing those strains or comparable agricultural products.
 - C) Measure 3 (25 points): The applicant demonstrates the steps that will be taken to ensure the quality, including the purity and consistency, of the cannabis to be provided to dispensaries or infusers.

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- 5) Product Safety and Labeling Plan (95 points):
- A) Measure 1 (35 points): The applicant shall describe its plan for providing safe and accurate packaging and labeling of cannabis.
 - B) Measure 2 (35 points): The applicant shall describe its plan for testing cannabis and ensuring that all cannabis is free of contaminants, including but not limited to pesticides, microbiological, and residual solvent. Applicant shall provide its plan to retain quality history records showing specific testing results from laboratory testing conducted on the applicant's cannabis products.
 - C) Measure 3 (25 points): The applicant shall describe its plan for establishing a recall of the applicant's products in the event that they are shown by testing or other means to be, or potentially to be, defective or have a reasonable probability that use or exposure will cause serious adverse health consequences. At a minimum, the plan should include the method of: identification of the products involved; notification to the dispensary organization or others to whom the product was sold or otherwise distributed; and how the products will be disposed if returned to or retrieved by the applicant.
- 6) Applicant's Business Plan and Services to be Offered (110 points):
- A) Measure 1 (40 points): The applicant shall provide a business plan that describes how the cultivation center plans to operate on a long-term basis. This shall include the applicant providing a detailed description about the amount and source of the equity and debt commitment for the proposed cultivation center that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs, and the financial capability to undertake the project.
 - B) Measure 2 (40 points): The applicant or its officers, board members, or incorporators demonstrates experience in business management and/or having industry, agricultural or horticultural

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experience and the extent of their involvement in or ability to influence the day-to-day operations of the facility.

- C) Measure 3 (30 points): The business plan demonstrates a start-up timetable that provides an estimated time from license approval of the cultivation center to full operation, and the assumptions used for the basis of those estimates.
- 7) Applicant's Status as a Social Equity Applicant (200 points).
 - 8) Applicant's Labor and Employment Practices (20 points): Provide a safe, healthy and economically beneficial working environment for its employees, including, but not limited to, its plans regarding workplace safety and environmental standards, codes of conduct, healthcare benefits, educational benefits, retirement benefits, living wage standards, and entering a labor peace agreement with employees.
 - 9) Applicant's Environmental Plan (20 points):
 - A) Measure 1 (10 points): The applicant's ability to demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the production of cannabis.
 - B) Measure 2 (10 points): The applicant's ability to describe any plans for the use of alternative energy, the treatment of waste water and runoff, and scrubbing or treatment of exchanged air.
 - 10) Applicant is 51% or more owned and controlled by an individual or individuals who have been an Illinois resident for the past 5 years as proven by tax records. (90 points).
 - 11) Applicant's Status as Veteran controlled or owned as "Veteran" is defined by Section 45-57 of the Illinois Procurement Code (20 points).
 - 12) Applicant's Diversity Plan. A narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity (100 points).

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- b) The Department shall award bonus points for preferred but not required initiatives in the following categories based on the applicant's ability to meet or exceed minimum requirements, with each initiative accounting for up to a maximum of 5 points each, for a maximum total of 15 bonus points:
- 1) Incubator program (5 points): establishment of an incubator program designed to increase participation in the cannabis industry by persons who would qualify as Social Equity Applicants;
 - 2) Substance Abuse Prevention Plan (5) points: providing financial assistance to substance abuse treatment centers;
 - 3) Education Plan (5 points): educating children and teens about the potential harms of cannabis use.
- c) Should the applicant be awarded a license, the terms and statements in the application become a mandatory condition of the license. If a licensee fails to comply with standard and special conditions of the license, the Department may assess a penalty or seek suspension or revocation of the license pursuant to Subpart G of this Part “(Enforcement and Immunities).”
- d) In the event that two or more qualified applicants for a conditional adult use cultivation center license receive the same total score, the Department shall distribute the remaining available licenses by lot:
- 1) The Department shall publish a list of tied applicants at least five business days before the day the remaining available licenses are distributed.
 - 2) The drawing by lot for all remaining available licenses will occur on the same day.
 - 3) The process for distributing remaining available licenses will be recorded by the Department in a format of its discretion.
 - 4) If upon being selected for a remaining available license, an applicant has a principal officer that is a principal officer in more than three conditional adult use cultivation center licenses, the licensees and the eligible applicant listing principal officer must choose which license to abandon,

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and notify the Department in writing within five business days. If the eligible applicant or licensees do not notify the Department as required, the Department shall refuse to issue all remaining available licenses obtained by the applicant.

- 5) All remaining available licenses that have been abandoned shall be distributed by lot at a later date.
- e) The Department may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate a cultivation center. Notwithstanding an applicant satisfying the selection criteria of this Section, the Department may, in its discretion, refuse to issue a license if it is not satisfied that an applicant, or any one required to be identified in the application by Sections 1300.102, 1300.103 and 1300.145 (of this Part), is a person of good character, honesty and integrity, and is not:
- 1) A person who creates or enhances the dangers of unlawful practices, methods and activities in the cannabis industry, including, but limited to, product diversion;
 - 2) A person who has demonstrated prior questionable business practices and financial arrangements incidental to the cannabis industry;
 - 3) A person who has had a cannabis dispensary or cultivation center license revoked, suspended or sanctioned in any other jurisdiction.

Section 1300.110 License Denial and Prohibitions

EMERGENCY

- a) An application for a conditional adult use cultivation license or an adult use cultivation center license must be denied if any of the following conditions are met:
- 1) *The applicant failed to submit the materials required by Article 20 of the Act;*
 - 2) *The applicant would not be in compliance with local zoning rules;*

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- 3) *One or more of the prospective principal officers or board members causes a violation of Section 30-20 of the Act;*
 - 4) *One or more of the principal officers or board members is under 21 years of age;*
 - 5) *The person has submitted an application for a license under the Act that contains false information;*
 - 6) *The licensee, principal officer, board member or person having a financial or voting interest of 5% or greater, or the agent, is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois; [410 ILCS 705/20-25]*
 - 7) A principal officer or board member of the cultivation center has failed a background check pursuant to Section 5-20 of the Act;
- b) A license shall be surrendered to the Department upon written notice and demand if the cultivation center fails to begin production within six months after the license has been issued. The cultivation center may submit a written request to the Department for an extension of time setting forth its justification for being unable to begin production within six months after the license was issued. The Department may grant an extension, at its discretion, for good cause shown. Good cause may include unforeseen events, acts of nature, and other events that prevent a good faith effort. Good cause shall not include cost overruns, insufficient financing, and other factors evidencing a lack of good faith effort.
- c) A cultivation center that fails to maintain production for any reason for more than 90 consecutive days after it has begun production shall be notified in writing and given 30-days from the date of notification from the Department to submit a written explanation why it so failed and, if it plans on continuing to operate as a cultivation center, a description of how it will correct the problem and prevent it from occurring again.
- 1) If no response is received from the cultivation center or if a response is received after the 30-day period, the license will be revoked and shall be surrendered to the Department.

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- 2) If a response is received within the 30-day period, the Department shall review the response and either approve it and require the cultivation center to come into compliance or reject it and revoke the license, requiring the cultivation center to surrender its license to the Department. If the Department allows the cultivation center to come into compliance, the Department may, after a hearing, levy a fine for failure to provide an uninterrupted supply.

Section 1300.115 License Award, Issuance and Transferability
EMERGENCY

- a) License Issuance – Conditional Adult Use Cultivation Center License

Top-scoring applicants will be awarded a conditional adult use cultivation center license. *A cultivation center that is awarded a Conditional Adult Use Cultivation Center License pursuant to the criteria set forth in Section 1300.105 of this Part shall not grow, purchase, possess, or sell cannabis or cannabis infused products until the person has received an Adult Use Cultivation Center License issued by the Department.* [410 ILCS 705/20-15(e)]

- b) License Issuance – Adult Use Cultivation Center License

- 1) *A person or entity is only eligible to receive an Adult Use Cultivation Center License if the person or entity has first been awarded a Conditional Adult Use Cultivation Center License.* [410 ILCS 705/20-21(a)]
- 2) A cultivation center license shall be issued for the specific location identified on the application, and is valid only for the owner, premises and name designated on the license and the location for which it is issued.
- 3) *Should the applicant be awarded a cultivation center license, it shall pay a fee of \$100,000 prior to receiving the license.* [410 ILCS 705/20-20(d)]
- 4) *The Department will not issue an Adult Use Cultivation Center License until:*

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- A) *The Department has inspected the cultivation center site and proposed operations and verified that they are in compliance with the Act and local zoning laws;*
- B) *The Conditional Adult Use Cultivation Center License holder has paid a registration fee of \$100,000 or a prorated amount accounting for the difference of time between when the Adult Use Cultivation Center License is issued and March 31 of the next even-numbered year; and*
- C) *The Conditional Adult Use Cultivation Center License holder has met all the requirements in the Act and this Part. [410 ILCS 705/20-20(b)]*

c) Transfer of License

A cultivation center license not be transferable, in whole or in part, without Department approval, with the following exceptions:

- 1) A cultivation center license may be reissued, without charge, solely in the name of the surviving spouse or domestic partner of a deceased licensee if the license was issued in the names of both of the parties;
- 2) A cultivation center license may be transferred, without charge, to an heir of a deceased licensee other than as provided in subsection (b)(1), as determined by the Probate Act of 1975. For the purpose of considering the qualifications of the heir to receive a cultivation center license, the Department will require a criminal background check and the heir will be subject to all other requirements of the Act and this Part.

d) Change of Business Location

In the event that the Department approves the new location as meeting all requirements of the Act and this Part, the cultivation center shall have a brief transition period of no more than 90-days, approved by the Department, to transfer its inventory and begin operations at the new location.

- 1) The transition period shall not begin until the new location is ready to begin production.

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- 2) No product may be transferred to or cultivated at the new location prior to the beginning date of this approved transition period.
 - 3) Any product remaining at the original location past the transition period shall be destroyed in accordance with Subpart I “(Destruction of Cannabis).”
 - 4) The cultivation center shall notify the Department in writing or by electronic transmission once the transfer of inventory is complete and production has begun at the new location.
 - 5) Upon inspection and verification by the Department that the new location is in compliance with the Act and this Part, the Department shall issue a license modification reflecting the new location. The modified license shall have the same expiration date as the previously issued license.
- e) Sale of Stock
- The proposed sale of any outstanding or issued stock of a corporation licensed under the Act, or any proposed change in the officers or board members of the corporation, must be reported to the Department, and Department approval must be obtained before the changes are made. A fee of \$1,000 will be charged for the processing of the change of stock ownership or corporate officers or board members.
- f) The proposed change of any person or principal officer of any licensee must be reported to the Department and Department approval must be obtained before the changes are made. A fee of \$1,000 will be charged for the processing of any such change.
- g) A cultivation center license shall not be leased or subcontracted, in whole or in part.
- h) A cultivation center license is issued upon the following condition: *A cultivation center may not either directly or indirectly discriminate in price between different dispensing organizations, craft growers, or infusers that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (h) prevents a cultivation centers from pricing*

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cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered. [410 ILCS 705/20-30(e)]

- i) *A cultivation center license is issued upon the following condition: It is unlawful for any person having a cultivation center license or any officer, associate, member, representative, or agent of the licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act (the licensees), or to any person connected with or in any way representing, or to any member of the family of the person holding one of the licenses, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the licensee to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website. [410 ILCS 705/20-30(n)]*
- j) *A cultivation license is issued upon the following condition: No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 cultivation centers licensed under Article 20 of the Act. Further, no person or entity that is employed by, is an agent of, has a contract to receive payment in any form from a cultivation center, is a principal officer of a cultivation center, or entity controlled by or affiliated with a principal officer of a cultivation shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a cultivation that would result in the person or entity owning or controlling in combination with any cultivation center, principal officer of a cultivation center, or entity controlled or affiliated with a principal officer of a cultivation center by which he, she, or it is employed, is an agent of, or participates in the management of, more than 3 cultivation center licenses. [410 ILCS 705/20-30(j)]*

Section 1300.120 License Renewal
EMERGENCY

- a) Every cultivation center license shall expire annually on the date it was issued.

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- b) The Department shall send written or electronic notification of expiration to each licensed cultivation center at least 90-days prior to expiration. However, failure to receive a renewal form from the Department shall not excuse the cultivation center from paying the renewal fee or renewing the license prior to its expiration. Except as allowed by subsection (e), production, sales and delivery of cannabis on an expired license is not licensed and is grounds for imposition of discipline. [410 ILCS 705/20-10(b) and (c-5)]
- c) *The Department shall grant a renewal application within 45 days after submission of a renewal application if:*
 - 1) *The registered cultivation center submits a renewal application and the required renewal fee of \$100,000;*
 - 2) *The Department has not suspended the license of the cultivation center or suspended or revoked the registration for violation of the Act or this Part;*
 - 3) *The cultivation center has continued to operate in accordance with all plans submitted as part of its application and approved by the Department, or any amendments thereto that have been approved by the Department;*
 - 4) *The cultivation center has submitted an agent, employee, contracting, and subcontracting diversity report as required by the Department; and*
 - 5) *The cultivation center has submitted an environmental impact report as required by the Act. [410 ILCS 705/20-45]*
- d) If a cultivation center fails to renew its license before expiration, it shall cease operations until its license is renewed. [410 ILCS 705/20-45(b)]
- e) Upon request for renewal, the Department shall consider the licensee's history of compliance with requirements of the Act and this Part, the number and severity of any violations and the correction of those violations, penalties or fines imposed or any other enforcement actions.
- f) The Department may deny a renewal after consideration of the licensee's history of compliance.

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Section 1300.130 Modifications and Alterations

EMERGENCY

- a) A license shall be amended before the commencement of any modification to the facility. This includes any change that modifies the approved license design capability of production or process areas, including change of capacity, efficiency or processes.
- b) Before making any modification to a licensed facility, the cultivation center must complete an Application for License and Construction Approval and submit the application with the appropriate schedules to the Department. The fee for an application to make modifications to a cultivation center shall be \$5,000. In addition, upon approval of the application, the applicant shall pay an additional fee of \$3,000.
- c) An amendment to the license shall not be required for alterations at the facility. The fee for an application to make an alteration of a cultivation center, other than an expansion, shall be \$1,000.

Section 1300.145 Background Check

EMERGENCY

- a) All applications submitted by applicants with criminal convictions shall be subject to Sections 2105-131, 2105-135, and 2105-205 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.
- b) ISP shall act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each cultivation center agent applying for a cultivation center agent identification card.
 - 1) ISP will conduct background checks for conviction information contained within ISP and FBI criminal history databases to the extent allowed by law.
 - 2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department and that transmittal shall conclude the verification process.

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- 3) The electronic background checks shall be submitted as outlined in either the Illinois Uniform Conviction Information Act or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).
 - A) Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format.
 - B) Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted to ISP for the purpose of this fingerprint-based background check, shall be submitted electronically.
 - C) Electronic transmission of fingerprint data to ISP shall be accomplished utilizing livescan procedures or other comparable technology approved for use by ISP.
 - D) If the fingerprints are rejected by ISP, the cultivation center agent shall have his or her fingerprints collected electronically by a livescan fingerprint vendor a second time.
 - E) In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, ISP may allow limited use of paper fingerprint records.
- c) Each cultivation center agent applying for a cultivation center agent identification card shall have his or her fingerprints collected electronically by a livescan fingerprint vendor licensed by DFPR and transmitted to ISP for processing no more than 30 days prior to the date of application or renewal for a cultivation center agent identification card.
 - 1) The cultivation center agent shall submit to the Department, with the cultivation agent identification card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that his or her fingerprints have been collected.
 - 2) Cultivation center identification card applications submitted without a copy of the livescan request form and receipt will be deemed incomplete

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and will not be processed until fingerprinting is completed. The fingerprinting process is not completed until the Department receives the results from ISP.

- 3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a cultivation center agent identification card and shall be collected by the livescan vendor at the time of fingerprinting and transmitted to ISP for deposit in the ISP Services Fund. A convenience fee may be charged by the livescan vendor as provided in Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.
- d) The Department shall obtain from ISP a State and federal criminal records check, to the extent allowed by law, containing conviction information for each cultivation center agent applying for a cultivation center agent identification card.
- e) The Department will maintain the results of the criminal history records check in compliance the State Records Act.
- f) Should the Department not be able to obtain from ISP the required State and/or federal criminal records check required by the Act and this Section, the Department shall contract as appropriate with a private detective/investigating agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and in good standing with DFPR, for the purpose of conducting those records checks.
- g) The Department may deny an application or renewal for a cultivation center agent who has failed a background check pursuant to Section 5-20 of the Act.

Section 1300.150 Specifications

EMERGENCY

- a) Cultivation centers shall:
 - 1) Not be located closer than 1,500 feet to another cultivation center or a craft grower.
 - 2) Not be in violation of any other local zoning requirements.

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- b) Before production, the licensee shall provide the Department with engineering plans and specifications of the entire cultivation center. The plans and specifications shall include:
- 1) A detailed plan and elevation drawings of all operational areas involved with the production of cannabis plants. This should include dimensions and elevation referenced to a single facility benchmark;
 - 2) Cross-sections that show the construction details and their dimensions to provide verification of construction materials, enhancement for security measures and bio-security measures;
 - 3) Identification of all employee areas that are nonproduction areas;
 - 4) The location of all storage areas, ventilation systems, and equipment used for the production of cannabis;
 - 5) The location of all entrances and exits to the cultivation center;
 - 6) The location of any windows, skylights and roof hatches;
 - 7) The location of all cameras and their field of view;
 - 8) The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
 - 9) The location of the digital video recorder and alarm control panel;
 - 10) The location of all restricted and public areas;
 - 11) The location where all plant inputs and application equipment are stored;
 - 12) If applicable, the location of areas designated specifically for the production of cannabis-infused products; and
 - 13) The location of the enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of cannabis in the transport motor vehicle.

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Section 1300.155 Records

EMERGENCY

- a) Each cultivation center shall keep and maintain upon the licensed premises for a five-year period true, complete, legible and current books and records, including the following:
 - 1) The date of each sale or distribution to a cannabis organization;
 - 2) The name, address and registration number of the cannabis organization;
 - 3) The item number, product name (description), and quantity of cannabis and cannabis-infused products registered by the Department and sold or otherwise distributed to the cannabis organization;
 - 4) The price charged and the amount received for the cannabis and cannabis-infused products from the cannabis organization;
 - 5) If the distribution was for a purpose other than sale, the reason for the distribution;
 - 6) The quantity and form of cannabis maintained at the cultivation center on a daily basis; and
 - 7) The amount of plants being grown at the cultivation center on a daily basis.

- b) Each cultivation center is responsible for keeping and maintaining records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained on the licensed premises for a 5-year period and must be made available for inspection upon request by the Department, and the Illinois Department of Revenue:
 - 1) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale, and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;

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- 2) If applicable, bank statements and canceled checks for all accounts relating to the cultivation center;
- 3) Accounting and tax records related to the cultivation center;
- 4) Records of all financial transactions related to the cultivation center, including contracts and/or agreements for services performed or received that relate to the cultivation center;
- 5) All employee records, including training, education, discipline, etc.;
- 6) Soil amendment, fertilizers, pesticides as required by 8 Ill. Adm. Code 1000.470, or other crop production aids applied to the growing medium or plants, or used in the process of growing cannabis;
- 7) Production records, including:
 - A) Records of planting, harvest and curing, weighing, destruction of cannabis, creation of batches of cannabis-infused products, and packaging and labeling;
 - B) Records of disposal of cannabis, cannabis-infused products, and waste materials associated with production; and
- 8) Records of each batch of extracts or cannabis-infused products made, including, at a minimum, the usable cannabis or trim, leaves, and other plant matter used (including the total weight of the base product used), any solvents or other compounds utilized, and the product type and the total weight of the end product produced, such as hash oil, shatter, tincture, infused dairy butter, etc.
- 9) Transportation records;
- 10) Inventory records as described in Section 1300.180 of this Part;
- 11) Records of all samples sent to an independent testing lab and/or the Department's lab and the quality assurance test results;
- 12) All samples provided to anyone or any entity for any purpose; and

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- 13) Records of any theft, loss or other unaccountability of any cannabis seedlings, clones, plants, trim or other plant material, extracts, cannabis-infused products, or other items containing cannabis.

Section 1300.160 Signage
EMERGENCY

- a) Each licensed cultivation center must post a sign in a conspicuous location at each entrance of the facility that reads: "PERSONS UNDER 21 YEARS OF AGE NOT PERMITTED ON THESE PREMISES".
- b) Each licensed cultivation center must post a sign in a conspicuous location at each entrance of the facility that reads: "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE".

Section 1300.165 Agents and Identification Cards
EMERGENCY

- a) The cultivation center agent application shall be submitted on forms provided by the Department in accordance with the Act and this Part. The application will include instructions for its completion and submission. The application will include requests for information in support of the application needed by the Department in making its determination. If all materials, documentation and information required by the Act and this Part are not submitted, the application will be returned to the applicant.
- b) Each principal officer, board member, employee or agent of a registered cultivation center must apply to the Department for a cultivation center agent identification card. Along with the application, the applicant shall submit:
 - 1) A copy of the applicant's social security card;
 - 2) A copy of the applicant's valid driver's license or State issued identification card;
 - 3) A document verifying the applicant's place of residency, such as a bank statement, cancelled check, insurance policy, etc. The document must contain the applicant's full residence address;

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- 4) Verification from ISP that the applicant's background check has been conducted;
 - 5) The application fee of \$100; and
 - 6) Any additional information requested by the Department.
- c) Upon receipt and verification of the information specified in subsection (b), the Department shall:
- 1) Approve or deny the application within 30-days after receipt;
 - 2) *Issue an agent identification card to a qualifying agent within 15 business days after approving the initial application or renewal application [410 ILCS 705/20-35(a)(3)];*
 - 3) Enter in its record system the registry identification number of the cultivation center where the agent works.
- d) No person shall begin working at a cultivation center prior to receiving his or her cultivation center agent identification card.
- e) The cultivation center identification card shall contain the following:
- 1) The name of the cardholder;
 - 2) The date of issuance and expiration;
 - 3) A random 10-digit alphanumeric identification number with at least 4 numbers and 4 letters that are unique to the holder;
 - 4) A photograph of the cardholder; and
 - 5) The legal name of the cultivation center employing the agent.
- f) A registered cultivation center agent is not subject to prosecution, search, or penalty in any manner, and will not be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or

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entity, for working or volunteering for a registered cannabis cultivation center, to perform the actions permitted by this Part.

- g) A cultivation center agent must keep his or her identification card visible at all times when on the property of a cultivation center.
- h) Upon termination of employment, the cultivation center agent identification cards shall be immediately returned to the cultivation center. The cultivation center shall promptly return the identification cards to the Department.
- i) Any cultivation center agent identification card that is lost, destroyed or stolen shall be reported to ISP and the Department immediately upon discovery of the loss, destruction or theft. The fee for the issuance of a replacement identification card shall be \$50.
- j) Upon conviction of an excluded offense, the principal officer, board member or registered agent shall immediately notify the Department and shall surrender his or her identification card to the Department.
- k) Renewal of Agent Identification Cards:
 - 1) Identification cards issued under the Act shall be renewed annually. The renewal fee shall be \$100;
 - 2) An agent shall receive written or electronic notice of expiration of the agent identification card 90-days before the expiration of the identification card;
 - 3) *If a cultivation center agent fails to renew his or her identification card before its expiration, he or she shall cease to work as an agent of the cultivation center until his or her identification card is renewed [410 ILCS 705/20-45(c)];*
 - 4) Upon request for renewal, the Department will consider the licensee's history of compliance with requirements of the Act and this Part, the number and severity of any violations and the correction of those violations, as well as penalties or fines imposed or any other enforcement actions;

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- 5) The Department may deny a renewal after consideration of the licensee's history of compliance.
- 6) The Department will not issue or renew an agent identification card if the applicant is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 1300.170 Operations – Plant Production

EMERGENCY

- a) Each facility shall develop and maintain an Operations and Management Practices Plan for each production area.
- b) Each production area shall maintain an open aisle on all sides of each plant group to allow for unobstructed travel, observation and inventory of each plant group.
- c) Each production area shall be maintained free of debris.
- d) Biosecurity measures shall be implemented and maintained at all times.
- e) A record of all crop inputs shall be maintained for at least 5- years at the facility. The record shall include the following:
 - 1) The date of application;
 - 2) The name of the individual making the application;
 - 3) The product that was applied;
 - 4) The section, including the square footage, that received the application (by group number);
 - 5) The amount of product that was applied; and
 - 6) A copy of the label of the product applied.
- f) At the time of planting, all plants shall be accounted for as a batch with a unique batch number that shall remain with the batch through final packaging. A "batch" means the established segregation of a group of plants at the time of planting for

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the control of quantity, traceability and/or strain. A batch number will be assigned at the time of planting for a specified number of plants. When plants reach 6 inches in height, a specific number will be assigned for each plant within that batch and the individual tag will be recorded electronically (RFID) or kept in an electronic file until harvest or destruction. The batch number will remain with the segregated plants through harvest to final packaging. The batch number will be included on the label of the package distributed for the end user.

