

1 ILLINOIS REGISTER

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3 ILLINOIS DEPARTMENT OF AGRICULTURE

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5 **DRAFT NOTICE OF PROPOSED RULES 3-31-14**

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82
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84 Pilot Program Act, P.A. 98-0122.

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86 SOURCE: Adopted at 38 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS

~~SECTION~~ Section 1000.10 Definitions and Incorporations

~~a)~~ Definitions for this Part can be located in Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130/10]. The following definitions shall also apply to ~~these rules~~this Part:

"Act" means The Compassionate Use of Medical Cannabis Pilot Program Act. [410 ILCS 130];

"Adequate supply" means-

1) 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.

~~2) Subject to the rules of the Department of Public Health, a patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an insufficient adequate supply for a 14 day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.~~

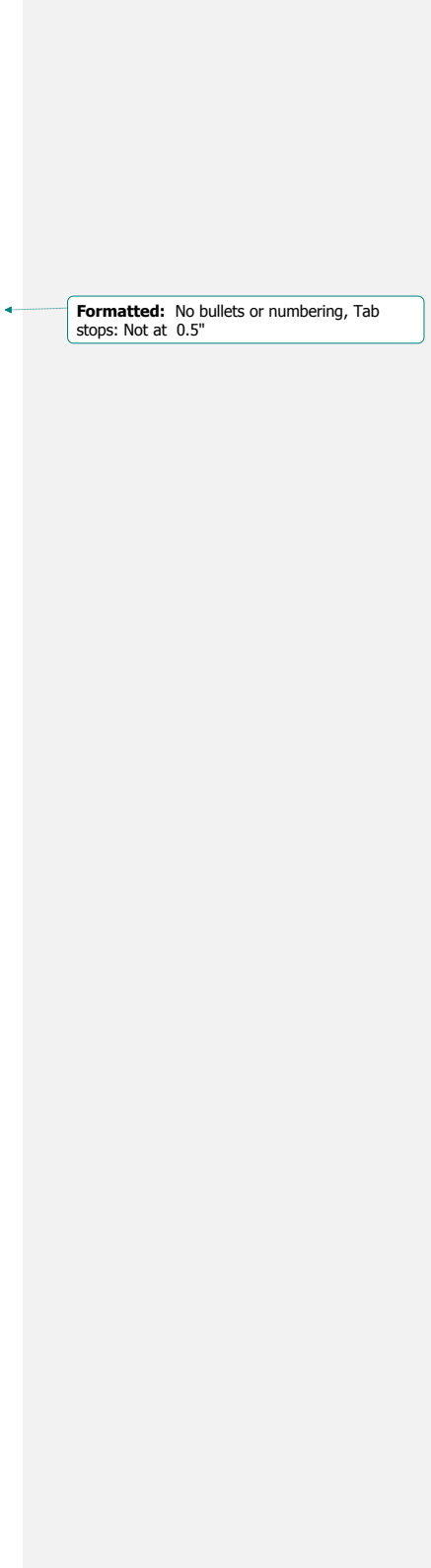
~~3) This subsection may not be construed to authorize the possession of more than 2.5 ounces at any time without authority from the Department of Public Health.~~

~~4)2) The pre-mixed weight of medical cannabis used in making a cannabis infused product shall apply toward the limit on the total amount of medical cannabis a registered qualifying patient may possess at any one time. [410 ILCS 130/10(a)];~~

"Alterations" means permanent 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 efficiency or facility structures or systems;

"Applicant" means any corporation, limited liability company, association or partnership, limited liability partnership, or one or more individuals, principal officers, agency, business trust, estate, trust, or any other legal entity which is applying with the Illinois Department of Agriculture for a cultivation center permit under the Compassionate Use of Medical Cannabis Pilot Program Act;

"Area zoned for residential use" has the same meaning as "residential zoning district" in the Illinois Counties Code, which means a zoning district that is designated under a county zoning ordinance and is zoned predominantly for residential uses. (55 ILCS 5/5-12001.1(c)(3)); means an area zoned exclusively for residential use; provided that in municipalities with a population over 2,000,000 people, an "an area zoned for residential



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135 use” means an area zoned as a residential district or a residential planned development an area
136 zoned a residential district, a residential planned development or land that is zoned
137 predominantly residential;

138
139 "Batch" means the established segregation of a group of plants at the time of planting for the
140 control of quantity, traceability and/or strain. A batch number will be assigned at the time of
141 planting for a specified number of plants. When plants reach 18 inches in height, a specific
142 number will be assigned for each plant within that batch. The batch number will remain with
143 the segregated plants through harvest to final packaging. The batch number will be included
144 on the label of the package distributed for the end user a specific harvest of cannabis or
145 cannabis-infused products that are identifiable by a batch number, every portion or package
146 of which is uniform within recognized tolerances for the factors that were subject to a
147 laboratory test and that
148 appear in the labeling;

149
150 "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a
151 cultivation center when the batch is first planted. The batch number shall contain the facility
152 number and a sequence to allow for inventory and traceability;

153
154 "Biosecurity" means a set of preventative measures designed to reduce the risk of
155 transmission of infectious diseases in crops, quarantined pests, invasive alien species, and
156 living modified organisms;

157
158 "Cannabis" means marijuana, hashish and other substances which are identified as including
159 any parts of the plant Cannabis Sativa and including any and all derivatives or subspecies,
160 such as Indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin
161 extracted from any part of such plant; and any compound, manufacture, salt, derivative,
162 mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol
163 (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically
164 produced ingredients, whether produced directly or indirectly by extraction, or
165 independently by means of chemical synthesis or by a combination of extraction and
166 chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from
167 such stalks, oil or cake made from the seeds of such plant, any other compound,
168 manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin
169 extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable
170 of germination. (Section 3 of the Cannabis Control Act, 720 ILCS 550);

171
172 "Cannabis Concentrate" means a product derived from medical cannabis which is produced
173 by extracting cannabinoids from the plant through the use of propylene glycol, glycerin,
174 butter, olive oil or other typical cooking fats; water, ice or dry ice; or butane, propane, CO2,
175 ethanol, or isopropanol. The use of any other solvent is expressly prohibited unless and until
176 it is approved by the Department.

177
178 ↪ "Cannabis plant monitoring system" means a system that includes, but is not limited to,
179 testing and data collection established and maintained by the registered cultivation center
180 and available to the Department for the purposes of documenting each cannabis plant and

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181 *for monitoring plant development throughout the life cycle of a cannabis plant cultivated for*
182 *the intended use by a qualifying patient from seed planting to final packaging.* [410 ILCS
183 130/10(c)];

184
185 Cannabis product" means a product containing medical cannabis either in a physical form or
186 infused with an extracted resin.

187
188 "Cannabis waste" means any part of the plant that is not usable cannabis; or cannabis that
189 cannot be processed as provided in Section 1000.510 (d) (2) of this Part;

190
191 "Child-Resistant" means special packaging that is: (1) designed or constructed to be
192 significantly difficult for children under five years of age to open and not difficult for normal
193 adults to use properly as defined by 16 C.F.R. 1700.20 (1995) and ASTM classification
194 standard D3475-12, <http://www.astm.org/Standards/D3475.htm>. Note that this rule does not
195 include any later amendments or editions to the Code of Federal Regulations or the ASTM
196 classification standards. The ~~Division~~Department has maintained a copy of the applicable
197 federal regulation and ASTM classification standard, which are available to the public; (2)
198 closable for any product intended for more than a single use or containing multiple servings;
199 and (3) labeled properly as required by Section 1000.~~449~~420 of this Part;

200
201 "Clone" means a plant section from a female cannabis plant not yet root-bound, growing in a
202 water solution or other propagation matrix, which is capable of developing into a new plant;

203
204 "Crop Input" means any substance that is used by a producer for the production of medical
205 cannabis. This may include pesticides as defined pursuant to the Illinois Pesticide Act or the
206 American Association of Pesticide Control Officials, fertilizers as defined pursuant to the
207 Illinois Commercial Fertilizer Act of 1961 or the American Association of Plant Food
208 Officials and soil amendments as defined by the Soil Amendment Act;

209
210 *"Cultivation center" means a facility operated by an organization or business that is*
211 *registered by the Department of Agriculture to perform necessary activities to provide only*
212 *registered medical cannabis dispensing organizations with usable medical cannabis.* [410
213 ILCS 130/10(e)];

214
215 *"Cultivation center agent" means a principal officer, board member, employee, or agent of a*
216 *registered cultivation center who is 21 years of age or older and has not been convicted of an*
217 *excluded offense.* [410 ILCS 130/10(f)];

218
219 "Cultivation center agent- in- charge" or "agent- in- charge" means the cultivation center
220 agent who has been designated by the cultivation center to have control and management
221 over the day to day operations of the cultivation center. A cultivation center may designate
222 more than one agent- in- charge to cover varying operational work shifts, but may only have
223 one per work shift.

224
225 *"Cultivation center agent identification card" means a document issued by the Department of*
226 *Agriculture that identifies a person as a cultivation center agent.* [410 ILCS 130/10(g)];

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"Cultivation center agent-in-charge identification card" means a document issued by the Department of Agriculture that identifies a cultivation center agent as an agent-in-charge.

"Department" shall refer to the Illinois Department of Agriculture;

"Disqualifying Conviction" means conviction of an excluded offense;

"Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients. [410 ILCS 130/10(k)];

"Excluded offense" means: (1) a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or (2) a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law. [410 ILCS 130/10(l)];

"Facility" shall refer to the permitted physical structure(s) associated with the cultivation center;

"Financial interest" means any actual or future right to ownership, investment or compensation arrangement with another person, either directly or indirectly, through business, investment or 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 exchange or over-the-counter market, provided the investment securities held by the person, the person's spouse, parent or child, in the aggregate, do not exceed one per cent ownership in the cultivation center.

"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 Title 20, Section 1265.30 of the Illinois Administrative Code, Electronic Transmission of Fingerprint Requirements;

"Flower" means the gametophytic or reproductive state of *Cannabis* in which the plant is in a light cycle intended to produce flowers, trichomes, and cannabinoids characteristic of cannabis;

~~"Immature plant" means a nonflowering Cannabis or Cannabis plant that is no taller than eight inches and no wider than eight inches produced from a cutting, clipping, or seedling~~

273 | ~~and that is in a growing/cultivating container that is no larger than two inches wide and two~~
274 | ~~inches tall that is sealed on the sides and bottom~~ has an established root structure;

275 |
276 | "ISP" means the Illinois Department of State Police;

277 |
278 | "Label" means a display of written, printed or graphic matter upon the immediate container
279 | of any product containing cannabis;

280 |
281 | "Laboratory" means an independent laboratory located in Illinois and approved by the
282 | Department to have custody of controlled substances and the use of controlled substances for
283 | scientific and medical purposes and for purposes of instruction, research or analysis;

284 |
285 | "Livescan" means an inkless electronic system designed to capture an individual's fingerprint
286 | images and demographic data (name, sex, race, date of birth, etc.) in a digitized format that
287 | can be transmitted to the state central repository (~~Illinois State Police~~[SP] for processing. The
288 | data is forwarded to the ~~Illinois State Police~~[SP] (ISP), Bureau of Identification (BOI) over a
289 | Virtual Private Network (VPN) and then processed by the ISP's Automated Fingerprint
290 | Identification System (AFIS). Once received at the BOI for processing, the inquiry may, ~~then~~
291 | as permitted by law, be forwarded to the Federal Bureau of Investigation (FBI) electronically
292 | for processing as permitted by law;

293 |
294 | "Livescan vendor" means an entity licensed by the Department of Financial and Professional
295 | Regulation to provide commercial fingerprinting services under the Private Detective, Private
296 | Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447];

297 |
298 | "Manufacturing" or "manufacture" means the process of converting harvested cannabis
299 | material into a finished product by manual labor and/or machinery designed to meet a
300 | specific need or customer expectation, either directly or indirectly by extraction from
301 | substances of natural origin, or independently by means of chemical synthesis, or by a
302 | combination of extraction and chemical synthesis;

303 |
304 | "Medical cannabis" means cannabis and its constituent cannabinoids, such as
305 | tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to
306 | treat disease or alleviate symptoms. Medical cannabis can be administered in a variety of
307 | ~~routes~~ways, including, but not limited to: vaporizing or smoking dried buds; using
308 | concentrates; administering tinctures or tonics; applying topicals such as ointments or balms;
309 | or consuming medical cannabis infused products~~infused food products, soda or teas; or~~
310 | ~~taking capsules;~~

311 |
312 | *"Medical cannabis cultivation center registration" means a registration issued by the*
313 | *Department of Agriculture. [410 ILCS 130/10(m)];*

314 |
315 | *"Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant,*
316 | *tamper evident container, or package used for the purpose of containment of medical*
317 | *cannabis from a cultivation center to a dispensing organization. [410 ILCS 130/10(n)];*
318 |

319 "Medical cannabis dispensing organization", or "dispensing organization", or "dispensary
320 organization" or "dispensary" means a facility operated by an organization or business that
321 is registered by the Department of Financial and Professional Regulation to acquire medical
322 cannabis from a registered cultivation center for the purpose of dispensing cannabis,
323 paraphernalia, or related supplies and educational materials to registered qualifying
324 patients. [410 ILCS 130/10(o)];

325
326 "Medical cannabis dispensing organization agent" or "dispensing organization agent" means
327 a principal officer, board member, employee, or agent of a registered medical cannabis
328 dispensing organization who is 21 years of age or older and has not been convicted of an
329 excluded offense. [410 ILCS 130/10(p)];

330
331 "Medical cannabis infused product" means food, oils, ointments, sodas, teas, capsules or
332 other products containing usable cannabis that are not smoked. [410 ILCS 130/10(q)] Only
333 the portion of any cannabis-infused product that is attributable to cannabis shall count toward
334 the possession limits of the dispensary and the patient;

335
336 "Medical use" means the acquisition; administration; delivery; possession; transfer;
337 transportation; or use of cannabis to treat or alleviate a registered qualifying patient's
338 debilitating medical condition or symptoms associated with the patient's debilitating medical
339 condition. [410 ILCS 130/10(r)];

340
341 "Modification" means changes in structures, processes or activities at a cultivation center that
342 will alter the efficiency of production structures, processing systems, and/or changes in
343 capacity within the Center;

344
345 "Monitoring" means the continuous and uninterrupted video surveillance of cultivation
346 activities and oversight for potential suspicious actions. Monitoring through video
347 surveillance includes the purpose of summoning a law enforcement officer to the premises
348 during alarm conditions. The Department and ISP or law enforcement agencies designated
349 by ISP shall have the ability to access a cultivation center's monitoring system in real-time
350 via a secure web-based portal;

351
352 "Motor vehicle" means a self-propelled vehicle as defined in the Illinois Vehicle Code. [See
353 625 ILCS 5/1-146].

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355 "Natural processing" or "naturally produced" means the preparation of the harvested cannabis
356 without significantly changing its physical form;

357
358 "Operational and Management Practices Plan" means a narrative description of all practices
359 that will be employed at the facility for the cultivation, harvesting and processing
360 production of medical cannabis and medical cannabis infused products. The plan shall include but is not
361 limited to (1) the types and quantities of medical cannabis products that will be produced at
362 the facility; (2) the methods of planting (seed or clones), harvesting, drying and storage of
363 medical cannabis; (3) the estimated quantity of waste material to be generated and plans for
364 subsequent disposal; (4) the quantity and proposed method for disposal for all crop inputs

365 utilized for plant production; (5) methods for training employees for the specific phases of
366 production; (6) bio-security measures to be implemented for plant production and edible
367 infused product production; (7) planned response to discrepancies in accounting of product
368 inventories; ~~and~~ (8) sampling strategy and quality testing for labeling purposes; (9)
369 procedures to follow for proper labeling; and, (10) procedures to follow for handling
370 mandatory and voluntary recalls of cannabis or cannabis-infused products.

371
372 "Permit" means a ~~license~~ registration issued by the Department to a qualified applicant to
373 operate a cultivation center.

374
375 "Permittee" means a qualified applicant who is issued a permit by the Department to operate
376 a cultivation center.

377
378 "Person" includes but is not limited to a natural person, sole proprietorship, partnership, joint
379 venture, limited liability partnership or company, corporation, association, agency, business,
380 not-for-profit organization.

381
382 *"Physician" means a doctor of medicine or doctor of osteopathy licensed under the Medical*
383 *Practice Act of 1987 to practice medicine and who has a controlled substances license under*
384 *Article III of the Illinois Controlled Substances Act. It does not include a licensed*
385 *practitioner under any other Act including but not limited to the Illinois Dental Practice Act.*
386 *[410 ILCS 130/10(s)];*

387
388 "Principal officer" includes a prospective cultivation center or cultivation center owner,
389 president, vice president, secretary, treasurer, partner, officer, board member, shareholder or
390 person involved in a profit sharing arrangement.

391
392 "Producer backer" means any person (including any legal entity) with a direct or indirect
393 financial interest in the applicant;

394
395 "Production" or "produce" means the ~~manufacture,~~ planting, preparation, cultivation,
396 growing, harvesting, propagation, compounding, conversion, ~~or natural processing or~~
397 manufacturing of cannabis, ~~either directly or indirectly by extraction from substances of~~
398 natural origin, or independently by means of chemical synthesis, or by a combination of
399 extraction and chemical synthesis, and includes any packaging or repackaging of the
400 substance or labeling or relabeling of its container;

401
402 "Qualified applicant" means an applicant for a cultivation center permit who receives at least
403 the minimum required score in each category required by the application;

404
405 *"Qualifying patient" means a person who has been diagnosed by a physician as having a*
406 *debilitating medical condition. [410 ILCS 130/10(t)];*

407
408 *"Registered" means licensed, permitted, or otherwise certified by the Department of*
409 *Agriculture under the Act. [410 ILCS 130/10(u)];*

410

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

414
415 "Sale" means any form of delivery, which includes barter, exchange or gift, or offer
416 therefore, and each such transaction made by any person whether as principal, proprietor,
417 agent, servant or employee;

418
419 "Security Alarm System" means a device or series of devices, intended to summon law
420 enforcement personnel during, or as a result of, an alarm condition. Devices may include
421 hard-wired systems and systems interconnected with a radio frequency method such as
422 cellular or private radio signals that emit or transmit a remote or local audible, visual, or
423 electronic signal; motion detectors, pressure switches, duress alarms (a silent system signal
424 generated by the entry of a designated code into the arming station to indicate that the user is
425 disarming under duress); panic alarms (an audible system signal to indicate an emergency
426 situation); and hold-up alarms (a silent system signal to indicate that a robbery is in
427 progress). The Department and law enforcement agencies shall have the ability to access a
428 cultivation center's Security Alarm System in real-time;

429
430 "THC" means tetrahydrocannabinol;

431
432 "THCA" means tetrahydrocannabinolic acid;

433
434 "Tincture" means a cannabis infused solution, typically comprised of alcohol, glycerin or
435 vegetable oils, derived either directly from the cannabis plant or from a processed cannabis
436 extract. Tinctures may be added to foods and other liquids, applied directly to the skin,
437 consumed orally by drinking a small quantity or absorbed sublingually by placing a few
438 drops under the tongue.

439
440 *"Usable cannabis" means the seeds, leaves, buds, and flowers of the cannabis plant, and any*
441 *mixture or preparation thereof, including the resin extracted from any part of such plant, but*
442 *does not include the stalks, and roots of the plant. It does not include the weight of any non-*
443 *cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical*
444 *administration, food, or drink. [410 ILCS 130/10(w)];*

445
446 "Vegetative stage of growth" means that the cannabis plant consists of stems, leaves and
447 roots and does not have any flowers or buds.

448
449 *"Verification system" means a Web-based system established and maintained by the*
450 *Department of Public Health that is available to the Department of Agriculture, the*
451 *Department of Financial and Professional Regulation, law enforcement personnel, and*
452 *registered medical cannabis dispensing organization agents on a 24-hour basis for the*
453 *verification of registry identification cards, the tracking of delivery of medical cannabis to*
454 *medical cannabis dispensing organizations, and the tracking of the date of sale, amount, and*
455 *price of medical cannabis purchased by a registered qualifying patient. [410 ILCS*
456 *130/10(x)];*

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"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;

"Violent Crime" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene; or a substantially similar offense that was tried and convicted as a felony in the jurisdiction where the cultivation center agent, agent-in-charge, or applicant for a cultivation center agent or agent-in-charge identification card was convicted. [725 ILCS 120/3(c)]

↳ Incorporations by reference in this Part do not include any later amendments or editions beyond the date specified.

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483 | **SECTION ~~Section~~ 1000.1520 Referenced Materials**

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485 a) The following federal statutes are referenced in this Part:

486

487 1) Federal Food, Drug, and Cosmetic Act (21 USCA 301)

488

489 2) Federal Fair Packaging and Labeling Act (15 USCA 1451)

490

491 3) Tolerances and Exemptions for Pesticide Chemical Residues in Food (40 CFR
492 180)

493

494 4) Poison Prevention Act (15 U.S.C. 1471-75)

495

496 5) Poison Prevention Packaging (16 CFR 1700)

497

498 3)6) Federal Insecticide Fungicide and Rodenticide Act (FIFRA) 7 USCA 136

499

500 b) The following Illinois statutes are referenced in this Part:

501

502 1) Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

503

504 2) Administrative Review Law (Article III of the Code of Civil Procedure) [735
505 ILCS 5/Art. III]

506

507 3) Cannabis Control Act [720 ILCS 550]

508

509 | 4) Illinois Controlled Substances Act [720 ILCS 570]

510

511 5) Food, Drug and Cosmetic Act [410 ILCS 620]

512

513 6) Food Handling Regulation Enforcement Act [410 ILCS 625]

514

515 7) Sanitary Food Preparation Act [410 ILCS 650]

516

517 8) Uniform Conviction Information Act [20 ILCS 2635]

518

519 9) Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and
520 Locksmith Act of 2004 [225 ILCS 447]

521

522 10) Illinois Vehicle Code [625 ILCS 5]

523

524 11) Criminal Code of 2012 [720 ILCS 5]

525

526 12) Rights of Crime Victims and Witnesses Act [725 ILCS 120]

527

Comment [MJ5]: new

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13) Code of Civil Procedure [735 ILCS 5]

14) Probate Act of 1975 [755 ILCS 5]

15) The ~~Illinois~~ Environmental Protection Act [415 ILCS 5] and associated administrative rules.

