

**October 6, 2025**

Honorable Carla J. Joseph  
Chairwoman, Committee on Rules and Judiciary  
36th Legislature of the Virgin Islands

Dear Senator Joseph:

Thank you for your letter inviting Lindsey Rithamel and Ryan Kohrig, owners of The Remedy, to provide testimony on Bill No. 36-0105. Please be advised we will unfortunately be unable to attend this hearing in person but submit the following written testimony.

We would like to be clear that we are in full support of amending Virgin Islands law to include restrictions and regulations on hemp-derived products. However, as drafted, this bill functions as prohibition rather than regulation, an approach that has historically failed to achieve public health goals.

The bill purports to “ensure equitable regulation, enforcement, and reduce ambiguity for businesses, law enforcement, and regulators, while keeping the Virgin Islands competitive in the hemp industry and spur economic development.” It is our position that this bill would do the opposite, creating confusion and economic harm. Proposed §200a of the bill is contradictory and nearly impossible to enforce. Instead of reducing ambiguity, the language ensures constant uncertainty for regulators and lawful businesses alike. Far from keeping the territory competitive, this measure would decimate the local industry, driving commerce off-island, halting investment, and erasing the very economic development opportunities the bill claims to promote.

Even if enforcement were possible, the measure would not meaningfully reduce access. Under the Dormant Commerce Clause and the Revised Organic Act of 1954, the Virgin Islands cannot discriminate against federally lawful hemp in interstate commerce, as affirmed in

Federal courts. This means that consumers will simply buy these products online, beyond the reach of local regulation. Additionally, this would drive consumers to black-market, homemade alternatives which are the very products identified in the September 4th hearing on this bill as the source of harm behind the health incidents in the territory, confirmed by Director of Enforcement of the Department of Licensing and Consumer Affairs, Wilber Francis, and Department of Health Commissioner, Justa Encarnacion.

It was suggested at this same hearing that “no bill is perfect” and amendments can follow. Respectfully, the inaccuracies and contradictions in this bill are not minor details and go to the heart of enforceability and interpretation. Passing a flawed measure will create immediate confusion for agencies and compliant businesses.

#### **Clarifications regarding delta-8 tetrahydrocannabinol ( $\Delta^8$ -THC) statements in the bill**

- It is true that these products have not been evaluated or approved by the U.S. Food and Drug Administration (FDA), but this is also true for many lawful consumer products (dietary supplements, essential oils, energy drinks) that are regulated through labeling and manufacturing standards.
- The bill states that the chemical process to produce the concentrations of  $\Delta^8$ -THC needed for commercial products “may result in harmful byproducts or contaminants....” Reputable manufacturers already provide third-party lab reports demonstrating products are free of residual solvents, heavy metals, pesticides, microbials, and other byproducts. Requiring these additional tests for ingestibles would easily combat this issue and ensure safety.
- Although irresponsible manufacturers that market products with youth-appealing packaging do exist, reputable companies already follow strict labeling standards and child-resistant packaging. Mandating clear labeling, warnings, physical access controls, and age

restrictions for products sold in the territory would directly address this issue while keeping hemp-derived products out of the hands of minors.

- The FDA has received reports of short-term adverse reactions (including dizziness, nausea, confusion, hallucinations) in connection with  $\Delta^8$ -THC products. Meanwhile, comparative risk assessments place alcohol and tobacco much higher in long-term harm categories. In other words, while isolated short-term effects are documented for hemp-derived cannabinoids, the evidence base supports regulating access and quality, not a sweeping ban, given alcohol and cigarettes' well-documented, severe chronic harms.

### **A smarter, evidence-based approach**

What we are asking for is not to maintain the status quo, but to implement balanced regulation. We have included bills from three states that show how other legislatures have addressed or are looking to address youth access and safety without destroying their hemp industries (attachments 1-3). We encourage the Legislature to look to these examples as models for balanced regulation that safeguards consumers.

### **Requested revisions to the bill**

We fully support section §200a(1) of this bill, as it appropriately addresses cannabinoids that do not occur naturally in the plant in any quantity.

We recommend that subsection §200a(2) that would ban cannabinoids capable of being naturally produced by the plant that were isomerized by, synthesized, chemically altered or manufactured outside of the plant be stricken from the bill. There is currently no laboratory method used in commerce that can determine whether cannabinoids were produced in the plant or converted synthetically, making compliance impractical to verify. Additional easily enforceable regulations and safeguards can be written to require ingestible products to have

third-party lab reports from the manufacturer demonstrating they are free of harmful byproducts that could remain from these processes, as mentioned earlier.

If the Legislature's intent is to keep §200a(2) that prohibits these naturally occurring cannabinoids that exist in hemp products only through chemical conversion or semi-synthetic processes rather than regulate them, we respectfully urge this body to strike all references to tetrahydrocannabinolic acid (THCA), remove subsection §200a(3), and delete subsection §200a(4) of amendment 36-527.