- g) All plants, regardless of accounting strategy, shall be physically inventoried on a weekly basis and records of the inventory shall be kept at the facility for at least 5 years. Such records shall be made available to the Department upon request.
- h) Any removal of plants from the batch shall be recorded on a permanent record and maintained on site. Such records shall be made available to the Department upon request.
- i) The batch number shall be displayed on the approved label of the product designated for distribution to a dispensing organization.
- j) All persons working in direct contact with cannabis shall conform to hygienic practices while on duty, including but not limited to the following:
 - 1) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis plants are exposed;
 - 2) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;
 - 3) There shall be adequate lighting in all areas where cannabis is stored and where equipment or utensils are cleaned;
 - 4) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests;

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- 5) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
- 6) Toxic cleaning compounds, sanitizing agents, solvents used in the production of cannabis concentrates, and pesticide chemicals shall be identified, held and stored in a manner that protects against contamination of cannabis, and in a manner that is in accordance with any applicable local, State or federal law, rule, regulation or ordinance;
- 7) Only sanitizing agents registered with the Department pursuant to the Illinois Pesticide Act shall be used in cultivation centers, and they shall be used in accordance with labeled instructions;
- 8) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable and adequate supply of water to meet the facility's needs;
- 9) Plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the cultivation center, and it shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines, pursuant to the Illinois Plumbing Code;
- 10) All operations in the receiving, inspecting, transporting, segregating, preparing, production, packaging and storing of cannabis or cannabis-infused product shall be conducted in accordance with adequate sanitation principles;
- 11) Cannabis that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms; and
- 12) *A cultivation center shall not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult use cannabis.*[410 ILCS 705/20-30(k)]

Section 1300.175 Operations – Infused or Processed Products

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EMERGENCY

- a) Any area within the cultivation center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, Sanitary Food Preparation Act, and Food Handling Regulation Enforcement Act.
 - 1) No cannabis-infused products requiring refrigeration or hot-holding or considered potentially hazardous food as defined by Section 4 of the Food Handling Regulation Enforcement Act shall be manufactured at a cultivation center.
 - 2) Cannabis-infused products sold or distributed by a cultivation center for sale or distribution at a dispensing organization must be prepared by an approved staff member of a licensed cultivation center.
- b) DPH may at all times enter every building, room, basement, enclosure, or premises occupied or used or suspected of being occupied or used, for the production, preparation, manufacture for sale, storage, sale, distribution or transportation of cannabis-infused products, to inspect the premises and all utensils, fixtures, furniture, and machinery used for the preparation of these products.
- c) If a local health department has a reasonable belief that a cultivation center's cannabis-infused product poses a public health hazard, it may refer the cultivation center to DPH for inspection.
- d) General Sanitary Requirements. All areas permitted in the cultivation center for the production of cannabis-infused products shall take all reasonable measures and precautions to ensure that:
 - 1) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, and for whom there is a reasonable possibility of contact with cannabis, shall be excluded from any operations that may be expected to result in microbial contamination until the condition is corrected.
 - 2) Hand-washing facilities are adequate and convenient and are furnished with running water at a suitable temperature. Hand-washing facilities shall

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be located in the licensed premises and where good sanitary practices require employees to wash and/or sanitize their hands, and shall provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

- 3) All persons working in direct contact with cannabis shall conform to hygienic practices while on duty, including but not limited to:
 - A) Maintaining adequate personal cleanliness;
 - B) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - C) Refraining from having direct contact with cannabis if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- 4) Litter and waste are properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis is exposed.
- 5) Floors, walls and ceilings are constructed and maintained in such a manner that they may be adequately cleaned and kept clean and in good repair.
- 6) There is adequate lighting in all areas where cannabis is stored and where equipment or utensils are cleaned.
- 7) There is adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests.
- 8) All buildings, fixtures and facilities are maintained in a sanitary condition.
- 9) Toxic cleaning compounds, sanitizing agents, and solvents used in the production of cannabis concentrates shall be identified, held and stored in a manner that protects against contamination of cannabis, and in a manner

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that is in accordance with any applicable local, State or federal law, rule, regulation or ordinance.

- 10) All contact surfaces, including utensils and equipment used for the preparation of cannabis or cannabis-infused product, shall be cleaned and sanitized as frequently as necessary to protect against contamination. Equipment and utensils shall be designed and shall be of such material and workmanship as to be adequately cleanable, and shall be properly maintained. Only sanitizing agents registered with the Department under the Illinois Pesticide Act shall be used in cultivation centers; they shall be used in accordance with labeled instructions.
 - 11) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable and adequate supply of water to meet the facility's needs.
 - 12) Plumbing shall be of adequate size and design, and adequately installed and maintained, to carry sufficient quantities of water to the required locations throughout the facility. Plumbing shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines.
 - 13) All operations in the receiving, inspecting, transporting, segregating, preparing, producing, packaging and storing of cannabis and cannabis-infused products shall be conducted in accordance with adequate sanitation principles.
 - 14) Each cultivation center shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
 - 15) Cannabis that can support the rapid growth of undesirable microorganisms shall be handled in a manner that prevents the growth of these microorganisms.
- e) The licensee must request that DPH conduct a pre-operational inspection at all registered cultivation centers to determine whether the facilities, methods, practices and controls used in the manufacture, processing or holding of cannabis-

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infused products conform to, or are operated or administered in conformity with, good manufacturing practices to ensure that food products for human consumption are safe and have been prepared, packed and held under sanitary conditions.

- f) Licensed cultivation centers shall immediately allow DPH to inspect the premises and all utensils, fixtures, furniture, machinery and devices used for preparing manufactured cannabis-infused products upon request.
- g) DPH will conduct inspections of registered cultivation centers, with regard to the manufacture and preparation of cannabis-infused products, under the authority of the Illinois Food, Drug and Cosmetic Act, the Food Handling Regulation Enforcement Act and the Food Service Sanitation Code, and in accordance with DPH's Cannabis-Infused Products rules (77 Ill. Adm. Code 946.Subpart D).
- h) *A cultivation center that prepares cannabis-infused products for sale or distribution at a cannabis organization shall be under the operational supervision of a certified food service sanitation manager. [410 ILCS 705/55-5(c)]* Management responsibilities and supervision shall be in accordance with 77 Ill. Adm. Code 730.8000 and 730.8040 (Manufacturing, Processing, Packing or Holding of Food Code).
- i) Cultivation centers are strictly prohibited from using, adding, or incorporating vitamin E in any form, including but not limited to vitamin E acetate (also known as “VEA,” tocopheryl-acetate, and vitamin E oil) to cannabis, cannabis concentrate, cannabis products, or cannabis-infused products.

Section 1300.180 Inventory
EMERGENCY

- a) Each cultivation center, prior to commencing business, shall:
 - 1) Conduct an initial comprehensive inventory of all cannabis at the facility. If a cultivation center commences business with no cannabis on hand, the cultivation center shall record this fact as the initial inventory; and
 - 2) Establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of cannabis, which shall

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enable the cultivation center to detect any diversion, theft or loss in a timely manner.

- b) Upon commencing business, each cultivation center shall conduct a physical weekly inventory of cannabis stock, which shall include, at a minimum:
 - 1) The date of the inventory;
 - 2) A summary of the inventory findings;
 - 3) The name, signature and title of the individuals who conducted the inventory, and the agent-in-charge who oversaw the inventory; and
 - 4) The product name and quantity of cannabis plants or cannabis-infused products at the facility.
- c) The record of all cannabis sold or otherwise disposed of shall show:
 - 1) The date of sale;
 - 2) The name of the dispensary facility to which the cannabis was sold;
 - 3) The batch number, product name, and quantity of cannabis sold; and
 - 4) If applicable, the date, quantity and manner in which, and reason why, any cannabis was destroyed.
- d) A complete and accurate record of all plant stock or products of cannabis on hand shall be prepared annually on the anniversary of the initial inventory, or other date that the cultivation center agent-in-charge may choose, so long as it is not more than one year following the prior year's inventory.
- e) All inventories, procedures and other documents required by this Section shall be maintained on the premises and made available to the Department at all times upon request.
- f) Whenever any sample or record is removed by a person authorized to enforce this Part, that person shall tender a receipt in lieu of the sample or record. The receipt shall be kept for 5-years.

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Section 1300.185 Security
EMERGENCY

- a) A cultivation center shall be required to operate and maintain in good working order a 24 hour, 7-days a week, closed-circuit television (CCTV) surveillance system on the premises that complies with the following minimum standards:
 - 1) Visually records and monitors all building entrances and exits, all parking lot areas, and rear alley areas immediately adjacent to the building, and covers the entire inside of the facility, including all limited access areas and all areas where cannabis is produced, stored, shipped or destroyed, but does not include restrooms nor the executive office. Fixed cameras shall be installed to provide a consistent recorded image of these areas. The cultivation center shall instruct the company or individuals installing the surveillance cameras to maximize the quality of facial and body images and to avoid backlighting and physical obstructions;
 - 2) Cameras installed outdoors and in low-light interior areas shall be day/night cameras with a minimum resolution of 600 lines per inch (analog) or D1 (IP) and a minimum light factor requirement of 0.7 LUX. The installation of additional lighting may be required to increase picture clarity and brightness. Cameras shall be calibrated and focused to maximize the quality of the recorded image;
 - 3) The recording device shall be digital and meet the following minimum standards:
 - A) Displays a date and time stamp on all recorded video;
 - B) Can produce a digital video disc using an installed media recording drive. The video on the disc shall be viewable on any Windows PC, and shall include any required player software on the disc;
 - C) The ability to remain operational during a power outage for an unlimited amount of time;
 - D) Allow for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall

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have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal;

- 4) A display monitor with a minimum screen size of 12 inches shall be connected to the electronic recording security system at all times;
 - 5) Electronic recording security systems are required to be maintained in good working order at all times. The owner of a cultivation center shall instruct each manager, employee or agent overseeing the functioning of the video recording security system to immediately report to the agent-in-charge any malfunctioning or technical problems with the system;
 - 6) Security recordings shall meet the following minimum requirements:
 - A) The recorded image resolution shall be at least D1; and
 - B) The recorded image frame rate shall be at least 3 frames per second during alarm or motion-based recording;
 - C) Security recordings shall be retained by the cultivation center for a minimum of 90-days at the licensed premises and an additional 90-days off site (e.g., cloud storage). The recording system for the security cameras must be located in a locked, tamper-proof compartment;
 - 7) Have available a video printer capable of immediately producing a clear still photo from any video camera image;
 - 8) Upon request, the recording or any photo shall be turned over to ISP or the Department.
- b) Access to surveillance areas shall be limited to persons who are essential to surveillance operations, law enforcement agencies, security system service personnel, the Department, and others when approved by the Department. A current list of authorized employees and service personnel who have access to the

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surveillance room must be available to the Department upon request. Surveillance rooms shall remain locked.

- c) The electronic security system shall be available 24 hours per day, 7 days per week, to the Department and law enforcement agencies via a secure web-based portal.
- d) Visitors must receive prior-approval from the Department and receive a visitor pass before entering an infuser. A visitor must keep their visitor pass visible at all times while on the property of an infuser. The visitor pass must be returned at the conclusion of the visit.

Section 1300.195 Transportation
EMERGENCY

Beginning July 1, 2020, a cultivation center shall not transport cannabis to a craft grower, dispensing organization, infusers, or laboratory licensed under the Act, unless it has obtained a transporter license. [410 ILCS 705/20-30(m)]. Transporter licenses are granted in accordance with Subpart F.

SUBPART C: COMMUNITY COLLEGE CANNABIS VOCATIONAL PILOT PROGRAM

Section 1300.200 Definitions
EMERGENCY

The terms that appear in this Subpart have the definitions specified in this Subpart or have the meanings ascribed to those terms in reference to the definitions contained in the Act.

"Board" means the Illinois Community College Board. [410 ILCS 705/25-1]

"Career in Cannabis Certificate" or "Certificate" means the certification awarded to a community college student who completes a prescribed course of study in cannabis and cannabis business industry related classes and curriculum at a community college awarded a Community College Cannabis Vocational Pilot Program license. [410 ILCS 705/25-1]

"Community college" means a public community college organized under the Public Community College Act. [410 ILCS 705/25-1]

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"Department" means the Department of Agriculture. [410 ILCS 705/25-1]

"Licensee" means a community college awarded a Community College Cannabis Vocational Pilot Program license under this Article. [410 ILCS 705/25-1]

“Low-income student” means a full-time student that receives a federal Pell Grant award.

"Program" means the Community College Cannabis Vocational Pilot Program. [410 ILCS 705/25-1]

"Program license" means a Community College Cannabis Vocational Pilot Program license issued to a community college under Article 25 of the Act. [410 ILCS 705/25-1]

Section 1300.202 License Application

EMERGENCY

- a) Community College Cannabis Vocational Pilot Program applications shall be submitted to the Department no later than July 1, 2020.
 - 1) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which they are so delivered or, if sent electronically, on the date received by the Department if received on or before 5 p.m. Central Time. If received electronically after 5 p.m. Central Time, they will be considered received on the next business day.
 - 2) Submissions received after July 1, 2020, or by a means other than required in this Section, shall be returned to the applicant.
 - 3) Notification of the availability of applications, instructions for completion and submission of applications will be posted on the Department's website at www.agr.state.il.us/. Application forms will be made available online at that website.
- b) The application shall be submitted on the forms provided by the Department. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by the Act and this Part and will include requests for information, plans, maps and other materials in support of the application required by the Department to make its determination

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on the license request. The instructions on the application will reflect the total maximum number of points that can be awarded for each required criteria, measure and bonus point category listed in Section 1300.205. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner.

- c) An applicant applying for a Program license shall submit, in duplicate, the following:
- 1) The name and address of the Community College;
 - 2) A detailed description of the social, ethnic, and geographic diversity of the applicant's staff and student body;
 - 3) A detailed description of the applicant's student body population, including information related to the percentage of low-income students enrolled at the community college;
 - 4) A description of the enclosed, locked facility as it applies to the location where cannabis will be grown, harvested, or stored;
 - 5) Proposed procedures for the oversight of the area and facility where the cannabis is expected to be grown or stored, including the implementation of a plant monitoring system, accurate record keeping, staffing plan, and security plan in accordance with the rules issued by the Department of Agriculture under the Act. These procedures should include the process for implementing a physical inventory that will be performed of all plants on a weekly basis;
 - 6) Verification that all faculty and staff with access to the enclosed and locked facility successfully passed a background check;
 - 7) A plot plan of the interior of the building where cannabis will be produced or handled drawn to a reasonable scale;
 - 8) Proposed plan to keep a vault log of entries to the enclosed, locked facility or facilities, including but not limited to, the person entering the site location, the time of entrance, and the time of exit;

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- 9) Proposed plan to conduct post-certificate follow-up surveys and record participating students' job placements within the cannabis industry within a year after the student's completion of the curriculum. The information collected in these surveys shall include, but is not limited to:
 - A) Number of security incidents or infractions at each licensee and any action taken or not taken;
 - B) Statistics, based on race, ethnicity, gender, and participating community college of:
 - i) Students enrolled in career in cannabis classes;
 - ii) Successful completion rates by community college students for the Certificate;
 - C) Postgraduate job placement of students who obtained a Certificate, including both cannabis business establishment jobs and non-cannabis business establishment jobs, and
 - D) Any other relevant information.
- 10) A detailed description of the faculty members who will be participating in the program, including their experience and credentials;
- 11) A detailed proposal of the applicant's curriculum plan, including plans for the processing and testing of cannabis;
- 12) A career advising and job placement plan for participating students.
- 13) The nonrefundable application fee of \$100.

Section 1300.205 License Selection Criteria

EMERGENCY

- a) Each application shall address all criteria and measures as set forth in this Subpart. The failure by an applicant to address all of the required criteria and measures will result in the application being returned to the applicant. If all materials, documentations, fees and information required by the application form

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are not submitted, the application shall be returned to the applicant along with a deficiency notice from the Department. The applicant shall then have 10 calendar days from the date of the deficiency notice to resubmit the application in its entirety. Applications that are still incomplete after this opportunity to cure will not be scored and will be returned to the applicant.

- b) The required criteria and measures shall include the following, with each criteria accounting for up to the indicated maximum number of the total points available for each criteria, for a total of 1,000 points:
- 1) *Experience and credentials of the applicant's faculty* (200 points);
 - 2) *Student population that is more than 50% low-income in each of the past 4 years* (200 points);
 - 3) *Security plan, including a requirement that all cannabis plants be in an enclosed, locked facility* (200 points);
 - 4) *Curriculum plan, including processing and testing curriculum for the Career in Cannabis Certificate* (200 points);
 - 5) *Career advising and job placement plan for participating students* (200 points). [410 ILCS 705/25-10]
- c) The top-scoring applicants as determined by subsection (b) of this Part that receive a minimum of 60% of available points will be issued licenses by the Department.
- d) In the event that 2 or more qualified applicants for a Community College Cannabis Vocational Pilot Program license receive the same total score, the Department shall distribute the remaining available licenses by lot:
- 1) The drawing by lot for all remaining available licenses will occur on the same day;
 - 2) The process for distributing remaining available licenses will be recorded by the Department in a format of its discretion;

Section 1300.215 License Transferability

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EMERGENCY

A program license is not transferable to a new entity. A license is not transferable to a new location without Department approval.

Section 1300.220 License Renewal

EMERGENCY

- a) Every program license shall expire annually on the date it was issued.
- b) Every renewal application for a license shall be filed annually with the Department at least 45 calendar days prior to the expiration date of the existing license.
- c) The Department shall send written notification of expiration to each licensed program at least 90-days prior to the expiration date. However, failure to receive a renewal form from the Department shall not excuse the program from renewing the license prior to its expiration.
- d) The renewal application must include a list of all faculty members participating in the cannabis curriculum and contain the signature of the faculty member charged with supervising the cannabis curriculum.
- e) The license renewal fee shall be \$50.

Section 1300.230 Modifications and Alterations

EMERGENCY

Before making any modification to a licensed enclosed and locked facility, the program must complete an Amended Application for License and submit it with the appropriate schedules, to the Department and must receive approval from the Department.

Section 1300.235 License Awards and Denials

EMERGENCY

- a) Licenses shall only be issued for the program as stated in the application.
- b) *The Department may issue up to 8 Program licenses by September 1, 2020.*
[410 ILCS 705/25-5(a)]

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- c) Licenses shall be awarded to the highest scoring applicants based on the Department's criteria set forth in Section 1300.205.
- d) *Beginning with the 2021-2022 academic year, and subject to Section 2-12(h) of the Public Community College Act, community colleges awarded program licenses may offer qualifying students a Career in Cannabis Certificate, which includes, but is not limited to, courses that allow participating students to work with, study, and grow live cannabis plants so as to prepare students for a career in the legal cannabis industry, and to instruct participating students on the best business practices, professional responsibility, and legal compliance of the cannabis industry. [410 ILCS 705/25-5(b)]*

Section 1300.245 Agents and Identification Cards

EMERGENCY

- a) *All faculty members shall be required to maintain registration as an agent-in-charge and have a valid agent identification card prior to teaching or participating in the licensee's cannabis curriculum that involves instruction offered in the enclosed, locked facility or facilities. [410 ILCS 705/25-20(a)]*
- b) Prior to receiving an agent-in-charge or agent identification card, the faculty member must successfully pass a background check pursuant to Section 1300.205 of this Part.
- c) Each faculty member must apply to the Department for a Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card for each licensed Cannabis Vocational Pilot Program licensee they work in.
- d) The Community College Cannabis Vocational Pilot Program agent-in-charge or agent application shall be submitted electronically, and on forms provided by the Department, in accordance with the Act and this Part. The electronic application will include instructions for its completion and submission. The application will include requests for information in support of the application needed by the Department in making its determination. If all materials, documentation and information required by the Act and this Part are not submitted, the application shall be returned to the applicant.
- e) Application Process

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Along with the application, the applicant shall submit:

- 1) A copy of the applicant's social security card;
 - 2) A copy of the applicant's valid driver's license or state issued identification card;
 - 3) A document verifying the applicant's place of residency, such as a bank statement, cancelled check, insurance policy, etc. The document must contain the applicant's full residence address;
 - 4) Verification from ISP that the applicant's background check has been conducted;
 - 5) A copy of the applicant's faculty identification card;
 - 6) Any additional information requested by the Department; and
 - 7) The required fee of \$50.
- f) Upon receipt and verification of the information specified in subsection (e), the Department shall:
- 1) Approve or deny the application within 30 days after receipt;
 - 2) Issue each Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card, within 15 business days after approval, that shall expire one year after the date of issuance; and
 - 3) Enter in its record system the registry identification number of the program where the agent works.
- g) No faculty member shall participate in a licensee's cannabis curriculum that involves instruction offered in the enclosed, locked facility prior to receiving his or her Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card.

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- h) The Community College Cannabis Vocational Pilot Program identification card shall contain the following:
 - 1) *The name of the cardholder;*
 - 2) *The date of issuance and expiration date of the identification card;*
 - 3) *A random 10-digit alphanumeric identification number containing at least 4 numbers and 4 letters that is unique to the holder;*
 - 4) *A photograph of the cardholder; and*
 - 5) *The name of the Community College Cannabis Vocational Pilot Program employing the agent. [410 ILCS 705/25-35(c)]*
- i) A Community College Cannabis Vocational Pilot Program agent-in-charge or agent must keep his or her identification card visible at all times when on the property of an enclosed, locked facility of the licensee.
- j) Upon termination of employment, the Community College Cannabis Vocational Pilot Program identification cards shall be immediately returned to the licensee. The licensee shall promptly return the identification cards to the Department.
- k) Any Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card that is lost, destroyed or stolen shall be reported to ISP and the Department immediately upon discovery of the loss, destruction or theft. The fee for the issuance of a replacement identification card shall be \$25.
- l) Renewal
 - 1) Community College Cannabis Vocational Pilot Program agent-in-charge and agent identification cards shall be renewed annually. The renewal fee shall be \$50. The Department shall send electronic notice 90-days prior to expiration;
 - 2) If a Community College Cannabis Vocational Pilot Program agent-in-charge or agent fails to renew their identification card before its expiration, he or she shall cease to work as an agent of the Community

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College Cannabis Vocational Pilot Program in the enclosed and locked facility, until the identification card is renewed;

- 3) A Community College Cannabis Vocational Pilot Program agent-in-charge or agent who fails to renew their identification card, and continues to act as an agent for the Community College Cannabis Vocational Pilot Program in the enclosed, locked facility, shall be subject to the penalties outlined in Section 1300.280 and Subpart G (“Enforcement and Immunities”);
- 4) Upon request for renewal, the Department will consider the applicant’s history of compliance with the Act and this Part, the number and severity of any violations and the correction of those violations, and penalties or fines imposed or any other enforcement actions;
- 5) The Department may deny a renewal after consideration of the applicant’s history of compliance;
- 6) The Department will not renew a Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card if the holder is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 1300.265 Background Check
EMERGENCY

- a) *All faculty receiving an agent or agent-in-charge or agent identification card must successfully pass a background check required by Section 5-20 prior to participating in a licensee’s cannabis curriculum that involves instruction offered in the enclosed, locked facility. [410 ILCS 705/25-20(b)]*
- b) ISP shall act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each applicant for a Community College Cannabis Vocational Pilot Program agent or agent-in-charge identification card.
 - 1) ISP will conduct background checks for conviction information contained within ISP and FBI criminal history databases to the extent allowed by law.

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- 2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department and that transmittal shall conclude the verification process.
- 3) The electronic background checks shall be submitted as outlined in either the Illinois Uniform Conviction Information Act or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).
 - A) Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format.
 - B) Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted to ISP for the purpose of this fingerprint-based background check, shall be submitted electronically.
 - C) Electronic transmission of fingerprint data to ISP shall be accomplished utilizing livescan procedures or other comparable technology approved for use by ISP.
 - D) If the fingerprints are rejected by ISP, the applicant shall have his or her fingerprints collected electronically by a livescan fingerprint vendor a second time.
 - E) In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, ISP may allow limited use of paper fingerprint records.
- c) Each Community College Cannabis Vocational Pilot Program agent-in-charge or agent applying for a Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card shall have his or her fingerprints collected electronically by a livescan fingerprint vendor licensed by DFPR and transmitted to ISP for processing no more than 30 days prior to the date of application or renewal for a Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card.

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- 1) The Community College Cannabis Vocational Pilot Program agent-in-charge or agent shall submit to the Department, with the Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that his or her fingerprints have been collected.
- 2) Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card applications submitted without a copy of the livescan request form and receipt will be deemed incomplete and will not be processed until fingerprinting is completed. The fingerprinting process is not completed until the Department receives the results from ISP.
- 3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a Community College Cannabis Vocational Pilot Program agent-in-charge or agent identification card and shall be collected by the livescan vendor at the time of fingerprinting and transmitted to ISP for deposit in the ISP Services Fund. A convenience fee may be charged by the livescan vendor as provided in Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.
- d) The Department will maintain the results of the criminal history records check in compliance the State Records Act.
- e) Should the Department not be able to obtain from ISP the required State and/or federal criminal records check required by the Act and this Section, the Department shall contract as appropriate with a private detective/investigating agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and in good standing with DFPR, for the purpose of conducting those records checks.

Section 1300.275 Program Operations

EMERGENCY

- a) Licensees shall not have more than 50 flowering cannabis plants at one time.

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- b) The agent-in-charge shall keep a vault log of the licensee's enclosed, locked facility or facilities, including but not limited to, the person entering the site location, the time of entrance, the time of exit, and any other information the Department may set by rule.
- c) Cannabis shall not be removed from the licensee's facility, except for the limited purpose of shipping a sample to a laboratory registered under the Act.
- d) The licensee shall limit keys, access cards, or an access code to the licensee's enclosed, locked facility or facilities, to cannabis curriculum faculty and college security personnel with a bona fide need to access the facility for emergency purposes.
- e) A transporter may transport cannabis produced pursuant to Article 25 of the Act to a laboratory registered under the Act. All other cannabis produced by the licensee that was not shipped to a registered laboratory shall be destroyed within 5 weeks after being harvested, pursuant to Subpart I ("Destruction of Cannabis").
- f) Licensees shall subscribe to the Department cannabis plant monitoring system.
- g) Licensees shall maintain a weekly inventory system.
- h) No student participating in the cannabis curriculum necessary to obtain a Certificate may be in the licensee's facility unless a faculty agent-in-charge is also physically present in the facility.
- i) Licensees shall conduct post-certificate follow up surveys and record participating students' job placements within the cannabis business industry within a year after the student's completion.
- j) The Board shall report annually to the Department on the race, ethnicity, and gender of all students participating in the cannabis curriculum necessary to obtain a Certificate, and of those students who obtain a Certificate. [410 ILCS 705/25-15]
- k) Students shall be at least 18 years old in order to enroll in a licensee's Career in Cannabis Certificate's prescribed course of study. [410 ILCS 705/25-30(a)]

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- l) A licensee's enclosed, locked facilities are subject to random inspections by the Department and ISP.
- m) A licensee shall keep records of the number of security incidents or infractions and any action taken or not taken by the licensee, and make such records available to the Department and the Cannabis Regulation Oversight Officer.
- n) A licensee shall keep records of the following categories based on race, ethnicity, and gender, where available, and make available to the Department and the Cannabis Regulation Oversight Officer:
 - 1) Number of students enrolled in cannabis curricula per semester;
 - 2) Successful completion rates for students seeking a Certificate; and
 - 3) Postgraduate job placement of students who obtained a Certificate in a) cannabis business establishment jobs and b) non-cannabis business establishment jobs.

Section 1300.280 Enforcement
EMERGENCY

- a) *The Department has the authority to suspend or revoke any faculty agent-in-charge or agent identification card for any violation of Article 25 of the Act.*
- b) *The Department has the authority to suspend or revoke any Program license for any violation found under this Article.*
- c) *The Board shall revoke the authority to offer the Certificate of any community college that has had its license revoked by the Department. [410 ILCS 705/25-25]*

Section 1300.295 Requests for Information
EMERGENCY

Upon a request for information from the Cannabis Regulation Oversight Officer, the Board, or the Department, a Licensee must transmit the requested information to the Cannabis Regulation Oversight Officer, the Board, or the Department. Requests from the public shall be processed in accordance with the Illinois Freedom of Information Act.