Comment [MJ6]: new

16) Illinois Pesticide Act [415 ILCS 60] and associated administrative rules.

17) Illinois Commercial Fertilizer Act of 1961 [505 ILCS 80]

— Soil Amendment Act [505 ILCS 120]

~~18) Illinois Counties Code 55 ILCS 5/5-12001.1(e)(3)~~

19) Medical Practice Act of 1987 [225 ILCS 60]

20) Illinois Dental Practice Act [225 ILCS 25]

~~15)21) Weights and Measures Act (225 ILCS 407)~~

c) The following State administrative rules are referenced in this Part:

1) The Illinois Food, Drug and Cosmetic Act (77 Ill. Adm. Code 720)

2) Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730)

~~3) 3) Food Service Sanitation Code (77 Ill. Adm. Code 750)~~

3)

4) Title 20, Section 1265.30 of Electronic Transmission of Fingerprint Requirements

5) Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 651 and 653)

6) Illinois Plumbing Code (77 Ill. Adm. Code 890)

7) Illinois Pesticide Act (8 Ill. Adm. Code 250)

8) Department of Public Health Compassionate Use of Medical Cannabis Patient Registry (77 Ill. Adm. Code 946.Subpart D)

~~7)9) Weights and Measures Code (8 Ill. Adm. 600)~~

575 | **Section 1000.20-30 Scope and Application**

576

577 a) It is the duty of the Department to enforce the provisions of the Act relating to the
578 registration and oversight of cultivation centers unless otherwise provided for in the Act.
579 [410 ILCS 130/15(b)]

580

581 b) A cultivation center shall be in compliance with all of this Part prior to the
582 commencement of operational activities and/or storage of medical cannabis.

583

584 c) This Part shall apply to applicants for and holders of a cultivation center permit to
585 propagate, cultivate, harvest, prepare, cure, package, store, and label medical cannabis,
586 whether in concentrated form or otherwise.

587

588 d) Authorized On-Premises Storage. A cultivation center is authorized to store cannabis and
589 cannabis-infused products inventory on the permitted premises. All inventory stored on
590 the permitted premises must be secured in a limited access area and tracked consistently
591 with the inventory tracking rules [\(in accordance with Section 1000.130435\)](#) of this Part.

592

593 e) Packaging and Labeling Standards Required. A cultivation center is prohibited from
594 selling cannabis that is not packaged and labeled in accordance with [these rules](#) [Section](#)
595 [1000.420](#) of this Part. ~~See Section 1000.110420.~~

596

597 f) Sale to Consumer Prohibited. A cultivation center is prohibited from selling cannabis or
598 any cannabis-infused product directly to a consumer.

599

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

602

603 h) *The Department shall enter into intergovernmental agreements, as necessary, to carry*
604 *out the provisions of this Act including, but not limited to, the provisions relating to the*
605 *permitting and oversight of cultivation centers, dispensing organizations, and qualifying*
606 *patients and caregivers. (Section 15 of the Act)*

607

608

609 | **Section 1000.25-40 Operation of a Cultivation Center**

- 610 a) Only a cultivation center that has been issued a permit by the Department under the
611 | provisions of the Act and ~~these rules~~this Part shall own and operate a cultivation center
612 | facility.
- 613
- 614 b) A cultivation center, including each principal officer, board member, agent, and employee
615 | shall not:
- 616
- 617 1) produce or manufacture cannabis in any place except in those areas designated in
618 | the permit;
 - 619
 - 620 2) sell, deliver, transport or distribute cannabis from any place except its permitted
621 | cultivation facility;
 - 622
 - 623 3) produce or manufacture cannabis for use outside of Illinois;
 - 624
 - 625 4) sell, deliver, transport or distribute cannabis to any ~~place person or entity except~~
626 | ~~other than~~ a dispensary ~~facility licensed or organization~~ registered with the Illinois
627 | Department of Financial and Professional Regulation, or a testing laboratory
628 | approved by the Department;
 - 629
 - 630 5) enter into an exclusive agreement with any dispensary facility;
 - 631
 - 632 6) refuse to conduct business with any dispensary facility that has the financial ability
633 | to pay for the medical cannabis and is licensed with the Illinois Department of
634 | Financial and Professional Regulation on the same terms and conditions as other
635 | dispensary facilities with whom the cultivation center is dealing;
 - 636
 - 637 7) ~~either directly or indirectly discriminate in price between different dispensary~~
638 | ~~facilities organizations~~ that are purchasing a like grade, strain, brand, and quality
639 | of cannabis or cannabis-infused product, ~~provided that~~ Nothing herein shall prevent
640 | ~~differentials which only make due allowance for pricing medical cannabis~~
641 | ~~differently based on~~ differences in the cost of ~~manufacture~~production, ~~sale or~~
642 | ~~delivery resulting from the differing methods or the quantities in which such~~
643 | ~~cannabis or cannabis infused products are sold, such as volume discounts, or the~~
644 | ~~way the products are delivered to such dispensary facilities, or delivery costs~~
645 | ~~relative to distance travelled~~;
 - 646
 - 647 8) accept, solicit, or offer any form of remuneration from or to a physician;
 - 648
 - 649 9) allow a physician to conduct a personal physical examination of a patient for
650 | purposes of diagnosing a debilitating medical condition at the permitted location;
 - 651
 - 652 10) allow a physician to hold a direct or indirect economic interest in the cultivation

Comment [M37]: new

653 center if the physician recommends the use of medical cannabis to qualified
654 patients or is in a partnership or other fee or profit-sharing relationship with a
655 physician who recommends medical cannabis;
656

657 11) allow a physician ~~who certifies or intends to certify a debilitating medical~~
658 ~~condition for a qualifying patient~~ to serve on the board of directors or as an
659 employee of the cultivation center;
660

661 12) accept referral of patients from a physician;
662

663 13) allow a physician to advertise at the cultivation center; ~~Or~~
664

665 14) accept any returned product unless it is as a result of a Department approved
666 product recall.
667

668 c) A cultivation center permit shall allow the permittee to operate at a single ~~production~~
669 ~~facility~~cultivation center location.
670

671 d) A single entity shall not be granted more than three cultivation center permits. If a
672 qualified applicant has been selected for more than three permits, the applicant shall
673 notify the Department within 48 hours of notification on forms provided by the
674 Department in which three districts it chooses to receive permits and operate cultivation
675 centers. No person shall be an owner, partner, officer, director, shareholder, or member of
676 more than three permitted cultivation centers. No corporation, partnership, limited
677 liability partnership, limited liability company, or other entity or subsidiary thereof shall
678 be an owner, principal officer, partner, shareholder, or member of more than three
679 permitted cultivation centers. In the event that an entity is awarded a permit in a district
680 and that entity forfeits that permit, the permit shall be awarded to the next highest scoring
681 qualified applicant.
682

683 e) *A permitted cultivation center may not be located within 2,500 feet of the property line of*
684 *a pre-existing public or private preschool or elementary or secondary school or day care*
685 *center, day care home, group day care home, part day child care facility, or an area*
686 *zoned for residential use. (Section 105 of the Act)*
687

688 e)f) A permitted cultivation center is not subject to prosecution; search or inspection, except
689 by the Department, Department of Public Health, or State or local law enforcement under
690 Section 130 of the Act; seizure; or penalty in any manner, or be denied any right or
691 privilege, including but not limited to civil penalty or disciplinary action by a business
692 licensing board or entity, for acting under the Act or ~~these rules~~ this Part to: acquire,
693 possess, cultivate, manufacture, deliver, transfer, transport, supply, or sell cannabis to
694 registered dispensing organizations. (Section 25 of the Act)
695

696 f)g) A cultivation center shall provide evidence of financial responsibility which shall be
697 payable to the Department in the event the cultivation center fails to comply as follows:
698 complete construction and timely and successfully complete the construction of a

699 | ~~facility begin production within six (6) months after the permit has been issued and~~
700 | ~~construction of the facility has been completed; maintain production for any reason for~~
701 | ~~more than ninety (90) consecutive days after it has completed construction of the facility;~~
702 | ~~or, to~~ continue to operate the cultivation center in a manner that provides an uninterrupted
703 | supply of medical cannabis to licensed dispensaries during the term of the permit,
704 | sufficient enough to allow the licensed dispensaries to supply their registered qualifying
705 | patients with an adequate supply of medical cannabis. Evidence of financial
706 | responsibility shall be provided by one of the following:

707 |
708 | 1) Establishing and maintaining an escrow account in a chartered financial institution
709 | in Illinois in the amount of two million dollars (\$2,000,000), with escrow terms
710 | approved by the Department that it shall be payable to the Department in the event
711 | of circumstances outlined in this Subsection (g). A financial institution may not
712 | return money in an escrow or surety account to the cultivation center that
713 | established the account or a representative of the cultivation center unless the
714 | cultivation center or representative presents a statement issued by the Department
715 | indicating that the account may be released; or

716 |
717 | 2) Providing a surety bond naming the cultivation center as principal of the bond,
718 | upon terms approved by the Department, in the amount of two million dollars
719 | (\$2,000,000), with terms approved by the Department that the bond defaults to the
720 | Department in the event of circumstances outlined in this Subsection. Bond terms
721 | include:

722 |
723 | A) The bond must be written by a surety company authorized to do
724 | business in Illinois.

725 |
726 | B) The business name and registration number on the bond must
727 | correspond exactly with the business name and registration number in
728 | the Department's records.

729 |
730 | C) The bond must be written on a form approved by the Illinois
731 | Department of Insurance.

732 |
733 | D) A copy of the bond must be received by the Department within 90
734 | days of the effective date.

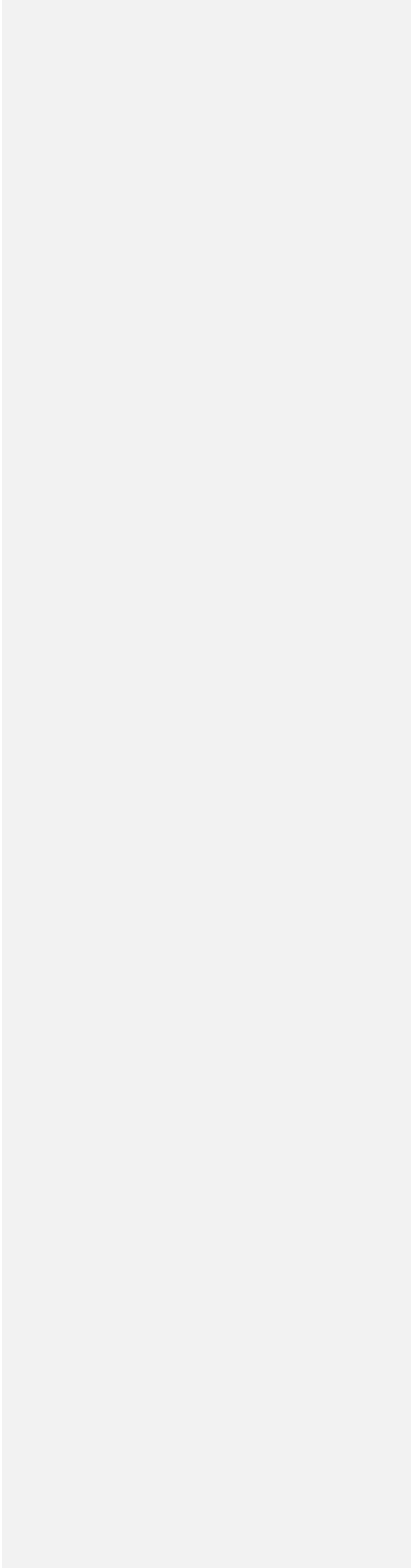
735 |
736 | ~~2)3)~~ A cultivation center will not be held in default should the failure to
737 | comply as required herein be the direct result of an event or effect that cannot be
738 | reasonably anticipated or controlled, such as an act of God or nature and not the
739 | result of a lack of good faith effort.

740 |
741 | h) The cultivation center shall provide documentation that it meets all federal, state and local
742 | building, zoning and fire codes and that all local ordinances are met.

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i) The use of pesticides as part of the growing process by a cultivation center must be in compliance with the provisions of Section 1000.470 of this Part.

j) Improper use of pesticides in the cultivation of a batch as provided in this Part may result in the destruction of the batch and denial, suspension, or revocation of the cultivation center's permit.



749

750 Section ~~1000.30~~1000.50 Permits – General Provisions

751 a) A cultivation center permit issued under ~~these rules~~this Part is the property of the State of
752 Illinois and shall be surrendered upon demand of the Department.

753

754 b) As part of the permit process, all applicants for a cultivation center permit shall sign a
755 written statement certifying under penalty of perjury that:

756

757 1) All of the information provided on the application is true and accurate to the best
758 of the applicant's knowledge and that the applicant must notify the Department of
759 any significant changes to any of the information provided to the Department
760 during the application process, such as but not limited to ownership, financial
761 interest, operational structure, criminal history.

762

763 2) The applicant understands that the medical cannabis laws and enforcement of the
764 laws by the State of Illinois and the federal government are subject to change at
765 any time.

766

767 3) The applicant understands that the cultivation center permit is not transferable,
768 except as provided in Section 1000.~~110-120~~ of ~~these Rules~~this Part, and that the
769 permit is the property of the State of Illinois and shall be surrendered upon demand
770 of the Department.

771

772 4) The applicant specifically acknowledges receipt and advisement of the notices
773 contained in the application and agrees to and accepts the limitations of liability
774 and the requirement to indemnify, hold harmless and defend the State of Illinois,
775 including:

776

777 A) Limitation of Liability – the State of Illinois shall not be liable to the
778 permitted cultivation center, the cultivation center's agents, family
779 members or guest(s) for any damage, injury, accident, loss, compensation
780 or claim, based on, arising out of, or resulting from the permitted
781 cultivation center's participation in the Compassionate Use of Medical
782 Cannabis Pilot Program Act, including, but not limited to, the following:
783 arrest, seizure of persons and/or property, prosecution pursuant to State or
784 federal laws by State or federal prosecutors, any fire, robbery, theft,
785 mysterious disappearance or any other casualty; or the actions of any other
786 permittees, registrants or persons. This Limitation of Liability provision
787 shall survive expiration or the early termination of this permit if the permit
788 is granted; and

789 A)B) Hold Harmless/Indemnification - the permitted cultivation center,
790 it's principal officers, board members, producer backers, agents,
791 employees, family members or guest(s) shall hold harmless and or
792 indemnify the State of Illinois, its officers and employees against any civil

793 | action commenced against the State and/or its officers or employees based
794 | upon illness and/or death as a result of the possession, cultivation,
795 | transportation, or other use of medical cannabis ingested in any way
796 | authorized under the provisions of these Rules this Part and the Act.

797 |
798 | B)C) Federal Prosecution – the United States Congress has determined
799 | that cannabis is a controlled substance. ~~and~~ Illinois has placed cannabis in
800 | Schedule I of the Illinois Controlled Substances Act. Growing, distributing,
801 | transporting and possessing cannabis in any capacity, other than as part of a
802 | federally authorized research program, is a violation of federal laws. The
803 | ~~s~~State of Illinois' Compassionate Use of Medical Cannabis Pilot Program
804 | Act does not authorize any registrant-permittee to violate federal or state
805 | laws.

Comment [M38]: new

- 806 |
807 | 5) The applicant understands that medical cannabis shall be transported only in a
808 | medical cannabis container as defined by this Part.
809 |
810 | 6) The applicant understands that unused medical cannabis shall not be transferred,
811 | shared, given, or delivered to any other person regardless of whether they are
812 | participating in the Compassionate Use of Medical Cannabis Pilot Program Act.
813 |
814 | 7) The applicant understands that qualifying patients and caregivers shall not grow or
815 | cultivate medical cannabis other than as a cultivation center agent.
816 |
817 | 8) The applicant understands that the Department may deny an application if the
818 | documentation is incomplete; or if the Department determines after an inquiry or
819 | investigation that the information provided was false, misleading, forged, or
820 | altered.
821 |
822 | 9) The applicant understands that upon issuance of a permit, the cultivation center is
823 | subject to random inspections by the Department, the ISP, and the Department of
824 | Public Health.

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828

829 **Section 1000.60 Evidence of Financial Responsibility - Terms**

830 a) In addition to the other terms and conditions permitted by the Act and this Part, upon
831 request by the cultivation center for consideration of the following, the Department shall,
832 by written or electronic notification, permit the cultivation center's two million dollar
833 (\$2,000,000) escrow account, letter of credit or surety bond to be reduced by five-hundred
834 thousand dollars (\$500,000) upon the successful achievement of each of the following
835 milestones, resulting in a potential elimination in the escrow account, letter of credit or
836 surety bond:

837 1) A determination by the Department that the cultivation center is fully operational
838 and able to commence production of ~~marijuana~~cannabis as provided for in the
839 licensepermit application of the cultivation center;

840 2) A determination by the Department that the cultivation center remained
841 operational without substantial interruption, was able to provide an uninterrupted
842 supply of medical cannabis to licensed dispensaries, as required by Sections
843 1000.40g) and 1000.240 of this Part, and operated without any violation of the Act
844 or this Part for a one year period;

845 3) A determination by the Department that the cultivation center remained
846 operational without substantial interruption, was able to provide an uninterrupted
847 supply of medical cannabis to licensed dispensaries, as required by Sections
848 1000.40g) and 1000.240 of this Part, and operated without any violation of the Act
849 or this Part for two consecutive years; and

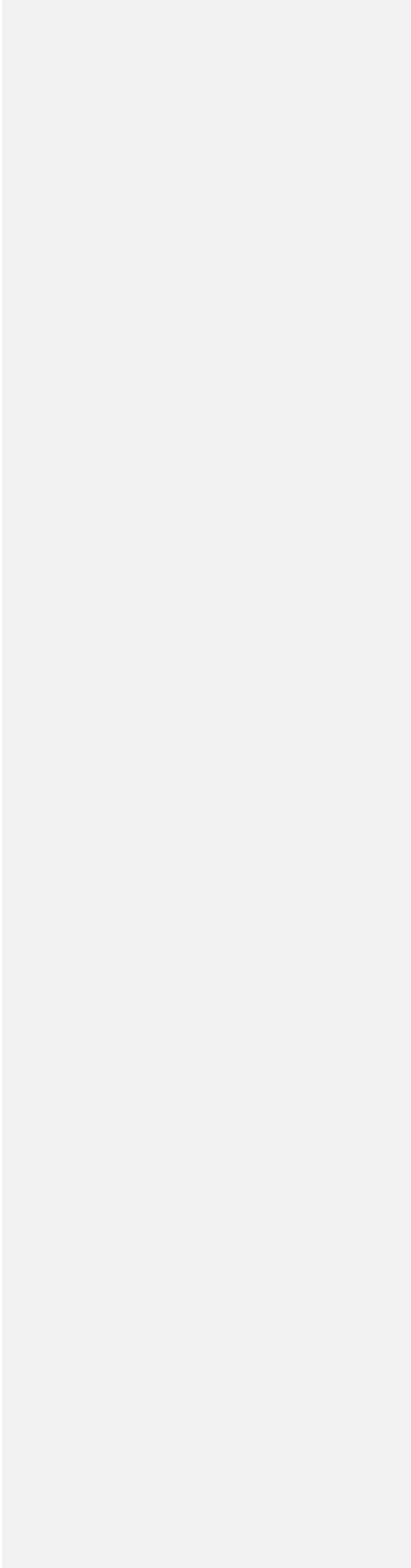
850 4) A determination by the Department that the cultivation center remained
851 operational without substantial interruption, was able to provide an uninterrupted
852 supply of medical cannabis to licensed dispensaries as required by Sections
853 1000.40g) and 1000.240 of this Part, and operated without any violation of the Act
854 or this Part for three consecutive years.

855 b) If a cultivation center voluntarily chooses not to renew its permit, provides notice of this
856 decision in accordance with Section 1000.600 of this Part and is not in violation of the Act
857 or this Part, the Department shall terminate the obligations under the escrow account,
858 letter of credit or surety bond at the end of the permit term.

859 c) Should the sunset provision of the Act, found in Section 220 of the Act, take effect and no
860 successor medical cannabis program be in place allowing for the continuation of
861 cultivation centers as provided for in this pilot program and this Part, provided the
862 cultivation center is not in violation of the Act or this Part, any remaining amount left in

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escrow, under a letter of credit or a surety bond under this Part shall be released to the cultivation center.



866 Section 1000.70 Variances

867 a) The Department may grant variances from this Part in individual cases where it finds
868 that:

- 869 1) The applicable provision is not statutorily mandated;
870
871 2) No party will be injured by the granting of the variance; and
872
873 3) The provision from which the variance is granted would, in the particular case, be
874 unreasonable or unnecessarily burdensome.
875

876 ~~4~~4) _____ The variance requested is from the requirements of:

- 877
878 A) Section 1000.210(a)(1) to allow a cultivation center to be located within
879 1000 feet of a dispensary, or
880
881 B) Section 1000.40(b)(4) to allow the exchange or sale of seedlings, clones or
882 cuttings of strains of cannabis between cultivation centers in the event of a
883 shortage due to a catastrophic event or to promote the development and
884 production of strains that are beneficial to patients.
885

886
887 b) Any request for a variance shall be in writing, an original and 2 copies, and shall include
888 the following:

- 889 1) Identification of the specific requirement in question;
890
891 2) A description of the variance;
892
893 3) The rationale for the variance and why the provision or requirement is
894 unreasonable or unnecessarily burdensome in the particular case;
895
896 4) An explanation as to why no party will be injured if the variance is granted; and
897
898 5) The required fee as stated in Section 1000.140 of this Part.
899

900
901 c) Upon receipt of a request for a variance, the Director will appoint an unbiased panel of no
902 more than 3 members to review the request.

