

Illinois Pushes For Recreational Cannabis

Background: On August 1, 2013, the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”), Public Act 98-0122, became effective. The Medical Cannabis Patient Registry Program allows persons who are diagnosed with a debilitating medical condition to register with the Illinois Department of Public Health (IDPH) in order to obtain access to cannabis (marijuana) for medical use.

During July 2016, Governor Bruce Rauner signed legislation that decriminalized small amounts of cannabis. Possession up to 10 grams can be punishable by a \$100-200 fine. Prior to this legislation, offenders faced a potential misdemeanor charge that could result in a possible six-month jail sentence or a \$1500 fine.

Cannabis Act Amendment: As of 2017, the Cannabis Act is being challenged. State Representative, Kelly Cassidy, filed an amendment to the Illinois Cannabis Control Act on March 22, 2017. The amendment will make many changes in the interest of allowing law enforcement to concentrate on violent and property crime, schools to harness tax revenue for education, and citizens to have individual freedom.¹

¹ <https://www.illinoispolicy.org/illinois-lawmaker-proposes-legislation-to-legalize-marijuana/>

The amendment aims to make:

- **Marijuana legal for anyone age 21 or older.** The substance would be regulated the same as alcohol – buyers must show identification when purchasing, and selling to anyone under age 21 would be illegal. Public smoking would remain illegal, and punishable by a fine of up to \$100.
- **Manufacturing and distributing marijuana is legal for anyone age 21 or older.** However, “cultivation” of marijuana plants may not grow in public view. Cultivators must prevent anyone younger than 21 from accessing the plants. Growers may only grow the plants on property they legally own – or with the consent of the property owner. Anyone who violates these stipulations would face a fine of up to \$750. Anyone wishing to grow, process, cultivate, harvest, possess, sell or purchase industrial hemp or industrial hemp-related products would be required to get a state license to do so.
- **A possession limit of 28 grams for state residents. Nonresidents may possess only 14 grams of marijuana.**
- Smoking marijuana while driving is still illegal. This legislation would not legalize driving under the influence. Anyone caught driving while smoking marijuana may be fined up to \$200 or have their driver’s license suspended for up to six months, or both, for the first violation. People

caught for subsequent violations could face a fine up to \$500 and a driver's license suspension of up to a year.

- **The sale and use of marijuana “accessories” legal. Anyone 21 or older may sell or use marijuana accessories, such as a pipe, bong or vaporizer.**
- 180 days to create rules for implementation. If the amendment passes, the Department of Agriculture would have 180 days to create regulations for cannabis establishments. The list of required regulations includes:

Procedures for the issuance, renewal, suspension and revocation of a registration to operate a cannabis establishment

- A schedule of application and renewal fees not to exceed \$5,000, with this upper limit adjusted annually for inflation.
- Security requirements including lighting, physical security, video and alarm requirements.
- Employment and training requirements.

The amendment language also includes wording to allow local governments to regulate marijuana, as well as an option to create a local regulating authority.

Tax rates for different types of cannabis. These rates would be adjusted annually for inflation:

- \$50 per 28 grams on all cannabis flowers.

- \$15 per 25 grams on all parts of cannabis other than cannabis flowers and immature cannabis plants.
- \$25 per immature cannabis plant.

Rules on how cannabis tax revenue would be distributed.

Revenue would be distributed every three months as follows:

- 30 percent to the State Board of Education.
- 10 percent to the Department of Public Health for use in evidence-based, voluntary programs for the prevention or treatment of alcohol, tobacco and cannabis abuse.
- 10 percent to the Department of Public Health for a scientifically and medically accurate public education campaign educating youth and adults about the health and safety risks of alcohol, tobacco and cannabis.
- 50 percent to the general revenue fund.

Employers are free to deal with marijuana in the workplace as they choose. The amendment clearly states the legislation is not “intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of cannabis in the employer’s workplace or to affect the ability of employers to have policies restricting the use of cannabis by employees or discipline employees who are under the influence of cannabis in the employer’s workplace.”

The amendment has been referred to the House Rules Committee.

Until recreational cannabis is legal, look [here](#) for an updated list of medical marijuana dispensaries in Illinois.

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