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SUBPART D: CRAFT GROWER

Section 1300.300 License Application
EMERGENCY

- a) A craft grower license shall be obtained for each facility prior to commencement of any production activities. The license shall, along with any other certificate, business license or other authorization required to conduct production activities, be posted in a conspicuous place within the facility.
- b) On February 14, 2020 the Department will begin accepting applications for craft grower licenses. The license acceptance period shall close on March 16, 2020. An application will be considered submitted on the date in which it was received, if received on or before 5 p.m. Central Time. If received after 5 p.m. Central Time, the application will be considered received on the next business day.
 - 1) Submissions shall be made electronically.
 - 2) Notification of the availability of applications will be posted on the Department's website at www.agr.state.il.us/.
- c) An applicant applying for a craft grower license shall electronically submit the following (See also 410 ILCS 705/30-10):
 - 1) Nonrefundable application fee of \$5,000, unless the applicant is eligible for a fee waiver as a Social Equity Applicant pursuant to Section 7-20 of the Act;
 - 2) Legal name of the craft grower;
 - 3) Proposed physical address of the craft grower;
 - 4) Name, address, social security number, and date of birth of each principal officer and board member of the craft grower; each principal officer and board member shall be at least 21 years of age;
 - 5) The details of any administrative or judicial proceeding in which any of the principal officers or board members of the craft grower:

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- A) Pled guilty, were convicted, fined, or had a registration or license suspended or revoked; or
 - B) Managed or served on the board of a business or non-profit organization that pled guilty, was convicted, fined, or had a registration or license suspended or revoked;
- 6) Proposed operating bylaws that include procedures for the oversight of the craft grower, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by the ISP;
 - 7) Verification from the ISP that all background checks of the prospective principal officers, board members, and agents of the cannabis business establishment have been conducted. If ISP has not completed the background check, then the applicant shall provide written verification that the request has been submitted to ISP;
 - 8) A copy of the current local zoning ordinance or permit and verification that the proposed craft grower is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;
 - 9) Proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;
 - 10) A statement that the applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;
 - 11) Experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;
 - 12) A description of the enclosed, locked facility where cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a dispensing organization or other cannabis business establishment;

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- 13) A survey of the enclosed, locked facility, including the space used for cultivation;
- 14) Cultivation, processing, inventory, and packaging plans;
- 15) A description of the applicant's experience with agricultural cultivation techniques and industry standards;
- 16) A list of any academic degrees, certifications, or relevant experience of all prospective principal officers, board members, and agents of the related agricultural or horticultural business;
- 17) The identity of every person having a financial or voting interest of 5% or greater in the craft grower operation, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person;
- 18) A plan describing how the craft grower will address each of the following:
 - A) Energy needs, including estimates of monthly electricity and gas usage, to what extent it will procure energy from a local utility or from on-site generation, and if it has or will adopt a sustainable energy use and energy conservation policy;
 - B) Water needs, including estimated water draw and if it has or will adopt a sustainable water use and water conservation policy; and
 - C) Waste management, including if it has or will adopt a waste reduction policy.
- 19) A recycling plan that addresses each of the following:
 - A) Purchaser packaging, including cartridges, that shall be accepted by the applicant and recycled;
 - B) Any recyclable waste generated by the craft grower facility shall be recycled per applicable State and local laws, ordinances, and rules; and

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- C) Any cannabis waste, liquid waste, or hazardous waste shall be disposed of in accordance with 8 Ill. Adm. Code 1000.460, except, to the greatest extent feasible, all cannabis plant waste will be rendered unusable by grinding and incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with 8 Ill Adm. Code 1000.460(g)(1).
- 20) A commitment to comply with local waste provisions. A craft grower facility must remain in compliance with applicable State and federal environmental requirements, including, but not limited to:
- C) Storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis-infused products, in accordance with applicable State and local laws, ordinances, and rules; and
 - D) Disposing liquid waste containing cannabis or byproducts of cannabis processing in compliance with all applicable State and federal requirements, including, but not limited to permits under Title X of the Environmental Protection Act.
- 21) A commitment to a technology standard for resource efficiency of the craft grower facility:
- A) Lighting. The Lighting Power Densities (LPD) for cultivation space commits to not exceed an average of 36 watts per gross square foot of active and growing space canopy, or all installed lighting technology shall meet a photosynthetic photon efficacy (PPE) of no less than 2.2 micromoles per joule fixture and shall be featured on the Design Lights Consortium (DLC) Horticultural Specification Qualified Products List (QPL). In the event that DLC requirement for minimum efficacy exceeds 2.2 micromoles per joule fixture, that PPE shall become the new standard;
 - B) HVAC
 - i) For cannabis grow operations with less than 6,000 square feet of canopy, the licensee commits that all HVAC units

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- will be high-efficiency ductless split HVAC units, or other more energy efficient equipment;
- ii) For cannabis grow operations with 6,000 square feet of canopy or more, the licensee commits that all HVAC units will be variable refrigerant flow HVAC units, or other more energy efficient equipment;
- C) Water application
- iv) The craft grower facility commits to use automated watering systems, including, but not limited to, drip irrigation and flood tables, to irrigate cannabis crop;
 - v) The craft grower facility commits to measure runoff from watering events and report this volume in its water usage plan, and that on average, watering events shall have no more than 20% of runoff of water;
- D) Filtration. The craft grower commits that HVAC condensate, dehumidification water, excess runoff, and other wastewater produced by the craft grower facility shall be captured and filtered to the best of the facility's ability to achieve the quality needed to be reused in subsequent watering rounds;
- E) Reporting energy use and efficiency; [410 ILCS 705/30-10]
- 22) If a sole proprietorship, the name, residence and date of birth of the owner;
- 23) If a partnership, the names and addresses of all partners, both general and limited and any partnership or joint venture documents;
- A) For a domestic limited partnership, a copy of the Certificate of Limited Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days;
 - B) For a foreign limited partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good

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Standing from the Illinois Secretary of State dated within the last 60-days;

- 24) If a limited liability partnership, the names and addresses of all partners, and any partnership or joint venture documents;
 - A) For a domestic limited liability partnership, a copy of the Certificate of Limited Liability Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;
 - B) For a foreign limited liability partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;
- 25) If a corporation based in Illinois, a copy of the Articles of Incorporation and a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, a copy of the Certificate of Good Standing from the state or country in which the corporation is domiciled, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. Additionally, applicants shall include the names and addresses of all stockholders and directors of the corporation;
- 26) If a limited liability company:
 - A) For a domestic limited liability company, a copy of the Articles of Organization, a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days, and a listing of the members of the limited liability company and his, her, or its contact information;

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- B) For a foreign limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing from the state of organization, a copy of the Application for Admission to Transact Business in Illinois, along with a Certificate of Good Standing issued by the Illinois Secretary of State, all dated within the last 60 days;
- 27) If another type of business entity, the same or similar information, as applicable, to that listed in subsections (25) and (26) above;
- 28) Property ownership records:
- A) If the property is not owned but is currently leased by the applicant, the applicant shall provide: a copy of the lease; confirmation of land ownership; identification of any mortgagees and/or lienholders; a written statement from the property owner and/or landlord, certifying consent that the applicant may operate a craft grower on the premises at least through the term of the lease; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a craft grower at least through the term of the financing, and consent thereto by any mortgagees and/or perfected lienholders;
 - B) If the property is not owned or currently leased by the applicant, the applicant shall provide: a written statement from the property owner and/or landlord certifying consent that the applicant will lease or purchase the property for the purpose of operating a craft grower for at least five years (5); and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a craft grower at least through the effective dates of all agreements, and consent thereto by any mortgagees and/or perfected lienholders;
 - C) If the property is owned by the applicant, the applicant shall provide: confirmation of land ownership; identification of any and all mortgagees and/or perfected lienholders; and, if applicable, verification of notification to any and all mortgagees and/or

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perfected lienholders that the property is to be used as a craft grower at least through the expiration of financing, and consent thereto by any mortgagees and/or perfected lienholders;

- 29) Applicant shall submit plans and specifications drawn to scale for the interior of the building. If the building is not in existence at the time of application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed;
- 30) Documentation that the individual or entity filing the application has at least \$20,000 in liquid assets. Acceptable documentation includes a signed statement from an Illinois Licensed CPA attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying. The statement must be dated within 30 calendar days before the date the application was submitted;
- 31) All relevant financial information as set forth in Section 1300.305 of this Part;
- 32) If any principal officers or board members are currently or have previously been licensed or authorized in another state or jurisdiction to cultivate, produce, distribute or otherwise sell cannabis in any form, the following:
 - A) A copy of each such licensing or authorizing document verifying licensure in that state or jurisdiction;
 - B) A statement granting the Department permission to contact the regulatory agency that granted the license to confirm the information contained in the application; and
 - C) If the entity's license or authorization to conduct business was ever suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant was so licensed and was never sanctioned.
- 33) If applicable, the applicant's status as a Social Equity Applicant, as demonstrated by:

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- A) Evidence of the applicant's status as an "Illinois resident" as demonstrated by incorporation documents, or, if applying as an individual, at least two of the following: (i) a signed lease agreement that includes the applicant's name, (ii) a property deed that includes the applicant's name, (iii) school records, (iv) voter registration card, (v) an Illinois driver's license, ID card, or a Person with a Disability ID card, (vi) a paycheck stub, (vii) a utility bill, or (viii) any other proof of residency or other information necessary to establish residence. A person must have been domiciled in the state for a period of 30 days to be an "Illinois resident" as used in this application; and one of the following:
- i) Evidence the person or persons owning and controlling more than 51% of the proposed license have lived in a disproportionately impacted area for 5 of the preceding 10 years as demonstrated by, but not limited to, tax filings, voter registrations, leases, mortgages, paycheck stubs, utility bills, insurance forms, or school records that include the qualifying principal officers' names on them; or
 - ii) Evidence the person or persons owning and controlling more than 51% of the proposed license have been arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of such action; or
 - iii) Evidence the person or persons owning and controlling more than 51% of the proposed license has had a parent, legal guardian, child, spouse, dependent, or was a dependent of an individual who prior to June 25, 2019, was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of such action. The applicant must also provide evidence of the relationship between the applicant's principal officer or officers and the person who

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was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act; or

- iv) Evidence that the applicant employs 10 or more full-time employees, and evidence that 51% or more of those employees (1) currently reside in a disproportionately impacted area; (2) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act; or (3) are members of an "impacted family" as that term is defined in the Act. The applicant must provide evidence as described above for each employee. The applicant shall also provide evidence the employees were engaging in full time work as of the date the application was submitted. If employee information or employment status of employees changes before licenses are awarded, the applicant has a duty to notify the Department of the change in employee information or status.
- d) The applicant shall sign a notarized statement certifying that:
- 1) The craft grower will register with the Illinois Department of Revenue should the applicant be granted a license;
 - 2) The application is complete and accurate; and
 - 3) The applicant has actual notice that, notwithstanding any state law:
 - A) Cannabis is a prohibited Schedule I controlled substance under federal law;
 - B) A license is granted only to the extent provided by the strict requirements of the Act and this Part;
 - C) Any activity not sanctioned by the Act or this Part may be a violation of State law;

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- D) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
 - E) Use of cannabis may affect an individual's ability to receive federal licensure in other areas;
 - F) Use of cannabis, in tandem with other conduct, may be a violation of federal law;
 - G) Possessing a license does not authorize any person to violate federal law or State law and, other than as set out in Article 45 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and
 - H) Applicants shall indemnify and hold harmless the State of Illinois for any and all civil or criminal penalties resulting from possessing a license.
- 5) All of applicant's principal officers expressly agree to be subject to service of process in Illinois with a current Illinois address on file with the Department.
- e) *If the Department of Agriculture receives an application with missing information, the Department of Agriculture shall issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be disqualified. [410 ILCS 705/30-10(c)]*

Section 1300.305 Financial Disclosure

EMERGENCY

- a) When applying for a craft grower license, the applicant shall disclose all relevant financial information to the Department. The applicant shall have a continuing duty to disclose promptly any material changes in the financial information provided to the Department. If an applicant is issued a license, this duty of ongoing disclosure shall continue throughout the licensed period. These disclosures shall include:

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- 1) The ownership structure of the craft grower;
 - 2) A current organizational chart that includes position descriptions and the names and resumes of persons holding each position to the extent those positions have been filled. To the extent not revealed by the resume, include additional pages with each resume setting out the employee's particular skills, education, experience or significant accomplishments that are relevant to owning or operating a craft grower;
 - 3) Documents such as the articles of incorporation, articles of association, charter, by-laws, partnership agreement, agreements between any two or more members of the applicant that relate in any manner to the assets, property or profit of the applicant, or any other comparable documents that set forth the legal structure of the applicant or relate to the organization, management or control of the applicant;
 - 4) A copy of all compensation agreements with owners, officers and growers;
 - 5) The nature, type, terms, covenants and priorities of all outstanding bonds, loans, mortgages, trust deeds, pledges, lines of credit, notes, debentures or other forms of indebtedness issued or executed, or to be issued or executed, in connection with opening or operating the proposed craft grower;
- b) The applicant shall disclose all sources of funding used to acquire or develop the business for which the license is sought, and shall provide independent documentation concerning the source of the funds and copies of closing documents in connection with the purchase of a registered business.
- c) The applicant shall disclose whether any principal officer and/or board member has ever:
- 1) Filed for bankruptcy;
 - 2) Defaulted on alimony or child support payment; or
 - 3) Been disciplined or sanctioned by a State or federal agency;

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- d) The applicant shall disclose whether there are currently or have ever been any state or federal tax liens against the property of the applicant, as well as the property of any principal officer and/or board member.

Section 1300.307 License Selection Criteria
EMERGENCY

- a) The license selection criteria for the craft grower license shall include the following, with each criterion accounting for up to the indicated maximum number of the total points available for each criteria, out of 1,000 total points (bonus points are an additional 2 points):
 - 1) Suitability of the Proposed Facility (75 points):
 - A) Measure 1 (25 points): The applicant demonstrates that the proposed facility is suitable for effective and safe cultivation of cannabis, sufficient in size, power allocation, air exchange and air flow, interior layout, lighting, and sufficient both in the interior and exterior to handle the bulk agricultural production of cannabis, cannabis-infused products, product handling, storage, trimming, packaging, loading and shipping. The loading/unloading of cannabis in the transport motor vehicle for shipping shall be in an enclosed, secure area out of public sight;
 - B) Measure 2 (25 points): The applicant demonstrates the ability to meet consumer demand by operating the cultivation facility in a safe and efficient manner with minimal impact on the environment and the surrounding community;
 - C) Measure 3 (25 points): The applicant provides an Operations and Management Practices Plan that demonstrates compliance with this Part and the Act.
 - 2) Suitability of Employee Training Plan (50 points):
 - A) Measure 1 (25 points): The applicant fully describes a staffing plan that will provide and ensure adequate staffing and experience for

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all accessible business hours, safe production, sanitation, adequate security and theft prevention; and

- B) Measure 2 (25 points): The applicant provides an employee handbook that will provide employees with a working guide to the understanding of the day-to-day administration of personnel policies and practices.
- 3) Security Plan and Recordkeeping (145 points):
- A) Measure 1 (40 points): The applicant's security plan demonstrates its ability to prevent the theft or diversion of cannabis and how the plan will assist the ISP, Department, and local law enforcement in carrying out law enforcement responsibilities. Specifically, it shall evidence compliance with all items in Sections 1300.355, 1300.380, and 1300.385 of this Part;
 - B) Measure 2 (40 points): The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, quality control and security and other policies and procedures will discourage unlawful activity. It also describes the applicant's plan to coordinate with and dispose of unused or surplus cannabis through ISP and the Department;
 - C) Measure 3 (40 points): The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store cannabis, its security measures, including when the location is closed for business, and the steps taken to ensure that cannabis is not visible to the public;
 - D) Measure 4 (25 points): The applicant's plan to apply for a transporter license or plan to work with a licensed transporter and the applicant's procedures for safely and securely delivering cannabis and cannabis-infused products to cannabis business establishments.
- 4) Cultivation Plan (75 points):

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- A) Measure 1 (25 points): The applicant shall describe its plan to provide a steady, uninterrupted supply of cannabis to registered dispensaries;
 - B) Measure 2 (25 points): The applicant demonstrates knowledge of cultivation methods to be used in the cultivation of cannabis. The applicant shall describe the various strains to be cultivated and its experience, if applicable, with growing those strains or comparable agricultural products;
 - C) Measure 3 (25 points): The applicant demonstrates the steps that will be taken to ensure the quality, including the purity and consistency, of the cannabis to be provided to dispensaries.
- 5) Product Safety and Labeling Plan (95 points):
- A) Measure 1 (35 points): The applicant shall describe its plan for providing safe and accurate packaging and labeling of cannabis;
 - B) Measure 2 (35 points): The applicant shall describe its plan for testing cannabis and ensuring that all cannabis is free of contaminants, including but not limited to pesticides, microbiological, and residual solvent.
 - C) Measure 3 (25 points): The applicant shall describe its plan for establishing a recall of the applicant's products in the event that they are shown by testing or other means to be, or potentially to be, defective or have a reasonable probability that their use or exposure to will cause serious adverse health consequences. At a minimum, the plan should include the method of: identification of the products involved; notification to the dispensary organization or others to whom the product was sold or otherwise distributed; and how the products will be disposed of if returned to or retrieved by the applicant.
- 6) Applicant's Business Plan and Services to be Offered (110 points):
- A) Measure 1 (40 points): The applicant shall provide a business plan that describes how the craft grower plans to operate on a long-term

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basis. This shall include the applicant providing a detailed description about the amount and source of the equity and debt commitment for the proposed craft grower that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs, and the financial capability to undertake the project;

- B) Measure 2 (40 points): The applicant or its officers, board members, or incorporators demonstrates experience in business management and/or having industry, agricultural or horticultural experience and the extent of their involvement in or ability to influence the day-to-day operations of the facility;
- C) Measure 3 (30 points): The business plan demonstrates a start-up timetable that provides an estimated time from receiving the license to cultivate to full operation, and the assumptions used for the basis of those estimates.

7) Applicant's Status as a Social Equity Applicant (200 points);

8) Applicant's Labor and Employment Practices (20 points):

Provide for a safe, healthy and economically beneficial working environment for its employees, including, but not limited to, its plans regarding workplace safety and environmental standards, codes of conduct, healthcare benefits, educational benefits, retirement benefits, living wage standards, and entering a labor peace agreement with employees.

9) Applicant's Environmental Plan (20 points);

- A) Measure 1 (10 points): The applicant's ability to demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the production of cannabis;

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- B) Measure 2 (10 points): The applicant's ability to describe any plans for the use of alternative energy, the treatment of waste water and runoff, and scrubbing or treatment of exchanged air.
- 10) The applicant is 51% or more owned and controlled by an individual or individuals who have been an Illinois resident for the past 5 years as proved by tax records (90 points); [410 ILCS 705/30-15(a)(10)]
- 11) The applicant is 51% or more controlled and owned by an individual or individuals who meet the qualifications of a veteran as defined in Section 45-57 of the Illinois Procurement Code (20 points); [410 ILCS 705/30-15(a)(11)]
- 12) Applicant's Diversity Plan (100 points): A narrative of not more than 2500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity;
- c) The Department may award up to 2 bonus points for preferred but not required initiatives in the following categories based on the applicant's ability to meet or exceed minimum requirements, with each initiative accounting for up to a maximum of 2 points each:
- 1) Community Benefits Plan: Applicant commits to establishing an incubator program designed to increase participation in the cannabis industry by persons who would qualify as Social Equity Applicants;
- 2) Substance Abuse Prevention Plan: Applicant commits to providing financial assistance to substance abuse treatment centers;
- 3) Local Community/Neighborhood Report: Applicant commits to educating children and teens about the potential harms of cannabis use.
- d) Should the applicant be awarded a license, the information and plan that an applicant provided in its application becomes a mandatory condition of the license. If a licensee fails to comply with standard and special conditions of the license, the Department may assess a penalty or seek suspension or revocation of the license pursuant to Subpart G ("Enforcement and Immunities") of this Part;

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- e) In the event that two or more qualified applicants for a craft grower license receive the same total score, the Department shall distribute the remaining available licenses by lot:
 - 1) The drawing by lot for all remaining available licenses will occur on the same day; and
 - 2) The process for distributing remaining available licenses will be recorded by the Department in a format of its discretion.

- f) The Department may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate a craft grower. Notwithstanding an applicant satisfying the foregoing selection criteria, the Department may, in its discretion, refuse to issue a license if it is not satisfied that an applicant, or any one required to be identified in the application by Sections 1300.300, 1300.305 and 1300.345 of this Part, is a person of good character, honesty and integrity, and is not:
 - 1) A person who creates or enhances the dangers of unlawful practices, methods and activities in the cannabis industry, including, but not limited to, product diversion;
 - 2) A person who has demonstrated prior questionable business practices and financial arraignments incidental to the cannabis industry;
 - 3) A person who has had a cannabis dispensary or cultivation center license revoked, suspended or sanctioned in a any jurisdiction.

Section 1300.310 License Denial and Prohibitions

EMERGENCY

- a) *An application for a craft grower license must be denied if any of the following conditions are met:*
 - 1) *The applicant failed to submit the materials required by this Part;*
 - 2) *The applicant would not be in compliance with local zoning rules;*

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- 3) *One or more of the prospective principal officers or board members or board members causes a violation of Section 30-20 of the Act;*
 - 4) *One or more of the principal officers or board members is under 21 years of age;*
 - 5) *The person has submitted an application for a license under the Act and/or this Part which contains false information;*
 - 6) *The licensee; principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois; [410 ILCS 705/30-25]*
 - 7) *A craft grower may not be located in an area zoned for residential use; [410 ILCS 705/30-30(e)]*
 - 8) *A craft grower shall not be located within 1,500 feet of another craft grower or cultivation center. [410 ILCS 705/30-30(o)]*
- b) The Department may deny an application or revoke a license for violations of the Act and/or this Part.
 - c) Nothing in this Part is intended to confer a property or other right, duty, privilege or interest entitling an applicant to an administrative hearing upon denial of an application.
 - d) *No craft grower license issued by the Department shall be issued to a person who is licensed by any licensing authority as a cultivation center, or to any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or any other form of business enterprise having more than 10% legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a cultivation center, or to any principal officer, agent, employee, or human being with any form of ownership or control over a cultivation center except for a person who owns no more than 5% of the outstanding shares of a cultivation center who shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. [410 ILCS 705/30-20(a)]*

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- e) A license shall be surrendered to the Department upon written notice and demand if the craft grower fails to begin production within six months after the license has been issued. The craft grower may submit a written request to the Department for an extension of time setting forth its justification for being unable to begin production within six months after the license was issued. The Department may grant an extension, at its discretion, for good cause shown. Good cause may include unforeseen events, acts of nature and other events that prevent a good faith effort. Good cause shall not include cost overruns, insufficient financing and other factors evidencing a lack of good faith effort.
- f) A craft grower that fails to maintain production for any reason for more than 90 consecutive days after it has begun production shall be notified in writing and given 30-days from the date of notification from the Department to submit a written explanation why it so failed and, if it plans on continuing to operate as a craft grower, a description of how it will correct the problem and prevent it from occurring again.
 - 1) If no response is received from the craft grower or if a response is received after the 30-day period, the permit shall be revoked and surrendered to the Department.
 - 2) If a response is received within the 30-day period, the Department shall review the response and either approve it and require the craft grower to come into compliance or reject it and revoke the license requiring the craft grower to surrender its license to the Department. If the Department allows the craft grower to come into compliance, the Department may, after a hearing, levy a fine for failure to provide an uninterrupted supply.

Section 1300.315 License Award, Issuance and Transferability

EMERGENCY

- a) The top-scoring applicants as determined by Section 1300.307 of this Part, that receive at least 75% of available points, will be issued craft grower licenses by the Department.
- b) A craft grower license shall be issued for the specific location identified on the application, and is valid only for the owner, name designated on the license and the location for which it is issued.

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c) *Should the applicant be awarded a craft grower license, the applicant shall pay a prorated fee of \$40,000 prior to receiving the license. [410 ILCS 705/30-15(d)]*

d) Transfer of License

A craft grower license shall not be transferable in whole or in part, without Department approval, with the following exceptions:

- 1) A craft grower license may be reissued, without charge, solely in the name of the surviving spouse or domestic partner of a deceased licensee if the license was issued in the names of both of the parties; and
- 2) A craft grower license may be transferred, without charge, to an heir of a deceased licensee other than as provided in subsection (d)(1), as determined by the Probate Act of 1975 [755 ILCS 5]. For the purpose of considering the qualifications of the heir to receive a craft grower license, the Department shall require a criminal background check and the heir will be subject to all other requirements of the Act and this Part.

e) Change of Location

In the event that the Department approves a new location as meeting all requirements of the Act and this Part, the craft grower shall have a brief transition period of no more than 90-days, approved by the Department, to transfer its inventory and begin operations at the new location.

- 1) The transition period shall not begin until the new location is ready to begin production.
- 2) A craft grower may not be located in an area zoned for residential use. [410 ILCS 705/30-30(e)]
- 3) A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center. [410 ILCS 705/30-30(o)]
- 4) No product may be transferred to or cultivated at the new location prior to the beginning date of this approved transition period.