903
904 ~~6~~1) _____ The panel may request additional information or documentation from the
905 applicant.

906
907 ~~7~~2) _____ The panel shall either approve or deny the request within 30 calendar days
908 of the date of receipt of the request, or the date of receipt of any additional
909 information thereafter, and notify the applicant in writing.
910

911 | SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

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913 |
914 | **Section 1000.100 Permit Application**

- 915 | a) A Cultivation Center Permit ("Permit") shall be obtained for each facility prior to
916 | commencement of any production activities. Said permit shall, along with any other
917 | certificate, business license or other authorization required to conduct production
918 | activities, be posted in a conspicuous place within the facility.
919 |
920 | b) The Department shall accept applications for cultivation center permits for 30 calendar
921 | days after the date indicated on the Department's website that the Department will be
922 | accepting applications.
923 |
924 | 1) Submissions shall be considered as submitted on the date on which they are
925 | postmarked or, if delivered in person during regular business hours, on the date on
926 | which they are so delivered.
927 |
928 | 2) Submissions received after the 30 day period or any way other than required
929 | above shall be returned to the applicant.
930 |
931 | c) The permit application shall be submitted on forms and in accordance with the Act, ~~the~~
932 | ~~rules~~this Part and the instructions provided by the Department on the application. If all
933 | materials, documentations, fees and information required by the Act, ~~the rules~~this Part,
934 | and the application are not submitted, the application shall be ~~denied~~returned to the
935 | applicant. The applicant shall then have seven (7) calendar days to resubmit the
936 | application in its entirety. Once submitted, the required fee will not be returned.
937 |
938 | d) An applicant applying for a cultivation center permit shall submit, in duplicate, the
939 | following:
940 |
941 | 1) *The proposed legal name of the cultivation center (Section 85 of the Act);*
942 |
943 | 2) *The proposed physical address of the cultivation center and description of the*
944 | *enclosed, locked facility as it applies to cultivation centers where medical*
945 | *cannabis will be grown, harvested, manufactured, packaged, or otherwise*
946 | *prepared for distribution to a dispensing organization (Section 85 of the Act);*
947 |
948 | 3) *The name, address, and date of birth of each principal officer and board member*
949 | *of the cultivation center, provided that all those individuals shall be at least 21*
950 | *years of age (Section 85 of the Act);*
951 |
952 | 4) *Any instance in which a business that any of the prospective board members of the*
953 | *cultivation center had managed or served on the board of the business and was*
954 | *convicted, fined, censured, or had a registration or license suspended or revoked*
955 | *in any administrative or judicial proceeding (Section 85 of the Act);*
956 |

- 957 5) *Cultivation, inventory, and packaging plans* (Section 85 of the Act);
958
959 6) *Proposed operating by-laws* (Operation and Management Practices Plan) *that*
960 *include procedures for the oversight of the cultivation center, development and*
961 *implementation of a plant monitoring system, medical cannabis container tracking*
962 *system, accurate record keeping, staffing plan, and a security plan that the*
963 *Department will submit for review to the Illinois State Police. A physical*
964 *inventory shall be performed of all plants and medical cannabis containers on a*
965 *weekly basis* (Section 85 of the Act). The ISP may utilize the services of a private
966 security contractor licensed by the Department of Financial and Professional
967 Regulations to assist with performing a security plan review;
968
969 7) *Experience with agricultural cultivation techniques and industry standards*
970 (Section 85 of the Act), including experience with the cultivation of agricultural or
971 horticultural products, operating an agriculturally related business, or operating a
972 horticultural business;
973
974 8) *Any academic degrees, certifications, or relevant experience with related*
975 *businesses* (Section 85 of the Act);
976
977 9) *The identity of every person, association, trust, producer backer, partnership, other*
978 *entity or corporation having any direct or indirect pecuniary interest in the*
979 *cultivation center operation with respect to which the registration is sought. If the*
980 *disclosed entity is a trust, the application shall disclose the names and addresses*
981 *of the beneficiaries* (Section 85 of the Act);
982
983 10) If a sole proprietorship, the name, residence, and date of birth of the owner;
984
985 11) If a partnership, the names and addresses of all partners, both general and
986 limited (Section 85 of the Act), and any partnership or joint venture documents;:
987
988 A) For a domestic limited partnership, a copy of the Certificate of Limited
989 Partnership and a Certificate of Good Standing from the Illinois
990 Secretary of State dated within the last sixty (60) days.
991
992 B) For a foreign limited partnership, a certificate of Good Standing from
993 the state of formation, a copy of the Certificate of Authority from the
994 Illinois Secretary of State and a Certificate of Good Standing from the
995 Illinois Secretary of State dated within the last sixty (60) days.
996
997 12) If a limited liability partnership, the names and addresses of all partners, and any
998 partnership or joint venture documents.
999
1000 A) For a domestic limited liability partnership, a copy of the Certificate of
1001 Limited Liability Partnership and a Certificate of Good Standing from
1002 the Illinois Secretary of State dated within the last sixty (60) days.

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A)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 sixty (60) days.

13) If a corporation based in Illinois, a copy of the Articles of Incorporation and a ~~proof copy~~ of ~~the Certificate of eGood sStanding~~ issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the ~~previous last sixty (60) days~~. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, ~~proof a copy of the Certificate of eGood sStanding~~ from the state or country in which the corporation is domiciled, ~~and a current copy of the Certificate of Authority to Transact Business in the State of Illinois~~ from the Illinois Secretary of State ~~and a Certificate of Good Standing from the Illinois Secretary of State dated within the last sixty (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* (Section 85 of the Act).

14) If a limited liability company:

A) For a domestic limited liability company, a copy of the Articles of Organization, ~~proof copy~~ of the Certificate of eGood sStanding issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the ~~previous last sixty (60) days~~, and a listing of the members of the limited liability company and his, her, or its contact information;

A)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 sixty (60) days.

15) If another type of business entity, the same or similar information, as applicable, to that listed in this subsection;

16) *Verification from the Illinois State Police that all background checks of the principal officer, board members, and registered agents have been conducted and those individuals have not been convicted of an excluded offense* (Section 85 of the Act);

17) *A copy of the current local zoning ordinance to the Department and verification from the local zoning authority that the proposed cultivation center is in compliance with the local zoning rules issued in accordance with Section 140 of*

1049 the Act (Section 85 of the Act);

1050
1051 A) If the property is not owned but is currently leased by the applicant, the
1052 applicant shall provide: a copy of the lease; confirmation of land
1053 ownership; identification of any mortgagors and/or lienholders; a written
1054 statement from the property owner and/or landlord, certifying consent that
1055 the applicant may operate a cultivation center on the premises at least
1056 through December 31, 2017; and, if applicable, verification of notification
1057 by the property owner to any and all mortgagors and/or lienholders that the
1058 property is to be used as a cultivation center at least through December 31,
1059 2017, and consent thereto by any mortgagors and/or lienholders.

1060
1061 B) If the property is not owned or currently leased by the applicant, the
1062 applicant shall provide: a written statement from the property owner
1063 and/or landlord certifying consent that the applicant will lease or purchase
1064 the property for the purpose of operating a cultivation center until at least
1065 December 31, 2017; and, if applicable, verification of notification by the
1066 property owner to any and all mortgagors and/or lienholders that the
1067 property is to be used as a cultivation center at least through December 31,
1068 2017, and consent thereto by any mortgagors and/or lienholders.

1069
1070 C) If the property is owned by the applicant, the applicant shall provide;
1071 confirmation of land ownership; identification of any and all mortgagors
1072 and/or lienholders; and, if applicable, verification of notification to any and
1073 all mortgagors and/or lienholders that the property is to be used as a
1074 cultivation center at least through December 31, 2017, and consent thereto
1075 by any mortgagors and/or lienholders.

1076
1077 18) A non-refundable application fee ~~of \$25,000 per~~ as set forth in Section 1000.140
1078 of this Part for each application. Each application for a particular District shall be
1079 a separate application requiring a separate fee;

1080
1081 19) A location area map of the area surrounding the proposed cultivation center. The
1082 map must clearly demonstrate that the proposed cultivation center is *not located*
1083 *within 2,500 feet of the property line of a pre-existing public or private preschool*
1084 *or elementary or secondary school or day care center, day care home, group day*
1085 *care home, part day child care facility, or an area zoned for residential use.*
1086 (Section 105 of the Act)

1087
1088 20) A plot plan of the cultivation center drawn to a reasonable scale. If the cultivation
1089 center building is in existence at the time of the application, the applicant shall
1090 submit plans and specifications drawn to scale for the interior of the building. If
1091 the building is not in existence at the time of application, the applicant shall submit
1092 a plot plan and a detailed drawing to scale of the interior and the architect's
1093 drawing of the building to be constructed.

1095 | 21) Documentation acceptable to the Department that the individual or entity filing
1096 | the application has at least \$~~250,000~~500,000 in liquid assets. Documentation
1097 | acceptable to the Department includes a signed statement from an Illinois Licensed
1098 | CPA attesting to proof of \$~~250,000.00~~the required amount of ~~in~~ liquid assets under
1099 | the control of an owner or the entity applying. The statement must be dated within
1100 | 30 calendar days before the date the application was submitted.

1101 |
1102 | 22) Documentation acceptable to the Department that the individual or entity filing
1103 | the application will be able to obtain insurance sufficient to indemnify and hold
1104 | harmless the State and its officers and employees as required in Section
1105 | ~~1000.30~~1000.50(b)4)B) of this Part.

1106 |
1107 | ~~23) Projected expenditures expected before the dispensary is operational.~~

1108 |
1109 | ~~24) Projected annual revenue.~~

1110 |
1111 | ~~23) Projected annual budget.~~ All relevant financial information as set forth in Section
1112 | 1000.200 of this Part.

1113 |
1114 | ~~23)~~ The name of any agent-in-charge for each work shift.

1115 | 24)

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1117 |
1118 | 25) If currently or previously licensed or authorized in another state or jurisdiction to
1119 | produce or otherwise deal in the distribution of cannabis in any form, the
1120 | following:

1121 |
1122 | A) A copy of each such licensing/authorizing document verifying licensure in
1123 | that state or jurisdiction;

1124 |
1125 | B) A statement granting permission to contact the regulatory agency that
1126 | granted the license to confirm the information contained in the application;
1127 | and

1128 |
1129 | ~~A)C)~~ If said license/authorization or application therefore was ever
1130 | denied, suspended, revoked or otherwise sanctioned, a copy of
1131 | documentation so indicating, or a statement that the applicant was so
1132 | licensed and was never sanctioned while so engaged.

1133 |
1134 | e) The applicant shall sign a notarized statement certifying that:

1135 |
1136 | 1) No prospective principal officer or board member has been convicted of an
1137 | excluded offense in any state or country,

1138 |
1139 | 2) The cultivation center ~~has been~~will registered with the Illinois Department of

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Revenue should the applicant be granted a permit, and

3) The application is complete and accurate.

4) 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 permitted 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 medical cannabis may affect an individual's ability to receive federal or State licensure in other areas;
- F) Use of medical 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 410 ILCS 130/25, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and
- H) Applicants shall indemnify, hold harmless, and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

5) The Department has authority to include additional certifications in the application that would be sufficient to ensure compliance with the program and all other applicable laws.

1179

1180 | **Section ~~1000.105~~1000.110 Permits - Selection Criteria**

1181

1182 | a) Each application shall address all criteria and measures as set forth in ~~these rules~~[this Part](#).
1183 | The failure by an applicant to address all of the required criteria and measures will result
1184 | in the application being denied.

1185

1186 | b) The required criteria and measures shall include the following:

1187

1188 | 1) Suitability of the Proposed facility:

1189

1190 | A) Measure 1: The applicant demonstrates that the proposed facility is suitable
1191 | for effective and safe cultivation of medical cannabis, sufficient in size,
1192 | power allocation, air exchange and air flow, interior layout, lighting, and
1193 | sufficient both in the interior and exterior to handle the bulk agricultural
1194 | production of medical cannabis, cannabis-infused products, product
1195 | handling, storage, trimming, packaging, ~~loading~~ and shipping. ~~The~~
1196 | ~~loading/unloading of medical cannabis in the transport motor vehicle for~~
1197 | ~~shipping shall be in an enclosed, secure area out of public sight;~~

1198

1199 | B) Measure 2: The applicant demonstrates the ability to continue to meet
1200 | qualifying patient demand by expanding the cultivation facility in a quick
1201 | and efficient manner with minimal impact on the environment and the
1202 | surrounding community; and

1203

1204 | C) Measure 3: The applicant provides an employee handbook which will
1205 | provide employees with a working guide to the understanding of the day-
1206 | to-day administration of personnel policies and practices.

1207

1208 | 2) Proposed Staffing Plan and knowledge of Illinois law and rules relating to medical
1209 | cannabis:

1210

1211 | A) Measure 1: The applicant fully describes a staffing plan that will provide
1212 | and ensure adequate staffing and experience for all accessible business
1213 | hours, safe ~~growing and cultivation, production,~~ sanitation, adequate
1214 | security and theft prevention; and

1215

1216 | B) Measure 2: The applicant shall provide an Operations and Management
1217 | Practices Plan that demonstrates compliance with the Department's medical
1218 | cannabis rules and the Act.

1219

1220 | 3) Security Plan:

1221

1222 | A) Measure 1: The applicant's security plan demonstrates its ability to prevent
1223 | the theft or diversion of medical cannabis and how the plan will assist with
1224 | ISP, Department, and local law enforcement. Specifically, it shall

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evidence compliance with all items in Sections 1000.~~140-140~~,
1000.~~142-145~~, and 1000.~~143-150~~ of ~~these rules~~this Part.

- B) Measure 2: 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 medical cannabis with ISP and the Department.
- C) Measure 3: The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store medical cannabis, its security measures, including when the location is closed for business, and the steps taken to ensure that medical cannabis is not visible to the public.
- D) Measure 4: The applicant shall describe its transportation plan regarding procedures for safely and securely delivering medical cannabis to registered dispensaries.

4) Cultivation Plan:

- A) Measure 1: The applicant shall describe its plan to provide a steady, uninterrupted supply of medical cannabis to registered dispensaries.
- B) Measure 2: 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: The applicant demonstrates the steps that will be taken to ensure the quality of the cannabis, including the purity and consistency of the medical cannabis to be provided to dispensaries.

5) Product Safety and Labeling Plan:

- A) Measure 1: The applicant shall describe its plan for providing safe and accurate packaging and labeling of medical cannabis.
- B) Measure 2: The applicant shall describe its plan for testing medical cannabis and ensuring that all medical cannabis is free of contaminants, including but not limited to pesticides, microbiological, and residual solvent-residues. If applicable, the applicant shall provide quality history records showing specific testing results from laboratory testing conducted on the applicant's cannabis products.
- C) Measure 3: 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

1271 | other means to be or potentially be defective or have a reasonable
1272 | probability that their use or exposure to will cause serious adverse health
1273 | consequences. At a minimum, the plan should include the method of:
1274 | identification of the products involved; notification to the dispensary
1275 | organization or others to whom the product was sold or otherwise
1276 | distributed; and how the products will be disposed of if returned to or
1277 | retrieved by the applicant.

1278 |
1279 | 6) Applicant's business plan and services to be offered:
1280 |

1281 | A) Measure 1: The applicant shall provide a business plan that describes how
1282 | the cultivation center plans to operate on a long-term basis. This shall
1283 | include the applicant providing a detailed description about the amount
1284 | and source of the equity and debt commitment for the proposed cultivation
1285 | center that demonstrates the immediate and long-term financial feasibility
1286 | of the proposed financing plan, the relative availability of funds for capital
1287 | and operating needs, and the financial capability to undertake the project.
1288 |

1289 | B) Measure 2: The applicant or its officers, board members, or incorporators
1290 | demonstrates experience in business management and/or having medical
1291 | industry, agricultural or horticultural experience and the extent of their
1292 | involvement in or ability to influence the day-to-day operations of the
1293 | facility.
1294 |

1295 | C) Measure 3: The business plan demonstrates a start-up timetable which
1296 | provides an estimated time from permit approval of the cultivation center
1297 | to full operation, and the assumptions used for the basis of those estimates.
1298 |

1299 | c) The Department shall award bonus points for preferred but not required initiatives based
1300 | on the applicant's ability to meet or exceed minimum requirements in the following
1301 | categories:
1302 |

1303 | 1) Labor and Employment Practices: The applicant ~~shall~~ may describe any plans it
1304 | has to:
1305 |

1306 | A) Provide a safe, healthy and economically beneficial working environment
1307 | for its employees, including, but not limited to, its plans regarding
1308 | workplace safety and environmental standards, codes of conduct,
1309 | healthcare benefits, educational benefits, retirement benefits, and wage
1310 | standards.
1311 |

1312 | B) Recruit and/or hire minorities, women, veterans, disabled persons and
1313 | Illinois residents.
1314 |

1315 | 2) Research Plan: The applicant ~~shall~~ may provide the Department with a detailed
1316 | proposal to conduct, or facilitate, a scientific study or studies related to the

Comment [M39]: new

1317 medicinal use of cannabis. To the extent it has been determined, the applicant may
1318 include in its proposal, a detailed description of:

- 1319 A) The methodology of the study;
- 1320
- 1321 B) The issue(s) to be studied;
- 1322
- 1323 C) The method(s) that will be used to identify and select study participants;
- 1324
- 1325 D) The identity of all persons or organizations that will be worked with in
- 1326 connection with the study, including the role of each;
- 1327
- 1328 E) The duration of the study; and
- 1329
- 1330 F) The intended use of the study results.
- 1331
- 1332

- 1333 | 3) Community Benefits Plan: The applicant shall may provide the Department with a
1334 | detailed description of any plans the applicant has to give back to the local
1335 | community if awarded a cultivation center permit.
- 1336 |
- 1337 | 4) Substance Abuse Prevention Plan: The applicant shall may provide a detailed
1338 | description of any plans it will undertake, if awarded a cultivation center permit, to
1339 | combat substance abuse in Illinois, including the extent to which the applicant will
1340 | partner, or otherwise work with existing substance abuse programs.
- 1341 |
- 1342 | 5) Local Community/Neighborhood Report: The applicant shall may provide
1343 | comments, concerns or support regarding the potential impact of the proposed
1344 | location to the local community and neighborhood. This shall may include the
1345 | local community's concerns or support regarding the proposed location's proximity
1346 | to substance abuse treatment centers, day care centers, schools and halfway
1347 | houses.
- 1348 |
- 1349 | 6) Environmental Plan: The applicant shall may demonstrate an environmental plan
1350 | of action to minimize the carbon footprint, environmental impact, and resource
1351 | needs for the production of medical cannabis. The applicant shall may describe
1352 | any plans for: (1) the use of alternative energy; (2) the treatment of waste water
1353 | and runoff; and (3) scrubbing or treatment of exchanged air.
- 1354 |
- 1355 | 7) Verification of Minority Owned ~~Business~~, Woman Owned ~~Business or~~, Veteran
1356 | Owned, or Disabled Person Owned Business: The Minority, Woman, ~~or~~ Veteran,
1357 | or Disabled Person applicant must own at least 50-51 percent of the entity
1358 | applying for registration. The percentage totals may include any combination
1359 | thereof. The Minority, Woman, ~~or~~ Veteran, or Disabled Person applicant must
1360 | also share in control of management and day-to-day operations of the permitted
1361 | facility. Documentation must be submitted at the time of application that
1362 | demonstrates the respective status of the applicant.

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- 8) Verification that the applicant's principal place of business is headquartered in Illinois. The names, addresses and verification of the applicant's proposed agents that reside in Illinois. The applicant may also provide a plan for generating Illinois-based jobs and economic development.
- d) Should the applicant be awarded a permit, the information and plan that an applicant provided in its application becomes a mandatory condition of the permit. If a permittee fails to comply with standard and special conditions of the permit, the Department may assess a penalty or seek suspension or revocation of the permit pursuant to Section 1000.500700 of this Part.
- e) The Department may issue a cultivation center permit with conditions addressing weaker areas of the cultivation center's application that shall be addressed and corrected in the manner and timeframe set forth in the permit.
- f) There shall not be more than one permit issued per each of the twenty-two (22) Illinois State Police ISP District boundary-boundaries as specified on the date of January 1, 2013.
- 1) A permit shall be issued to the qualified applicant receiving at least the minimum required score in each category and the highest total score overall as compared to the applicants within the applicable district.
 - 2) Since Illinois State Police ISP District Chicago (District C) incorporates ISP Districts 3 and 4, Therefore, the Department shall issue two separate permits for ISP District C.
- g) In the event that two (2) or more qualified applicants for a cultivation center permit receive the same total score, the Department shall select the applicant that received the highest score in the cultivation plan category. In the event that the same two (2) applicants received the same score in the cultivation plan category, the Department shall select the applicant that received the highest score in the security plan category.
- 1) If a tie score still remains, the tied applicants will be interviewed by an unbiased panel selected by the Department.
 - 2) The panel will judge the overall applications and suitability, sustainability and likelihood of success of the applicants and award the permit accordingly.
- h) In the event that there are no qualified applicants in a particular District, the applicant with the highest total score will meet with an unbiased panel selected by the Department to determine whether the applicant may be able to cure any deficiencies in their application to become qualified. If the applicant is unable to cure the deficiencies, the panel will meet with the applicant with the next highest score to determine whether they may be able to cure any deficiencies in their application to become qualified. If that

1409 applicant is unable to cure the deficiencies, and there are no qualified applicants in that
1410 particular District, the application process will be reopened. All applicants will be
1411 required to submit a new fee and application for that District.
1412

1413 i) If no qualified applicants are found during the process described above, or if an applicant
1414 that is issued a conditional permit fails to fulfill the conditions of the conditional permit,
1415 or if no permit is issued or active in a particular District for any other reason, the
1416 Department shall announce another period to submit an application for that District. The
1417 application period shall be for 30 calendar days from the date specified in the
1418 announcement.
1419

1420

1421 | **SECTION ~~Section 1000.440~~ 120 Permit ~~Issuance~~ Transferability**

1422 | a) A cultivation center permit shall be issued for the specific location identified on the
1423 | application, and is valid only for the owner, premises, and name designated on the permit
1424 | and the location for which it is issued.

