AN ACT concerning industrial hemp.

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

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

(110 ILCS 305/20 new)

Sec. 20. Industrial hemp study.

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

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

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

(110 ILCS 520/10 new)
Sec. 10. Industrial hemp study.
   (a) In this Section, "industrial hemp" means any variety of Cannabis sativa L. with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis, that meets the standards set forth by Health Canada as of July 1, 1999, and that is grown in compliance with federal and State permit conditions.
   (b) The University shall study the feasibility and desirability of industrial hemp production in this State, subject to an appropriation for that purpose. The study shall include an analysis of required soils and growing conditions, seed availability and varieties, including in-the-ground seed variety trials, harvest methods, market economies, and environmental benefits. The University shall obtain all federal and State permits needed to legally grow industrial hemp for fiber or seed production prior to importing any non-sterilized industrial hemp seeds capable of germination into the State. The University shall report its findings and recommendations to the General Assembly by January 1, 2002.

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

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

Sec. 3. As used in this Act, unless the context otherwise requires:
   (a) "Cannabis" includes marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol
derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, the sterilized seed of such plant which is incapable of germination, or industrial hemp solely as authorized for the purposes of Section 20 of the University of Illinois Act and Section 10 of the Southern Illinois University Management Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

(740 ILCS 20/3) (from Ch. 70, par. 903)
Sec. 3. Definitions. As used in this Act, unless the
case otherwise requires:
"Cannabis" includes marihuana, hashish, and other
substances that are identified as including any parts of the
plant Cannabis Sativa, whether growing or not, the seeds of
that plant, the resin extracted from any part of that plant, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. "Cannabis" does not include the mature stalks of that plant, fiber produced from those stalks, oil or cake made from the seeds of that plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the extracted resin), fiber, oil or cake, or the sterilized seeds of that plant that are incapable of germination, or industrial hemp solely as authorized for the purposes of Section 20 of the University of Illinois Act and Section 10 of the Southern Illinois University Management Act.

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

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

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

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a
controlled substance, either directly or indirectly, by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that the term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use;
(2) by a practitioner or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance;
(A) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or
(B) as an incident to lawful research, teaching or chemical analysis and not for sale; or
(3) the preparation, compounding, packaging, or labeling of cannabis as an incident to lawful research, teaching, or chemical analysis and not for sale.

"Owner" means a person who has possession of or any interest whatsoever in the property involved.
"Person" means an individual, a corporation, a government, a governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other entity.
"Production" means planting, cultivating, tending, or harvesting.
"Property" means real property, including things growing on, affixed to, and found in land, and tangible or intangible personal property, including rights, services, privileges, interests, claims, and securities.
(Source: P.A. 87-544.)

Section 99. Effective date. This Act takes effect upon
becoming law.