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- 5) Any product remaining at the original location past the transition period shall be destroyed in accordance with the provisions of Subpart I (“Destruction of Cannabis”) of this Part.
 - 6) The craft grower shall notify the Department in writing or by electronic transmission once the transfer of inventory is complete and production has begun at the new location.
 - 6) Upon inspection and verification by the Department that the new location is in compliance with the Act and this Part, the Department shall issue a license modification reflecting the new location. The modified license shall have the same expiration date as the previously issued license.
- f) Sale of Stock
- The proposed sale of any outstanding or issued stock of a corporation licensed under the Act, or any proposed change in the officers or board members of the corporation, must be reported to the Department, and Department approval must be obtained before the changes are made. A fee of \$1,000 will be charged for the processing of the change of stock ownership or corporate officers or board members.
- g) The proposed change of any person or principal officer of any licensee must be reported to the Department and Department approval must be obtained before the changes are made. A fee of \$1,000 will be charged for the processing of any such change.
 - h) A craft grower license shall not be leased or subcontracted, in whole or in part.
 - i) A craft grower license is issued upon the following condition: *A craft grower may not either directly or indirectly discriminate in price between different dispensing organizations, craft growers, or infusers that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (e) prevents a cultivation centers from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.* [410 ILCS 705/30-30(f)]

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- j) A craft grower license is issued upon the following condition: *It is unlawful for any person having a craft grower license or any officer, associate, member, representative, or agent of such licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any person connected with or in any way representing, or to any member of the family of, such person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website. [410 ILCS 705/30-30(n)]*
- k) A craft grower license is issued upon the following condition: *No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 craft grower licenses. Further, no person or entity that is employed by, an agent of, or has a contract to receive payment from or participate in the management of a craft grower, is a principal officer of a craft grower, or entity controlled by or affiliated with a principal officer of a craft grower shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a craft grower license that would result in the person or entity owning or controlling in combination with any craft grower, principal officer of a craft grower, or entity controlled or affiliated with a principal officer of a craft grower by which he, she, or it is employed, is an agent of, or participates in the management of more than 3 craft grower licenses. [410 ILCS 705/30-30(m)]*

Section 1300.320 License Renewal
EMERGENCY

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- a) Every craft grower license issued by the Department under the Act and this Part shall expire annually on the date it was issued.
- b) Every renewal application for a license issued pursuant to this Part and accompanied by the proper fees shall be filed annually with the Department at least 45 calendar days prior to the date the existing license expires.
- c) The Department shall send written notification of expiration to each licensed craft grower at least 90-days prior to expiration. However, failure to receive a renewal form from the Department shall not excuse the craft grower from paying the renewal fee or renewing the license prior to its expiration.
- d) The Department shall grant a renewal application within 45-days after submission of a renewal application if:
 - 1) The registered craft grower submits a renewal application and the required renewal fee \$40,000;
 - 2) The Department has not suspended the license of the craft grower or suspended or revoked the registration for violation of the Act or this Part;
 - 3) The craft grower has continued to operate in accordance with all plans submitted as part of its application and approved by the Department or any amendments that have been approved by the Department;
 - 4) The craft grower has submitted an agent, employee, contracting, and subcontracting diversity report as required by the Department; and
 - 5) The craft grower has submitted an environmental impact report as required by the Act.
- e) If a craft grower fails to renew its license before expiration, it shall cease operations until its license is renewed. [410 ILCS 705/30-45]
- f) Upon request for renewal, the Department shall consider the licensee's history of compliance with requirements of the Act and this Part, the number and severity of any violations and the correction of those violations, as well as penalties or fines imposed, or any other enforcement actions.

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- g) The Department may deny a renewal after consideration of the licensee's history of compliance.

Section 1300.330 Modifications and Alterations

EMERGENCY

- a) A license shall be amended before the commencement of any modification to the facility. This includes any change that modifies the approved license design capability of production or process areas, including change of capacity, efficiency, or processes.
- b) Before making any modification to a licensed facility, the craft grower must complete an Application for License and Construction Approval and submit the application with the appropriate schedules to the Department. The fee for an application to make modifications to a craft grower shall be \$2,500. In addition, upon the approval of the application, the applicant shall pay an additional fee of \$1,500.
- c) An amendment to the license shall not be required for alterations at the facility. The fee for an application to make an alteration of a craft grower, other than an expansion, shall be \$500.

Section 1300.345 Background Check

EMERGENCY

- a) ISP shall act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each craft grower agent applying for a craft grower agent identification card.
 - 1) ISP will conduct background checks for conviction information contained within ISP and FBI criminal history databases to the extent allowed by law.
 - 2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department and that transmittal shall conclude the verification process.

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- 3) The electronic background checks shall be submitted as outlined in either the Illinois Uniform Conviction Information Act or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).
 - A) Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format.
 - B) Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted to ISP for the purpose of this fingerprint-based background check, shall be submitted electronically.
 - C) Electronic transmission of fingerprint data to ISP shall be accomplished utilizing livescan procedures or other comparable technology approved for use by ISP.
 - D) If the fingerprints are rejected by ISP, the craft grower agent shall have his or her fingerprints collected electronically by a livescan fingerprint vendor a second time.
 - E) In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, ISP may allow limited use of paper fingerprint records.
- b) Each craft grower agent applying for a craft grower agent identification card shall have his or her fingerprints collected electronically by a livescan fingerprint vendor licensed by DFPR and transmitted to ISP for processing no more than 30-days prior to the date of application or renewal for a craft grower agent identification card.
 - 1) The craft grower agent shall submit to the Department, with the cultivation agent identification card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that his or her fingerprints have been collected.
 - 2) Craft grower identification card applications submitted without a copy of the livescan request form and receipt will be deemed incomplete and will

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not be processed until fingerprinting is completed. The fingerprinting process is not completed until the Department receives the results from ISP.

- 3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a craft grower agent identification card and shall be collected by the livescan vendor at the time of fingerprinting and transmitted to ISP for deposit in the ISP Services Fund. A convenience fee may be charged by the livescan vendor as provided in Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.
- c) The Department shall obtain from ISP a state and federal criminal records check, to the extent allowed by law, containing conviction information for each craft grower agent applying for a craft grower agent identification card.
- d) The Department will maintain the results of the criminal history records check in compliance with the State Records Act.
- e) Should the Department not be able to obtain from ISP the required State and/or federal criminal records check required by the Act and this Section, the Department shall contract as appropriate with a private detective/investigating agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and in good standing with DFPR, for the purpose of conducting those records checks.

Section 1300.350 Specifications

EMERGENCY

- a) Craft growers shall:
 - 1) *Not be located within 1,500 feet to another craft grower or a cultivation center* [410 ILCS 705/30-30(o)]; and
 - 2) Not be in violation of any other local zoning requirements.
- b) After a license is approved, craft growers shall provide engineering plans and specifications of the entire facility. The plans and specifications shall include:

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- 1) A detailed plan and elevation drawings of all operational areas involved with the production of cannabis plants. This includes dimensions and elevation referenced to a single facility benchmark;
- 2) Cross-sections that show the construction details and their dimensions to provide verification of construction materials, enhancement for security measures, and bio-security measures;
- 3) Identification of all employee areas that are non-production areas;
- 4) The location of all storage areas, ventilation systems, and equipment used for the production of cannabis;
- 5) The location of all entrances and exits to the craft grower;
- 6) The location of any windows, skylights and roof hatches;
- 7) The location of all cameras and their field of view;
- 8) The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
- 9) The location of the digital video recorder and alarm control panel;
- 10) The location of all restricted and public areas;
- 11) The location where all plant inputs and application equipment are stored;
- 12) If applicable, the location of areas designated specifically for the production of cannabis-infused products; and
- 13) The location of the enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of cannabis in the transport motor vehicle.

Section 1300.355 Records
EMERGENCY

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- a) Each craft grower shall keep and maintain upon the licensed premises for a five-year period true, complete, legible and current books and records, including the following:
- 1) The date of each sale or distribution to a cannabis organization;
 - 2) The name, address and registration number of the cannabis organization;
 - 3) The item number, product name (description), and quantity of cannabis and cannabis-infused products registered by the Department and sold or otherwise distributed to the cannabis organization;
 - 4) The price charged and the amount received for the cannabis and cannabis-infused products from the cannabis organization;
 - 5) If the distribution was for a purpose other than sale, the reason for the distribution;
 - 6) The quantity and form of cannabis maintained at the craft grower on a daily basis; and
 - 7) The amount of plants being grown at the craft grower on a daily basis.
- b) Each craft grower is responsible for keeping and maintaining records that clearly reflect all financial transactions and the financial condition of the business. Records must be kept and maintained on the licensed premises for a five-year period and must be made available for inspection if requested by the Department, and, when applicable, the Illinois Department of Revenue include:
- 1) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;
 - 2) If applicable, bank statements and canceled checks for all accounts relating to the craft grower;
 - 3) Accounting and tax records related to the craft grower;

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- 4) Records of all financial transactions related to the craft grower, including contracts and/or agreements for services performed or received that relate to the craft grower;
- 5) All employee records, including training, education, discipline, etc.;
- 6) Soil amendment, fertilizers, pesticides as required by Section 1000.470, or other crop production aids applied to the growing medium or plants or used in the process of growing cannabis;
- 7) Production records, including:
 - A) Planting, harvest and curing, weighing, destruction of cannabis, creating batches of cannabis-infused products, and packaging and labeling; and
 - B) Disposal of cannabis, cannabis-infused products and waste materials associated with production.
- 8) Records of each batch of extracts or cannabis-infused products made, including, at a minimum, the usable cannabis or trim, leaves, and other plant matter used (including the total weight of the base product used), any solvents or other compounds utilized, and the product type and the total weight of the end product produced (e.g., hash oil, shatter, tincture, infused dairy butter);
- 9) Transportation records;
- 10) Inventory records as described in Section 1300.380 of this Part;
- 11) Records of all samples sent to an independent testing lab and/or the Department's lab and the quality assurance test results;
- 12) All samples provided to anyone or any entity for any purpose; and
- 13) Records of any theft, loss or other unaccountability of any cannabis seedlings, clones, plants, trim or other plant material, extracts, cannabis-infused products, or other items containing cannabis.

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Section 1300.360 Signage
EMERGENCY

- a) Each licensed craft grower must post a sign in a conspicuous location at each entrance of the facility that reads: "PERSONS UNDER 21 YEARS OF AGE NOT PERMITTED ON THESE PREMISES".
- b) Each licensed craft grower must post a sign in a conspicuous location at each entrance of the facility that reads: "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE".

Section 1300.365 Agents and Identification Cards
EMERGENCY

- a) The craft grower agent application shall be submitted on forms provided by the Department in accordance with the Act and this Part. The application will include instructions for its completion and submission. The application will include requests for information in support of the application needed by the Department in making its determination. If all materials, documentation and information required by the Act and this Part are not submitted, the application will be returned to the applicant.
- b) Each principal officer, board member, employee or agent of a registered craft grower must apply to the Department for a craft grower agent identification card. Along with the application, the applicant shall submit:
 - 1) A copy of the applicant's social security card;
 - 2) A copy of the applicant's valid driver's license or state issued identification card;
 - 3) A document verifying the applicant's place of residency (e.g., bank statement, cancelled check, insurance policy). The document must contain the applicant's full residence address;
 - 4) Verification from ISP that the applicant's background check has been conducted;
 - 5) The application fee of \$100; and

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- 6) Any additional information requested by the Department.
- c) Upon receipt and verification of the information specified in subsection (b), the Department will:
 - 1) Approve or deny the application within 30-days after receipt;
 - 2) Issue each craft grower agent an identification card, within 15 business days after approval, that shall expire one year after the date of issuance; and
 - 3) Enter in its record system the registry identification number of the craft grower where the agent works.
- d) No person shall begin working at a craft grower prior to receiving his or her craft grower agent identification card.
- e) The craft grower identification card shall contain the following:
 - 1) The name of the cardholder;
 - 2) The date of issuance and expiration;
 - 3) A random 10-digit alphanumeric identification number with at least 4 numbers and 4 letters that are unique to the holder;
 - 4) A photograph of the cardholder; and
 - 5) The legal name of the craft grower employing the agent.
- f) Renewal
 - 1) The craft grower agent identification cards shall be renewed annually. The renewal fee shall be \$100. The Department shall send electronic notice 90 -days prior to expiration;

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- 2) If a craft grower agent fails to renew their identification card before its expiration, he or she shall cease to work as an agent of the craft grower until the identification card is renewed;
 - 3) Upon request for renewal, the Department shall consider the applicant:
 - A) History of compliance with requirements of the Act and this Part;
 - B) The number and severity of any violations and the correction of those violations;
 - C) Penalties or fines imposed; or
 - D) Other enforcement actions;
 - 4) The Department may deny a renewal after consideration of the applicant's history of compliance;
 - 5) The Department shall not renew a craft grower agent identification card if the holder is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.
- g) A registered craft grower agent is not subject to prosecution, search, or penalty in any manner, and will not be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for working or volunteering for a registered cannabis craft grower to perform the actions permitted by this Part.
 - h) An agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment, including the craft grower organization for which he or she is an agent.
 - i) An agent identification card shall be immediately returned to the cannabis business establishment of the agent upon termination of his or her employment. The craft grower shall promptly return the identification cards to the Department.
 - j) Any craft grower agent identification card that is lost, destroyed or stolen shall be reported to ISP and the Department immediately upon discovery of the loss,

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destruction, or theft. The fee for issuance of a replacement identification card is \$50.

Section 1300.370 Operations – Plant Production

EMERGENCY

- a) Each facility shall develop and maintain an Operations and Management Practices Plan for each production area.
- b) Each production area shall maintain an open aisle on all sides of each plant group to allow for unobstructed travel, observation and inventory of each plant group.
- c) Each production area shall be maintained free of debris.
- d) Biosecurity measures shall be implemented and maintained at all times.
- e) A record of all crop inputs shall be maintained for at least five years at the facility. The record shall include:
 - 1) The date of application;
 - 2) The name of the individual making the application;
 - 3) The product that was applied;
 - 4) The section, including the square footage, that received the application (by group number);
 - 5) The amount of product that was applied; and
 - 6) A copy of the label of the product applied.
- f) At the time of planting, all plants shall be accounted for as a batch with a unique batch number that shall remain with the batch through final packaging. A "batch" means the established segregation of a group of plants at the time of planting for the control of quantity, traceability and/or strain. A batch number will be assigned at the time of planting for a specified number of plants. When plants reach 6 inches in height, a specific number will be assigned for each plant within that batch and the individual tag will be recorded electronically (RFID) or kept in an

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electronic file until harvest or destruction. The batch number will remain with the segregated plants through harvest to final packaging. The batch number will be included on the label of the package distributed for the end user.

- g) All plants, regardless of accounting strategy, shall be physically inventoried on a weekly basis and records of the inventory shall be kept at the facility for at least 5 years. Such records shall be made available to the Department upon request.
- h) Any removal of plants from the batch shall be recorded on a permanent record and maintained on site.
- i) The batch number shall be displayed on the approved label of the product designated for distribution to a dispensing organization.
- j) All persons working in direct contact with cannabis shall conform to hygienic practices while on duty, including but not limited to:
 - 1) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis plants are exposed;
 - 2) Floors, walls and ceilings shall be constructed in a manner that they may be kept adequately clean and in good repair;
 - 3) There shall be adequate lighting in all areas where cannabis is stored and where equipment or utensils are cleaned;
 - 4) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests;
 - 5) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
 - 6) Toxic cleaning compounds, sanitizing agents, solvents used in the production of cannabis concentrates, and pesticide chemicals shall be identified, held, and stored in a manner that protects against contamination

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of cannabis and is in accordance with any applicable local, State or federal law, rule, regulation or ordinance;

- 7) Only sanitizing agents registered with the Department pursuant to the Illinois Pesticide Act shall be used in cultivation centers, and they shall be used in accordance with labeled instructions;
- 8) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable and adequate supply of water to meet the facility's needs;
- 9) Plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the cultivation center, and it shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines, pursuant to the Illinois Plumbing Code;
- 10) All operations in the receiving, inspecting, transporting, segregating, preparing, production, packaging and storing of cannabis or cannabis-infused product shall be conducted in accordance with adequate sanitation principles; and
- 11) Cannabis that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

Section 1300.375 Operations – Infused or Processed Products

EMERGENCY

- a) Any area within the craft grower where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, Sanitary Food Preparation Act, and Food Handling Regulation Enforcement Act. No cannabis-infused products requiring refrigeration or hot-holding or considered potentially hazardous food meeting the definition of Section 4 of the Food Handling Regulation Enforcement Act shall be manufactured at a craft grower for sale or distribution at a dispensing organization.

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- b) DPH may at all times enter every building, room, basement, enclosure, or premises occupied or used or suspected of being occupied or used for the production, preparation, manufacture for sale, storage, sale, distribution, or transportation of cannabis-infused products to inspect the premises and all utensils, fixtures, furniture, and machinery used for the preparation of these products.
- c) If a local health department has a reasonable belief that a craft grower's cannabis-infused product poses a public health hazard, it may refer the craft grower to DPH for inspection.
- d) General Sanitary Requirements. All areas permitted in the craft grower for the production of cannabis-infused products shall take all reasonable measures and precautions to ensure that:
 - 1) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion (e.g., boils, sores, infected wounds), or any other abnormal source of microbial contamination for which there is a reasonable possibility of contact with cannabis shall be excluded from any operations that may be expected to result in microbial contamination until the condition is corrected;
 - 2) Hand-washing facilities are adequate and convenient and are furnished with running water at a suitable temperature. Hand-washing facilities shall be located in the licensed premises where good sanitary practices require employees to wash and/or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;
 - 3) All persons working in direct contact with cannabis shall conform to hygienic practices while on duty, including but not limited to:
 - A) Maintaining adequate personal cleanliness;
 - B) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;

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- C) Refraining from having direct contact with cannabis if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- 4) Litter and waste are properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis is exposed;
- 5) Floors, walls and ceilings are constructed in a manner that they may be kept adequately clean and in good repair;
- 6) There is adequate lighting in all areas where cannabis is stored and where equipment or utensils are cleaned;
- 7) There is adequate screening or other protection against the entry of pests. Rubbish shall be disposed of to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests;
- 8) Any buildings, fixtures and other facilities are maintained in a sanitary condition;
- 9) Toxic cleaning compounds, sanitizing agents, and solvents used in the production of cannabis concentrates shall be identified, held, and stored in a manner that protects against contamination of cannabis, and in a manner that is in accordance with any applicable local, State or federal law, rule, regulation or ordinance;
- 10) All contact surfaces, including utensils and equipment used for the preparation of cannabis or cannabis-infused product, shall be cleaned and sanitized as frequently as necessary to protect against contamination. Equipment and utensils shall be designed and made of material and workmanship that is adequately cleanable, and shall be properly maintained. Only sanitizing agents registered with the Department pursuant to the Illinois Pesticide Act shall be used in craft growers and shall be used in accordance with labeled instructions;

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- 11) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable and adequate supply of water to meet the facility's needs;
 - 12) Plumbing shall be of adequate size and design, and adequately installed and maintained, to carry sufficient quantities of water to the required locations throughout the facility. Plumbing shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines;
 - 13) All operations in the receiving, inspecting, transporting, segregating, preparing, producing, packaging and storing of cannabis and cannabis-infused products shall be conducted in accordance with adequate sanitation principles;
 - 14) Each craft grower shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair; and
 - 15) Cannabis that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- e) The licensee must request DPH to conduct a pre-operational inspection at all registered craft growers to determine whether the facilities, methods, practices and controls used in the manufacture, processing or holding of cannabis-infused products conform to or are operated with good manufacturing practices to ensure that food products for human consumption are safe and have been prepared, packed and held under sanitary conditions.
 - f) Upon request, licensees shall immediately allow DPH to inspect the premises and all utensils, fixtures, furniture, machinery and devices used for preparing manufactured cannabis-infused products.
 - g) DPH will conduct inspections of registered craft growers with regard to the manufacture and preparation of cannabis-infused products under the authority of the Illinois Food, Drug and Cosmetic Act, the Food Handling Regulation

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Enforcement Act and the Food Service Sanitation Code and in accordance with DPH's Cannabis-Infused Products rules (77 Ill. Adm. Code 946.Subpart D).

- h) A craft grower that prepares cannabis-infused products for sale or distribution at a cannabis organization shall be under the operational supervision of a certified food service sanitation manager. Management responsibilities and supervision shall be in accordance with 77 Ill. Adm. Code 730.8000 and 730.8040 (Manufacturing, Processing, Packing or Holding of Food Code).
- i) Cultivation centers are strictly prohibited from using, adding, or incorporating vitamin E in any form, including but not limited to vitamin E acetate (also known as “VEA,” tocopheryl-acetate, and vitamin E oil) to cannabis, cannabis concentrate, cannabis products, or cannabis-infused products.

Section 1300.380 Inventory

EMERGENCY

- a) Each craft grower, prior to commencing business, shall:
 - 1) Conduct an initial comprehensive inventory of all cannabis at the facility. If a craft grower commences business with no cannabis on hand, the craft grower shall record this fact as the initial inventory; and
 - 2) Establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of cannabis, which shall enable the craft grower to detect any diversion, theft, or loss in a timely manner.
- b) Upon commencing business, each craft grower shall conduct a weekly inventory of cannabis stock, which shall include, at a minimum:
 - 1) The date of the inventory;
 - 2) A summary of the inventory findings;
 - 3) The name, signature and title of the individuals who conducted the inventory and the agent-in-charge who oversaw the inventory; and

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- 4) The product name and quantity of cannabis plants or cannabis-infused products at the facility.
- c) The record of all cannabis sold or otherwise disposed of shall show:
 - 1) The date of sale;
 - 2) The name of the dispensary facility to which the cannabis was sold;
 - 3) The batch number, product name and quantity of cannabis sold; and
 - 4) If applicable, the date, quantity, manner in which and reason why any cannabis was destroyed.
- d) A complete and accurate record of all plant stock or products of cannabis on hand shall be prepared annually on the anniversary of the initial inventory, or other date that the craft grower agent-in-charge may choose, so long as it is not more than one year following the prior year's inventory.
- e) All inventories, procedures and other documents required by this Section shall be maintained on the premises and made available to the Department at all times.
- f) Whenever any sample or record is removed by a person authorized to enforce this Part, that person shall tender a receipt in lieu of the sample or record. The receipt shall be kept for 5-years.

Section 1300.385 Security

EMERGENCY

- a) A craft grower shall be required to operate and maintain in good working order a 24 hour, 7-days a week, closed-circuit television (CCTV) surveillance system on the premises that complies with the following minimum standards:
 - 1) The surveillance system shall visually record and monitor all building entrances and exits, all parking lot areas, and rear alley areas immediately adjacent to the building, and covers the entire inside of the facility, including all limited access areas and all areas where cannabis is produced, stored, shipped or destroyed, but does not include restrooms nor the executive office. Fixed cameras shall be installed to provide a

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consistent recorded image of these areas. The craft grower shall instruct the company or individuals installing the surveillance cameras to maximize the quality of facial and body images and to avoid backlighting and physical obstructions.

- 2) Cameras installed outdoors and in low-light interior areas shall be day/night cameras with a minimum resolution of 600 lines per inch (analog) or D1 (IP) and a minimum light factor requirement of 0.7 LUX. The installation of additional lighting may be required to increase picture clarity and brightness. Cameras shall be calibrated and focused to maximize the quality of the recorded image.
- 3) The recording device shall be digital and meet the following minimum standards:
 - A) Displays a date and time stamp on all recorded video;
 - B) Produces a digital video disc using an installed media recording drive. The video on the disc shall be viewable on any Windows PC, and shall include any required player software on the disc;
 - C) Remains operational during a power outage for an unlimited amount of time; and
 - D) Allow for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
- 4) A display monitor with a minimum screen size of 12 inches shall be connected to the electronic recording security system at all times;
- 5) Electronic recording security systems must be maintained in good working order at all times. The owner of a craft grower shall instruct each manager, employee or agent overseeing the functioning of the video recording

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security system to immediately report to the agent-in-charge any malfunctioning or technical problems with the system;

- 6) Security recordings shall meet the following minimum requirements:
 - A) The recorded image resolution shall be at least D1; and
 - B) The recorded image frame rate shall be at least three frames per second during alarm or motion-based recording.
 - 7) Security recordings shall be retained by the craft grower for a minimum of 90-days at the licensed premises and an additional 90-days off site (e.g., cloud storage). The recording system for the security cameras must be located in a locked, tamper-proof compartment;
 - 8) The surveillance system must be able to connect to a video printer capable of immediately producing a clear still photo from any video camera image;
 - 9) Upon request, the video recording or any photo shall be turned over to ISP or the Department.
- b) Access to surveillance areas shall be limited to persons who are essential to surveillance operations, law enforcement agencies, security system service personnel, the Department, and others when approved by the Department. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Department upon request. Surveillance rooms shall remain locked.
 - c) The electronic security system shall be available 24 hours per day, 7-days per week, to the Department and law enforcement agencies via a secure web-based portal.
 - d) Visitors are not permitted within the cultivation center without prior Department approval. Visitors must be issued a visitor pass. The visitor pass must be visible at all times and returned to the cultivation center.

Section 1300.395 Transportation
EMERGENCY

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- a) *A craft grower or craft grower agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:*
 - 1) *If the craft grower is located in a county with a population of 3,000,000 or more, the cannabis business establishment receiving the cannabis is within 2,000 feet of the property line of the craft grower;*
 - 2) *If the craft grower is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis is within 2 miles of the craft grower; or*
 - 3) *If the craft grower is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis is within 15 miles of the craft grower. [410 ILCS 705/30-30(k)]*
- b) A craft grower may enter into a contract with transporters to transport cannabis to a cultivation center, a craft grower, an infuser, a dispensing organization, or a laboratory.
- c) Transporter licenses are granted in accordance with Subpart F “Transporters,” of this Part.

SUBPART E: INFUSERS

Section 1300.400 License Application

EMERGENCY

- a) An infuser license shall be obtained for each facility prior to commencement of any production activities. The license shall, along with any other certificate, business license or other authorization required to conduct production activities, be posted in a conspicuous place within the facility.
- b) The Department shall accept applications for infuser licenses beginning February 14, 2020. The Department application period shall close on March 16, 2020. An application will be considered submitted on the date in which it was received, if received on or before 5 p.m. Central Time. If received after 5 p.m. Central Time, the application will be considered received on the next business day.