1425 |
1426 | 1) A cultivation center permit is not transferable to a new location without
1427 | Department approval.

1428 |
1429 | 2) In the event that the Department approves the new location as meeting all
1430 | requirements of the Act and this Part, the cultivation center shall have a brief
1431 | transition period of no more than ninety (90) days, approved by the Department, to
1432 | transfer its inventory and begin operations at the new location.

1433 |
1434 | A) The transition period shall not begin until the new location is ready to
1435 | begin production.

1436 |
1437 | B) No product may be transferred to or cultivated at the new location prior
1438 | to the beginning date of this approved transition period.

1439 |
1440 | C) Any product remaining at the original location past the transition period
1441 | shall be destroyed in accordance with the provisions of Section 1000.460
1442 | of this Part.

1443 |
1444 | D) The cultivation center shall notify the Department in writing or by
1445 | electronic transmission once the transfer of inventory is complete, and
1446 | production has begun at the new location.

1447 |
1448 | 3) Upon inspection and verification by the Department that the new location is in
1449 | compliance with the Act and this Part, the Department shall issue a permit
1450 | modification reflecting the new location with the expiration date of the
1451 | previously issued permit.

1452 |
1453 | ~~a) b)~~ A cultivation center permit shall be issued for the specific ~~individual~~ applicant,
1454 | ~~partnership or limited liability company applicant, or corporate applicant~~ as identified in
1455 | the application and shall not be transferable in whole or in part, with the following
1456 | exceptions:

1457 |
1458 | 1) A cultivation center permit may be transferred, without charge, to the surviving
1459 | spouse or domestic partner of a deceased permittee if the permit was issued in the
1460 | names of both of the parties. For the purpose of considering the qualifications of
1461 | the surviving party to receive a cultivation center permit, the ~~d~~Department shall
1462 | require a criminal background check.

1463 |
1464 | 2) A cultivation center permit may be transferred, without charge, to an heir of a

1465 deceased permittee other than as provided above, as determined by the Probate Act
1466 of 1975 [755 ILCS 5]. For the purpose of considering the qualifications of the heir
1467 to receive a cultivation center permit, the Department shall require a criminal
1468 background check and the heir will be subject to all other requirements under the
1469 Act and ~~these rules~~this Part.

1470
1471 c) The proposed sale of any outstanding or issued stock of a corporation permitted under the
1472 Act, or any proposed change in the officers or board members of such a corporation, must
1473 be reported to the ~~department~~Department, and ~~department~~Department approval must be
1474 obtained before the changes are made. A fee ~~of one thousand dollars (\$1,000)~~as set forth
1475 in Section 1000.140 of this Part will be charged for the processing of the change of stock
1476 ownership or corporate officers or board members.

1477
1478 b)d) The proposed change of any person or principal officer of any permittee must be
1479 reported to the Department and Department approval must be obtained before the changes
1480 are made. A fee as set forth in Section 1000.140 of this Part will be charged for the
1481 processing of any such change.

1482
1483 e)e) A cultivation center permit shall not be leased, or subcontracted, in whole or in
1484 part.
1485

1486

1487 **Section 1000.115-130 Permit Renewal**

1488 a) Every cultivation center permit, agent and agent-in-charge identification card issued by
1489 the Department under the Act and this Part shall expire annually on the date it was issued.

1490
1491 b) Every renewal application for a permit, agent, or agent-in-charge identification card
1492 issued pursuant to ~~these rules~~ this Part and accompanied by the proper fee(s) as set forth in
1493 Section ~~1000.38~~ 1000.129-140, shall be filed annually with the department at least 45
1494 calendar days prior to the date the existing permit or registration expires.

1495
1496 a)c) The Department shall send written notification of expiration to each permitted
1497 cultivation center at least 90 days prior to expiration. However, failure to receive a
1498 renewal form from the Department shall not excuse the cultivation center from renewing
1499 the permit prior to its expiration or paying the renewal fee. Cultivating medical cannabis
1500 on an expired permit is ~~unlicensed-not permitted activity~~ and is grounds for imposition of
1501 discipline.

1502
1503 b)d) The Department shall grant a renewal application within 45 days of its
1504 submission if the following conditions are satisfied:

- 1505
1506 *1) the registered cultivation center submits a renewal application and the required*
1507 *renewal fee; and*
1508
1509 *2) the Department of Agriculture has not suspended the registration of the cultivation*
1510 *center or suspended or revoked the registration for violation of the Act or rules.*
1511 *(Section 90 of the Act)*

1512
1513 e)e) Failure to renew prior to the expiration date of the applicable permit or agent or
1514 agent-in-charge identification card shall result in the permit or identification card expiring
1515 and being null and void until such time that the renewal application and all applicable fees
1516 are submitted and approved by the Department.

1517
1518 f)f) If a renewal application and all applicable fees are not submitted to the Department at
1519 least thirty (30) calendar days after the expiration of the permit or identification card, such
1520 permit or identification card shall not be eligible for renewal, and the applicant shall
1521 cease and desist from all production activities.

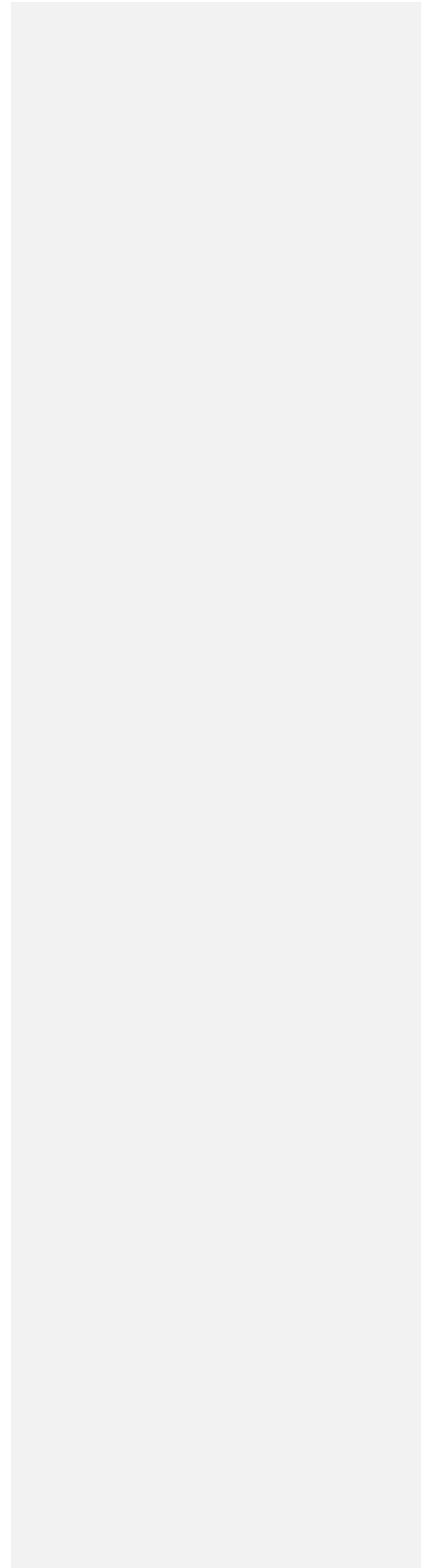
1522
1523 *1) If a permit renewal application and all applicable fees are not submitted to the*
1524 *Department at least thirty (30) calendar days after the expiration of the permit, the*
1525 *Department shall accept applications for cultivation center permits in the*
1526 *applicable State Police District in accordance with Sections 1000.30-100 and*
1527 *1000.32-105-110 of this Part.*

1528
1529 *2) The cultivation center shall dispose of all medical cannabis in its possession in*
1530 *accordance with Section 1000.150-160 of this Part.*

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g) Upon request for renewal, the Department shall consider the permittee's history of compliance with requirements of the Act and this Part, the number and severity of any violations and the correction thereof, as well as penalties or fines imposed or any other enforcement actions.

~~g)h)~~ The Department may deny a renewal after consideration of the permittee's history of compliance as identified herein.



1541

1542 | **Section 1000.120140 Fees**

1543

1544 | a) An applicant shall submit the following non-refundable fees with each permit and
1545 registration application submitted, in the form of a certified check or money order payable
1546 to the "Illinois Department of Agriculture," or by such other means as approved by the
1547 Department:

1548

1549 | 1) The non-refundable application fee for a cultivation center permit shall be twenty-
1550 five thousand dollars (\$25,000) for each application submitted. In addition, if an
1551 application for a cultivation center permit is approved, the applicant shall pay a fee
1552 of two-hundred thousand dollars (\$200,000) for each permit prior to receiving
1553 such permit;

1554

1555 | 2) The fee for each annual renewal of a cultivation center permit shall be one
1556 hundred thousand dollars (\$100,000);

1557

1558 | 3) The non-refundable fee for a cultivation center agent or agent-in-charge
1559 identification card and for each renewal shall be one hundred dollars (\$100);

1560

1561 | 4) The fee for the issuance of a replacement cultivation center agent or agent-in-
1562 charge identification card shall be fifty dollars (\$50);

1563

1564 | 5) The non-refundable fee for an application to change a cultivation center name or
1565 the change of stock ownership or corporate-principal officers shall be one
1566 thousand dollars (\$1,000);

1567

1568 | 6) The fee for an application to make modifications to a cultivation center shall be
1569 five thousand dollars (\$5,000). In addition, upon approval of the application, the
1570 applicant shall pay an additional fee of three thousand dollars (\$3,000);

1571

1572 | 7) The non-refundable fee for an application to make a physical, non-cosmetic
1573 alteration of a cultivation center, other than an expansion, shall be one thousand
1574 dollars (\$1,000); and

1575

1576 | 8) The non-refundable fee for a cultivation center to register a cannabis product with
1577 the Department shall be one hundred dollars (\$100) per product name;

1578

1579 | 8) The fee to request a variance shall be two hundred dollars (\$200).

1580

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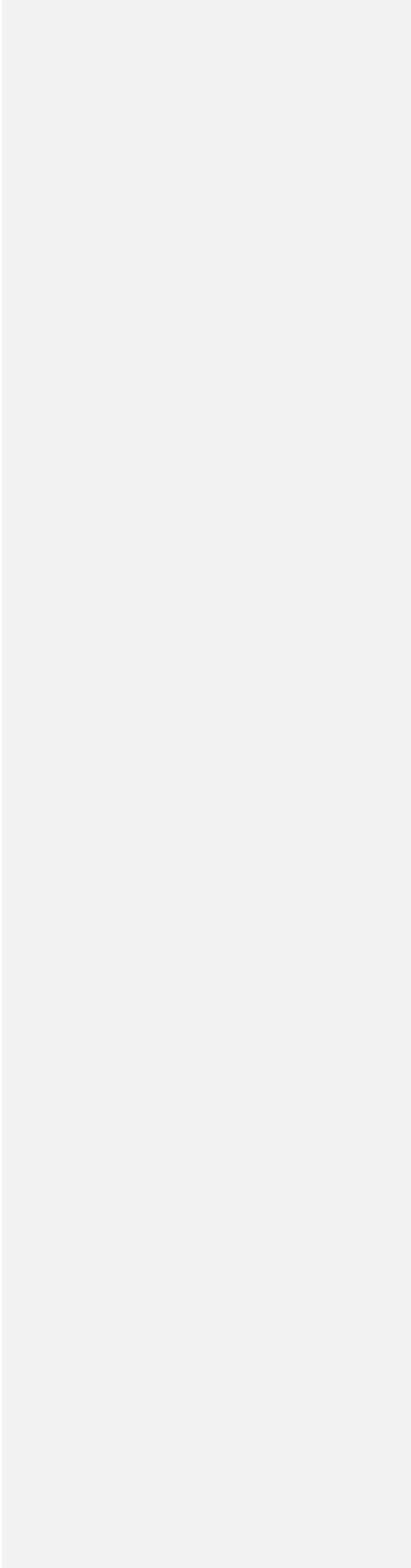
1582 | b) *All monies collected under the Act shall be deposited in the Compassionate Use of*
1583 *Medical Cannabis Fund in the State treasury. (Section 20 of the Act)*

1584

1585 | c) The Department may, through the administrative rule-making process, propose changes to
1586 the fees set forth in this section if the Department deems that such change is necessary to

1587 |
1588

cover costs for implementation, administration, and enforcement of the Act [and this Part](#).



1589 | **Section 1000.~~125~~150 Modifications and Alterations**

- 1590 a) A permit shall be amended before the commencement of any modification to the facility.
1591 This includes any change that modifies the approved permit design capability of
1592 production or process areas including change of capacity, efficiency or process(es).
1593
- 1594 b) Before making any modification to a permitted facility, the cultivation center must
1595 complete an Application for Permit and Construction Approval and submit the application
1596 with the appropriate schedule(s) to the Department.
1597
- 1598 c) An amendment to the permit shall not be required for alterations at the facility.
1599

1600 | **Section 1000.130160 Denial of Cultivation Center Application/Suspension or Revocation of**
1601 **Permit**

1602 a) *An application for a cultivation center permit must be denied if any of the following*
1603 *conditions are met:*

- 1604 | 1) *the applicant failed to submit the materials required by ~~these rules~~this Part;*
1605 | 2) *the applicant would not be in compliance with local zoning rules issued in*
1606 *accordance with Section 140 of the Act;*
1607 | 3) *one or more of the prospective principal officers or board members has been*
1608 *convicted of an excluded offense;*
1609 | 4) *one or more of the prospective principal officers or board members has served as*
1610 *a principal officer or board member for a registered dispensing organization or*
1611 *cultivation center that has had its registration revoked or suspended ;*
1612 | 5) *one or more of the principal officers or board members is under 21 years of age;*
1613 | 6) *a principal officer or board member of the cultivation center has been convicted of*
1614 *a felony under the laws of this State, any other state, or the United States;*
1615 | 7) *a principal officer or board member of the cultivation center has been convicted of*
1616 *any violation of Article 28 of the Criminal Code of 2012, or substantially similar*
1617 *laws of any other jurisdiction; or*
1618 | 8) *the person has submitted an application for a ~~certificate~~permit under the Act*
1619 *and/or ~~these rules~~this Part which contains false information. (Section 85 of the*
1620 *Act)*
1621 | b) *The Department ~~of Agriculture~~ may suspend or revoke a registration for violations of the*
1622 *Act and/or ~~these rules~~this Part.*

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SUBPART C: CULTIVATION CENTER REQUIREMENTS

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Section 1000.200 Financial Disclosure

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a) When applying for a cultivation center permit, 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 permit, this duty of ongoing disclosure shall continue throughout the permitted period. These disclosures shall include:

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1) The ownership structure of the cultivation center;

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2) A current organizational chart that includes position descriptions and the names and resumes of persons holding each position to the extent such positions have been filled. To the extent such information is not revealed by their 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 ~~production facility~~ cultivation center;

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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;

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4) A copy of all compensation agreements with producer backers, directors, owners, officers, growers, other high-level employees or any other persons required to complete such agreements;

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5) A compensation agreement that includes any agreement that provides, or will provide, a benefit to the recipient whether in the form of salary, wages, commissions, fees, stock options, dividends, interest, bonuses or otherwise;

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6) 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 the opening or operating of the proposed ~~production facility~~ cultivation center;

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7) Audited financial statements for the previous fiscal year, which shall include, but not be limited to, an income statement, balance sheet, statement of retained earnings or owners' equity, statement of cash flows, and all notes to such 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 this application, provide certified financial statements for the period of time the

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1669 applicant has been in existence and any pro forma financials used for business
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1672 8) Complete copies of all federal, state and foreign (with translation) tax returns filed
1673 by the applicant for the last three years, or for such period the applicant has filed
1674 such returns if less than three years;
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1676 9) Complete copies of the most recently filed federal, state and/or foreign (with
1677 translation) tax returns filed by each: (i) producer backer; and (ii) each backer
1678 member identified in the applicant's application.
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1680 | b) The applicant shall disclose all sources of funding used to acquire or develop the business
1681 for which the permit is sought, and shall provide independent documentation concerning
1682 the source of such funds and copies of closing documents in connection with the purchase
1683 of a registered business.
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1685 | b)c) The applicant shall disclose the estimated expenditures to be incurred before the
1686 cultivation center is operational.
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1688 | e)d) The applicant shall disclose the estimated full facility cost and projected annual
1689 revenue of the cultivation center under operation.
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1691 | d)e) The applicant shall disclose whether any principal officer and/or board member
1692 has ever:
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1694 1) Filed for bankruptcy;
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1696 2) Defaulted on a student loan;
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1698 3) Defaulted on alimony or child support payment;
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1700 | 4) Been dDisciplined or sanctioned by a State or Federal agency; or
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1702 5) Been convicted of an excluded offense.
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1704 | e)f) The applicant shall disclose whether there are currently or have ever been any state or
1705 federal tax liens against the property of the applicant as well as the property of any
1706 principal officer and/or board member.
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1708 | **Section 1000.205210 Fingerprint-Based Criminal History Records Check**

1710 | a) *No person who has been convicted of an excluded offense may be a cultivation center*
1711 | *agent. (Section 105 of the Act)*

1713 | a)b) The ~~Illinois State Police~~ISP shall act as the Department's agent for purposes of
1714 | receiving electronic fingerprints and conducting background checks of each cultivation
1715 | center agent applying for a cultivation center agent identification card.

- 1717 | 1) The ~~Illinois State Police~~ISP shall conduct background checks for conviction
1718 | information contained within the ~~Illinois State Police~~ISP and Federal Bureau of
1719 | Identification criminal history databases to the extent allowed by law.
- 1721 | 2) For verification of any statutorily imposed duty to conduct background checks
1722 | pursuant to this act, the ~~Illinois State Police~~ISP shall transmit the results of the
1723 | background check to the Department and said transmittal shall conclude the
1724 | verification process.
- 1726 | 3) The electronic background checks shall be submitted as outlined in either Illinois
1727 | Uniform Conviction Information Act [20 ILCS 2635] or Title 20, Section 1265.30
1728 | of Electronic Transmission of Fingerprint Requirements.

- 1730 | A) Manual fingerprints will not be accepted and shall not be scanned and
1731 | converted into an electronic format.
- 1733 | B) Fingerprint images of the individual being fingerprinted, and related alpha
1734 | numeric identification data submitted to the ~~Illinois State Police~~ISP for the
1735 | purpose of this fingerprint based background check, shall be submitted
1736 | electronically.
- 1738 | C) Electronic transmission of fingerprint data to the ~~Illinois State Police~~ISP
1739 | shall be accomplished utilizing livescan procedures or other comparable
1740 | technology approved for use by the ~~Illinois State Police~~ISP.
- 1742 | D) If the fingerprints are rejected by the ~~Illinois State Police~~ISP, the
1743 | cultivation center agent shall have his or her fingerprints collected
1744 | electronically by a livescan fingerprint vendor a second time.
- 1746 | E) In the event of equipment malfunction or other special circumstance that
1747 | makes electronic transmission of fingerprint data impractical, the ~~Illinois~~
1748 | ~~State Police~~ISP may allow limited use of paper fingerprint records.

1750 | a)c) Each cultivation center agent applying for a cultivation center agent identification
1751 | card shall have his or her fingerprints collected electronically by a livescan fingerprint
1752 | vendor which has been licensed by the Illinois Department of Financial and Professional
1753 | Regulation and transmitted to the ~~Illinois State Police~~ISP for processing no more than 30

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1754 days prior to the date of application or renewal for a cultivation center agent
1755 identification card.

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1757 1) The cultivation center agent shall submit a copy of the livescan request form with
1758 the cultivation center agent identification card application or renewal, and receipt
1759 provided from the livescan fingerprint vendor containing the Transaction Control
1760 Number (TCN), to the Department as proof that his or her fingerprints have been
1761 collected.

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1763 2) Cultivation center identification card applications submitted without a copy of the
1764 livescan request form and receipt will be deemed incomplete and will not be
1765 processed until fingerprinting is completed. The fingerprinting process is not
1766 completed until the Department receives the results from the ISP.

1767

1768 3) Any fees associated with the livescan fingerprint-based criminal history records
1769 check shall be the responsibility of the individual seeking a cultivation center
1770 agent identification card and shall be collected by the livescan vendor at the time
1771 of fingerprinting and transmitted to the [Illinois State Police](#)ISP for deposit in the
1772 State Police Services Fund. A convenience fee may be charged by the livescan
1773 vendor as provided by Section 31-5 of the Private Detective, Private Alarm,
1774 Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS
1775 447/31-5].

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1777 d) The Department shall obtain, from the [Illinois State Police](#)ISP, a state and federal
1778 criminal records check, to the extent allowed by law, containing conviction information
1779 for each cultivation center agent applying for a cultivation center agent identification
1780 card.

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1782 e) The Department will maintain the results of the criminal history records check for the
1783 time period associated with the cultivation center agent identification card.