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- 1) Submissions shall be received electronically.
 - 2) Submissions received after the close of the application period shall be returned to the applicant.
 - 3) Notification of the availability of applications will be posted on the Department's website at www.agr.state.il.us/.
- c) The license application shall be submitted on the forms provided by the Department. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by the Act and this Part and will include requests for information, plans, maps and other materials in support of the application needed by the Department to make its determination on the license request. The instructions on the application will reflect the total maximum number of points that can be awarded for each required criteria, measure and bonus point category listed in Section 1300.407. The instructions/application will also identify the total minimum number of points necessary from the required criteria and measures to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner. If the Department receives an application with missing information, the Department shall issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be returned to the applicant. Once submitted, the required fee will not be returned. Upon receipt of an application deemed to be complete, the Department will engage in no further communication with the applicant until after the selection process is completed.
- d) An applicant applying for an infuser license shall submit the following:
- 1) The nonrefundable application fee of \$5,000, unless the applicant is eligible for a fee waiver pursuant to Section 7-20 of the Act;
 - 2) The legal name of the infuser;
 - 3) The proposed physical address of the infuser;

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- 4) The name, address, social security number, and date of birth of each principal officer and board member of the infuser; each principal officer and board member shall be at least 21 years of age;
- 5) The details of any administrative or judicial proceeding in which any of the principal officers or board members of the infuser:
 - A) Pled guilty, were convicted, fined, or had a registration or license suspended or revoked; or
 - B) Managed or served on the board of a business or non-profit organization that pled guilty, was convicted, fined, or had a registration or license suspended or revoked;
- 6) Proposed operating bylaws that include procedures for the oversight of the infuser, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by ISP that are in accordance with the rules issued by the Department under the Act; a physical inventory of all cannabis shall be performed on a weekly basis by the infuser;
- 7) Verification from ISP that all background checks of the prospective principal officers, board members, and agents of the infuser have been conducted. If ISP has not completed the background check, then the applicant shall provide verification that the background check request has been submitted to ISP;
- 8) A copy of the current local zoning ordinance and verification that the proposed infuser is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;
- 9) Proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;
- 10) Whether an applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;

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- 11) Experience in infusing products with cannabis concentrate;
- 12) A description of the enclosed, locked facility where cannabis will be infused, packaged, or otherwise prepared for distribution to a dispensing organization or other infuser;
- 13) Processing, inventory, and packaging plans;
- 14) A description of the applicant's experience with operating a commercial kitchen or laboratory preparing products for human consumption;
- 15) A list of any academic degrees, certifications, or relevant experience of all prospective principal officers, board members, and agents of the related business;
- 16) The identity of every person having a financial or voting interest of 5% or greater in the infuser operation with respect to which the license is sought, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person;
- 17) If a sole proprietorship, the name, residence and date of birth of the owner;
- 18) If a partnership, the names and addresses of all partners, both general and limited and any partnership or joint venture documents;
 - A) For a domestic limited partnership, a copy of the Certificate of Limited Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days;
 - B) For a foreign limited partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days;
- 19) If a limited liability partnership, the names and addresses of all partners, and any partnership or joint venture documents;

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- A) For a domestic limited liability partnership, a copy of the Certificate of Limited Liability Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days;
 - B) For a foreign limited liability partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days;
- 20) If a corporation based in Illinois, a copy of the Articles of Incorporation and a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60-days. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, a copy of the Certificate of Good Standing from the state or country in which the corporation is domiciled, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60-days. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. Additionally, applicants shall include the names and addresses of all stockholders and directors of the corporation;
- 21) If a limited liability company:
- A) For a domestic limited liability company, a copy of the Articles of Organization, a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60-days, and a listing of the members of the limited liability company and his, her, or its contact information;
 - B) For a foreign limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing from the state of organization, a copy of the Application for Admission to Transact Business in Illinois, along with a Certificate of Good Standing issued by the Illinois Secretary of State, all dated within the last 60-days;

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- 22) If another type of business entity, the same or similar information as required by an entity listed in this Part;
- A) If the property is not owned but is currently leased by the applicant, the applicant shall provide: a copy of the lease; confirmation of land ownership; identification of any mortgagees and/or lienholders; a written statement from the property owner and/or landlord, certifying consent that the applicant may operate an infuser on the premises through the term of the lease; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as an infuser at least through the term of financing, and consent thereto by any mortgagees and/or perfected lienholders.
 - B) If the property is not owned or currently leased by the applicant, the applicant shall provide: a written statement from the property owner and/or landlord certifying consent that the applicant will lease or purchase the property for the purpose of operating an infuser until at the end of the lease term; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as an infuser at least through the effective date of the effective agreement, and consent thereto by any mortgagees and/or perfected lienholders.
 - C) If the property is owned by the applicant, the applicant shall provide: confirmation of land ownership; identification of any and all mortgagees and/or perfected lienholders; and, if applicable, verification of notification to any and all mortgagees and/or perfected lienholders that the property is to be used as an infuser at least through the term of the financing agreement, and consent thereto by any mortgagees and/or perfected lienholders;
- 23) Documentation acceptable to the Department that the individual or entity filing the application has at least \$20,000 in liquid assets. Documentation acceptable to the Department includes a signed statement from an Illinois Licensed CPA attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying. The statement must

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be dated within 30 calendar days before the date the application was submitted;

- 24) Documentation acceptable to the Department that the individual or entity filing the application will be able to obtain insurance sufficient to indemnify and hold harmless the State and its officers and employees as required by law;
- 25) All relevant financial information as set forth in Section 1300.405 of this Part;
- 26) The name of any agent-in-charge for each work shift;
- 27) If any principal officers or board members are currently or have previously been licensed or authorized in another state or jurisdiction to produce or otherwise deal in the distribution of cannabis in any form, the following:
 - A) A copy of each such licensing/authorizing document verifying licensure in that state or jurisdiction;
 - B) A statement granting permission to contact the regulatory agency that granted the license to confirm the information contained in the application; and
 - C) If the license/authorization or application was ever denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant was so licensed and was never sanctioned.
- 28) A plan describing how the infuser will address each of the following:
 - A) Energy needs, including estimates of monthly electricity and gas usage, to what extent it will procure energy from a local utility or from on-site generation, and if it has or will adopt a sustainable energy use and energy conservation policy;
 - B) Water needs, including estimated water draw, and if it has or will adopt a sustainable water use and water conservation policy;

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- C) Waste management, including if it has or will adopt a waste reduction policy;
 - D) A recycling plan:
 - i) A commitment that any recyclable waste generated by the infuser shall be recycled per applicable State and local laws, ordinances, and rules; and
 - ii) A commitment to comply with local waste provisions. An infuser commits to remain in compliance with applicable State and federal environmental requirements, including, but not limited to, storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis products, in accordance with applicable State and local laws, ordinances, and rules.
- 29) If applicable, the applicant's status as a Social Equity Applicant, as demonstrated by:
- A) Evidence of the applicant's status as an "Illinois resident" as demonstrated by incorporation documents, or, if applying as an individual, at least two of the following: (i) a signed lease agreement that includes the applicant's name, (ii) a property deed that includes the applicant's name, (iii) school records, (iv) voter registration card, (v) an Illinois driver's license, ID card, or a Person with a Disability ID card, (vi) a paycheck stub, (vii) a utility bill, or (viii) any other proof of residency or other information necessary to establish residence. A person must have been domiciled in the state for a period of 30 days to be an "Illinois resident" as used in this application; and one of the following:
 - i) Evidence the person or persons owning and controlling more than 51% of the proposed license have lived in a disproportionately impacted area for 5 of the preceding 10 years as demonstrated by, but not limited to, tax filings, voter registrations, leases, mortgages, paycheck stubs,

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utility bills, insurance forms, or school records that include the qualifying principal officers' names on them; or

- ii) Evidence the person or persons owning and controlling more than 51% of the proposed license have been arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of such action; or
- iii) Evidence the person or persons owning and controlling more than 51% of the proposed license has had a parent, legal guardian, child, spouse, dependent, or was a dependent of an individual who prior to June 25, 2019, was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of such action. The applicant must also provide evidence of the relationship between the applicant's principal officer or officers and the person who was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act; or
- iv) Evidence that the applicant employs 10 or more full-time employees, and evidence that 51% or more of those employees (1) currently reside in a disproportionately impacted area; (2) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act; or (3) are members of an "impacted family" as that term is defined in the Act. The applicant must provide evidence as described above for each employee. The applicant shall also provide evidence the employees were engaging in full time work as of the date the application was submitted. If employee information or employment status of employees changes before licenses are awarded, the applicant has a duty to notify the Department of the change in employee information or status.

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- 30) All of applicant's principal officers expressly agree to be subject to service of process in Illinois with a current Illinois address on file with the Department.
- e) The applicant shall sign a notarized statement certifying that:
- 1) The infuser will register with the Illinois Department of Revenue should the applicant be granted a license;
 - 2) The application is complete and accurate; and
 - 3) The applicant has actual notice that, notwithstanding any State law:
 - A) Cannabis is a prohibited Schedule I controlled substance under federal law;
 - B) Participation in the program is licensed only to the extent provided by the strict requirements of the Act and this Part;
 - C) Any activity not sanctioned by the Act or this Part may be a violation of State law;
 - D) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
 - E) Use of cannabis may affect an individual's ability to receive federal or State licensure in other areas;
 - F) Use of cannabis, in tandem with other conduct, may be a violation of State or federal law;
 - G) Participation in the program does not authorize any person to violate federal law or State law and, other than as set out in Article 45 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and

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- H) Applicants shall indemnify and hold harmless the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

Section 1300.405 Financial Disclosure
EMERGENCY

- a) When applying for an infuser license, the applicant shall disclose all relevant financial information to the Department. The applicant shall have a continuing duty to disclose promptly any material changes in the financial information provided to the Department. If an applicant is issued a license, this duty of ongoing disclosure shall continue throughout the licensed period. These disclosures shall include:
- 1) The ownership structure of the infuser;
 - 2) A current organizational chart that includes position descriptions and the names and resumes of persons holding each position to the extent those positions have been filled. To the extent not revealed by the resume, include additional pages with each resume setting out the employee's particular skills, education, experience or significant accomplishments that are relevant to owning or operating an infuser;
 - 3) Documents such as the articles of incorporation, articles of association, charter, by-laws, partnership agreement, agreements between any two or more members of the applicant that relate in any manner to the assets, property or profit of the applicant, or any other comparable documents that set forth the legal structure of the applicant or relate to the organization, management or control of the applicant;
 - 4) A copy of all compensation agreements with directors, owners, officers and infusers;
 - 5) The nature, type, terms, covenants and priorities of all outstanding bonds, loans, mortgages, trust deeds, pledges, lines of credit, notes, debentures or other forms of indebtedness issued or executed, or to be issued or executed, in connection with opening or operating the proposed infuser;

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- 6) Audited financial statements for the previous fiscal year, which shall include, but are not limited to, an income statement, balance sheet, statement of retained earnings or owners' equity, statement of cash flows, and all notes to these statements and related financial schedules, prepared in accordance with generally accepted accounting principles, along with the accompanying independent auditor's report. If the applicant was formed within the year preceding the application for license, provide certified financial statements for the period of time the applicant has been in existence and any pro forma financials used for business planning purposes;
- b) The applicant shall disclose all sources of funding used to acquire or develop the business for which the license is sought, and shall provide independent documentation concerning the source of the funds and copies of closing documents in connection with the purchase of a registered business.
- c) The applicant shall disclose whether any principal officer and/or board member:
 - 1) Has ever filed for bankruptcy;
 - 2) *Is more than 30-days delinquent in complying with a child support order* [5 ILCS 100/10-65(c)]; or
 - 3) Been disciplined or sanctioned by a State or federal agency;
- d) The applicant shall disclose whether there are currently or have ever been any State or federal tax liens against the property of the applicant, as well as the property of any principal officer and/or board member.

Section 1300.407 License Selection Criteria

EMERGENCY

- a) The license selection criteria for the infuser license shall include the following, with each criterion accounting for up to the indicated maximum number of the total points available for each criteria, out of 1,000 total points (bonus points are an additional 2 points):
 - 1) Suitability of the Proposed Facility (75 points):

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- A) Measure 1 (25 points): The applicant demonstrates that the proposed facility is suitable for effective and safe production of cannabis and cannabis-infused products, sufficient in size, power allocation, air exchange and air flow, interior layout, lighting, and sufficient both in the interior and exterior to handle bulk production of cannabis-infused products, product handling, storage, trimming, packaging, loading and shipping. The loading/unloading of cannabis in the transport motor vehicle for shipping shall be in an enclosed, secure area out of public sight;
 - B) Measure 2 (25 points): The applicant demonstrates the ability to meet consumer demand by operating the infuser facility in a safe and efficient manner with minimal impact on the environment and the surrounding community;
 - C) Measure 3 (25 points): The applicant provides an Operations and Management Practices Plan that demonstrates compliance with this Part and the Act.
- 2) Suitability of Employee Training Plan (50 points):
- A) Measure 1 (25 points): The applicant fully describes a staffing plan that will provide and ensure adequate staffing and experience for all accessible business hours, safe production, sanitation, adequate security and theft prevention; and
 - B) Measure 2 (25 points): The applicant provides an employee handbook that will provide employees with a working guide to the understanding of the day-to-day administration of personnel policies and practices.
- 3) Security Plan and Recordkeeping (145 points):
- A) Measure 1 (40 points): The applicant's security plan demonstrates its ability to prevent the theft or diversion of cannabis and how the plan will assist with ISP, Department, and local law enforcement. Specifically, it shall evidence compliance with all items in Sections 1300.455, 1300.480 and 1300.485;

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- B) Measure 2 (40 points): The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, quality control and security and other policies and procedures will discourage unlawful activity. It also describes the applicant's plan to dispose of unused or surplus cannabis and cannabis-infused products in accordance with ISP and the Department;
 - C) Measure 3 (40 points): The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store cannabis and cannabis-infused products, its security measures, including when the location is closed for business, and the steps taken to ensure that cannabis and cannabis-infused products are not visible to the public;
 - D) Measure 4 (25 points): The applicant's plan to apply for a transporter license or plan to work with a licensed transporter and the applicant's procedures for safely and securely delivering cannabis-infused products to cannabis business establishments.
- 4) Infusing Plan (75 points):
- A) Measure 1 (25 points): The applicant shall describe its plan to provide a steady, uninterrupted supply of cannabis-infused products to registered dispensaries;
 - B) Measure 2 (25 points): The applicant demonstrates knowledge of infusion methods to be used in the production of cannabis-infused products;
 - C) Measure 3 (25 points): The applicant demonstrates the steps that will be taken to ensure the quality, including the purity and consistency, of the cannabis-infused products to be provided to dispensaries.
- 5) Product Safety and Labeling Plan (95 points):
- A) Measure 1 (35 points): The applicant shall describe its plan for providing safe and accurate packaging and labeling of cannabis-infused products;

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- B) Measure 2 (35 points): The applicant shall describe its plan for testing and ensuring that all cannabis-infused products are free of contaminants, including but not limited to pesticides, microbiological contaminants, and residual solvent.
 - C) Measure 3 (25 points): The applicant shall describe its plan for establishing a recall of the applicant's cannabis-infused products in the event that they are shown by testing or other means to be, or potentially to be, defective or have a reasonable probability that their use or exposure to these products will cause serious adverse health consequences. At a minimum, the plan should include the method of identification of the products involved; notification to the dispensary organization or others to whom the product was sold or otherwise distributed; and how the products will be disposed of if returned to or retrieved by the applicant.
- 6) Applicant's Business Plan and Services to be Offered (110 points):
- A) Measure 1 (40 points): The applicant shall provide a business plan that describes how the infuser plans to operate on a long-term basis. This shall include the applicant providing a detailed description about the amount and source of the equity and debt commitment for the proposed infuser that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs, and the financial capability to undertake the project;
 - B) Measure 2 (40 points): The applicant or its officers, board members, or incorporators demonstrates experience in business management and/or having industry, laboratory, agricultural or horticultural experience and the extent of their involvement in or ability to influence the day-to-day operations of the facility;
 - C) Measure 3 (30 points): The business plan demonstrates a start-up timetable that provides an estimated time from license approval of the infuser to full operation, and the assumptions used for the basis of those estimates.

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- 7) Applicant's Status as a Social Equity Applicant (200 points).
 - 8) Applicant's Labor and Employment Practices (20 points):

Provide for a safe, healthy and economically beneficial working environment for its employees, including, but not limited to, its plans regarding workplace safety and environmental standards, codes of conduct, healthcare benefits, educational benefits, retirement benefits, living wage standards, and entering a labor peace agreement with employees.
 - 9) Applicant's Environmental Plan (20 points):
 - A) Measure 1 (10 points): The applicant's ability to demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the production of cannabis-infused products;
 - B) Measure 2 (10 points): The applicant's ability to describe any plans for the use of alternative energy, the treatment of waste water and runoff, and scrubbing or treatment of exchanged air;
 - 10) The applicant is 51% or more owned and controlled by an individual or individuals who have been Illinois residents for the past 5 years as proved by tax records (90 points);
 - 11) The applicant is 51% or more controlled and owned by an individual or individuals who meet the qualifications of a veteran as defined in Section 45-57 of the Illinois Procurement Code (20 points);
 - 12) Applicant's Diversity Plan (100 points): A narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity.
- c) The Department may award up to 2 bonus points for preferred but not required initiatives in the following categories based on the applicant's ability to meet or

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exceed minimum requirements, with each initiative accounting for up to a maximum of 2 points each:

- 1) Community Benefits Plan: The applicant commits to the establishment of an incubator program designed to increase participation in the cannabis industry by persons who would qualify as Social Equity Applicants;
 - 2) Substance Abuse Prevention Plan: The applicant commits to providing financial assistance to substance abuse treatment centers;
 - 3) Local Community/Neighborhood Report: The applicant commits to educating children and teens about the potential harms of cannabis use.
- d) Should the applicant be awarded a license, the information and plan that an applicant provided in its application becomes a mandatory condition of the license. If a licensee fails to comply with standard and special conditions of the license, the Department may assess a penalty or seek suspension or revocation of the license pursuant to Subpart G (“Enforcement and Immunities”).”.
- e) In the event that two or more qualified applicants for a infuser license receive the same total score, the Department shall distribute the remaining available licenses by lot:
- 1) The drawing by lot for all remaining available licenses will occur on the same day; and
 - 2) The process for distributing remaining available licenses will be recorded by the Department in a format of its discretion.
- f) The Department may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate an infuser. Notwithstanding an applicant satisfying the foregoing selection criteria, the Department may, in its discretion, refuse to issue a license if it is not satisfied that an applicant, or any one required to be identified in the application, or identified pursuant to Sections 1300.400, 1300.405 and 1300.445, is a person of good character, honesty and integrity, and is not:

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- 1) A person who creates or enhances the dangers of unlawful practices, methods and activities in the cannabis industry, including, but limited to, product diversion;
- 2) A person who has demonstrated prior questionable business practices and financial arrangements incidental to the cannabis industry;
- 3) A person who has had a cannabis dispensary or cultivation center license revoked, suspended or sanctioned in any other jurisdiction.

Section 1300.410 License Denial and Prohibitions

EMERGENCY

- a) An application for an infuser license must be denied if any of the following conditions are met:
 - 1) The applicant failed to submit the materials required by this Part;
 - 2) The applicant would not be in compliance with local zoning rules issued in accordance with the Act;
 - 3) One or more of the prospective principal officers or board members has violated the Act or this Part;
 - 4) One or more of the prospective principal officers or board members has served as a principal officer or board member for a registered dispensing organization or infuser that has had its registration revoked or suspended;
 - 5) One or more of the principal officers or board members is under 21 years of age;
 - 6) A principal officer or board member of the infuser has failed a background check in accordance with Section 5-20 of the Act;
 - 7) The person has submitted an application for license that contains false information;
 - 8) The infuser is located in an area zoned for residential use. [410 ILCS 705/35-25(i)]

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- b) The Department may suspend or revoke an infuser license for violations of the Act and/or this Part.

Section 1300.415 License Award, Issuance and Transferability
EMERGENCY

- a) The top-scoring applicants as determined by Section 1300.407, that receive at least 75% of available points, will be issued infuser licenses by the Department.
- b) An infuser license shall be issued for the specific location identified on the application, and is valid only for the owner, premises and name designated on the license and the location for which it is issued.
- c) *Should the applicant be awarded an infuser license, it shall pay a fee of \$5,000 prior to receiving the license. [410 ILCS 705/35-15(d)]*
- d) An infuser license shall not be transferable in whole or in part, without Department approval, with the following exceptions:
 - 1) An infuser license may be reissued, without charge, solely in the name of the surviving spouse or domestic partner of a deceased licensee if the license was issued in the names of both of the parties;
 - 2) An infuser license may be transferred, without charge, to an heir of a deceased licensee other than as provided in subsection (b)(1), as determined by the Probate Act of 1975 [755 ILCS 5]. For the purpose of considering the qualifications of the heir to receive an infuser license, the Department shall require a criminal background check and the heir will be subject to all other requirements of the Act and this Part.
- e) In the event that the Department approves a new location as meeting all requirements of the Act and this Part, the infuser shall have a brief transition period of no more than 90-days, approved by the Department, to transfer its inventory and begin operations at the new location.
 - 1) The transition period shall not begin until the new location is ready to begin production.

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- 2) *An infuser may not be located in an area zoned for residential use.* [410 ILCS 705/35-25(i)]
- 3) No product may be transferred to or processed at the new location prior to the beginning date of this approved transition period.
- 4) Any product remaining at the original location past the transition period shall be destroyed in accordance with the provisions of Subpart I (“Destruction of Cannabis”).
- 5) The infuser shall notify the Department in writing or by electronic transmission once the transfer of inventory is complete and production has begun at the new location.
- 6) Upon inspection and verification by the Department that the new location is in compliance with the Act and this Part, the Department shall issue a license modification reflecting the new location. The modified license shall have the same expiration date as the previously issued license.
- f) The proposed sale of any outstanding or issued stock of a corporation licensed under the Act, or any proposed change in the officers or board members of the corporation, must be reported to the Department, and Department approval must be obtained before the changes are made. A fee of \$1,000 will be charged for the processing of the change of stock ownership or corporate officers or board members.
- g) The proposed change of any person or principal officer of any licensee must be reported to the Department and Department approval must be obtained before the changes are made. A fee of \$1,000 will be charged for the processing of any such change.
- h) An infuser license shall not be leased or subcontracted, in whole or in part.
- i) An infuser license is issued upon the following condition: *An infuser may not either directly or indirectly discriminate in price between different cannabis business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (i) prevents an infuser from pricing cannabis differently based on differences in the*

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cost of manufacturing or processing, the quantities sold, such volume discounts, or the way the products are delivered. [410 ILCS 705/35-25(e)]

- j) *An infuser license is issued upon the following condition: An infuser may share premises with a craft grower or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership. [410 ILCS 705/35-25(l)]*
- k) *An infuser license is issued upon the following condition: It is unlawful for any person or entity having an infuser license or any officer, associate, member, representative or agent of such licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any person connected with or in any way representing, or to any member of the family of, such person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any stockholders in any corporation engaged the retail sales of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website. [410 ILCS 705/35-25(m)]*

Section 1300.420 License Renewal
EMERGENCY

- a) Every infuser license shall expire annually on the date it was issued.

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- b) Every renewal application for a license issued pursuant to this Part and accompanied by the proper fees shall be filed annually with the Department at least 45 calendar days prior to the date the existing license expires.
- c) The Department shall send written notification of expiration to each licensed infuser at least 90-days prior to expiration. However, failure to receive a renewal form from the Department shall not excuse the infuser from paying the renewal fee or renewing the license prior to its expiration.
- d) The Department shall grant a renewal application within 45 days of submission of a renewal application if:
 - 1) *The registered infuser submits a renewal application and the required renewal fee \$20,000; [410 ILCS 705/35-40(a)(1)]*
 - 2) The Department has not suspended the license of the infuser or suspended or revoked the registration for violation of the Act or this Part;
 - 3) The infuser has continued to operate in accordance with all plans submitted as part of its application and approved by the Department or any amendments thereto that have been approved by the Department;
 - 4) The infuser has submitted an agent, employee, contracting, and subcontracting diversity report as required by the Department; and
 - 5) The infuser has submitted an environmental impact report as required by the Act.
- e) *If an infuser fails to renew its license before expiration, it shall cease operations until its license is renewed. [410 ILCS 705/35-40(b)]*
- f) Upon request for renewal, the Department shall consider the licensee's history of compliance with requirements of the Act and this Part, the number and severity of any violations and the correction of those violations, as well as penalties or fines imposed or any other enforcement actions.
- g) The Department may deny a renewal after consideration of the licensee's history of compliance.

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Section 1300.430 Modifications and Alterations
EMERGENCY

- a) A license shall be amended before the commencement of any modification to the facility. This includes any change that modifies the approved license design capability of production or process areas, including change of capacity, efficiency or processes.
- b) Before making any modification to a licensed facility, the infuser must complete an Application for License and Construction Approval and submit the application with the appropriate schedules to the Department. The fee for an applicant to make modifications to an infuser shall be \$5,000. In addition, upon approval of the application, the applicant shall pay an additional fee of \$3,000.
- c) An amendment to the license shall not be required for alterations at the facility. The fee for an application to make an alteration of an infuser, other than an expansion, shall be \$1,000.

Section 1300.445 Background Check
EMERGENCY

- a) ISP shall act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each infuser agent applying for an infuser agent identification card.
 - 1) ISP will conduct background checks for conviction information contained within ISP and FBI criminal history databases to the extent allowed by law.
 - 2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department and that transmittal shall conclude the verification process.
 - 3) The electronic background checks shall be submitted as outlined in either the Illinois Uniform Conviction Information Act or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).

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- A) Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format.
 - B) Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted to ISP for the purpose of this fingerprint-based background check, shall be submitted electronically.
 - C) Electronic transmission of fingerprint data to ISP shall be accomplished utilizing livescan procedures or other comparable technology approved for use by ISP.
 - D) If the fingerprints are rejected by ISP, the craft grower agent shall have his or her fingerprints collected electronically by a livescan fingerprint vendor a second time.
 - E) In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, ISP may allow limited use of paper fingerprint records.
- b) Each infuser agent applying for an infuser agent identification card shall have his or her fingerprints collected electronically by a livescan fingerprint vendor licensed by DFPR and transmitted to ISP for processing no more than 30 days prior to the date of application or renewal for a craft grower agent identification card.
- 1) The infuser agent shall submit to the Department, with the infuser agent identification card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that his or her fingerprints have been collected.
 - 2) Infuser identification card applications submitted without a copy of the livescan request form and receipt will be deemed incomplete and will not be processed until fingerprinting is completed. The fingerprinting process is not completed until the Department receives the results from ISP.

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- 3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a infuser agent identification card and shall be collected by the livescan vendor at the time of fingerprinting and transmitted to ISP for deposit in the ISP Services Fund. A convenience fee may be charged by the livescan vendor as provided in Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.
- c) The Department shall obtain from ISP a state and federal criminal records check, to the extent allowed by law, containing conviction information for each infuser agent applying for an infuser agent identification card.
- d) The Department will maintain the results of the criminal history records check in compliance the State Records Act [5 ILCS 160].
- e) Should the Department not be able to obtain from ISP the required state and/or federal criminal records check required by the Act and this Section, the Department shall contract as appropriate with a private detective/investigating agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and in good standing with DFPR, for the purpose of conducting those records checks.

Section 1300.450 Specifications

EMERGENCY

- a) Infusers shall:
 - 1) Not be located closer than 1,500 feet to another infuser or a cultivation center;
 - 2) Not be in violation of any other local zoning requirements.
- b) The infuser shall provide engineering plans and specifications of the entire infuser. The plans and specifications shall include:
 - 1) A detailed plan and elevation drawings of all operational areas involved with the production of cannabis infused products. This should include dimensions and elevation referenced to a single facility benchmark;

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- 2) Cross-sections that show the construction details and their dimensions to provide verification of construction materials, enhancement for security measures and bio-security measures;
- 3) Identification of all employee areas that are non-production areas;
- 4) The location of all storage areas, ventilation systems, and equipment used for the production of cannabis-infused products;
- 5) The location of all entrances and exits to the infuser;
- 6) The location of any windows, skylights and roof hatches;
- 7) The location of all cameras and their field of view;
- 8) The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
- 9) The location of the digital video recorder and alarm control panel;
- 10) The location of all restricted and public areas;
- 11) The location where all plant inputs and application equipment are stored;
- 12) The location of areas designated specifically for the production of cannabis-infused products; and
- 13) The location of the enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of cannabis and cannabis-infused products in the transport motor vehicle.

Section 1300.455 Records

EMERGENCY

- a) Each infuser shall keep and maintain upon the licensed premises for a 5-year period true, complete, legible and current books and records, including the following:
 - 1) The date of each sale or distribution to a cannabis organization;

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- 2) The name, address and registration number of the cannabis organization;
 - 3) The item number, product name (description), and quantity of cannabis-infused products registered by the Department and sold or otherwise distributed to the cannabis organization;
 - 4) The price charged and the amount received for the cannabis-infused products from the cannabis organization;
 - 5) If the distribution was for a purpose other than sale, the reason for the distribution;
 - 6) The quantity and form of cannabis and cannabis-infused products maintained at the infuser on a daily basis; and
 - 7) The amount of cannabis-infused products being produced at the infuser on a daily basis.
- b) Each infuser is responsible for keeping and maintaining records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained on the licensed premises for a 5-year period and must be made available for inspection if requested by the Department, and, when applicable, the Illinois Department of Revenue:
- 1) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;
 - 2) If applicable, bank statements and canceled checks for all accounts relating to the infuser;
 - 3) Accounting and tax records related to the infuser;
 - 4) Records of all financial transactions related to the infuser, including contracts and/or agreements for services performed or received that relate to the infuser;

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- 5) All employee records, including training, education, discipline, etc.;
- 6) Production records, including:
 - A) Products purchased or used in the production process, destruction of cannabis, or cannabis-infused products, and packaging and labeling; and
 - B) Disposal of cannabis, cannabis-infused products and waste materials associated with production.
- 7) Records of each batch of extracts or cannabis-infused products made, including, at a minimum, the usable cannabis or trim, leaves, and other plant matter used (including the total weight of the base product used), any solvents or other compounds utilized, and the product type and the total weight of the end product produced, such as hash oil, shatter, tincture, infused dairy butter, etc.;
- 8) Transportation records;
- 9) Inventory records as described in Section 1300.480;
- 10) Records of all samples sent to an independent testing lab and/or the Department's lab and the quality assurance test results;
- 11) All samples provided to anyone or any entity for any purpose; and
- 12) Records of any theft, loss or other unaccountability of any cannabis, extracts, cannabis-infused products, or other items containing cannabis.

Section 1300.460 Signage

EMERGENCY

- a) Each licensed infuser must post a sign in a conspicuous location at each entrance of the facility that reads: "PERSONS UNDER 21 YEARS OF AGE NOT PERMITTED ON THESE PREMISES".

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- b) Each licensed infuser must post a sign in a conspicuous location at each entrance of the facility that reads: "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE".

Section 1300.465 Agents and Identification Cards
EMERGENCY

- a) The infuser agent application shall be submitted on forms provided by the Department in accordance with the Act and this Part. The application will include instructions for its completion and submission. The application will include requests for information in support of the application needed by the Department in making its determination. If all materials, documentation and information required by the Act and this Part are not submitted, the application will be returned to the applicant.
- b) Each principal officer, board member, employee or agent of a registered infuser must apply to the Department for an infuser agent identification card. Along with the application, the applicant shall submit:
 - 1) A copy of the applicant's social security card;
 - 2) A copy of the applicant's valid driver's license or state issued identification card;
 - 3) A document verifying the applicant's place of residency (e.g., bank statement, cancelled check, or insurance policy). The document must contain the applicant's full residence address;
 - 4) Verification from ISP that the applicant's background check has been conducted;
 - 5) The application fee of \$100; and
 - 6) Any additional information requested by the Department.
- c) Upon receipt and verification of the information specified in subsection (b), the Department shall:
 - 1) Approve or deny the application within 30 days after receipt;

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- 2) Issue each infuser agent an identification card, within 15 business days after approval, that shall expire one year after the date of issuance; and
 - 3) Enter in its record system the registry identification number of the infuser where the agent works.
- d) No person shall begin working at an infuser prior to receiving his or her infuser agent identification card.
- e) The infuser identification card shall contain the following:
- 1) The name of the cardholder;
 - 2) The date of issuance and expiration;
 - 3) A random 10-digit alphanumeric identification number with at least 4 numbers and 4 letters that are unique to the holder; and
 - 4) A photograph of the cardholder; and
 - 5) The legal name of the infuser employing the agent.
- f) Renewal:
- 1) The infuser agent identification card shall be renewed annually. The fee for renewal shall be \$100. The Department shall send electronic notice 90-days prior to expiration;
 - 2) If an infuser agent fails to renew their identification card before its expiration, he or she shall cease to work as an agent of the infuser until the identification card is renewed;
 - 3) Upon request for renewal, the Department shall consider the applicant's history of compliance with requirements of the Act and this Part, the number and severity of any violations and the correction of those violations, as well as penalties or fines imposed or any other enforcement actions;

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- 4) The Department may deny a renewal after consideration of the applicant's history of compliance;
- 5) The Department shall not renew an infuser agent identification card if the holder is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.
- g) A registered infuser agent is not subject to prosecution, search, or penalty in any manner, and will not be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for working or volunteering for a registered cannabis infuser, to perform the actions permitted by this Part.
- h) An infuser agent must keep his or her identification card visible at all times when on the property of the infuser.
- i) Upon termination of employment, the infuser agent identification cards shall be immediately returned to the infuser. The infuser shall promptly return the identification cards to the Department.
- j) Any infuser agent identification card that is lost, destroyed or stolen shall be reported to ISP and the Department immediately upon discovery of the loss, destruction or theft. The fee for the issuance of a replacement identification card shall be \$50.

Section 1300.470 Operations – General Requirements

EMERGENCY

- a) Each facility shall develop and maintain an Operations and Management Practices Plan for each production area.
- b) Each production area shall be maintained free of debris.
- c) All persons working in direct contact with cannabis or cannabis-infused products shall conform to hygienic practices while on duty, including but not limited to the following:
 - 1) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do

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not constitute a source of contamination in areas where cannabis or cannabis-infused products are exposed;

- 2) Floors, walls and ceilings shall be constructed in a manner that they may be adequately kept clean and in good repair;
 - 3) There shall be adequate lighting in all areas where cannabis and cannabis-infused products are stored and where equipment or utensils are cleaned;
 - 4) Rubbish shall be disposed of to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests;
 - 5) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
 - 6) Toxic cleaning compounds, sanitizing agents, and solvents used in the production of cannabis concentrates shall be identified, held and stored in a manner that protects against contamination of cannabis, and in a manner that is in accordance with any applicable local, State or federal law, rule, regulation or ordinance;
 - 7) Only sanitizing agents registered with the Department pursuant to the Illinois Pesticide Act shall be used by infusers, and they shall be used in accordance with labeled instructions;
 - 8) All operations in the receiving, inspecting, transporting, segregating, preparing, production, packaging and storing of cannabis or cannabis-infused product shall be conducted in accordance with adequate sanitation principles.
- d) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion (e.g., boils, sores or infected wounds), or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with cannabis shall be excluded from any operations that may be expected to result in microbial contamination until the condition is corrected.

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- e) Each infuser shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
- f) All operations in the receiving, inspecting, transporting, segregating, preparing, producing, packaging and storing of cannabis and cannabis-infused products shall be conducted in accordance with adequate sanitation principles.

Section 1300.475 Operations – Infused Products

EMERGENCY

- a) Any area within the infuser where cannabis or cannabis-infused products will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, Sanitary Food Preparation Act, and Food Handling Regulation Enforcement Act.
 - 1) No cannabis-infused products requiring refrigeration or hot-holding or considered potentially hazardous food meeting the definition under Section 4 of the Food Handling Regulation Enforcement Act [410 ILCS 625/] shall be manufactured at an infuser for sale or distribution at a dispensing organization.
 - 2) Cannabis-infused products for sale or distribution at a dispensing organization must be prepared by an approved staff member of the infuser.
- b) DPH may at all times enter every building, room, basement, enclosure, or premises occupied or used or suspected of being occupied or used, for the production, preparation, manufacture for sale, storage, sale, distribution or transportation of cannabis-infused products, to inspect the premises and all utensils, fixtures, furniture, and machinery used for the preparation of these products.
- c) If a local health department has a reasonable belief that an infuser's cannabis-infused product poses a public health hazard, it may refer the infuser to DPH for inspection.
- d) The licensee must request DPH to conduct a pre-operational inspection to determine whether the facilities, methods, practices and controls used in the manufacture, processing or holding of cannabis-infused products conform to, or are operated or administered in conformity with, good manufacturing practices to

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ensure that food products for human consumption are safe and have been prepared, packed and held under sanitary conditions.

- e) Licensed infusers shall immediately allow DPH to inspect the premises and all utensils, fixtures, furniture, machinery and devices used for preparing manufactured cannabis-infused products.
- f) DPH will conduct inspections of registered infusers with regard to the manufacture and preparation of cannabis-infused products under the authority of the Illinois Food, Drug and Cosmetic Act, the Food Handling Regulation Enforcement Act and the Food Service Sanitation Code and in accordance with DPH's Cannabis-Infused Products rules (77 Ill. Adm. Code 946.Subpart D).
- g) An infuser that prepares cannabis-infused products for distribution to a cannabis organization shall be under the operational supervision of a certified food service sanitation manager. Management responsibilities and supervision shall be in accordance with 77 Ill. Adm. Code 730.8000 and 730.8040 (Manufacturing, Processing, Packing or Holding of Food Code).
- h) Cultivation centers are strictly prohibited from using, adding, or incorporating vitamin E in any form, including but not limited to vitamin E acetate (also known as "VEA," tocopheryl-acetate, and vitamin E oil) to cannabis, cannabis concentrate, cannabis products, or cannabis-infused products.

Section 1300.480 Inventory
EMERGENCY

- a) Each infuser, prior to commencing business, shall:
 - 1) Conduct an initial comprehensive inventory of all cannabis and cannabis-infused products at the facility. If an infuser commences business with no cannabis or cannabis-infused products on hand, the infuser shall record this fact as the initial inventory; and
 - 2) Establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of cannabis and cannabis-infused products, which shall enable the infuser to detect any diversion, theft or loss in a timely manner.

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- b) Upon commencing business, each infuser shall conduct a weekly inventory of cannabis and cannabis-infused products stock, which shall include, at a minimum:
 - 1) The date of the inventory;
 - 2) A summary of the inventory findings;
 - 3) The name, signature and title of the individuals who conducted the inventory and the agent-in-charge who oversaw the inventory; and
 - 4) The product name and quantity of cannabis and cannabis-infused products at the facility.
- c) The record of all cannabis and cannabis-infused products were sold or otherwise disposed of shall show:
 - 1) The date of sale;
 - 2) The name of the dispensary facility to which the cannabis and cannabis-infused products were sold;
 - 3) The batch number, product name and quantity of cannabis and cannabis-infused products sold; and
 - 4) If applicable, the date, quantity, manner in which and reason why any cannabis and cannabis-infused products was destroyed.
- d) A complete and accurate record of all cannabis and cannabis-infused products on hand shall be prepared annually on the anniversary of the initial inventory, or other date that the infuser agent-in-charge may choose, so long as it is not more than one year following the prior year's inventory.
- e) All inventories, procedures and other documents required by this Section shall be maintained on the premises and made available to the Department at all times.
- f) Whenever any sample or record is removed by a person authorized to enforce this Part, that person shall tender a receipt in lieu of the sample or record. The receipt shall be kept for five years.

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Section 1300.485 Security
EMERGENCY

- a) An infuser shall be required to operate and maintain in good working order a 24 hour, seven days a week, closed-circuit television (CCTV) surveillance system on the premises that complies with the following minimum standards:
 - 1) Visually records and monitors all building entrances and exits, all parking lot areas, and rear alley areas immediately adjacent to the building, and covers the entire inside of the facility, including all limited access areas and all areas where cannabis is produced, stored, shipped or destroyed, but does not include restrooms nor the executive office. Fixed cameras shall be installed to provide a consistent recorded image of these areas. The cultivation center shall instruct the company or individuals installing the surveillance cameras to maximize the quality of facial and body images and to avoid backlighting and physical obstructions;
 - 2) Cameras installed outdoors and in low-light interior areas shall be day/night cameras with a minimum resolution of 600 lines per inch (analog) or D1 (IP) and a minimum light factor requirement of 0.7 LUX. The installation of additional lighting may be required to increase picture clarity and brightness. Cameras shall be calibrated and focused to maximize the quality of the recorded image;
 - 3) The recording device shall be digital and meet the following minimum standards:
 - A) Displays a date and time stamp on all recorded video;
 - B) Can produce a digital video disc using an installed media recording drive. The video on the disc shall be viewable on any Windows PC, and shall include any required player software on the disc;
 - C) The ability to remain operational during a power outage for an unlimited amount of time;
 - D) Allow for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures

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authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

- 4) A display monitor with a minimum screen size of 12 inches shall be connected to the electronic recording security system at all times;
 - 5) Electronic recording security systems are required to be maintained in good working order at all times. The owner of an infuser shall instruct each manager, employee or agent overseeing the functioning of the video recording security system to immediately report to the agent-in-charge any malfunctioning or technical problems with the system;
 - 6) Security recordings shall meet the following minimum requirements:
 - A) The recorded image resolution shall be at least D1; and
 - B) The recorded image frame rate shall be at least three frames per second during alarm or motion-based recording.
 - 7) Security recordings shall be retained by the infuser for a minimum of 90-days at the licensed premises and an additional 90-days off site (e.g., cloud storage). The recording system for the security cameras must be located in a locked, tamper-proof compartment;
 - 8) Have available a video printer capable of immediately producing a clear still photo from any video camera image;
 - 9) Upon request, the recording or any photo shall be turned over to ISP or the Department.
- b) Access to surveillance areas shall be limited to persons who are essential to surveillance operations, law enforcement agencies, security system service personnel, the Department, and others when approved by the Department. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Department upon request. Surveillance rooms shall remain locked.

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- c) The electronic security system shall be available 24 hours per day, 7-days per week, to the Department and law enforcement agencies via a secure web-based portal.
- d) Visitors must receive prior-approval from the Department and receive a visitor pass before entering an infuser. A visitor must keep their visitor pass visible at all times while on the property of an infuser. The visitor pass must be returned at the conclusion of the visit.

Section 1300.495 Transportation
EMERGENCY

- a) *An infuser or infuser agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:*
 - 1) *If the infuser is located in a county with a population of 3,000,000 or more, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 2,000 feet of the property line of the infuser;*
 - 2) *If the infuser is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 2 miles of the infuser; or*
 - 3) *If the infuser is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 15 miles of the infuser. [410 ILCS 705/35-25(j)]*
- b) Transporter licenses are granted in accordance with Subpart F (“Transporters”).

SUBPART F: TRANSPORTERS

Section 1300.500 License Requirements
EMERGENCY

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- a) A transporter license shall be obtained for each transporter prior to the commencement of any transportation activities.
- b) *Beginning July 1, 2020, a cultivation center shall not transport cannabis to a craft grower, dispensing organization, infuser, or laboratory licensed under the Act, unless it has obtained a transporter license. [410 ILCS 705/20-30(m)]*
- c) A transporter may not transport cannabis or cannabis-infused products to any person other than a cultivation center, a craft grower, an infuser, a dispensing organization, a testing facility, or as otherwise authorized by rule.

Section 1300.510 License Application
EMERGENCY

- a) The Department will make the transporter license applications available beginning on the license application acceptance period listed below. Applications shall be submitted electronically to the Department. A registration application must be submitted for each vehicle used for transportation purposes. An active registration must be in each vehicle placed into service for transportation purposes.
- b) License Application Acceptance
 - 1) License Application Acceptance Periods
 - A) February 14, 2020 – through March 16, 2020 - Acceptance Period

The Department shall accept applications for transporter licenses beginning on February 14, 2020. On March 16, 2020, the license application acceptance period will close and no further applications will be accepted by the Department.
 - B) February 15, 2021 and each year thereafter - Acceptance Period

The Department shall accept applications for transporter licenses beginning on February 15, or, if that date falls on a weekend or holiday, the business day immediately succeeding the weekend or holiday. On March 15, or, if that date falls on a weekend or holiday, the business day immediately succeeding the weekend or

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holiday, the license application acceptance period will close and no further applications will be accepted by the Department until the next license application acceptance period.

- 2) An application will be considered submitted on the date in which it was received, if received on or before 5 p.m. Central Time. If received after 5 p.m. Central Time, the application will be considered received on the next business day.
 - 3) Submissions received outside of the license application acceptance period or by a means other than required in this subsection (b) shall be returned to the applicant.
 - 4) Notification of the availability of applications, instructions for completion and submission of applications, and application forms will be posted on the Department's website at www.agr.state.il.us/. Application forms will be made available online at that website.
- c) The electronic license application shall be submitted on the forms provided by the Department. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by the Act and this Part and will include requests for information, plans, maps and other materials in support of the application needed by the Department to make its determination on the application. The instructions on the application will reflect the total maximum number of points that can be awarded for each required criteria, measure and bonus point category listed in Section 1300.520. The instructions/application will also identify the total minimum number of points necessary from the required criteria and measures to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner. If all materials, documentations, fees and information required by the application form are not submitted, the application shall be returned to the applicant. Once submitted, the required fee will not be returned. Upon receipt of an application deemed to be complete, the Department will engage in no further communication with the applicant until after the selection process is completed.
- d) An applicant applying for a transporter license shall electronically provide the following:

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- 1) The nonrefundable application fee of \$5,000, unless the applicant is eligible for a fee waiver pursuant to Section 7-20 of the Act;
- 2) The legal name of the transporter;
- 3) The proposed physical address of the transporter;
- 4) The name, address, social security number, and date of birth of each principal officer and board member of the transporter; each principal officer and board member shall be at least 21 years of age;
- 5) The details of any administrative or judicial proceeding in which any of the principal officers or board members of the transporter:
 - A) Plead guilty, were convicted, fined, or had a registration or license suspended or revoked; or
 - B) Managed or served on the board of a business or non-profit organization that pled guilty, was convicted, fined, or had a registration or license suspended or revoked;
- 6) Proposed operating by-laws (Operation and Management Practices Plan) that include procedures for the oversight of the transporter, including the development and implementation of an accurate recordkeeping plan, staffing plan, and security plan approved by ISP that are in accordance with the rules issued by the Department of Agriculture under the Act; a physical inventory shall be performed of all cannabis on a weekly basis by the transporter;
- 7) Verification from ISP that all background checks of the prospective principal officers, board members, and agents of the transporter have been conducted. If ISP has not completed the background check, then the applicant shall provide verification that the request has been submitted to ISP;
- 8) A copy of the current local zoning ordinance or permit and verification that the proposed transporter is in compliance with the local zoning rules and distance limitations established by the local jurisdiction, or a letter

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from the local zoning jurisdiction certifying compliance, if the transporter has a local business address;

- 9) Proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;
- 10) A statement of whether the applicant demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;
- 11) The number and type (make, year, and model) of equipment the transporter will use to transport cannabis and cannabis-infused products;
- 12) A plan for loading, transporting, and unloading cannabis and cannabis-infused products;
- 13) A description of the applicant's experience in the distribution or security business (if applicable);
- 14) The identity of every person having a financial or voting interest of 5% or more in the transporter with respect to which the license is sought, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person; and
- 15) A description of the device that the transporter plans to use to provide GPS monitoring of equipment transporting cannabis containers, as required by Section 1300.595 of this Part;
- 16) If applicable, the applicant's status as a Social Equity Applicant, as demonstrated by:
 - A) Evidence of the applicant's status as an "Illinois resident" as demonstrated by incorporation documents, or, if applying as an individual, at least two of the following: (i) a signed lease agreement that includes the applicant's name, (ii) a property deed that includes the applicant's name, (iii) school records, (iv) voter registration card, (v) an Illinois driver's license, ID card, or a

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Person with a Disability ID card, (vi) a paycheck stub, (vii) a utility bill, or (viii) any other proof of residency or other information necessary to establish residence. A person must have been domiciled in the state for a period of 30 days to be an “Illinois resident” as used in this application; and one of the following:

- i) Evidence the person or persons owning and controlling more than 51% of the proposed license have lived in a disproportionately impacted area for 5 of the preceding 10 years as demonstrated by, but not limited to, tax filings, voter registrations, leases, mortgages, paycheck stubs, utility bills, insurance forms, or school records that include the qualifying principal officers’ names on them; or
- ii) Evidence the person or persons owning and controlling more than 51% of the proposed license have been arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of such action; or
- iii) Evidence the person or persons owning and controlling more than 51% of the proposed license has had a parent, legal guardian, child, spouse, dependent, or was a dependent of an individual who prior to June 25, 2019, was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of such action. The applicant must also provide evidence of the relationship between the applicant’s principal officer or officers and the person who was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act; or
- iv) Evidence that the applicant employs 10 or more full-time employees, and evidence that 51% or more of those employees (1) currently reside in a disproportionately impacted area; (2) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for

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expungement under the Act; or (3) are members of an "impacted family" as that term is defined in the Act. The applicant must provide evidence as described above for each employee. The applicant shall also provide evidence the employees were engaging in full time work as of the date the application was submitted. If employee information or employment status of employees changes before licenses are awarded, the applicant has a duty to notify the Department of the change in employee information or status.

- e) Applicant shall disclose whether any principal officer and/or board member is more than 30-days delinquent in complying with a child support order [5 ILCS 100/10-65(c)];
- f) The applicant shall sign a notarized statement certifying that the application is complete and accurate.

Section 1300.520 License Selection Criteria

EMERGENCY

- a) The license selection criteria for the transporter license shall include the following, with each criterion accounting for up to the indicated maximum number of the total points available for each criteria, for a total of 1,000 points (not including 2 bonus points):
 - 1) Business Plan (180 points):
 - A) Measure 1 (60 points): The applicant demonstrates that the proposed vehicles are suitable for the effective and safe transportation of cannabis containers;
 - B) Measure 2 (60 points): The applicant demonstrates the ability to meet consumer demand for transporting services in an effective and efficient manner;
 - C) Measure 3 (60 points): The applicant describes a business plan that will provide and ensure adequate staffing and experience, including employment plan that will lead to the hiring of

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minorities, women, veterans and persons with disabilities, and will engage in fair labor practices, and provide worker protections.

- 2) Suitability of Employee Training Plan (160 points):
 - A) Measure 1 (80 points): The applicant adequately describes a staffing plan that will ensure a staffing meets the experience and security of needs of operating a transporting organization; and
 - B) Measure 2 (80 points): The applicant describes a training plan for employees including an employee handbook that will provide employees with a working guide for the day-to-day administration of personnel policies and practices; and training for security, recordkeeping, diversion prevention, and best practices to prevent sale of cannabis to minors.
- 3) Security and Recordkeeping Plan (200 points):
 - A) Measure 1 (100 points): The applicant's security plan demonstrates its ability to prevent the theft or diversion of cannabis and how the plan will assist with ISP, Department, and local law enforcement;
 - B) Measure 2 (100 points): The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, quality control and security and other policies and procedures will discourage unlawful activity.
- 4) Applicant's Status as a Social Equity Applicant (200 points).
- 5) Labor and Employment Practices (20 points): Provide a safe, healthy and economically beneficial working environment for its employees, including but not limited to, its plans regarding workplace safety and environmental standards, codes of conduct, healthcare benefits, educational benefits, retirement benefits, living wage standards and entering a labor peace agreement with employees;
- 6) *Environmental Plan* (20 points):

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- A) Measure 1 (10 points): The applicant's use of hybrid or electric (zero-emission) vehicles;
 - B) Measure 2 (10 points): The Applicant's plan to minimize its carbon footprint, environmental impact, and resource needs for the transporter, including its plan to recycle cannabis product packaging.
- 7) Illinois Resident (100 points): Applicant is 51% or more owned and controlled by an individual or individuals who have been an Illinois resident for the past 5 years as provided by tax records.
- 8) Veteran Owned Business (20 points): Applicant is 51% or more owned and controlled by an individual or individuals who meet the qualifications of a veteran as defined by Section 45-57 of the Illinois Procurement Code;
- 9) Diversity Plan (100 points): Applicant submits a diversity plan that includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity.
- 10) The Department may award up to 2 bonus points for preferred but not required initiatives in the following categories based on the applicant's ability to meet or exceed minimum requirements, with each initiative accounting for up to a maximum of 2 points each:
- A) Measure 1: A proposal outlining the applicant's plan to engage with its community by the establishment of an incubator program designed to increase participation in the cannabis industry by persons who qualify as Social Equity Applicants;
 - B) Measure 2: A proposal outlining the applicant's plan to provide financial assistance to substance abuse treatment centers; or
 - C) Measure 3: A proposal outlining the applicant's plan to educate children and teens about the potential harms of cannabis use.

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- b) Applicants that score at least 75% of available points and meet all other requirements of a transporter license, shall be issued a license within 60-days of the Department of Agriculture receiving the application.
- c) Applicants that were registered as medical cannabis cultivation centers prior to January 1, 2020, and who meet all other requirements for transporter license, shall be issued a license by the Department of Agriculture within 60-days of receiving the application.

Section 1300.530 License Denial and Prohibitions

EMERGENCY

- a) *An application for a transporter license shall be denied if any of the following conditions are met:*
 - 1) *The applicant failed to submit the materials required by this Part;*
 - 2) *The applicant would not be in compliance with local zoning rules or permit requirements;*
 - 3) *One or more of the prospective principal officers or board members violates Section 1300.595 of this Part;*
 - 4) One or more of the principal officers or board members is under 21 years of age;
 - 5) The person has submitted an application for a transporter license that contains false information;
 - 6) *The licensee, principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois. [410 ILCS 705/40-20]*
- b) Nothing in this Part is intended to confer a property or other right, duty, privilege or interest entitling an applicant to an administrative hearing upon denial of an application.