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1785 f) The Department may deny an application or renewal for a cultivation center agent who
1786 has been convicted of an excluded offense.

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1788 g) If the cultivation center agent has been convicted of any excluded offenses, the
1789 Department may approve a cultivation center agent identification card pursuant to this
1790 Part if the person demonstrates that his or her conviction was for the possession,
1791 cultivation, transfer, or delivery of a reasonable amount cannabis intended for medical
1792 use. (Section 10 of the Act) In determining whether to waive a conviction for excluded
1793 offenses, the Department shall determine whether the offense consisted of conduct for
1794 which, had it occurred on or after January 1, 2014, would likely have been protected by
1795 the Act and would likely not have resulted in a conviction.

1796

1797 h) Convictions for violations of the medical cannabis laws of Illinois or any other state or
1798 jurisdiction shall not be waived by the Department.

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1800 | h) Should the Department not be able to obtain from the ISP the required state and/or
1801 | federal criminal records check as required by the Act and this Section, the Department
1802 | shall contract as appropriate with a private detective/investigating agency licensed under
1803 | the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and
1804 | Locksmith Act of 2004 [225 ILCS 447] and in good standing with the Department of
1805 | Financial and Professional Regulation, for the purpose of conducting those records
1806 | checks.
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1809 | **Section 1000.~~210~~-220** Cultivation Center Facility Plans and Specifications

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a) Cultivation centers shall:

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1) Not be located closer than 1,000 feet to another cultivation center or a medical cannabis dispensary.

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2) Not be located closer than 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use. [Section 105 of the Act]

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3) Not be in violation of any other local zoning requirements.

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b) When applying for a permit, the applicant shall provide engineering plans and specifications of the entire cultivation center. 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 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;

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3) Identification of all employee areas that are non-production areas;

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4) The location of all storage areas, ventilation systems, and equipment used for the production of cannabis;

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5) The location of all entrances and exits to the cultivation center;

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6) The location of any windows, skylights, and roof hatches;

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7) The location of all cameras, and their field of view;

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8) The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;

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9) The location of the digital video recorder and alarm control panel;

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10) The location of all restricted and public areas;

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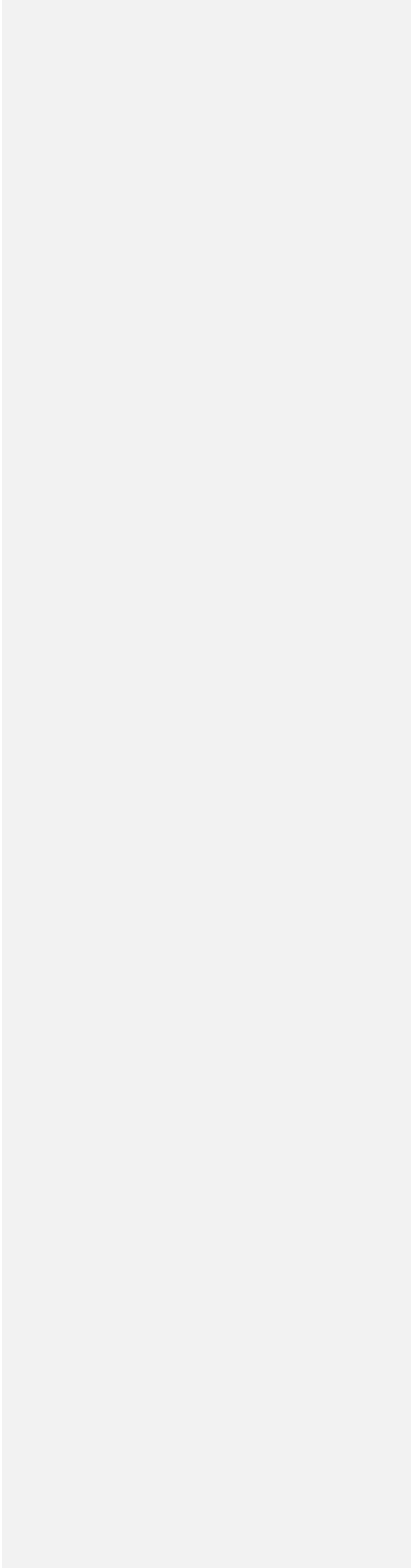
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11) The location where all plant inputs and application equipment is stored;

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12) If applicable, the location of areas designated specifically for the production of cannabis-infused products.

13) The location of the enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.



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1862 | **Section 1000.~~215~~230 Measuring Distances**

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1864 a) In establishing the distance between one or more places, (such as the actual distance of a
1865 cultivation center from a school or day care center, as defined in the Act), the distance
1866 shall be measured linearly and shall be the shortest distance between the closest point of
1867 the property lines of the places.

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1869 b) If a boundary line measured by the Department touches upon any portion of a parcel or
1870 lot, the parcel or lot shall be within the area being identified by the Department.

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1873 | **Section 1000.220240 Failure to Open or Operate**

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a) A cultivation center permit shall be surrendered to the Department upon written notice and demand if the cultivation center fails to begin production within six (6) months after the permit 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 permit 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 over runs, insufficient financing and other factors evidencing a lack of good faith effort.

~~b)~~ A cultivation center permit shall be surrendered to the Department upon written notice and demand if the A cultivation center that fails to maintain production for any reason for more than ninety (90) consecutive days after it has begun production opened for business 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 permit shall be revoked and surrendered to the Department.

~~2)~~ If a response is received within the 30 day period, the Department shall review said response and either approve it and require the cultivation center to come into compliance or reject it and revoke the permit requiring the cultivation center to surrender its permit 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 to patients.

~~b)c)~~ Upon surrender of its cultivation center permit, the cultivation center shall forfeit the balance of its escrow account or surety bond required by Section ~~1000.251000.40~~(fg) of ~~these rules~~this Part.

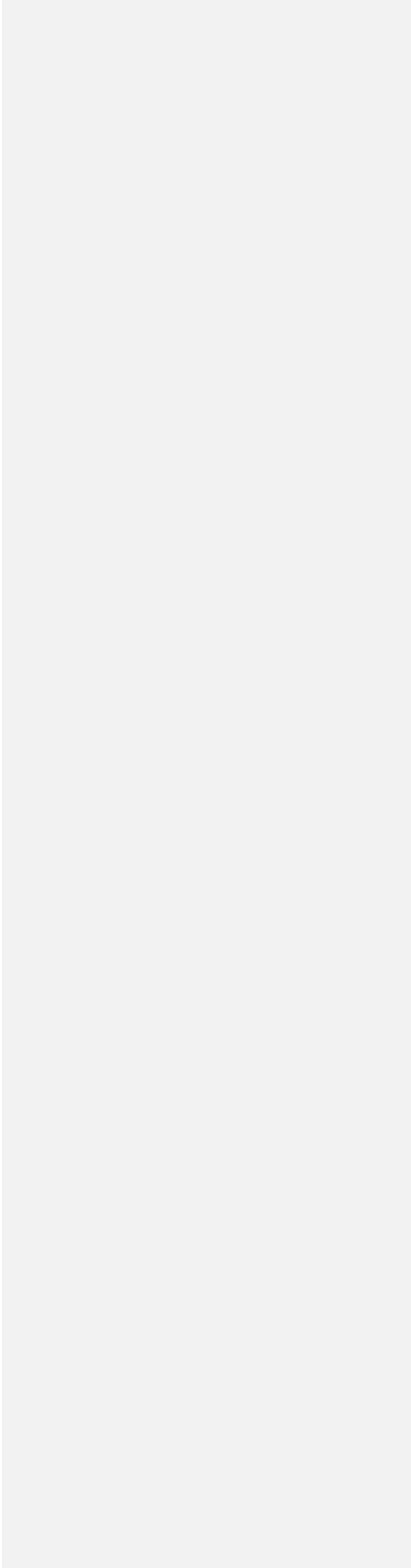
~~e)d)~~ A cultivation center that has failed to continue to operate the cultivation center in a manner that provides an uninterrupted supply of medical cannabis to licensed dispensaries as provided for in Section ~~1000.251000.40~~(fg) of ~~these rules~~this Part shall be notified in writing and given 30 days from the date of notification from the Department to submit a written explanation why it was unable to provide such a supply and how it will correct the situation in the future.

1) If no response is received from the cultivation center or if a response is received after the 30 day period, the permit shall be revoked and surrendered and the escrow account or surety bond required by Section ~~1000.251000.40~~(fg) forfeited

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to the Department.

- 2) If a response is received within the 30 day period, the Department shall review said response and either accept it and require the cultivation center to come into compliance or reject and revoke it requiring the cultivation center to surrender its permit to the Department and forfeit its escrow account or surety bond. 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 to patients.



1929 | **Section 1000.225250 Cultivation Center Records**

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a) Each cultivation center shall keep and maintain upon the permitted 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 dispensary;
- 2) The name, address, and registration number of the dispensary;
- 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 dispensary;
- 4) The price charged and the amount received for the cannabis and cannabis—infused products from the dispensary;
- ~~4)5)~~ If the distribution was for a purpose other than sale, the reason for the distribution
- ~~5)6)~~ The quantity and form of medical cannabis maintained at the cultivation center on a daily basis; and
- ~~6)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 permitted premises for a five-year period and must be made available for inspection if requested by the Department and where applicable the Illinois Department of Revenue:

- 1) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale and any supporting documents, to include 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 cultivation center;
- 3) Accounting and tax records related to the cultivation center and each true party of interest/producer backer;
- 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;

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- 5) All employee records, to include training, education, discipline, etc.;
 - 6) Soil amendment, fertilizers, [pesticides as required by Section 1000.470 of this Part](#), or other crop production aids applied to the growing medium, plants or used in the process of growing cannabis;
 - 7) Production ~~and processing~~ records, including planting, harvest and curing, weighing, destruction of cannabis, creating batches of cannabis-infused products and packaging ~~and labeling into lots and units~~; 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 ~~lots of~~ 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 as described in Section 1000.~~129430~~ [of this Part](#);
 - 10) Inventory records as described in Section 1000.~~130435~~ [of this Part](#);
 - 11) ~~Records of A~~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;
 - 13) Records of any theft, [loss, or other unaccountability](#) of [any](#) cannabis seedlings, clones, plants, trim or other plant material, extract, cannabis-infused product, or other item containing cannabis.

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2007 | **Section 1000.230260 Automated data processing (ADP) and/or point-of-sale (POS) systems**

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- a) The cultivation center shall keep records within an automated data processing (ADP) and/or point-of-sale (POS) system. The system must include a method for producing legible records that will provide the same information required of that type of record within Section 1000.65. The system must be compatible with the State's system in place at the time.
- b) The ADP and/or POS system is acceptable if it complies with the following guidelines:
 - 1) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.
 - 2) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If printouts of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.
 - 3) Has available a full description of the ADP and/or POS portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.
- c) The provisions contained in this section do not eliminate the requirement to maintain source documents.

2032 | **Section 1000.~~235~~270 Mandatory Signage**

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2034 a) Each permitted cultivation center must post a sign in a conspicuous location at each
2035 entrance of the facility that reads, "PERSONS UNDER TWENTY-ONE YEARS OF
2036 AGE NOT PERMITTED ON THESE PREMISES."

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2038 b) Each permitted cultivation center must post a sign in a conspicuous location at each
2039 entrance of the facility that reads, "THESE PREMISES ARE UNDER CONSTANT
2040 VIDEO SURVEILLANCE."

2041

2042 c) A cultivation center agent must keep his or her identification card visible at all times when
2043 on the property of a cultivation center and during the transportation of medical cannabis to
2044 a registered dispensary organization. During these times, the cultivation center agent
2045 must also provide the identification card upon request of any law enforcement officer
2046 engaged in their official duties.

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2048 d) Any visitor must keep his or her visitor pass visible at all times when on the property of a
2049 cultivation center.

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2051 SUBPART D: CULTIVATION CENTER AGENTS/AGENTS-IN-CHARGE

2052 **Section 1000.300 Cultivation Center Agents Application; Issuance; Surrender**

- 2053 a) The cultivation center agent application shall be submitted on forms and in accordance
- 2054 with the Act, the rules and instructions provided by the Department on the application. If
- 2055 all materials, documentations, and information required by the Act, the rules, and the
- 2056 application are not submitted the application will be denied.
- 2057
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- 2060 b) Each principal officer, board member, employee, or agent of a registered cultivation
- 2061 center must apply for a cultivation center agent identification card with the department.
- 2062 Along with the application, the applicant shall submit:
- 2063
- 2064 1) A copy of the applicant's social security card;
- 2065
- 2066 2) A copy of the applicant's valid driver's license or state issued identification card;
- 2067
- 2068 3) A document verifying the applicant's place of residency, such as a bank statement,
- 2069 cancelled check, insurance policy, etc. The document must contain the applicant's
- 2070 full residence address; ~~and~~
- 2071
- 2072 4) A sworn statement that the applicant has not been convicted of an excluded
- 2073 offense in any jurisdiction;
- 2074
- 2075 5) Verification from the ~~Illinois State Police~~ ISP that the applicant's background
- 2076 check has been conducted and that the applicant has not been convicted of an
- 2077 excluded offense;
- 2078
- 2079 6) The application fee; and
- 2080
- 2081 7) Any additional information requested by the Department.
- 2082
- 2083 c) Upon receipt and verification of the above information, ~~the~~ Department shall:
- 2084
- 2085 1) approve or deny the application within 30 days of receipt.
- 2086
- 2087 2) issue each cultivation center agent an identification card, within 15 business days
- 2088 of approval, that shall expire one year after the date of issuance.
- 2089
- 2090 3) Enter the registry identification number of the cultivation center where the agent
- 2091 works.
- 2092
- 2093 d) No person shall begin working at a cultivation center prior to receiving their cultivation
- 2094 center agent identification card.
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- 2096 e) The cultivation center identification card shall contain the following:

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- 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.

~~e)f)~~ A registered cultivation center agent is not subject to prosecution, search, or penalty in any manner, or 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 cultivation center under this Act and Department of Agriculture rules, including to perform the actions listed under Section 1000.251000.40 of these rules this Part. (Section 25 of the Act)

~~f)g)~~ A cultivation center agent must keep his or her identification card visible at all times when on the property of a cultivation center and during the transportation of medical cannabis to a registered dispensary organization. [Section 100 of the Act];

~~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.

~~g)i)~~ Any cultivation center agent identification card that is lost, destroyed by a cultivation center agent or stolen shall be reported to the State Police and the Department immediately upon discovery of the loss, destruction, or theft.

~~h)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 cultivation center agent card to the Department.

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Section 1000.305310 Suspension or Revocation of Agent Identification Card

- a) The Department may suspend or revoke a cultivation center agent identification card for any of the following reasons:
- 1) Submission of misleading, incorrect, false, or fraudulent information in the application or renewal application;
 - 2) Violation or violations of the requirements of the Act or this Part;
 - 3) Fraudulent use of the cultivation center agent identification card;
 - 4) Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;
 - 5) Tampering with, falsifying, altering, modifying, or duplicating a cultivation center agent identification card;
 - 6) Failure to notify the Department within ten business days after becoming aware that the cultivation center identification card has been lost, stolen or destroyed;
 - 7) Failure to notify the Department within ten business days after a change in the information provided in the application for a cultivation center identification card; or
 - 8) Conviction of an excluded offense following the issuance of a cultivation center identification card.
- b) In addition, each of the following shall be grounds for the revocation of a cultivation center identification card:
- 1) The cultivation center agent is convicted of a felony drug offense in Illinois or of a like violation of the laws of another state, the United States or a military, territorial, or Indian tribal authority, or another country; or
 - 2) The cultivation center agent is deceased.

2169

2170 | **Section 1000.310-320 Cultivation Center Agent- in- Charge**

2171

2172 | a) Every cultivation center shall designate, at a minimum, one agent-in-charge.

2173 | Maintaining an agent-in-charge is a continuing requirement for a valid cultivation

2174 | center permit.

2175

2176 | b) Every cultivation center agent-in-charge shall have a valid current cultivation center

2177 | agent identification card issued by the Department as set forth in Section

2178 | ~~1000.691000.300~~ of ~~these Rules~~this Part, designating that individual as an agent-in-

2179 | charge. The application for the cultivation center identification card with the agent-

2180 | in-charge designation shall include authorization from an principal officer or board

2181 | member of the cultivation center granting said designation.

2182

2183 | c) The agent-in-charge shall be a full-time officer or employee of the cultivation center

2184 | and shall participate in cultivation center affairs. Participation in cultivation center

2185 | affairs includes, but is not limited to, responsibility for the overall operation of the

2186 | cultivation center. Participation in cultivation center affairs also includes the

2187 | responsibility of the agent-in-charge for maintaining all files subject to audit or

2188 | inspection by the Department. These files shall be located within Illinois.

2189

2190 | d) The agent-in-charge is responsible for notifying the Department, on forms provided

2191 | by the Department, of any change of information required to be reported in any

2192 | application for registration within 10 work days after the change.

2193

2194 | e) ~~If the cultivation center is a corporation or a limited liability company, t~~The agent-in-

2195 | charge is responsible for maintaining the good standing of the ~~corporation or limited~~

2196 | ~~liability company~~permittee organization with the Secretary of State, if applicable. ~~If~~

2197 | ~~the cultivation center is a foreign corporation, the agent in charge is responsible~~and

2198 | for maintaining its authorization to conduct business in Illinois, if applicable.

2199

2200 | f) In determining whether an agent-in-charge participates in cultivation center affairs,

2201 | the Department may consider the responsibilities identified in this Section, the

2202 | number of employees under the direct supervision of the agent-in-charge, and the

2203 | employment relationship between the agent-in-charge and the cultivation center,

2204 | including the existence of a contract for employment and any other relevant fact or

2205 | circumstance.

2206

2207 | g) The agent-in-charge is responsible for notifying the Department, on forms provided

2208 | by the Department, of a change in the employment status of all cultivation center

2209 | agents, and the nature and reason for the status change, within 10 work days after the

2210 | change.

2211

2212 | h) Upon written request by an officer or board member of the cultivation center, within

2213 | 10 days after the loss of an agent-in-charge due to the death or incapacity of that

2214 | individual or termination of the employment of that individual, the Department shall

2215 issue a temporary certificate of authority allowing the continuing operation of the
2216 cultivation center. No temporary certificate of authority shall be valid for more than
2217 90 days. An extension of an additional 90 days may be granted upon written request
2218 by the representative of the cultivation center. Not more than 2 extensions may be
2219 granted to any cultivation center. No temporary permit shall be issued for loss of the
2220 agent-in-charge because of disciplinary action by the Department related to his or her
2221 conduct on behalf of the cultivation center.
2222
2223 i) The cultivation center agent-in-charge identification card shall expire annually on the
2224 date it was issued. The cultivation center shall renew the agent-in-charge
2225 identification card annually. The Department shall review the cultivation center's
2226 compliance history when determining whether to grant the request to renew.
2227
2228 j) A cultivation center shall submit a full set of fingerprints in electronic formats as
2229 outlined in the Act and this Part with the agent-in-charge's annual identification card
2230 renewal.
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Section 1000.315330 Denial, Suspension or Revocation of Agent-in-Charge Identification Card

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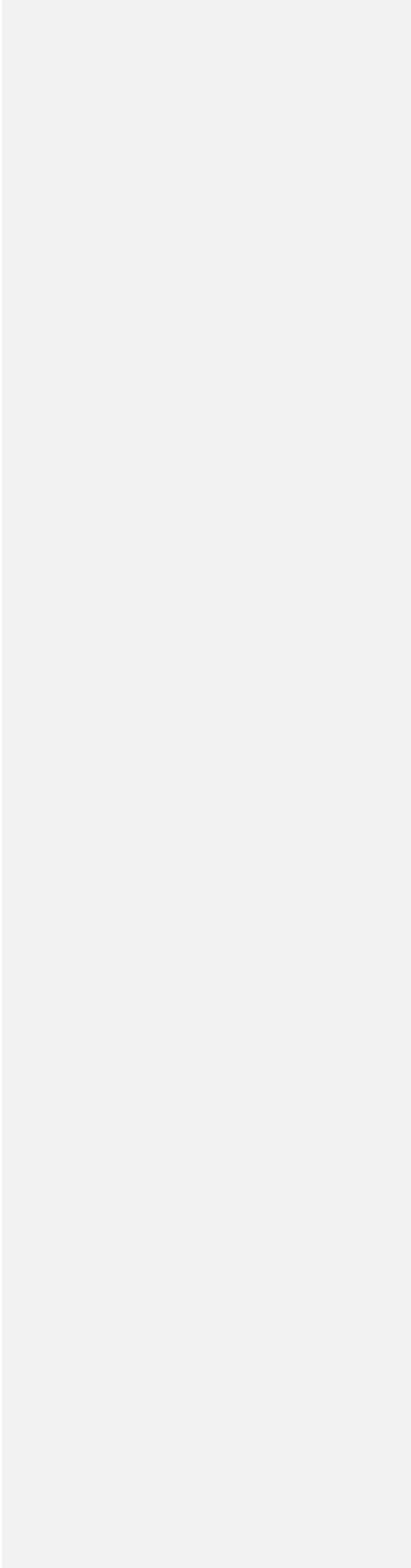
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The Department may deny, suspend or revoke a cultivation center agent-in-charge identification card for any of the reasons for which it can deny, suspend or revoke a cultivation center agent identification card, or for the failure to comply with any additional duty or responsibility imposed upon an agent-in-charge, as set forth in the Act or ~~these rules~~this Part.



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SUBPART E: CULTIVATION CENTER OPERATIONS

2244

Section 1000.400 Production Areas – Plants

2245

a) Each facility shall develop and maintain an Operations and Management Practices plan for each production area.

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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.

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c) Each production area shall be maintained free of debris.

2250

d) Bio-security measures shall be implemented and maintained at all times.

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e) A ~~written~~ record of all crop inputs shall be maintained for a period no less than five years at the facility. The record shall include the following (See Section 1000.470(g) of this Part for additional requirements for the use of pesticides):

2252

2253

2254

1) The date of application;

2255

2) The name of the individual making the application;

2256

3) The product that was applied;

2257

4) The section, including the square footage, that received the application (by group number);

2258

2259

5) The amount of ~~input-product~~ that was applied;

2260

6) A copy of the label of the product applied;

2261

2262

~~f) Once a root system is visible~~ At the time of planting, all plants shall be accounted for as a group-batch with a unique ~~serial~~ batch number that shall remain with the ~~group until such time as they are transplanted to a larger grow media or batch through final packaging~~.

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2266

~~g) When a plant reaches~~ 18 inches in height, ~~At that time, the plants~~ it shall be assigned a specific number and so tagged with an individual tag that will be recorded electronically (RFID) or kept in an electronic file until harvest or destruction. 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 a period no less than 5 years.

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~~g)h)~~ Any removal of plants from the group-batch shall be recorded on a permanent record and maintained on site.

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~~h)i) Upon harvest, all plants shall be assigned a unique number/code that will stay with the harvested product until sale at the dispensary. The code~~ batch number shall be displayed ~~as sub lot batch code~~ on the approved label of the product designated for ~~consumption by the end user~~ distribution to a dispensing organization.

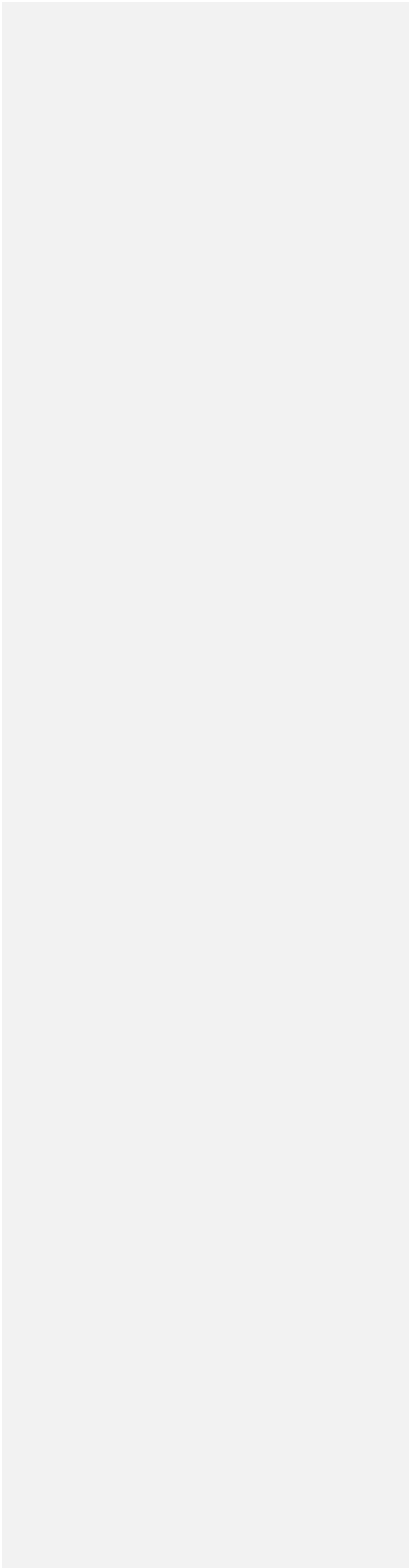
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- 2279
2280 | ~~h)~~ All persons working in direct contact with medical cannabis shall conform to hygienic
2281 practices while on duty, including but not limited to the following:
2282
- 2283 1) Litter and waste shall be properly removed and the operating systems for waste
2284 disposal shall be maintained in an adequate manner so that they do not constitute a
2285 source of contamination in areas where cannabis plants are exposed;
2286
 - 2287 2) Floors, walls, and ceilings shall be constructed in such a manner that they may be
2288 adequately cleaned and kept clean and kept in good repair;
2289
 - 2290 3) There shall be adequate lighting in all areas where medical cannabis is stored and
2291 where equipment or utensils are cleaned;
2292
 - 2293 | 4) ~~The permittee~~ There shall ~~provide~~ be adequate screening or other protection against
2294 the entry of pests. Rubbish shall be disposed of so as to minimize the development
2295 of odor and minimize the potential for the waste becoming an attractant,
2296 harborage, or breeding place for pests;
2297
 - 2298 5) Any buildings, fixtures, and other facilities shall be maintained in a sanitary
2299 condition;
2300
 - 2301 6) Toxic cleaning compounds, sanitizing agents, solvents used in the production of
2302 medical cannabis concentrates, and pesticide chemicals shall be identified, held,
2303 and stored in a manner that protects against contamination of cannabis, and in a
2304 manner that is in accordance with any applicable local, state, or federal law, rule,
2305 regulation, or ordinance;
2306
 - 2307 7) Only sanitizing agents registered with the Department pursuant to the Illinois
2308 Pesticide Act shall be used in cultivation centers, and they shall be used in
2309 accordance with labeled instructions;
2310
 - 2311 8) The water supply shall be sufficient for the operations intended and shall be
2312 derived from a source that is a regulated water system. Private water supplies shall
2313 be derived from a water source that is capable of providing a safe, potable, and
2314 adequate supply of water to meet the facility's needs pursuant to ~~8 Illinois~~
2315 | ~~Administrative Code 1000.160~~ [Section 1000.465 of this Part](#);
2316
 - 2317 9) Plumbing shall be of adequate size and design and adequately installed and
2318 maintained to carry sufficient quantities of water to required locations throughout
2319 the cultivation center, and it shall properly convey sewage and liquid disposable
2320 waste from the facility. There shall be no cross-connections between the potable
2321 and waste water lines pursuant to the Illinois Plumbing Code;
2322
 - 2323 10) All operations in the receiving, inspecting, transporting, segregating, preparing,
2324 | ~~manufacturing~~ [production](#), packaging, and storing of cannabis or cannabis-infused

2325 product shall be conducted in accordance with adequate sanitation principles;
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2328 | 11) Medical cannabis that can support the rapid growth of undesirable
2329 | microorganisms shall be held in a manner that prevents the growth of these
2330 | microorganisms.
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2332 **Section 1000.405 Production Areas – Infused or Processed Products**

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- a) Any area within the ~~production facility~~cultivation center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Sanitary Food Preparation Act [410 ILCS 650], and Food Handling Regulation Enforcement Act, [410 ILCS 625].
 - 1) *No cannabis-infused products requiring refrigeration or hot-holding or considered potentially hazardous food (Section 4 of the Food Handling Regulation Enforcement Act) shall be manufactured at a cultivation center for sale or distribution at a dispensing organization due to the potential for food-borne illness. (Section 80 of the Act)*
 - 2) *Cannabis-infused products for sale or distribution at a dispensing organization must be prepared by an approved staff member of a permitted cultivation center.*
 - 3) ~~*A cultivation center that prepares cannabis infused products for sale or distribution at a dispensing organization shall be under the operational supervision of a certified food service sanitation manager. (Section 80 of the Act)*~~
- b) The Department of Public Health *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 medical cannabis-infused products, to inspect the premises and all utensils, fixtures, furniture, and machinery used for the preparation of these products. (Section 80 of the Act)*
- 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 the Department of Public Health for inspection. (Section 80 of the Act)*
- 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 the following:
 - 1) That 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 for whom there is a reasonable possibility of contact with cannabis shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected;
 - 2) That 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 permitted premises and where good sanitary practices require employees to wash and/or sanitize their hands, and provide effective hand-cleaning and

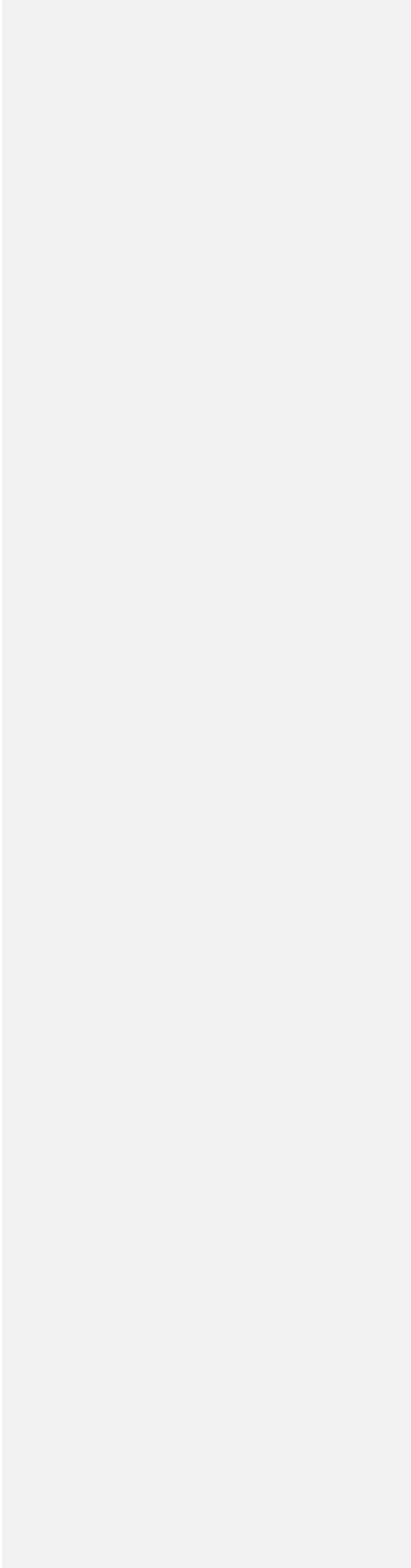
- 2378 sanitizing preparations and sanitary towel service or suitable drying devices;
- 2379
- 2380 3) That all persons working in direct contact with cannabis shall conform to hygienic
- 2381 practices while on duty, including but not limited to:
- 2382
- 2383 A) Maintaining adequate personal cleanliness;
- 2384
- 2385 B) Washing hands thoroughly in an adequate hand-washing area(s) before
- 2386 starting work and at any other time when the hands may have become
- 2387 soiled or contaminated;
- 2388
- 2389 C) Refraining from having direct contact with cannabis if the person has or
- 2390 may have an illness, open lesion, including boils, sores, or infected
- 2391 wounds, or any other abnormal source of microbial contamination, until
- 2392 such condition is corrected.
- 2393
- 2394 4) That litter and waste are properly removed and the operating systems for waste
- 2395 disposal are maintained in an adequate manner so that they do not constitute a
- 2396 source of contamination in areas where cannabis is exposed;
- 2397
- 2398 5) That floors, walls, and ceilings are constructed in such a manner that they may be
- 2399 adequately cleaned and kept clean and kept in good repair;
- 2400
- 2401 6) That there is adequate lighting in all areas where cannabis is stored and where
- 2402 equipment or utensils are cleaned;
- 2403
- 2404 7) That ~~the permittee provides~~ there is adequate screening or other protection against
- 2405 the entry of pests. Rubbish shall be disposed of so as to minimize the development
- 2406 of odor and minimize the potential for the waste becoming an attractant,
- 2407 harborage, or breeding place for pests;
- 2408
- 2409 8) That any buildings, fixtures, and other facilities are maintained in a sanitary
- 2410 condition;
- 2411
- 2412 9) That toxic cleaning compounds, sanitizing agents, solvents used in the production
- 2413 of cannabis concentrates shall be identified, held, and stored in a manner that
- 2414 protects against contamination of cannabis, and in a manner that is in accordance
- 2415 with any applicable local, state, or federal law, rule, regulation, or ordinance;
- 2416
- 2417 10) That all contact surfaces, including utensils and equipment used for the
- 2418 preparation of cannabis or cannabis-infused product, shall be cleaned and sanitized
- 2419 as frequently as necessary to protect against contamination. Equipment and
- 2420 utensils shall be so designed and of such material and workmanship as to be
- 2421 adequately cleanable, and shall be properly maintained. Only sanitizing agents
- 2422 registered with the Department pursuant to the Illinois Pesticide Act shall be used
- 2423 in cultivation centers and used in accordance with labeled instructions;

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- 11) That 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) That 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 and that 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) That all operations in the receiving, inspecting, transporting, segregating, preparing, ~~manufacturing~~producing, packaging, and storing of cannabis and cannabis-infused products shall be conducted in accordance with adequate sanitation principles;
 - 14) That each cultivation center shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair; and
 - 15) That 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 permittee must request the Department of Public Health ~~will to~~ 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-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) Permitted cultivation centers shall immediately allow the Department of Public Health to inspect the premises and all utensils, fixtures, furniture, machinery and devices used for preparing manufactured cannabis-infused products.
- g) The Department of Public Health 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 and the Food Handling Regulation Enforcement Act and the Food Service Sanitation Code and in accordance with the Illinois Department of Public Health provisions found at 77 Ill. Adm. Code 946.Subpart D.
- h) *A cultivation center that prepares cannabis-infused products for sale or distribution at a dispensing organization shall be under the operational supervision of a certified food service sanitation manager.* (Section 80 of the Act) Management responsibilities and supervision shall be in accordance with Sections 730.8000 and 730.8040 of the

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Manufacturing, Processing, Packing or Holding of Food Code.



2472 **Section 1000.410 Cultivation Center Management and Operations**

2473 a) A cultivation center shall:

2474

2475 1) Have storage areas that provide adequate lighting, ventilation, temperature,
2476 sanitation, humidity, space, equipment, and security conditions for the production
2477 and manufacture of cannabis;

2478

2479 2) Separate for storage, in a quarantined area, cannabis that is outdated, damaged,
2480 deteriorated, misbranded, or adulterated, or whose containers or packaging have
2481 been opened or breached, until such cannabis is destroyed pursuant to Section
2482 1000.150;

2483

2484 3) Be maintained in a clean and orderly condition;

2485

2486 4) Be free from infestation by insects, rodents, birds, or vermin of any kind;

2487

2488 5) Produce no products other than useable cannabis and cannabis-infused products
2489 intended for human consumption.

2490

2491 b) All areas in the cultivation center shall be compartmentalized based on function and
2492 access shall be restricted between compartments. The facility shall establish, maintain and
2493 comply with written policies and procedures provided in the Operational and Management
2494 Practice Plan, approved by the Department, regarding best practices for secure and proper
2495 production ~~and manufacturing~~ of cannabis. These shall include, but not be limited to,
2496 policies and procedures that:

2497

2498 1) Restrict movement between production compartments;

2499

2500 2) ensure that only personnel necessary for a production function have access to that
2501 compartment of the ~~production facility~~cultivation center; and

2502

2503 3) Document the chain of custody of all cannabis and cannabis-infused products.

2504

2505 c) Cultivation centers shall establish, maintain, and comply with written policies and
2506 procedures as submitted in the Operations and Management Practices Plan, approved by
2507 the Department, for the production, ~~manufacture~~, security, storage, inventory, and
2508 distribution of cannabis products. Such policies and procedures shall include methods for
2509 identifying, recording, and reporting diversion, theft or loss, and for correcting all errors
2510 and inaccuracies in inventories. Cultivation centers shall include in their written policies
2511 and procedures, a process for the following:

2512

2513 1) Handling mandatory and voluntary recalls of cannabis or cannabis-infused
2514 products. Such procedure shall be adequate to deal with recalls due to any action
2515 initiated at the request of the Department and any voluntary action by the
2516 cultivation center to remove defective or potentially defective cannabis or
2517 cannabis-infused products, or any product that has failed laboratory testing as

- 2518 | required by this Part or has been found to have a reasonable probability that their
2519 | use or exposure will cause serious adverse health consequences, from the market
2520 | or any action undertaken to promote public health and safety by replacing existing
2521 | cannabis or cannabis-infused products with improved products or packaging;
2522 |
2523 | 2) Preparing for, protecting against, and handling any crises that affects the security
2524 | or operation of any facility in the event of strike, fire, flood, or other natural
2525 | disaster, or other situations of local, state, or national emergency;
2526 |
2527 | 3) Ensuring that any outdated, damaged, deteriorated, misbranded, or adulterated
2528 | cannabis is segregated from other cannabis and destroyed. This procedure shall
2529 | provide for written documentation of the cannabis disposition; and
2530 |
2531 | 4) Ensuring the oldest stock of a specific desired strain of a cannabis product is
2532 | distributed first. The procedure may permit deviation from this requirement, if
2533 | such deviation is temporary and appropriate.

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Section 1000.415 Containment Management and Operations

- a) All cannabis in the process of manufactureproduction, distribution, transfer, or analysis shall be stored in such a manner as to prevent diversion, theft or loss, shall be accessible only to the minimum number of specifically authorized personnel essential for efficient operation, and shall be returned to its secure location immediately after completion of the process or at the end of the scheduled business day. If a manufacturing-production process cannot be completed at the end of a working day, the processing area or tanks, vessels, bins, or bulk containers containing cannabis shall be securely locked inside an area that affords adequate security.

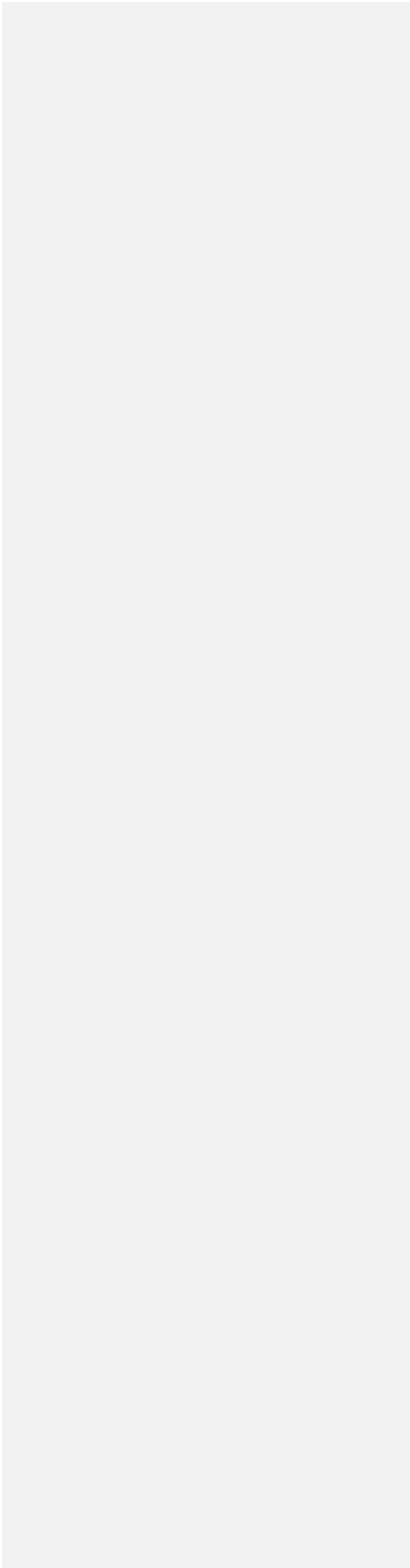
- b) No person, except cultivation center personnel, local law enforcement, the Department or the Department's authorized representative, Illinois Department of Public Health inspectors, or other federal, state-State of Illinois or local government officials where necessary to perform their governmental duties, shall be allowed on the premises of a cultivation center, except that:
 - 1) Laboratory staff may enter a cultivation center for the sole purpose of identifying and collecting cannabis samples for purposes of conducting laboratory tests;
 - 2) Emergency personnel may enter a cultivation center when necessary to perform their duties;
 - 3) Upon written notice to the Department, a cultivation center may allow contractors to enter a cultivation center when they are working on a job, unrelated to medical cannabis, such as installing or maintaining security devices or performing electrical wiring; and
 - 4) Upon prior written request, the Department or the Department's authorized representative may permit other persons to enter a cultivation center.

- c) All persons who are not cultivation center personnel, but who are permitted on the premises of a cultivation center pursuant to subsection (b) of this section, shall obtain a visitor identification badge from cultivation center personnel, prior to entering the cultivation center, and shall be escorted and monitored at all times by cultivation center personnel. The visitor identification badge shall be visibly displayed at all times while the visitor is in the cultivation center. All visitors, after presenting valid government issued identification with a picture shall be logged in and out, and that log shall include the date, time and purpose of the visit and shall be maintained and made available to the Department at any time, for a period of five years. All visitor identification badges shall be returned to the cultivation center personnel upon the visitor exiting the cultivation center.

- d) The use and/or possession of cell phones, cameras and any other audio or video recording device by any cultivation center agent, visitor, or any other individual shall be prohibited inside the production area of a cultivation center, except when used for legitimate

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business purposes of the cultivation center, such as, but not limited to, communication with employees and the identification of plant disease with off-site experts.



2583

2584 **Section 1000.420 Packaging and Labeling of Medical Cannabis and Cannabis-Infused**
2585 **Products**

2586

2587 a) Each Cannabis product produced for sale shall be registered with the Department on
2588 forms provided by the Department. Each product registration shall include a label and a
2589 registration fee as set forth in Section 1000.120. The registration fee is for the name of
2590 the product offered for sale and one fee shall be sufficient for all package sizes.

2591

2592 b) All harvested cannabis intended for distribution to a dispensing organization must be
2593 packaged in a sealed, labeled medical cannabis container.

2594

2595 c) Packaging of any product containing cannabis shall be child-resistant and light-resistant
2596 consistent with current standards including the Consumer Product Safety Commission
2597 standards referenced by the Poison Prevention Act.