Section 1300.540 License Issuance and Transferability

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EMERGENCY

a) Information and Plans Provided in Application

Licenses are only issued for the plan as stated in the applicant's application. Should the applicant be awarded a transporter license, the information and plans that an applicant provided in its application, including any plans submitted for the acquiring of bonus points, shall be a mandatory condition of the permit. Any variation from or failure to perform those plans may result in discipline, including the revocation or nonrenewal of a license. [410 ILCS 705/20-20(c)]

b) License Fee

Upon the notice of intent to award, the applicant must pay a fee of \$10,000 to receive the transporter license. The fee may be prorated based on the date of the license award.

c) Transferability - Change of Business Location

A transporter license shall be issued for the specific location identified on the application, and is valid only for the owner, premises and name designated on the license and the location for which it is issued.

- 1) A transporter license is not transferable to a new location without Department approval.
- 2) In the event that the Department approves the new location as meeting all requirements of the Act and this Part, the transporter shall have a transition period of no more than 90-days, approved by the Department, to transfer its equipment and begin operations at the new location.
 - A) The transition period shall not begin until the new location is in full compliance with the requirements of the Act and this Part.
 - B) The transporter may not transfer cannabis containers using the new location prior to the beginning date of this approved transition period.

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- 3) Upon inspection and verification by the Department that the new location is in compliance with the Act and this Part, the Department shall issue a license modification reflecting the new location. The modified license shall have the same expiration date as the previously issued license.

d) Transferability - Change in Ownership

A transporter license shall be issued for the specific applicant identified in the application and shall not be transferable in whole or in part, with the following exceptions:

- 1) A transporter license may be reissued, without charge, solely in the name of the surviving spouse or domestic partner of a deceased licensee if the license was issued in the names of both of the parties;
- 2) A transporter license may be transferred, without charge, to an heir of a deceased licensee other than as provided in subsection (b)(1), as determined by the Probate Act of 1975 [755 ILCS 5]. For the purpose of considering the qualifications of the heir to receive a transporter license, the Department shall require a criminal background check and the heir will be subject to all other requirements of the Act and this Part;
- 3) The proposed change of any person or principal officer of a transporter must be reported to the Department and Department approval must be obtained before the changes are made. A fee of \$250 will be charged for the processing of any such change.

e) Transferability – Sale of Business

The proposed sale of any outstanding or issued stock of a corporation licensed under the Act, or any proposed change in the officers or board members of the corporation, must be reported to the Department, and Department approval must be obtained before the changes are made. A fee of \$500 will be charged for the processing of the change of stock ownership or corporate officers or board members.

f) Non-Transferability – No Lease or Sublease

A transporter license shall not be leased or subcontracted, in whole or in part.

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- g) At the time of license issuance, the transporter shall have in place operating documents that shall include procedures for the oversight of the transporter, an inventory monitoring system including a physical inventory recorded weekly, accurate recording keeping, and a staffing plan.
- h) The transporter shall submit to the Department the license plate numbers, proof of insurance, and vehicle identification numbers for each vehicle being used to transport cannabis or cannabis-infused products. The Department shall issue a registration certificate for each vehicle being used to transport cannabis or cannabis-infused products. Upon receipt of the registration certificate and placement of a copy of the certificate into the vehicle, the vehicle may be used for the transportation of cannabis and cannabis-infused products.
- i) The transporter has a continuing duty to update and promptly disclose to the Department any changes to the information contained in the application and attachments or the amendments thereto.

Section 1300.550 License Renewal

EMERGENCY

- a) Transporter licenses shall be renewed annually. The Department shall provide the licensee with written or electronic notice 90-days before the expiration of its current license that the license will expire.
- b) The Department shall grant a renewal within 45-days of submission of a renewal application if:
 - 1) *The transporter submits a renewal application and the required nonrefundable renewal fee of \$10,000; [410 ILCS 705/40-40(a)(1)]*
 - 2) The Department has not suspended or revoked the license for violating the Act or this Part;
 - 3) The transporter has continued to operate in accordance with:
 - A) All plans submitted as part of its application and approved by the Department; or

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- B) Any amendments to those plans that have been approved by the Department;
- 4) The transporter has submitted an agent, employee, contracting, and subcontracting diversity report as required by the Department.
- c) If a transporter fails to renew its license before expiration, it shall cease operations until its license is renewed.
- d) A transporter that continues to operate after its license has expired is subject to the penalties outlined in Subpart G (“Enforcement and Immunities”).
- e) The Department will not renew a transporter license if the applicant or licensee is delinquent in filing any required tax returns or paying any amounts owed to the State. [410 ILCS 705/40-40]

Section 1300.560 Modifications and Alterations

EMERGENCY

- a) A license shall be amended before the commencement of any modification to the plan as stated in the application.
- b) Before making any modification to the plan as stated in the application, the transporter must complete an application for license and construction approval and submit to the Department the application with the appropriate schedules.
- c) An amendment to the license shall not be required for alterations at the facility.

Section 1300.570 Background Check

EMERGENCY

- a) All applications submitted by applicants with criminal convictions shall be subject to Sections 2105-131, 2105-135, and 2105-205 of the Civil Administrative Code of Illinois. [20 ILCS 2105] [410 ILCS 705/5-20(c)]
- b) ISP shall act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each transporter agent applying for a transporter agent identification card.

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- 1) ISP will conduct background checks for conviction information contained within ISP and FBI criminal history databases to the extent allowed by law.
 - 2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department and that transmittal shall conclude the verification process.
 - 3) The electronic background checks shall be submitted as outlined in either the Illinois Uniform Conviction Information Act or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).
 - A) Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format.
 - B) Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted to ISP for the purpose of this fingerprint-based background check, shall be submitted electronically.
 - C) Electronic transmission of fingerprint data to ISP shall be accomplished utilizing livescan procedures or other comparable technology approved for use by ISP.
 - D) If the fingerprints are rejected by ISP, the applicant shall have his or her fingerprints collected electronically by a livescan fingerprint vendor a second time.
 - E) In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, ISP may allow limited use of paper fingerprint records.
- c) Each transporter agent applying for a transporter agent identification card shall have his or her fingerprints collected electronically by a livescan fingerprint vendor licensed by DFPR and transmitted to ISP for processing no more than 30-days prior to the date of application or renewal for a transporter agent identification card.

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- 1) The transporter agent shall submit to the Department, with the cultivation agent identification card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that his or her fingerprints have been collected.
- 2) Transporter agent identification card applications submitted without a copy of the livescan request form and receipt will be deemed incomplete and will not be processed until fingerprinting is completed. The fingerprinting process is not completed until the Department receives the results from ISP.
- 3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a transporter agent identification card and shall be collected by the livescan vendor at the time of fingerprinting and transmitted to ISP for deposit in the ISP Services Fund. A convenience fee may be charged by the livescan vendor as provided in Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.
- d) The Department shall obtain from ISP a State and federal criminal records check, to the extent allowed by law, containing conviction information for each transporter agent applying for a transporter agent identification card.
- e) The Department will maintain the results of the criminal history records check in compliance the State Records Act [5 ILCS 160].
- f) Should the Department not be able to obtain from ISP the required state and/or federal criminal records check required by the Act and this Section, the Department shall contract as appropriate with a private detective/investigating agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and in good standing with DFPR, for the purpose of conducting those records checks.

Section 1300.580 Records
EMERGENCY

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- a) Each transporter shall keep and maintain upon the licensed premises for a five-year period true, complete, legible and current books and records, including but not limited to all daily inventory reports organized in a chronological manner.
- b) Each transporter is responsible for keeping and maintaining records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained on the licensed premises for a five-year period and must be made available for inspection if requested by the Department, and, when applicable, the Illinois Department of Revenue:
 - 1) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale, and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;
 - 2) If applicable, bank statements and canceled checks for all accounts relating to the transportation organization;
 - 3) Accounting and tax records related to the transporter;
 - 4) All employee records, including training, education, discipline, etc.; and
 - 5) Records of any theft, loss or other unaccountability of any cannabis.

Section 1300.590 Agents and Identification Cards

EMERGENCY

- a) Each principal officer, board member, employee or agent of a registered transporter must apply to the Department for a transporter agent identification card.
- b) The transporter agent application shall be submitted electronically, and on forms provided by the Department, in accordance with the Act and this Part. The electronic application will include instructions for its completion and submission. The application will include requests for information in support of the application needed by the Department in making its determination. If all materials, documentation and information required by the Act and this Part are not submitted, the application will be returned to the applicant.

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- c) Along with the application, the applicant shall submit:
 - 1) A copy of the applicant's social security card;
 - 2) A copy of the applicant's valid driver's license or state issued identification card;
 - 3) A document verifying the applicant's place of residency, such as a bank statement, cancelled check, insurance policy, etc. The document must contain the applicant's full residence address;
 - 4) Verification from ISP that the applicant's background check has been conducted;
 - 5) The application fee of \$100; and
 - 6) Any additional information requested by the Department.
- d) Upon receipt and verification of the information required by subsection (c), the Department will:
 - 1) Approve or deny the application within 30-days after receipt;
 - 2) Issue each transporter agent an identification card, within 15 business days after approval, that shall expire one year after the date of issuance;
 - 3) Enter in its record system the registry identification number of the transporter where the agent works; and
 - 4) If an applicant is delinquent in filing any required tax returns, or paying any amounts owed to the State of Illinois, the Department shall deny the application.
- e) No person shall begin working at a transporter prior to receiving his or her transporter agent identification card.
- f) The transporter identification card shall contain the following:
 - 1) The name of the cardholder;

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- 2) The date of issuance and expiration date of the identification card;
 - 3) A random 10-digit alphanumeric identification number containing at least 4 numbers and 4 letters that is unique to the holder;
 - 4) A photograph of the cardholder; and
 - 5) The legal name of the transporter employing the agent.
- g) A transporter agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment, and at all times during the transportation of cannabis when acting under his or her duties as a transporter agent.
 - h) Upon termination of employment, the transporter agent identification cards shall be immediately returned to the transporter. The transporter shall promptly return the identification cards to the Department.
 - i) Any transporter agent identification card that is lost, destroyed or stolen shall be reported to ISP and the Department immediately upon discovery of the loss, destruction or theft. The fee for the issuance of a replacement identification card shall be \$50.
 - j) Transporter agent identification cards shall be renewed annually. The cost of renewal shall be \$100. The Department shall send electronic notice 90-days prior to expiration.
 - k) If a transporter agent fails to renew their identification card before its expiration, he or she shall cease to work as an agent of the transporter, until the identification card is renewed.
 - l) A transporter agent that fails to renew their identification card, and continues to act as an agent for a transporter, shall be subject to the penalties outlined in Subpart G.
 - m) The Department shall not renew a transporter agent identification card if the holder is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

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Section 1300.595 Operations
EMERGENCY

a) General Requirements

- 1) Each transporter shall develop and maintain an Operations and Management Practices Plan.
- 2) All vehicles used for the purpose of transporting cannabis containers shall be maintained in a sanitary condition.
- 3) Packing Cannabis Containers for Shipping

A transporter shall not transport cannabis or cannabis-infused products unless it is first packed in a cannabis container by the shipping cannabis business establishment.
- 4) Transportation of Cannabis Containers – Daily Inventory

Once the transporter receives a cannabis container, it must create a daily inventory. The report must include:

 - A) The name of the cannabis business establishment that provided a cannabis container for pick-up, the name of the agent who provided the container(s) and the time and location of pick-up;
 - B) A notation of the traceable information located on the cannabis container, including the type of cannabis and weight; and
 - C) Upon the completion of the delivery, the name of the cannabis business establishment where the cannabis container was delivered to, the name of the agent receiving the delivery, and the time and location of delivery.
- 5) A transporter agent shall not open a cannabis container. Once a cannabis container is packed and sealed for delivery, only the following may open a cannabis container:

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- A) The cannabis business establishment that initiated a request to ship;
 - B) The cannabis business establishment intended for delivery;
 - C) Local, State, or federal law enforcement;
 - D) An employee of DFPR or the Department.
- 6) *No person under the age of 21 years shall be in a commercial vehicle or trailer transporting cannabis.* [410 ILCS 705/40-25(f)]
 - 7) *No person or individual who is not a transporter agent shall be in a vehicle while transporting cannabis goods.* [410 ILCS 705/40-25(g)]
 - 8) *A transporter may not use commercial motor vehicles with a weight rating over 10,001 pounds.* [410 ILCS 705/40-25(h)]
 - 9) *A copy of the transporter's registration and a manifest for the delivery shall be present in any vehicle transporting cannabis.* [410 ILCS 705/40-25(k)]
 - 10) *Cannabis or cannabis-infused products shall be transported so it is not visible or recognizable from outside the vehicle.* [410 ILCS 705/40-25(l)]
 - 11) Only vehicles that have a license plate number and vehicle identification number on file with the Department, that have been issued a vehicle registration, may be used to transport cannabis.
 - 12) *A vehicle transporting cannabis must not bear any markings to indicate the vehicle contains cannabis or bear the name or logo of the cannabis business establishment.* [410 ILCS 705/40-25(m)]
 - 13) Cannabis must be transported in a cannabis container. The cannabis container must be transported in an enclosed, locked storage compartment that is secured or affixed to the vehicle.
 - 14) Transporters shall not transport cannabis or cannabis products across state lines.

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- 15) All vehicles transporting cannabis must be equipped with a Global Positioning System (GPS) based tracking device. The GPS tracking device shall be capable of allowing the transporter to track the vehicles at all times. The GPS tracking system shall also be able to store historic data (for no less than twelve (12) months), and permit the Department to search all real-time and archived data upon request.
- b) Transporters are subject to random inspections by the Department, DPH, and ISP.
- c) A transporter agent shall notify local law enforcement, ISP, and the Department within 24 hours after the discovery of any loss or theft. Notification shall be made by telephone, in person, or by written or electronic communication. [410 ILCS 705/25]

SUBPART G: ENFORCEMENT AND IMMUNITIES

Section 1300.600 Investigations

EMERGENCY

- a) The Department or its designee may conduct an investigation for the purpose of investigating an applicant or application, a cultivation center, a craft grower, an infuser, a transporter, their agents, or any other party for an alleged violation of the Act or this Part or to determine qualifications to be granted a license or identification card by the Department.
- b) The Department may require an applicant, a cultivation center, a craft grower, an infuser, a transporter, and/or their agents, to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or this Part or to determine qualifications to be granted a license or identification card by the Department. Failure to provide that material shall be grounds for refusal to issue license or identification card, and may be grounds for license or identification card suspension or revocation.
- c) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, the Department may suspend, place on probation, reprimand, issue cease and desist orders, refuse to issue or renew, or revoke a license or identification card, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regards to the requirements of the Act.

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- d) The Department shall, before refusing to issue or renew a license or identification card or before seeking to discipline a licensee or agent, set a hearing date and at least 30-days prior to the hearing, provide written notice of the charges made and notice of the time and place for the hearing on the charges. The written notice may be served by delivery personally to the accused, or by mailing the notice by registered or certified mail to the physical address on record. This provision does not apply to emergency situations as described in 1300.610(b).
- e) At any point in any investigation or disciplinary proceeding provided for in the Act and this Section, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of both parties.
- f) In appropriate cases, the Department may resolve a complaint against a licensee, or agent through the issuance of a Consent to Administrative Supervision order. A licensee or agent subject to a Consent to Administrative Supervision order shall be considered by the Department as an active licensee or agent in good standing. This order shall not be reported or considered by the Department to be a discipline of the licensee or agent. The records regarding an investigation and a Consent to Administrative Supervision order shall be considered confidential and shall not be released by the Department except as mandated by law. A complainant shall be notified if his or her complaint has been resolved by a Consent to Administrative Supervision order.
- g) In the case where an entity that is not licensed under the Act, violates the Act, the Department may refer the matter to the Illinois Attorney General's Office, and/or to the local States Attorney's office for injunctive relief, other civil relief and/or criminal prosecution.

Section 1300.610 License Suspension
EMERGENCY

- a) Violation of any provision of the Act or this Part, or failure to comply with any standard or special conditions of the issued license or agent identification card, may result in a notice of intent to suspend the license or identification card.
- b) The Department may suspend a licensee or agent identification card when it receives notice from the Department of Revenue of:

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- 1) Failure to file a tax return;
 - 2) Filing of a fraudulent tax return;
 - 3) Failure to pay all or part of any tax or penalty finally determined to be due;
 - 4) Failure to keep books and records;
 - 5) Failure to secure and display a certificate or sub-certificate of registration, if required;
 - 6) Willful violation of any rule regulation of the Department relating to the administration and enforcement of tax liability.
- c) After all violations of any of items (1) through (6) of subsection (b) have been corrected or resolved, the Department shall, upon request of the applicant or, if not requested, may notify the entities listed in subsection (e) that the violations have been corrected or resolved. Upon receiving notice that a violation of any of items (1) through (6) of subsection (b) have been corrected or otherwise resolved to the Department of Revenue's satisfaction, the Department may issue or renew the license or agent identification card, or vacate an order of suspension.
- d) Emergency Suspension – No Hearing
- The Department may temporarily suspend a license or agent identification card without a hearing, simultaneously with the institution of proceedings for a hearing, if the Department finds that the public interest, safety or welfare requires emergency action. In the event that the Department temporarily suspends a licensee or agent without a hearing, a hearing shall be held within 30 days after the suspension has occurred. The suspended party may seek a continuance of the hearing, during which the suspension shall remain in effect. The proceeding shall be concluded without appreciable delay. If the Department does not hold a hearing within 30 days after the date of the suspension, and the licensee or agent has not requested a continuance, the license or agent identification card shall be automatically reinstated.
- e) Immediately upon the suspension or reinstatement of a license or agent identification card, the Department shall make written notification to the ISP,

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DFPR and Department of Revenue of the status of license or agent identification card. If the suspension involves suspected criminal activity, the Department shall make available to ISP all documents or electronic communications involving the suspected criminal activity. If suspected criminal activity is confirmed or independently discovered by ISP, notification will be made to the Department.

Section 1300.620 License Revocation
EMERGENCY

- a) Violation of any provision of the Act or this Part, or failure to comply with any standard or special conditions of the issued license or agent identification card, may result in a notice of intent to revoke the license or agent identification card.
- b) The Department may revoke a licensee or agent identification card when it receives notice from the Department of Revenue of:
 - 1) Failure to file a tax return;
 - 2) Filing of a fraudulent tax return;
 - 3) Failure to pay all or part of any tax or penalty finally determined to be due;
 - 4) Failure to keep books and records;
 - 5) Failure to secure and display a certificate or sub-certificate of registration, if required;
 - 6) Willful violation of any rule regulation of the Department relating to the administration and enforcement of tax liability.
- c) After all violations of any of items (1) through (6) of subsection (b) have been corrected or resolved, the Department shall, upon request of the applicant or, if not requested, may notify the entities listed in subpart (d) that the violations have been corrected or resolved. Upon receiving notice that a violation of any of items (1) through (6) of subsection (b) have been corrected or otherwise resolved to the Department of Revenue's satisfaction, the Department may issue or renew the license or agent identification card, or vacate an order of revocation.

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- d) Immediately upon the revocation of a license or agent identification card, the Department shall make written notification to the ISP, DFPR and Department of Revenue of the status of the license or agent identification card. If the revocation involves suspected criminal activity, the Department shall make available to ISP all documents or electronic communications involving the suspected criminal activity. If suspected criminal activity is confirmed or independently discovered by ISP, notification will be made to the Department.

Section 1300.630 Fines

EMERGENCY

- a) The Department may impose fines not to exceed \$50,000 for each violation, for any violations of the Act by a cultivation center or a cultivation center agent.
- b) The Department may impose fines not to exceed \$15,000 for each violation, for any violations of the Act by a craft grower or a craft grower agent.
- c) The Department may impose fines not to exceed \$10,000 for each violation, for any violation of the Act by an infuser or infuser agent.
- d) The Department may impose fines not to exceed \$10,000 for each violation, for any violations of the Act, by a transporter or a transporter agent.
- e) In a case where a licensed cannabis business establishment notifies the Department of a violation at its premises, initiating an investigation, and cooperates fully with the Department through the investigation process, the fine shall be limited to an amount not to exceed \$2,000.

Section 1300.640 Administrative Hearings

EMERGENCY

- a) Any hearing conducted by the Department pursuant to the Act shall be conducted in accordance with the Department's rules applicable to formal administrative proceedings (8 Ill. Adm. Code 1.Subparts A and B). All hearings shall be held in Springfield, Illinois. All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.

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b) The Record

If any final Department action is appealed in Circuit Court pursuant to this Section, the record on review shall include the following:

- 1) The application or petition submitted;
- 2) Any written documentation considered by the Department in making its final decision with respect to the application or petition;
- 3) Any written correspondence between the Department and the person or entity submitting the application or petition, provided that the correspondence either played a material role in the final decision rendered by the Department; made a material argument to the Department with respect to the application or petition; or would be helpful to the Circuit Court in reviewing the matter because the correspondence provides helpful procedural background;
- 4) The transcript of any administrative hearing and any documents or other evidence submitted at the hearing.

Section 1300.650 Petition for Rehearing
EMERGENCY

The respondent in any contested case may request reconsideration of any part or all of the decision of the administrative law judge on any petition or may request the Director to stay the effective date of any administrative action for a specific period or for an indefinite period. A petition for reconsideration or stay of action shall be submitted within 30-days after the date of the administrative law judge's decision on the case. A petition for reconsideration or stay of action submitted later than 30-days after the date of the decision involved shall be denied as untimely.

SUBPART H: LABORATORY TESTING

Section 1300.710 Laboratory Testing
EMERGENCY

- a) Immediately prior to manufacturing or natural processing of any cannabis or cannabis-infused product or packaging cannabis for sale to a dispensary, each

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batch shall be made available at the cultivation center, craft grower, or infuser for an employee of an approved laboratory to select a random sample, which shall be tested by the approved laboratory for:

- 1) Microbiological contaminants;
 - 2) Mycotoxins;
 - 3) Pesticide active ingredients;
 - 4) Residual solvent;
 - 5) Heavy metals; and
 - 6) Testing for the purpose of conducting an active ingredient analysis.
- b) The Department may select a random sample that shall, for the purposes of conducting an active ingredient analysis, be tested by the Department for verification of label information.
- c) A laboratory shall immediately return or dispose of any cannabis upon the completion of any testing, use or research. If cannabis is disposed of, it shall be done in compliance with 8 Ill. Adm. Code 1000.460.
- d) If a sample of cannabis does not pass the microbiological, mycotoxin, pesticide chemical residue, heavy metals, or solvent residue test, based on the standards set forth in this Section, the following shall apply:
- 1) If the sample failed the pesticide chemical residue test, the entire batch from which the sample was taken shall, if applicable, be recalled as provided for in 8 Ill. Adm. Code 1000.410(c)(1) and disposed of in accordance with Subpart I (“Destruction of Cannabis”).
 - 2) If the sample failed any other test, the batch may be used to make a CO₂ or solvent based extract. After processing, the CO₂ or solvent based extract must still pass all required tests
- e) Microbiological Test. For purposes of the microbiological test, a cannabis sample shall be deemed to have passed if it satisfies the recommended microbial and

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fungal limits for cannabis products in colony forming units per gram (CFU/g) set out in the American Herbal Pharmacopoeia Monograph Table as follows:

	Total viable aerobic bacteria	Total yeast and mold	Total coliforms	Bile-tolerant gram-negative bacteria	E. coli (pathogenic strains) and Salmonella spp.
CO₂ and solvent based extracts	10 ⁴	10 ³	10 ²	10 ²	Not detected in 1 g

Unprocessed materials include minimally processed crude cannabis preparations such as inflorescences, accumulated resin glands (kief), and compressed resin glands (hashish). Processed materials include various solid or liquid infused edible preparations, oils, topical preparations, and water-processed resin glands (bubble hash).

- f) Mycotoxin Test. For purposes of the mycotoxin test, a cannabis sample shall be deemed to have passed if it meets the following standards:

Test	Specification
Aflatoxin B1	<20 µg/kg of substance
Aflatoxin B2	<20 µg/kg of substance
Aflatoxin G1	<20 µg/kg of substance
Aflatoxin G2	<20 µg/kg of substance
Ochratoxin A	<20 µg//kg of substance

- g) Pesticide Chemical Residue Test. For purposes of the pesticide chemical residue test, a cannabis sample shall be deemed to have passed if it satisfies the most stringent acceptable standard for a pesticide chemical residue in any food item as set forth in subpart C of USEPA's regulations for Tolerances and Exemptions for Pesticide Chemical Residues in Food (40 CFR 180 (2014)).

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- h) Residue Solvent Test. For purposes of the residue solvent test, a cannabis sample shall be below 10 ppm.
- i) The laboratory shall file with the Department an electronic copy of each laboratory test result for any batch that does not pass the microbiological, mycotoxin, heavy metals, or pesticide chemical residue test, at the same time that it transmits those results to the cultivation center. In addition, the laboratory shall maintain the laboratory test results for at least five years and make them available at the Department's request.
- j) A cultivation center shall provide to a dispensary organization the laboratory test results for each batch of cannabis product purchased by the dispensary organization, if sampled. Each dispensary organization shall have that laboratory results available upon request to qualifying patients, designated caregivers and a physician who has certified a qualifying patient.

SUBPART I: DESTRUCTION OF CANNABIS

Section 1300.800 Scope
EMERGENCY

- a) “Cannabis waste” means all cannabis byproduct, scrap, harvested cannabis, and cannabis-infused products not intended for distribution to a dispensing organization.
- b) Cannabis waste must be destroyed and disposed of in accordance with this Part.
- c) Types of waste
 - 1) Cannabis Waste. Cannabis waste must be stored, secured, locked and managed in accordance with State regulations and as submitted and approved in the cultivation center's Operations and Management Practices Plan;
 - 2) Liquid Waste. Liquid waste from a cultivation center shall be disposed of in compliance with the Illinois Environmental Protection Act and 35 Ill. Adm. Code;

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- 3) Hazardous Waste. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, State and local laws.
- d) Cannabis waste must be rendered unusable following the methods set forth in Section 1300.820 of this Part prior to leaving a cultivation center. Disposal of the cannabis waste rendered unusable must follow the methods in Section 1300.840.

**Section 1300.810 Notice to the Department
EMERGENCY**

- a) *A cultivation center, craft grower, or infuser shall, before destruction, notify the Department and ISP. The Department may require that an employee of the Department or DFPR be present during the destruction of any cannabis byproduct, scrap, and harvested cannabis, as applicable. [410 ILCS 705/55-15(b)]*
- b) A cultivation center, craft grower, or infuser shall provide the Department and ISP, through the traceability system (see 8 Ill. Adm. Code 1000.400), a minimum of seven days' notice prior to rendering the product unusable and disposing of the product.

**Section 1300.820 Method of Destruction
EMERGENCY**

- a) The allowable method to render cannabis waste unusable is by grinding and incorporating the cannabis plant waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume. Other methods to render cannabis waste unusable must be approved by the Department before implementation. Material used to grind with the cannabis falls into two categories: compostable waste and noncompostable waste.
 - 1) Compostable Mixed Waste: Cannabis waste to be disposed of as compost, feedstock or in another organic waste method (e.g., anaerobic digester) may be mixed with the following types of waste materials:
 - A) Food waste;
 - B) Yard waste;

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- C) Vegetable based grease or oils; or
 - D) Other wastes approved by the Department (e.g., agricultural material, biodegradable products and paper, clean wood, fruits and vegetables, plant matter).
- 2) Noncompostable Mixed Waste: Cannabis waste to be disposed of in a landfill or another disposal method (e.g., incinerator) may be mixed with the following types of waste materials:
- A) Paper waste;
 - B) Cardboard waste;
 - C) Plastic waste;
 - D) Soil; or
 - E) Other wastes approved by the Department (e.g., nonrecyclable plastic, broken glass, leather).
- b) Once cannabis byproduct, scrap, cannabis and cannabis-infused products are incorporated with nonconsumable solid waste (“destroyed”), it shall be defined as “cannabis waste.”

Section 1300.830 Records
EMERGENCY

The cultivation center, craft grower and infuser shall keep a record of the date of destruction and how much was destroyed. [410 ILCS 705/55-15(c)]. The cultivation center, craft grower, and infuser shall also keep a record of the date of disposal of cannabis waste. The records for destruction and disposal shall be maintained for 5-years.

Section 1300.840 Disposal
EMERGENCY

- a) Cannabis waste may not be sold.

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- b) Cannabis waste rendered unusable following the methods described in this Section may be disposed of in the manner provided in this subsection (b). Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:
 - 1) Compostable Mixed Waste: Compost, anaerobic digester, or other facility with approval of the jurisdictional health department;
 - 2) Noncompostable Mixed Waste: Landfill, incinerator, or other facility with approval of the jurisdictional health department.
- c) All waste and unusable product shall be weighed, recorded and entered into the inventory system prior to mixing and disposal. Verification of this event shall be performed by a supervisor and conducted in an area with video surveillance.
- d) Any nutrient enriched grow media shall be disposed of as required by the Illinois Environmental Protection Act and the associated rules, or land applied at agronomic rates.

SUBPART J: CANNABIS PACKAGING AND LABELING

Section 1300.900 Registration

EMERGENCY

Each cannabis product produced for sale shall be registered with the Department on forms provided by the Department. Each product registration shall include a label and the required registration fee. [410 ILCS 705/55-21(a)]

Section 1300.910 Registration Fee

EMERGENCY

- a) *The registration fee is for the name of the product offered for sale and one fee shall be sufficient for all package sizes. [410 ILCS 705/55-21(a)]*
- b) The fee to register a product with the Department shall be \$100 per product name.

Section 1300.920 Container and Packaging Requirements

EMERGENCY

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- a) *All harvested cannabis intended for distribution to a cannabis enterprise must be packaged in a sealed, labeled container. [410 ILCS 705/55-21(b)]*
- b) *Any product containing cannabis shall be packaged in a sealed, odor-proof, and child-resistant cannabis container consistent with current standards, including the Consumer Product Safety Commission standards referenced by the Poison Prevention Act. [410 ILCS 705/55-21(c)]*
- c) *All cannabis-infused products shall be individually wrapped or packaged at the original point of preparation. The packaging of the cannabis-infused product shall conform to the labeling requirements of the Illinois Food, Drug and Cosmetic Act, in addition to the other requirements set forth in this Section. [410 ILCS 705/55-21(d)]*
- d) *Each cannabis-infused product intended for consumption must be individually packaged, must include the total milligram content of THC and CBD, and may not include more than a total of 100 milligrams of THC per package. A package may contain multiple servings of 10 milligrams of THC, and indicated by scoring, wrapping, or by other indicators designating individual serving sizes. [410 ILCS 705/55-21(k)]*

Section 1300.930 Labeling Requirements

EMERGENCY

- a) The requirements of this Section are effective beginning on July 1, 2020. Prior to July 1, 2020, all licensees shall conform with the requirements set forth in 8 Ill. Adm. Code 1000.420, which are incorporated by reference herein.
- b) *Each cannabis product shall be labeled before sale and each label shall be securely affixed to the package and shall state in legible English and Spanish:*
 - 1) *The name and post office box of the registered cultivation center or craft grower where the item was manufactured;*
 - 2) *The common or usual name of the item and the registered name of the cannabis product that was registered with the Department under Section 1300.900;*

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- 3) *A unique serial number that will match the product with a cultivation center or craft grower batch and lot number to facilitate any warnings or recalls the Department, cultivation center, or craft grower deems appropriate;*
 - 4) *The date of final testing and packaging, if sampled, and the identification of the independent testing laboratory;*
 - 5) *The date of harvest and "use by" date;*
 - 6) *The quantity (in ounces or grams) of cannabis contained in the product;*
 - 7) *A pass/fail rating based on the laboratory's microbiological, mycotoxins, and pesticide and solvent residue analyses, if sampled.*
 - 8) *A content list.*
 - A) *A list of the following, including the minimum and maximum percentage content by weight for subdivisions (d)(8)(A)(i) through (iv):*
 - i) *delta-9-tetrahydrocannabinol (THC);*
 - ii) *tetrahydrocannabinolic acid (THCA);*
 - B) *cannabidiol (CBD);*
 - C) *cannabidiolic acid (CBDA); and*
 - D) *All other ingredients of the item, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight shown with common or usual names.*
 - E) *The acceptable tolerances for the minimum percentage printed on the label for any of subdivisions (d)(8)(A)(i) through (iv) shall not be below 85% or above 115% of the labeled amount;*
- c) *Packaging must not contain information that:*

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- 1) *Is false or misleading;*
 - 2) *Promotes excessive consumption;*
 - 3) *Depicts a person under 21 years of age consuming cannabis;*
 - 4) *Includes the image of a cannabis leaf;*
 - 5) *Includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any packaging or labeling that bears reasonable resemblance to any product available for consumption as a commercially available candy, or that promotes consumption of cannabis;*
 - 6) *contains any seal, flag, crest, coat of arms, or other insignia likely to mislead the purchaser to believe that the product has been endorsed, made, or used by the State of Illinois or any of its representatives except where authorized by this Part.*
- d) *Cannabis products produced by concentrating or extracting ingredients from the cannabis plant shall contain the following information, where applicable:*
- 1) *If solvents were used to create the concentrate or extract, a statement that discloses the type of extraction method, including any solvents or gases used to create the concentrate or extract; and*
 - 2) *Any other chemicals or compounds used to produce or were added to the concentrate or extract.*
- e) *No individual other than the purchaser may alter or destroy any labeling affixed to the primary packaging of cannabis or cannabis-infused products. [410 ILCS 705/55-21]*

Section 1300.940 Warnings
EMERGENCY

- a) *All cannabis products must contain warning statements established for purchasers, of a size that is legible and readily visible to a consumer inspecting a*

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package, which may not be covered or obscured in any way. DPH shall define and update appropriate health warnings for packages including specific labeling or warning requirements for specific cannabis products. [410 ILCS 705/55-21(h)]

- b) Cannabis products must contain the following warnings:
 - 1) *"This product contains cannabis and is intended for use by adults 21 and over. Its use can impair cognition and may be habit forming. This product should not be used by pregnant or breastfeeding women. It is unlawful to sell or provide this item to any individual, and it may not be transported outside the State of Illinois. It is illegal to operate a motor vehicle while under the influence of cannabis. Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law."* [410 ILCS 705/55-21(i)]
 - 2) *Cannabis that may be smoked must contain a statement that "Smoking is hazardous to your health."* [410 ILCS 705/55-21(j)(1)]
 - 3) *Cannabis-infused products (other than those intended for topical application) must contain a statement "CAUTION: This product contains cannabis, and intoxication following use may be delayed 2 or more hours. This product was produced in a facility that cultivates cannabis, and that may also process common food allergens."* [410 ILCS 705/55-21(j)(2)]
 - 4) *Cannabis-infused products intended for topical application must contain a statement "DO NOT EAT" in bold, capital letters.* [410 ILCS 705/55-21(j)(3)]

**Section 1300.990 APPENDIX A Authorized Pesticides
EMERGENCY**

The following is a list of pesticide active ingredients the Department has approved for use on cannabis plants. The pesticide product shall be registered with the Department under the Illinois Pesticide Control Act.

Label Type	Signal Word	Active Ingredient	Concentration
Insect Repellent	Caution	Azadirachtin	0.09%

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Insecticide	Caution	Azadirachtin	0.09%
Insecticide	Caution	Azadirachtin	0.60%
Nematicide	Caution	Azadirachtin	0.60%
Fungicide	Caution	Azadirachtin	0.70%
Insect Repellent	Caution	Azadirachtin	0.70%
Insecticide	Caution	Azadirachtin	0.70%
Nematicide	Caution	Azadirachtin	0.70%
Insecticide	Caution	Azadirachtin	1.00%
Insect Repellent	Caution	Azadirachtin	1.20%
Insecticide	Caution	Azadirachtin	1.20%
Nematicide	Caution	Azadirachtin	1.20%
Insecticide	Caution	Azadirachtin	3.00%
Nematicide	Caution	Azadirachtin	3.00%
Nematicide	Warning	Azadirachtin	3.00%
Insect Repellent	Caution	Azadirachtin	4.50%
Insecticide	Caution	Azadirachtin	4.50%
Insecticide	Caution	Azadirachtin	6.00%
Nematicide	Caution	Azadirachtin	6.00%
Fungicide	Caution	Bacillus pumilus strain GHA 180	0.00%
PGR - Growth Stimulator	Caution	Bacillus pumilus strain GHA 180	0.00%
Fungicide	Caution	Bacillus subtilis MBI 600	0.00%
PGR - General	Caution	Bacillus subtilis MBI 600	0.00%
Fungicide	Caution	Bacillus subtilis MBI 600	9.90%
Fungicide	Caution	Bacillus subtilis GB03	0.03%
Fungicide	Caution	Bacillus subtilis QST713 Strain	0.07%
Fungicide	Caution	Bacillus subtilis QST713 Strain	1.34%
Fungicide	Caution	Bacillus subtilis QST713 Strain	14.60%
Fungicide	Caution	Bacillus subtilis var. amyloliquefaciens strain D747 TGAI	25.00%
Fungicide	Caution	Bacillus subtilis var. amyloliquefaciens strain D747 TGAI	98.85%
Insecticide	Caution	Bacillus thuringiensis ssp. aizawai	54%
Insecticide	Caution	Bacillus thuringiensis ssp. israelensis	6.38%
Insecticide	Caution	Bacillus thuringiensis ssp. kurstaki 1	17.19%
Insecticide	Caution	Bacillus thuringiensis ssp. kurstaki 1	54%

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Insecticide	Caution	Bacillus thuringiensis ssp. kurstaki 1	58.20%
Insecticide	Caution	Bacillus thuringiensis ssp. kurstaki 7841	40.00%
Insecticide	Caution	Bacillus thuringiensis ssp. kurstaki strain SA-12	9.83%
Insecticide	Caution	Canola Oil	1.00%
Insecticide	Caution	Canola Oil	89.50%
Fungicide	Caution	Canola Oil	96.00%
Insecticide	Caution	Canola Oil	96.00%
Insecticide	Caution	Chromobacterium sub strain PRAA4-1 cells	30.00%
Insecticide	Caution	Chromobacterium sub strain PRAA4-1 cells	94.50%
Insect Repellent	Caution	Cinnamon	0.03%
Insecticide	Caution	Cinnamon	0.03%
Fungicide	Caution	Cinnamon Oil	0.20%
Insect Repellent	None	Cinnamon Oil	0.20%
Insecticide	Caution	Cinnamon Oil	0.20%
Insecticide	None	Cinnamon Oil	0.20%
Fungicide	Caution	Cinnamon Oil	4%
Insecticide	Caution	Cinnamon Oil	4%
Insecticide	Caution	Citric Acid	0.10%
Fungicide	Danger	Citric Acid	99%
Insecticide	Warning	Citronella Oil	0.42%
Fungicide	Caution	Clarified Hydrophobic Extract of Neem Oil	70.00%
Insecticide	Caution	Clarified Hydrophobic Extract of Neem Oil	70.00%
Fungicide	Caution	Copper Octanoate	0.08%
Fungicide	Caution	Copper Octanoate	10%
Fungicide	Caution	Corn Oil	0.30%
Fungicide	Caution	Corn Oil	30%
Fungicide	Caution	Cottonseed Oil	0.30%
Insecticide	Caution	Cottonseed Oil	0.40%
Fungicide	Caution	Cottonseed Oil	3%
Insecticide	Caution	Cottonseed Oil	3%

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Fungicide	Caution	Cottonseed Oil	30%
Insecticide	Caution	Cottonseed Oil	40%
PGR - Crop Quality	Caution	Cytokinins	0.01%
PGR - General	Caution	Cytokinins	0.01%
PGR - Growth Stimulator	Caution	Cytokinins	0.02%
Nematicide	Caution	Dried Ferm. Slds/Slbs of Myrothecium verrucaria	90%
Insecticide	Warning	Farnesol	0.17%
Insect Repellent	Caution	Garlic Oil/Powder	0.03%
Insecticide	Caution	Garlic Oil/Powder	0.03%
Insecticide	Caution	Garlic Oil/Powder	0.10%
Fungicide	Caution	Garlic Oil/Powder	0.23%
Fungicide	Caution	Garlic Oil/Powder	3.00%
Insecticide	Caution	Garlic Oil/Powder	10%
Insect Repellent	Caution	Garlic Oil/Powder	20.00%
Invertebrate Control	Caution	Garlic Oil/Powder	20.00%
Vertebrate Repellent	Caution	Garlic Oil/Powder	20.00%
Fungicide	Caution	Garlic Oil/Powder	23%
Insecticide	Caution	Geraniol	0.30%
Insecticide	Warning	Geraniol	0.42%
PGR - Crop Quality	Caution	Gibberellic Acid	0.00%
PGR - General	Caution	Gibberellic Acid	0.00%
PGR - Crop Quality	Warning	Gibberellic Acid	4%
PGR - General	Caution	Gibberellic Acid	4.00%
PGR - Crop Quality	Caution	Gibberellic Acid	20%
PGR - General	Caution	Gibberellic Acid	20%
PGR - Growth Stimulator	Caution	Gibberellic Acid	20.00%
Fungicide	Caution	Gliocladium virens G-21	12%
Algaecide Slimicide	Danger	Hydrogen Peroxide (Dioxide)	5.34%
Fungicide	Danger	Hydrogen Peroxide (Dioxide)	5.34%
Algaecide Slimicide	Danger	Hydrogen Peroxide (Dioxide)	26.50%
Fungicide	Danger	Hydrogen Peroxide (Dioxide)	26.50%
Algaecide Slimicide	Danger	Hydrogen Peroxide (Dioxide)	27.00%
Algaecide Slimicide	Danger	Hydrogen Peroxide (Dioxide)	27.00%
Disinfectant	Danger	Hydrogen Peroxide (Dioxide)	27.00%

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Fungicide	Danger	Hydrogen Peroxide (Dioxide)	27.00%
Algaecide Slimicide	Danger	Hydrogen Peroxide (Dioxide)	27.10%
Fungicide	Danger	Hydrogen Peroxide (Dioxide)	27.10%
Herbicide	Danger	Hydrogen Peroxide (Dioxide)	27.10%
Algaecide Slimicide	Danger	Hydrogen Peroxide (Dioxide)	33.00%
Disinfectant	Danger	Hydrogen Peroxide (Dioxide)	33.00%
Fungicide	Danger	Hydrogen Peroxide (Dioxide)	33.00%
PGR - Crop Quality	Caution	IBA (Indole-3-Butyric Acid)	0.01%
PGR - General	Caution	IBA (Indole-3-Butyric Acid)	0.01%
Fungicide	Caution	IBA (Indole-3-Butyric Acid)	0.01%
PGR - General	Caution	IBA (Indole-3-Butyric Acid)	0.10%
PGR - Growth Stimulator	Caution	IBA (Indole-3-Butyric Acid)	0.10%
PGR - Growth Stimulator	Caution	IBA (Indole-3-Butyric Acid)	0.30%
PGR - Growth Stimulator	Caution	IBA (Indole-3-Butyric Acid)	0.31%
PGR - Growth Stimulator	Caution	IBA (Indole-3-Butyric Acid)	0.47%
PGR - Growth Stimulator	Caution	IBA (Indole-3-Butyric Acid)	0.54%
PGR - Growth Stimulator	Caution	IBA (Indole-3-Butyric Acid)	0.80%
PGR - Growth Stimulator	Caution	IBA (Indole-3-Butyric Acid)	20.00%
Invertebrate Control	Caution	Iron Phosphate (FePO ₄)	1.00%
Insecticide	Caution	Isaria fumosorosea	20%
Fungicide	Caution	Jojoba Oil	97.50%
Insecticide	Caution	Jojoba Oil	97.50%
Fungicide	Caution	Kaolin	95.00%
Insecticide	Caution	Kaolin	95.00%
PGR - General	Caution	Kaolin	95.00%
Vertebrate Repellent	Caution	Kaolin	95.00%
Fungicide	Caution	Mineral Oil/Petroleum Distillate	98.00%
Insecticide	Caution	Mineral Oil/Petroleum Distillate	98.00%
Insecticide	Caution	Mineral Oil/Petroleum Distillate	98.80%
Insecticide	Caution	Mineral Oil/Petroleum Distillate Light	1.00%
Fungicide	Caution	Mineral Oil/Petroleum Distillate Light	80%
Insecticide	Caution	Mineral Oil/Petroleum Distillate Light	80%
Insecticide	Caution	Mineral Oil/Petroleum Distillate Light	90.00%
Desiccant	Caution	Mineral Oil/Petroleum Distillate Light	98%
Fungicide	Caution	Mineral Oil/Petroleum Distillate Light	98.00%

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Insecticide	Caution	Mineral Oil/Petroleum Distillate Light	98.00%
Fungicide	Caution	Mineral Oil/Petroleum Distillate Light	98.40%
Insecticide	Caution	Mineral Oil/Petroleum Distillate Light	98.40%
Fungicide	Caution	Monopotassium Phosphate	40.80%
Fungicide	Caution	Monopotassium Phosphate	100%
Fungicide	Caution	Neem Oil Cold Pressed	65.80%
Insect Repellent	Caution	Neem Oil Cold Pressed	65.80%
Insecticide	Caution	Neem Oil Cold Pressed	65.80%
Nematicide	Caution	Neem Oil Cold Pressed	65.80%
Insect Repellent	Caution	Neem Oil Cold Pressed	100.00%
Insecticide	Caution	Neem Oil Cold Pressed	100.00%
Insecticide	Warning	Nerolidol	0.42%
Fungicide	Caution	Oil of Clove	0.10%
Insecticide	Caution	Oil of Clove	0.10%
Fungicide	Caution	Oil of Clove	0.20%
Insect Repellent	None	Oil of Clove	0.20%
Insecticide	Caution	Oil of Clove	0.20%
Insecticide	None	Oil of Clove	0.20%
Insect Repellent	Caution	Oil of Clove	1.50%
Insecticide	Caution	Oil of Clove	1.50%
Fungicide	Caution	Oil of Clove	2%
Insecticide	Caution	Oil of Clove	2%
Fungicide	Caution	Oil of Clove	10.00%
Herbicide	Caution	Oil of Clove	10.00%
Insecticide	Caution	Oil of Clove	20%
Fungicide	Caution	Oil of Rosemary	0.05%
Insect Repellent	Caution	Oil of Rosemary	0.05%
Insecticide	Caution	Oil of Rosemary	0.05%
Fungicide	Caution	Oil of Rosemary	0.10%
Insecticide	Caution	Oil of Rosemary	0.10%
Insect Repellent	Caution	Oil of Rosemary	0.23%
Insect Repellent	Caution	Oil of Rosemary	0.53%
Insecticide	Caution	Oil of Rosemary	0.53%
Insecticide	Caution	Oil of Rosemary	0.80%
Fungicide	Caution	Oil of Rosemary	2%

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Insect Repellent	Caution	Oil of Rosemary	2.00%
Insecticide	Caution	Oil of Rosemary	2%
Insect Repellent	Caution	Oil of Rosemary	10.00%
Insecticide	Caution	Oil of Rosemary	10.00%
Fungicide	Caution	Oil of Rosemary	18.00%
Herbicide	Caution	Oil of Rosemary	18.00%
Fungicide	None	Oil of Sesame	0.10%
Insecticide	None	Oil of Sesame	0.10%
Fungicide	Caution	Oil of Sesame	5%
Insecticide	Caution	Oil of Sesame	5%
Insecticide	None	Oil of Sesame	5.00%
Fungicide	Caution	Oil of Thyme	0.10%
Insecticide	Caution	Oil of Thyme	0.10%
Fungicide	Caution	Oil of Thyme	1.20%
Fungicide	Caution	Oil of Thyme	2%
Insecticide	Caution	Oil of Thyme	2%
Fungicide	Caution	Oil of Thyme	4%
Fungicide	Caution	Oil of Thyme	10.00%
Herbicide	Caution	Oil of Thyme	10.00%
Algaecide Slimicide	Caution	Oregano Oil	1.00%
Fungicide	Caution	Oregano Oil	1.00%
Herbicide	Caution	Oregano Oil	1.00%
Insect Repellent	Caution	Peppermint	0.04%
Insecticide	Caution	Peppermint	0.04%
Insecticide	Caution	Peppermint	0.40%
Insecticide	Caution	Peppermint	0.80%
Insecticide	Caution	Peppermint	2.00%
Algaecide Slimicide	Danger	Peroxyacetic Acid	1.36%
Fungicide	Danger	Peroxyacetic Acid	1.36%
Algaecide Slimicide	Danger	Peroxyacetic Acid	2.00%
Fungicide	Danger	Peroxyacetic Acid	2.00%
Herbicide	Danger	Peroxyacetic Acid	2.00%
Algaecide Slimicide	Danger	Peroxyacetic Acid	4.90%
Fungicide	Danger	Peroxyacetic Acid	4.90%
Fungicide	Caution	Phosphorous Acid Mono- And Di-	28.10%

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		Potassium, Salts of	
Fungicide	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	45.50%
Fungicide	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	45.80%
Fungicide	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	53%
Fungicide	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	53.60%
Fungicide	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	56.00%
PGR - General	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	56.00%
Fungicide	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	56.20%
Fungicide	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	57.00%
Fungicide	Caution	Phosphorous Acid Mono- And Di-Potassium, Salts of	99.00%
Fungicide	Caution	Piperonyl Butoxide	2.50%
Insecticide	Caution	Piperonyl Butoxide	2.50%
Insecticide	Caution	Piperonyl Butoxide	4.00%
Insecticide	Caution	Piperonyl Butoxide	16.00%
Insect Repellent	Caution	Piperonyl Butoxide	60.00%
Insecticide	Caution	Piperonyl Butoxide	60.00%
Fungicide	Caution	Potassium Bicarbonate	81.90%
Fungicide	Caution	Potassium Bicarbonate	85.00%
Insecticide	Caution	Potassium Laurate	1%
Insecticide	Caution	Potassium Laurate	1.02%
Fungicide	Caution	Potassium Laurate	12.38%
Insecticide	Caution	Potassium Laurate	12.38%
Insecticide	Caution	Potassium Laurate	19.90%
Insecticide	Caution	Potassium Laurate	20.00%
Insecticide	Warning	Potassium Laurate	47%
Fungicide	Warning	Potassium Laurate	49.00%
Insecticide	Warning	Potassium Laurate	49.00%
Insecticide	Warning	Potassium Laurate	49.52%

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Fungicide	Caution	Pyrethrins	0.01%
Insecticide	Caution	Pyrethrins	0.01%
Insecticide	Caution	Pyrethrins	0.24%
Fungicide	Caution	Pyrethrins	0.25%
Insecticide	Caution	Pyrethrins	0.25%
Insecticide	Caution	Pyrethrins	0.50%
Insecticide	Caution	Pyrethrins	1.40%
Insecticide	Caution	Pyrethrins	4.00%
Insect Repellent	Caution	Pyrethrins	5.00%
Insecticide	Caution	Pyrethrins	5.00%
Insect Repellent	Caution	Pyrethrins	6.00%
Insecticide	Caution	Pyrethrins	6.00%
Fungicide	Caution	Pythium oligandrum DV 74	1.00%
PGR - Growth Stimulator	Caution	Pythium oligandrum DV 74	1.00%
Fungicide	Caution	Reynoutria sachalinensis	5%
PGR - General	Caution	Reynoutria sachalinensis	5%
Insect Repellent	Caution	Rosemary Herbs	10.00%
Insect Repellent	Caution	Sesame Plant Ground	0.05%
Insecticide	Caution	Sesame Plant Ground	0.05%
Invertebrate Control	Caution	Sodium Ferric EDTA	2.00%
Invertebrate Control	Caution	Sodium Ferric EDTA	5.00%
Fungicide	Caution	Sorbic Acid Potassium Salt	0.01%
Insecticide	Caution	Sorbic Acid Potassium Salt	0.01%
Insecticide	Warning	Sorbitol Octanoate	90.00%
Insecticide	Caution	Soybean Oil	93%
Fungicide	Caution	Streptomyces griseoviridis strain K61	4%
Fungicide	Caution	Streptomyces griseoviridis strain K61	35%
Fungicide	Caution	Streptomyces lydicus WYEC 108	0.04%
Fungicide	Caution	Streptomyces lydicus WYEC 108	1.30%
Fungicide	Caution	Sulfur	0.20%
Insecticide	Caution	Sulfur	0.20%
Fungicide	Caution	Sulfur	6.48%
Insecticide	Caution	Sulfur	6.48%
Fungicide	Caution	Sulfur	10.00%
Insecticide	Caution	Sulfur	10.00%

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Fungicide	Caution	Sulfur	12%
Insect Repellent	Caution	Thyme Herbs	0.03%
Insecticide	Caution	Thyme Herbs	0.03%
Fungicide	Caution	Trichoderma asperellum strain ICC 012	2.00%
Fungicide	Caution	Trichoderma gamsii strain ICC 080	2.00%
Fungicide	Caution	Trichoderma harzianum Rifai strain KRL-AG2	1.15%
Fungicide	Caution	Trichoderma virens strain G-41	0.61%