2598

2599 d) Each cannabis product shall be labeled by the cultivation center prior to sale to a
2600 dispensary and each such label shall be securely affixed to the package and state in legible
2601 English:

2602

2603 1) The name and P.O. Box of the registered cultivation center where the item was
2604 manufactured;

2605

2606 2) The common or usual name of the item and the registered name of the cannabis
2607 product that was registered with the Department pursuant to subsection (a) of this
2608 section;

2609

2610 3) A unique serial number that will match the product with a producer batch and lot
2611 number so as to facilitate any warnings or recalls the Department or producer
2612 deems appropriate;

2613

2614 4) The date of final testing and packaging, if sampled, and the identification of the
2615 independent testing laboratory;

2616

2617 5) The date of manufacture ~~and "use by date"~~;

2618

2619 6) The quantity (in ounces or grams) of cannabis contained therein;

2620

2621 7) A pass/fail rating based on the laboratory's microbiological, mycotoxins, and
2622 pesticide and solvent residue analysis, if sampled;

2623

2624 8) A list of the following including the minimum and maximum percentage content
2625 by weight for items A through D:

2626

2627 A) delta-9-tetrahydrocannabinol (THC);

2628

- 2629 | B) tetrahydrocannabinol~~ic~~ acid (THCA);
2630 |
2631 | C) cannabidiol~~s~~ (CBD);
2632 |
2633 | D) ~~carboxylic acids~~cannabidiolic acid (CBDA); and
2634 |
2635 | E) any other ingredient(s) besides cannabis.

2636 |
2637 | The acceptable tolerance(s) for the minimum percentage printed on the label for
2638 | any of the items A through D above shall not be below 85% or 115% above the
2639 | said labeled amount.

- 2640 |
2641 | 9) A statement that the product is for medical use and not for resale or transfer to
2642 | another person.

2643 |
2644 | e) Medical Cannabis-Infused Products. All items shall be individually wrapped at the
2645 | original point of preparation. The packaging of the medical cannabis-infused product shall
2646 | conform to the labeling requirements of the Illinois Food, Drug and Cosmetic Act and, in
2647 | addition to the requirements set forth in this Section ~~1000.110(d)~~, shall include the
2648 | following information on each product offered for sale or distribution:

- 2649 |
2650 | 1) all ingredients of the item, including any colors, artificial flavors, and
2651 | preservatives, listed in descending order by predominance of weight shown with
2652 | common or usual names;
2653 |
2654 | 2) the following phrase: "This product was produced in a medical cannabis
2655 | cultivation center not subject to public health inspection that may also process
2656 | common food allergens.";
2657 |
2658 | 3) allergen labeling as specified in the Federal Food, Drug and Cosmetics Act,
2659 | Federal Fair Packaging and Labeling Act, and the Illinois Food, Drug and
2660 | Cosmetic Act;
2661 |
2662 | 4) the pre-mixed total weight (in ounces or grams) of usable cannabis in the package
2663 | (the pre-mixed weight of medical cannabis used in making a cannabis-infused
2664 | product shall apply toward the limit on the total amount of medical cannabis a
2665 | registered qualifying patient may possess at any one time);
2666 |
2667 | 5) a warning that the item is a medical cannabis-infused product and not a food must
2668 | be distinctly and clearly legible on the front of the package;
2669 |
2670 | 6) a clearly legible warning emphasizing that the product contains medical cannabis
2671 | and is intended for consumption by registered qualifying patients only; and
2672 |
2673 | 7) A list of the following ingredients including the minimum and maximum
2674 | percentage content by weight for items A through D:

- 2675 |
2676 | A) Delta-9-tetrahydrocannabinol (THC);
2677 |
2678 | B) tetrahydrocannabinolic acid (THCA);
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2680 | C) cannabidiols (CBD);
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2682 | D) ~~carboxylic acids~~cannabidiolic acid (CBDA); and
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2684 | E) any other ingredient(s) besides cannabis.

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2686 | The acceptable tolerance(s) for the minimum percentage printed on the label for
2687 | any of the items A through D above shall not be below 85% or 115% above the
2688 | said labeled amount.

- 2689 |
2690 | 8) ~~THC and CBD Content Container~~Container Content and Restriction. Each
2691 | individually packaged medical cannabis-infused product, even if comprised of
2692 | multiple servings, shall include the total milligram content of THC and CBD and
2693 | may not include ~~no~~ more than a total of 100 milligrams of active THC ~~and/or~~
2694 | CBD.

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2696 | f) The label shall not contain any of the following information:

- 2697 |
2698 | 1) Any false or misleading statement or design; ~~or~~
2699 |
2700 | 2) Any seal, flag, crest, coat of arms, or other insignia likely to mislead the qualified
2701 | patient to believe that the product has been endorsed, made, or used by the State of
2702 | Illinois or any of its representatives; or
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2704 | 3) Depictions of the product, cartoons, or images other than the cultivation center's
2705 | logo. Medical cannabis infused products shall not bear a reasonable resemblance
2706 | to any product available for consumption as a commercially available candy.

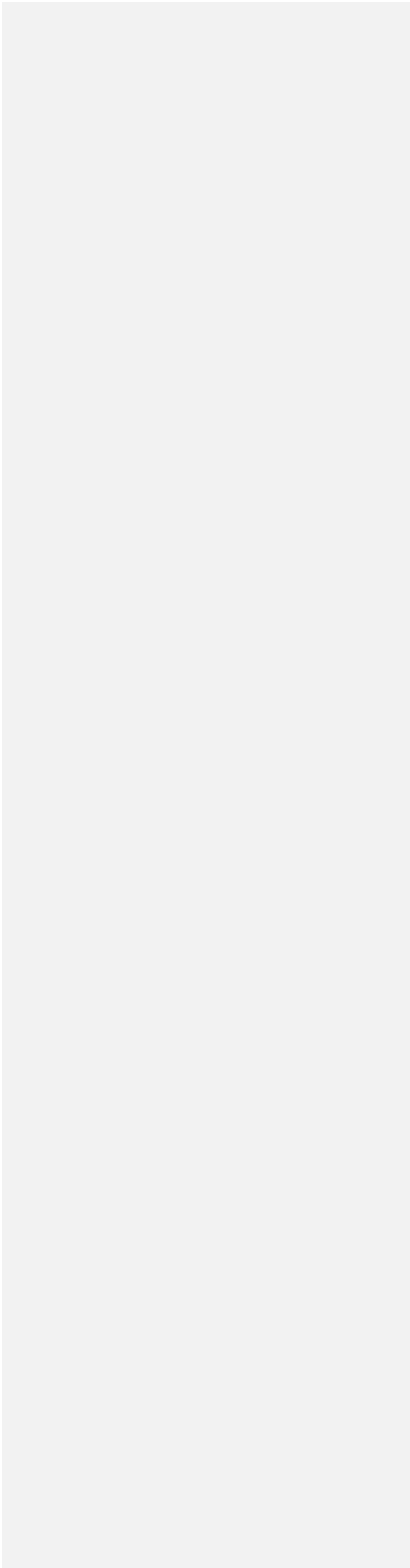
2707 |
2708 | g) It is a violation for ~~A cultivation center agent shall not~~ anyone to alter, obliterate, or
2709 | destroy any label attached to a medical cannabis container, other than the end user to
2710 | administer the product.

2711 |
2712 | h) For each commercial weighing and measuring equipment device used at a facility, the
2713 | cultivation center must:

- 2714 |
2715 | 1) Ensure that the commercial device is licensed pursuant to the Weights and
2716 | Measures Act (225 ILCS 407) and the administrative rules thereto (8 Ill. Adm
2717 | code 600);
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2719 | 2) Maintain documentation of the licensure of the commercial device; and
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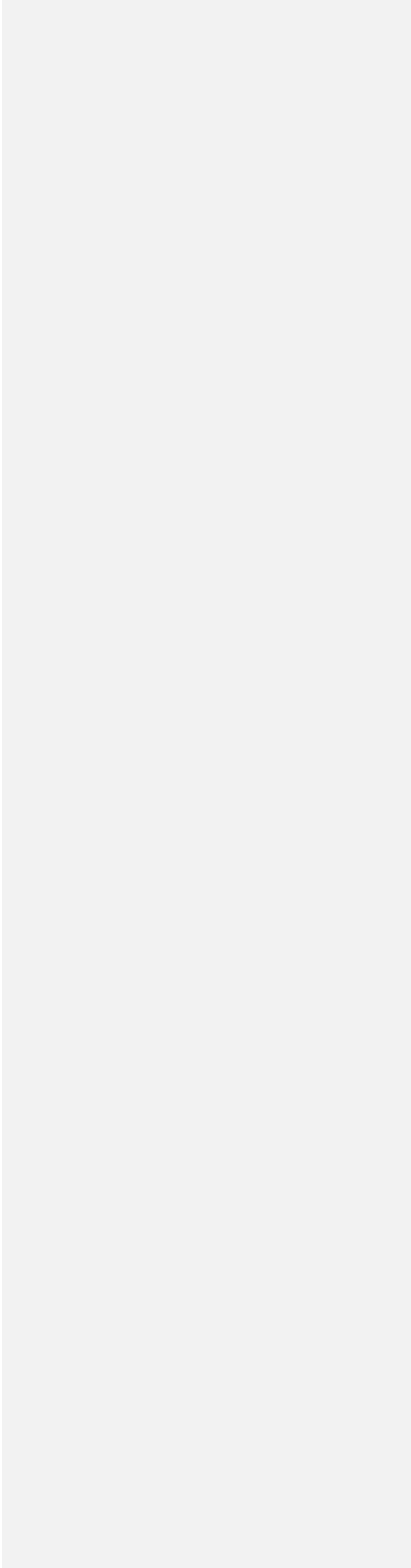
3) Provide a copy of the license of the commercial device to the Department for review upon request.



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Section 1000.425 Advertising

Cultivation centers may not advertise through any public medium, including but not limited to newspapers, television, radio or any means designed to market its products to the public. Cultivation centers may market their products directly to registered dispensaries or physicians through direct mail, brochures or other means directed solely to the dispensaries and not available to the public.



2733 **Section 1000.430 Transportation of Cannabis and Cannabis-Infused Products**

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- 2735 a) Prior to transporting any cannabis or cannabis-infused product, a cultivation center shall:
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- 2737 1) Complete a shipping manifest using a form prescribed by the Department; and
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- 2739 2) Securely transmit a copy of the manifest to the dispensary facility that will receive
- 2740 the products and to the Department ~~at~~before the close of business the day-least
- 2741 ~~twenty-four (24) hours~~ prior to transport. The manifest shall be made available to
- 2742 the ISP upon request.
- 2743
- 2744 b) The cultivation center shall maintain all shipping manifests and make them available at
- 2745 the request of the Department.
- 2746
- 2747 c) Cannabis products that are being transported shall:
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- 2749 1) Only be transported in a locked, safe and secure storage compartment that is part
- 2750 of the motor vehicle transporting the cannabis, or in a locked storage container
- 2751 that has a separate key or combination pad; and
- 2752
- 2753 2) Not be visible from outside the ~~vehiele~~motor vehicle.
- 2754
- 2755 d) Any ~~vehiele~~motor vehicle transporting cannabis shall travel directly from the cultivation
- 2756 center to the dispensary facility, or a testing laboratory, and shall not make any stops in
- 2757 between except to other dispensary facilities or laboratories, for refueling, or, in case of an
- 2758 emergency, in which case the agents will report the emergency immediately to law
- 2759 enforcement through the 911 emergency system and the cultivation center who will
- 2760 immediately notify the Department.
- 2761
- 2762 e) A cultivation center shall ensure that all delivery times and routes are randomized.
- 2763
- 2764 f) A cultivation center shall staff all transport ~~vehiele~~motor vehicles with a minimum of two
- 2765 employees. At least one delivery team member shall remain with the ~~vehiele~~motor
- 2766 vehicle at all times that the ~~vehiele~~motor vehicle contains cannabis.
- 2767
- 2768 g) Each delivery team member shall have access to a secure form of communication with
- 2769 personnel at the cultivation center and the ability to contact law enforcement through the
- 2770 911 emergency system at all times that the ~~vehiele~~motor vehicle contains cannabis.
- 2771
- 2772 h) Each delivery team member shall possess his or her department issued identification card
- 2773 at all times when transporting or delivering cannabis and shall produce it to the
- 2774 Department or Department's authorized representative or law enforcement official upon
- 2775 request.
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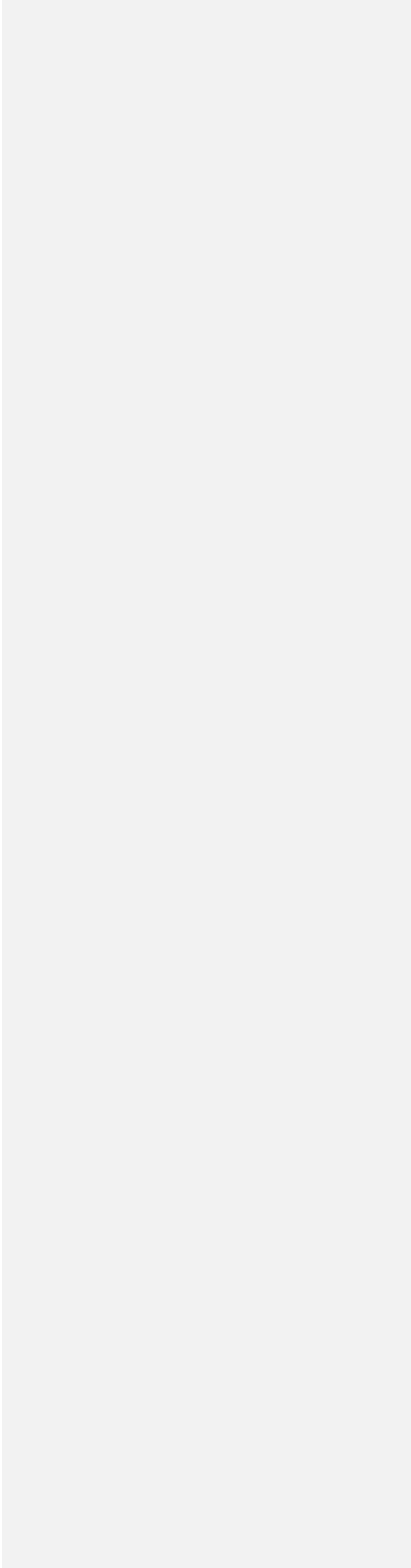
2777 **Section 1000.435 Inventory**

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- 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 enable the facility cultivation center to detect any diversion, theft or loss in a timely manner.
- b) Upon commencing business, each cultivation center 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
 - 4) the product name and quantity of cannabis plants or cannabis-infused products at the facility.
- c) The record of all medical cannabis sold or otherwise disposed of shall show:
 - 1) the date of sale;
 - 2) the name of the dispensary facility to which the medical 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 such 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.
- f) Whenever any sample or record is removed by a person authorized to enforce the provisions of ~~these rules~~ this Part, such person shall tender a receipt in lieu thereof and the

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receipt shall be kept for a period of five years.



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2826 | **Section 1000.440 Cultivation Center ~~Security~~Storage**

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2828 a) A cultivation center shall:

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2830 | 1) Not produce, ~~manufacture~~ or maintain cannabis in excess of the quantity required
2831 for normal, efficient operation;

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2833 2) Store all cannabis and cannabis-infused products in a safe, vault, or secured room
2834 and in such a manner as to prevent diversion, theft or loss;

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2836 3) Maintain all cannabis that is not part of a finished product in a secure area or
2837 | location within the ~~production facility~~cultivation center accessible only to
2838 specifically authorized personnel, which shall include only the minimum number
2839 of employees essential for efficient operation;

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2841 4) Keep all approved safes, approved vaults, or any other approved equipment or
2842 | areas used for the production, ~~cultivation, harvesting, processing, manufacturing~~ or
2843 storage of cannabis, securely locked or protected from entry, except for the actual
2844 time required to remove or replace cannabis;

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2846 5) Keep all locks and security equipment in good working order;

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2848 6) Not allow keys to be left in the locks and not store or place keys in a location
2849 accessible to persons other than specifically authorized personnel;

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2851 7) Not allow other security measures, such as combination numbers, passwords or
2852 electronic or biometric security systems, to be accessible to persons other than
2853 specifically authorized personnel; and

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2855 | 8) Keep the ~~production facility~~cultivation center securely locked and protected from
2856 unauthorized entry at all times.

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2858 b) If a cultivation center presents special security issues, such as extremely large stock of
2859 cannabis, exposed handling, unusual vulnerability to diversion, theft or loss, the
2860 Department may require additional safeguards such as supervised watchman service.

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2862 c) If a loss, theft, or diversion of cannabis has occurred from a cultivation center, the
2863 cultivation center shall notify the Department and the nearest ISP District immediately.
2864 The Department and ISP shall determine the appropriate storage and security
2865 requirements for all cannabis in such cultivation center, and may require additional
2866 safeguards to ensure the security of the cannabis. If a reduction in the amount of medical
2867 cannabis in the cultivation center's inventory is due to suspected criminal activity, the
2868 cultivation center shall immediately report the reduction to the Department and ISP, who
2869 may then notify local law enforcement.

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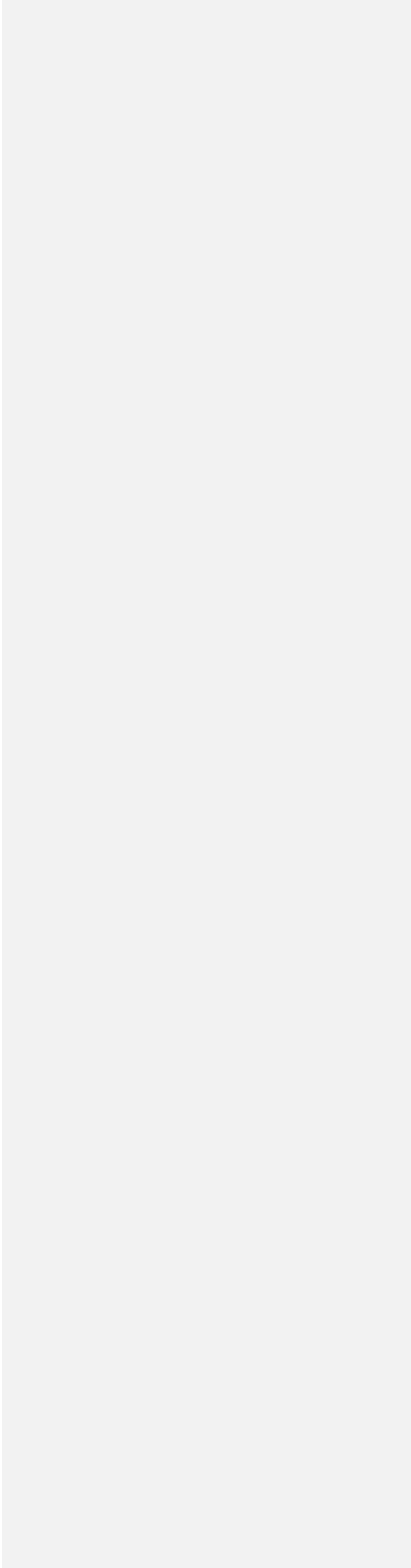
d) Any cultivation center whose permit is revoked or not renewed shall dispose of its entire stock of cannabis under conditions approved by the Department.

~~e) No person shall be allowed access to any area within a cultivation center containing cannabis except laboratory employees and cultivation center personnel whose responsibilities necessitate access to the area of the cultivation center containing cannabis and then for only as long as necessary to perform their job duties.~~

~~f)~~ Any area of a cultivation center containing cannabis, including a room with an approved safe or approved vault, shall have a sign posted at all entry ways, which shall be a minimum of twelve inches in height and twelve inches in length and shall state: "Do Not Enter - Limited Access Area – Access Limited to Authorized Personnel Only" in lettering no smaller than one inch in height.

~~g)~~ Notwithstanding the requirements of this subsection, nothing shall prohibit members of the Department, local law enforcement or other federal, State of Illinois or local government officials from entering any area of a ~~production facility~~ cultivation center if necessary to perform their governmental duties, or persons allowed by the Department pursuant to Section 1000.100415(b).

~~h)~~ Cultivation centers shall provide current copies of cultivation center floor plans to the ISP and local law enforcement that have jurisdiction in the area where the cultivation center is located.



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2897 **Section 1000.445 Electronic Security System**

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a) A cultivation center shall be required to operate and maintain in good working order a twenty-four (24) hour, seven (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, rear alley areas immediately adjacent to the building, and covers the entire inside of the facility, including all limited access areas, and ~~including~~ all areas where cannabis is ~~cultivated~~ 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 six hundred (600) lines per inch (analog) or D1 (IP) and a minimum light factor requirement of seven tenths (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 a digital video recorder that meets the following minimum standards:

- A) Displays a date and time stamp on all recorded video; and
- B) Can produce a video disc (CD/DVD) directly from the DVR unit using an installed media recording drive. The video on the disc shall be viewable on any Windows PC, and include any required player software on the disc.

C) The ability to remain operational during a power outage.

~~B)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 twelve inches (12 in.) shall be connected to the electronic recording security system at all times;

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- 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 three (3) frames per second during alarm or motion based recording.
- 7) Security recordings shall be retained by the cultivation center for a minimum of ninety (90) days at the permitted premises and an additional ninety (90) days off site (i.e. cloud storage). The recording system for the security cameras must be located in a locked, tamper-proof compartment. A cultivation center shall be prohibited from taping over existing security video from the last sixty (60) days;
- ~~7)8)~~ Have available a video printer capable of immediately producing a clear still photo from any video camera image; and
- ~~8)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 that 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, and 7 days per week to the Department and law enforcement agencies via a secure web-based portal.

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2977 **Section 1000.450 Alarm System**

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a) A cultivation center shall install, maintain, and use a professionally monitored robbery and burglary alarm system, which shall meet the following requirements:

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1) At a minimum, the system shall provide coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls, roof hatches, skylights, and storage room(s) that contain safe(s);

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2) Duress Alarm, which means a silent Security Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system;

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3) Panic Alarm, which means an audible Security Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response;

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4) Holdup Alarm, which means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress;

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5) Automatic Voice Dialer, which means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch;

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6) A failure notification system that provides an audible, text or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to the cultivation center within 5 minutes of the failure, either by telephone, email, or text message;

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7) The ability to remain operational during a power outage and ensure all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during power outage.

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b) The system shall be inspected and all devices tested annually by a qualified alarm vendor.

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3014 **Section 1000.455 Hours of Operation**

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3016 a) A cultivation center shall not be open to the public.

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3018 b) A cultivation center may operate its business twenty-four (24) hours a day.

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3020 c) A cultivation center may deliver to licensed medical cannabis dispensaries on any day and
3021 at any time except between the hours of 9:00 p.m. and 7:00 a.m.

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3023 d) A cultivation center shall only allow a registered director, officer, member, incorporator,
3024 agent, manager, employee, or government or law enforcement official on the permitted
3025 premises, unless special circumstances warrant entry pursuant to Section 1000.400415(b)
3026 of ~~these rules~~[this Part](#).

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3028 e) The Department may further limit the hours of operation for a cultivation center on a case-
3029 by-case basis as the result of the cultivation center's failure to comply with the Act or
3030 ~~these rules~~[this Part](#) or for any other reason that the Department deems such limit to be
3031 necessary.

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3035 **Section 1000.460 Waste Disposal**

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a) 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.

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b) Liquid Waste. Liquid waste from a cultivation center shall be disposed of in compliance with The Illinois Environmental Protection Act [415 ILCS 5] and associated administrative rules.

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c) Hazardous Waste. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, state and local laws.

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d) Cannabis waste must be rendered unusable following the methods set forth in this Section prior to leaving a cultivation center. Disposal of the cannabis waste rendered unusable must follow the methods under this Section.

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e) A cultivation center must provide the Department and ISP a minimum of 7-days' notice in the traceability system described in ~~these rules~~ [this Part](#) prior to rendering the product unusable and disposing of it.

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f) The allowable method to render cannabis plant waste unusable is by grinding and incorporating the cannabis plant waste with other ground materials so the resulting mixture is at least fifty percent 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.

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1) Compostable mixed waste: cannabis waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:

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A) Food waste;

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B) Yard waste;

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C) Vegetable based grease or oils; or

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D) Other wastes as approved by the Department.

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2) Noncompostable mixed waste: Cannabis waste to be disposed in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:

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A) Paper waste;

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- B) Cardboard waste;
- C) Plastic waste;
- D) Soil; or
- E) Other wastes as approved by the Department.

g) Cannabis waste rendered unusable following the methods described in this section may be disposed of in the following manner. 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.

h) 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.

h)i) Any nutrient enriched grow media shall be disposed of as required by the Illinois Environmental Protection Act and the associated rules thereto, or land applied at agronomic rates.

Comment [MJ10]: new

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3109 **Section 1000.465 Connections to the Potable Water Supply**

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3111 **a) General:** Potable water supply lines shall not be connected to process water lines,
3112 chemical lines or equipment, unless proper backflow protection is installed.

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3114 **b) Water service lines which connect a cultivation center to a community public water**
3115 **supply shall include either a reduced pressure principle backflow preventer or a fixed**
3116 **proper air gap, in accordance with the Illinois Environmental Protection Agency**
3117 **Technical Policy Statement (35 Ill. Adm. Code 653.803 (c) (4)).**

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3119 **c) Water service lines which connect a cultivation center to a potable water supply other than**
3120 **a community public water supply shall include either a reduced pressure principle**
3121 **backflow preventer or a fixed proper air gap, in accordance with the Illinois Plumbing**
3122 **Code (77 Ill. Adm. Code 890).**

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3124 **d) Installation, maintenance and inspection of such backflow prevention devices shall be**
3125 **carried out in accordance with Illinois Environmental Protection Agency Technical Policy**
3126 **Statement (35 Ill. Adm. Code 651 and 653) or the Illinois Plumbing Code (77 Ill. Adm.**
3127 **Code 890), whichever is applicable.**

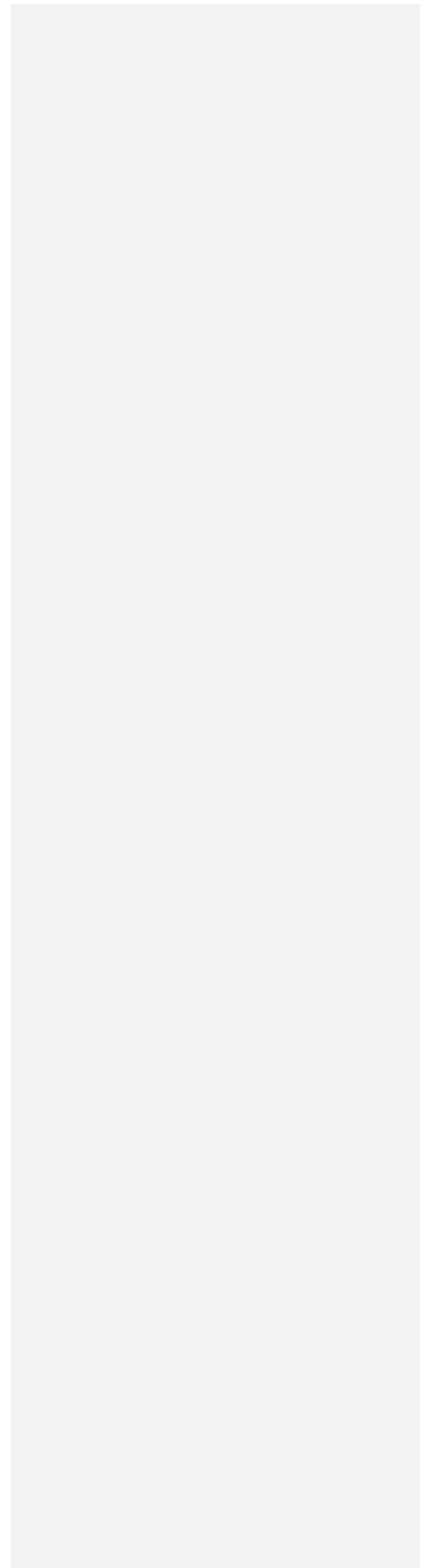
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3129 Section 1000.470 Pesticide Usage

- 3130 a) All pesticides applied at a cultivation center shall be from the Department's approved list
3131 which will be included as a schedule in the application and posted on the Department's
3132 website. Updates to the approved list will be posted on the Department's website and
3133 permittees will be notified electronically.
- 3134 b) All pesticide products shall be registered with the Department, including those products
3135 classified as 25 (b) pursuant to the Federal Insecticide Fungicide and Rodenticide Act
3136 administered by the United States Environmental Protection Agency.
- 3137 c) Any individual who makes a pesticide application on the premises shall obtain the
3138 appropriate license from the Department. (This would include successful completion of
3139 the Vegetable Category Examinations.)
- 3140 d) No application of pesticides shall be made after the vegetative stage of growth of the
3141 cannabis plant.
- 3142 e) All individuals making applications shall adhere to the Agricultural Use Requirements of
3143 the label and shall employ all Personal Protective Equipment prescribed by the label.
- 3144 f) The cultivation center shall comply with all posting requirements of the Worker
3145 Protection Standard for the Restricted Entry Interval (REI) stated on the label.
- 3146 g) A ~~written~~ record of all applications shall be maintained at the cultivation center for a
3147 period of no less than five years and made available to the Department of Agriculture,
3148 Department of Public Health or the ISP upon request. The application record shall
3149 include the following information:
- 3150 1) Date and time of application;
 - 3151 2) Date of start of vegetative stage of growth;
 - 3152 3) USEPA Registration Number;
 - 3153 4) Product Name;
 - 3154 5) Application site (The site shall be identified by the location legend maintained by
3155 the facility);
 - 3156 6) Amount Applied;
 - 3157 7) Size of the application area;
 - 3158 8) Name of individual making the application;
 - 3159 9) Section for comments or special conditions related to the application.
- 3160 h) Disposal of all unused pesticide product shall be performed in compliance with all state
3161 and federal laws and regulations including compliance with all directions on the product
3162 label.

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SUBPART F: LABORATORY TESTING

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Section 1000.500 Laboratory approval

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a) No laboratory shall handle, test or analyze cannabis unless approved by the Department. A list of approved laboratories will be made available by the Department on its website.

~~a) b)~~ No laboratory shall be approved to handle, test or analyze cannabis unless such laboratory:

- 1) Is accredited by a private laboratory accrediting organization~~registered as a controlled substance laboratory;~~
- 2) Is independent from all other persons involved in the cannabis industry in Illinois, which shall mean that no person with a direct or indirect interest in the laboratory shall have a direct or indirect financial, management or other interest in a dispensary, dispensary facility, cultivation center, certifying physician or any other entity that may benefit from the production, manufacture, dispensing, sale, purchase or use of cannabis; and
- 3) Has employed at least one person to oversee and be responsible for the laboratory testing who has earned, from a college or university accredited by a national or regional certifying authority, at least:
 - A) a master's level degree or higher in chemical or biological sciences and a minimum of two (2) years post-degree laboratory experience; ~~OR~~or
 - B) a bachelor's degree in biological sciences and a minimum of four (4) years post-degree laboratory experience.

c) Each independent testing laboratory that claims to be accredited must provide the Department with a copy of the most recent annual inspection report granting accreditation and every annual report thereafter.

3202 | **Section 1000.505510 Laboratory Testing**

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a) Immediately prior to manufacturing or natural processing of any cannabis or cannabis-infused product or packaging cannabis for sale to a dispensary, ~~all harvested cannabis shall be segregated into homogenized batches.~~

~~b)-~~

~~Each such~~ batch shall be made available at the cultivation center for a laboratory employee to select a random sample, which sample shall be tested by the laboratory for:

- 1) microbiological contaminants;
- 2) mycotoxins;
- 3) pesticide chemical and active ingredients
- 4) residual solvent; residue; and for,

~~3)5)~~ _____ purposes of conducting an active ingredient analysis.

b) From the time that a batch of cannabis has been homogenized for sample testing and eventual packaging and sale to a dispensary facility, until the laboratory provides the results from its tests and analysis, the entire batch of cannabis, except the samples that have been removed by the laboratory for testing, shall be segregated and withheld from use. During this period of segregation, the cannabis batch shall be maintained in a secure, cool and dry location so as to prevent the cannabis from becoming contaminated or losing its efficacy. The department may select a random sample, which sample shall, for the purposes of conducting an active ingredient analysis, be tested by the Department for verification of label information.

~~e) Under no circumstances shall cannabis be included in a cannabis infused product or sold to a dispensary facility prior to the time that the laboratory has completed its testing and analysis and provided those results, in writing, to the cultivation center or other designated production facility personnel.~~

~~d)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 Section 1000.450460 of this Part.

d) If a sample of cannabis does not pass the microbiological, mycotoxin, pesticide chemical residue test or solvent residue test, based on the standards set forth below, 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 Section 1000.410(c)(1) of this Part and disposed of in accordance with Section 1000.450460 of this Part.

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 ~~standards recommended microbial and fungal limits for cannabis products (CFU/g)~~ set out in ~~Section 1111 of the United States Pharmacopeia~~ the AHP Monograph Table as follows:

	<u>Total viable aerobic bacteria</u>	<u>Total yeast and mold</u>	<u>Total coliforms</u>	<u>Bile-tolerant gram-negative bacteria</u>	<u><i>E. coli</i> (pathogenic strains) and <i>Salmonella spp.</i></u>
<u>CO₂ and solvent based extracts</u>	<u>10⁴</u>	<u>10³</u>	<u>10²</u>	<u>10²</u>	<u>Not detected in 1 g</u>

* 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”).

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

<u>Test</u>	<u>Specification</u>
Aflatoxin B1	<20 uG/KG of Substance
Aflatoxin B2	<20 uG/KG of Substance
Aflatoxin Θ1-G1	<20 uG/KG of Substance
Aflatoxin Θ2-G2	<20 uG/KG of Substance
Ochratoxin A	<20 uG/KG of Substance

g) ~~Pesticide chemical residue test or solvent residue test:~~ For purposes of the pesticide chemical residue test ~~or solvent 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 the Environmental Protection Agency's regulations for Tolerances and Exemptions for Pesticide Chemical Residues in Food, (40 CFR 180).

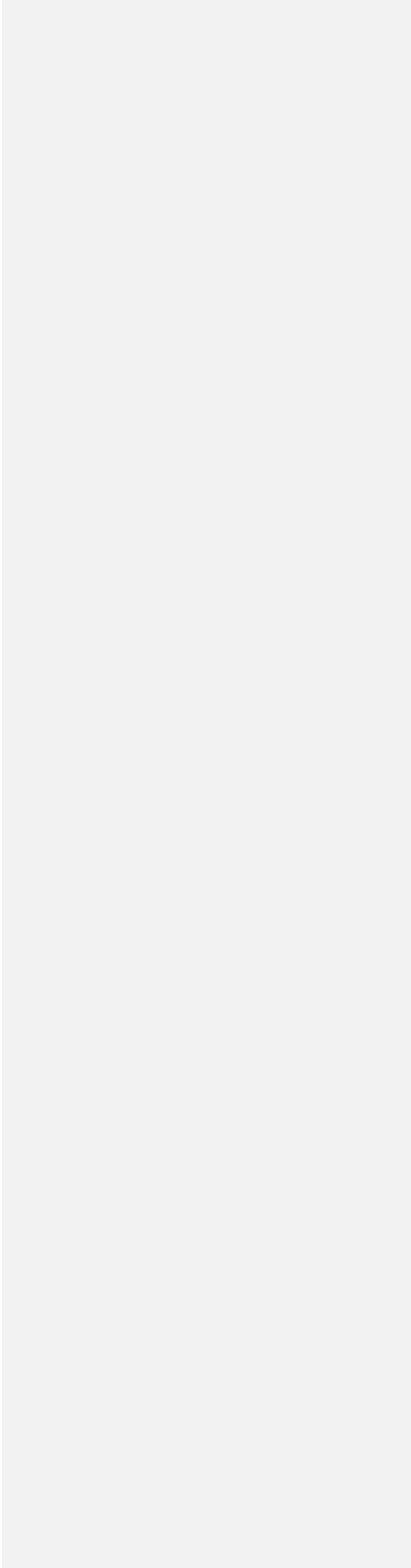
h) Residue solvent test: For purposes of the residue solvent test, a cannabis sample shall be below 10 ppm.

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~~g) If a sample of cannabis passes the microbiological, mycotoxin, and pesticide chemical residue test, the entire batch shall be released for immediate manufacturing, packaging and labeling for sale to a dispensary facility.~~

h) 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, 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 ~~facility~~ organization the laboratory test results for each batch of cannabis ~~used in a~~ product purchased by the dispensary ~~facility~~ organization, if sampled. Each dispensary ~~facility~~ organization shall have such laboratory results available upon request to qualifying patients, primary caregivers and a physician who has certified a qualifying patient.



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SUBPART G: CULTIVATION CENTER CLOSURE

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Section 1000.600 Closure of a Cultivation Center

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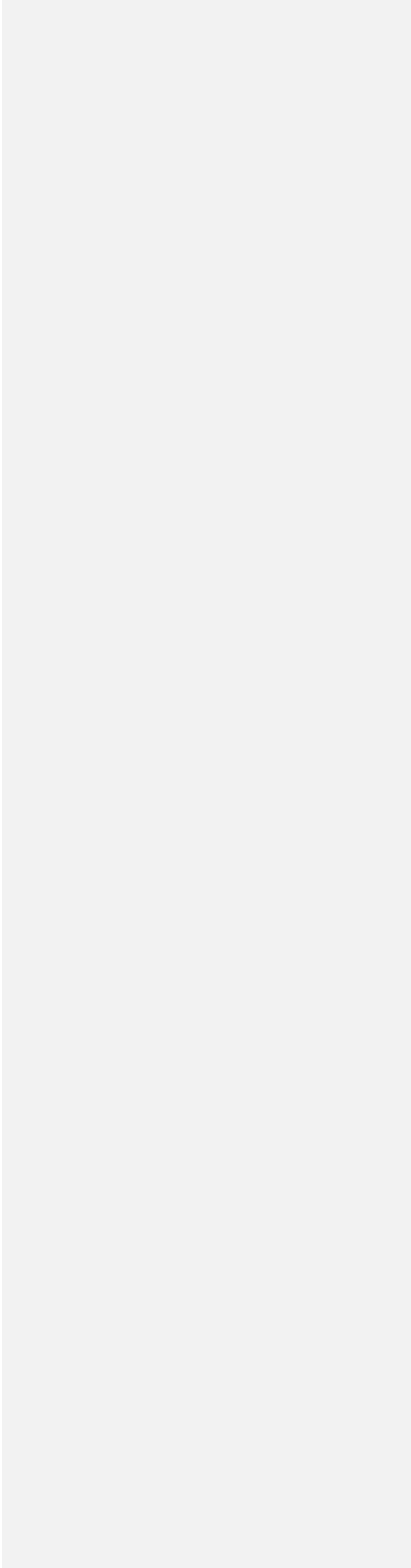
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The cultivation center shall notify the Department and ISP if the cultivation center will be closing or if the cultivation center does not intend to renew its permit immediately after such decision has been made, prior to any product destruction or removal and, in no event less than six months prior to the effective date of such a decision.



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SUBPART H: ENFORCEMENT

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3317 | **Section 1000.700** **Investigations; Administrative hearings and penalties**

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- 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 Part 1, Subparts A and B. All such hearings shall be held in Springfield, Illinois, or such other location as mutually agreed to by the Department and the other party.
- b) The Department or its designee may conduct an investigation for the purpose of investigating an applicant or application, a cultivation center, cultivation center agent, agent-in-charge or any other party for an alleged violation of the Act or ~~these rules~~this Part or to determine qualifications to be granted a permit or registration by the Department.
- c) The Department may require an applicant, cultivation center, or cultivation center agent or agent-in-charge to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or ~~these rules~~this Part. Failure to provide such material shall be grounds for disciplinary action.
- d) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, the Department may revoke, suspend, place on probation, reprimand, issue cease and desist orders, refuse to issue or renew a registration, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regard to a permitted cultivation center or cultivation center agent or agent-in-charge.
- e) The Department may impose fines not to exceed \$50,000 for each violation, for any violations of the Act or ~~these rules~~this Part.
- f) Violation of any provision of the Act, ~~these rules~~this Part or failure to comply with any standard or special conditions of the issued permit may result in a notice of intent to suspend or revoke a cultivation center permit or the registration of a cultivation center agent or agent-in-charge.
- g) The Department shall, before refusing to issue or renew a permit or agent registration or seeking to discipline a permittee or cultivation center agent or agent-in-charge under the Act or ~~these rules~~this Part, at least 30 days before the date set for the hearing, notify in writing the applicant, cultivation center, or cultivation center agent, or agent-in-charge of the charges made and the time and place for the hearing on the charges. Such written notice may be served by delivery of the same personally to the accused, or by mailing the same by registered or certified mail to the cultivation center's physical address.
- h) 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

- 3360 be final upon signature of both parties.
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- 3362 i) The Department may temporarily suspend a permittee or cultivation center agent or agent-
3363 in-charge without a hearing, simultaneously with the institution of proceedings for a
3364 hearing, if the Department finds that the public interest, safety, or welfare requires such
3365 emergency action. In the event that the Department temporarily suspends a permittee or
3366 agent without a hearing, a hearing shall be held within 30 days after the suspension has
3367 occurred. The suspended party may seek a continuance of the hearing, during which time
3368 the suspension shall remain in effect. The proceeding shall be concluded without
3369 appreciable delay. If the Department does not hold a hearing within 30 days after the date
3370 of the suspension, and the permittee or agent has not requested a continuance, then the
3371 permit shall be automatically reinstated.
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- 3373 j) In appropriate cases, the Department may resolve a complaint against a permittee or agent
3374 through the issuance of a Consent to Administrative Supervision order. A permittee or
3375 agent subject to a Consent to Administrative Supervision order shall be considered by the
3376 Department as an active permittee or agent in good standing. This order shall not be
3377 reported or considered by the Department to be a discipline of the permittee or agent. The
3378 records regarding an investigation and a Consent to Administrative Supervision order
3379 shall be considered confidential and shall not be released by the Department except as
3380 mandated by law. A complainant shall be notified if his or her complaint has been
3381 resolved by a Consent to Administrative Supervision order.
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- 3383 k) The respondent in any contested case may request reconsideration of any part or all of the
3384 decision of the administrative law judge on any petition or may request the Director to
3385 stay the effective date of any administrative action for a specific period or for an indefinite
3386 period. A petition for reconsideration or stay of action shall be submitted within 30 days
3387 after the date of the administrative law judge's decision on the case. A petition for
3388 reconsideration or stay of action submitted later than 30 days after the date of the decision
3389 involved shall be denied as untimely.
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- 3391 l) All final administrative decisions of the Department are subject to judicial review under
3392 the Administrative Review Law and its rules. The term "administrative decision" is
3393 defined as in Section 3-101 of the Code of Civil Procedure.
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- 3395 m) Immediately upon the suspension, revocation, or re-instatement of a permit, the
3396 Department shall make written notification to the ~~Department of State Police~~ISP,
3397 Department of Professional Regulations, and Department of Revenue of the status of the
3398 permit. If the suspension or revocation involves suspected criminal activity, the
3399 Department shall make available to the ~~Department of State Police~~ISP all documents or
3400 electronic communications involving the suspected criminal activity. If suspected
3401 criminal activity is confirmed or independently discovered by the ~~Department of State~~
3402 ~~Police~~ISP, notification will be made to the Department ~~of Agriculture~~.
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- 3404 n) If any final Department action is appealed in Circuit Court pursuant to this Section, the
3405 record on review shall include the following:

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- 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.