THCA in hemp-derived products are produced from naturally occurring THCA within the plant, not through chemical or biotechnological synthesis from CBD or other cannabinoids as they are not practical or cost effective for commercial hemp manufacturing. THCA should therefore not be grouped with chemically converted cannabinoids in §200a(2) as it would contradict scientific evidence and effectively criminalize lawful hemp flower and many unintended, full-spectrum products.

Removing subsections §200a(3) and §200a(4) from Amendment 36-527 is appropriate because, with §200a(1) already prohibiting fully synthetic, non-naturally occurring cannabinoids and added language expressly covering cannabinoids produced by chemical conversion, the remaining provisions would otherwise reach only naturally occurring cannabinoids. This revision eliminates enforcement gray areas and avoids reliance on subjective phrases such as "cannabinoids that have similar effects or are marketed to have similar effects".

We humbly recommend the legislature adopt the following additional regulations:

1. **Age limits** (21+ for sales and possession)
2. **Point-of-sale controls** (reduce youth access & confusion)
  - a. **Behind-the-counter / locked storage** for all consumables

b. **Mandatory youth-warning placards**

3. **Labeling, disclosures & packaging**

- a. **Comprehensive labels** on ingestible products (ex: serving size, 21+ only, impairment warning, FDA disclaimer)
- b. **QR code** to lab reports
- c. **Tamper-evident and child-resistant packaging** for consumables
- d. **Restrictions on packaging** against trademarked foods, animal/cartoon imagery, or youth-appealing branding

4. **Taxation** (funding enforcement and education)

- a. Retail excise tax on hemp product sales (e.g., 2–5% of gross sales)

5. **Limitations on combined business licenses**

- a. **Restrict “hemp retailer” licenses** from being combined with other categories (ex: gasoline stations)

These solutions provide genuine safeguards without destroying the hemp industry or creating contradictions in law.

The Remedy remains dedicated to supporting the Legislature’s efforts to create a responsible, transparent, and a well-regulated hemp industry. We appreciate the opportunity to contribute and look forward to continued collaboration on sensible and effective policy.

Sincerely,

Lindsey Rithamel & Ryan Kohrig  
Owners – The Remedy

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FIVE

—  
H.P. 1281 - L.D. 1920

**An Act to Prohibit the Sale of Potentially Intoxicating Hemp Products to a  
Person Under 21 Years of Age**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** there are currently intoxicating hemp products for sale in this State for which there is no legal restriction preventing sale to minor children; and

**Whereas,** some of those products may be designed or packaged in a manner that a person, including a child, could potentially be led to confuse the intoxicating products for nonintoxicating products typically marketed to children, such as gummies or similar products; and

**Whereas,** ingestion of intoxicating hemp products by a child can cause harm to the child; and

**Whereas,** it is in the interest of child safety for the restrictions directed by this legislation to go into effect as soon as possible; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 7 MRSA §2231, sub-§1-A, ¶F is enacted to read:**

**F. "Nonintoxicating cannabinoid" means:**

- (1) Cannabidiol, also known as "CBD";
- (2) Tetrahydrocannabivarin, also known as "THCV";
- (3) Cannabichromene, also known as "CBC";
- (4) Cannabicitran, also known as "CBTC";
- (5) Cannabicyclol, also known as "CBL";

- (6) Cannabielsoin, also known as "CBE";
- (7) Cannabigerol, also known as "CBG";
- (8) Cannabidivarin, also known as "CBDV"; and
- (9) Cannabinol, also known as "CBN."

**Sec. 2. 7 MRSA §2231, sub-§1-A, ¶G** is enacted to read:

G. "Potentially intoxicating cannabinoids" include the following:

- (1) Delta-10-tetrahydrocannabinol and its isomers;
- (2) Delta-9-tetrahydrocannabinol and its isomers;
- (3) Delta-8-tetrahydrocannabinol and its isomers;
- (4) Delta-7-tetrahydrocannabinol and its isomers;
- (5) Delta-6a,10a-tetrahydrocannabinol and its isomers;
- (6) Exo-tetrahydrocannabinol;
- (7) Metabolites of tetrahydrocannabinol, including 11-hydroxy-tetrahydrocannabinol, 3'-hydroxy-tetrahydrocannabinol and 7-hydroxy-delta-tetrahydrocannabinol;
- (8) Hydrogenated forms of tetrahydrocannabinol, including hexahydrocannabinol, hexahydrocannabiphorol and hexahydrocannabihexol;
- (9) Synthetic forms of tetrahydrocannabinol, including dronabinol;
- (10) Ester forms of tetrahydrocannabinol, including delta-8-tetrahydrocannabinol-O-acetate, delta-9-tetrahydrocannabinol-O-acetate and hexahydrocannabinol-O-acetate;
- (11) Varin forms of tetrahydrocannabinol, including delta-8-tetrahydrocannabivarin but excluding delta-9-tetrahydrocannabivarin; and
- (12) Analogs of tetrahydrocannabinols with an alkyl chain of 4 or more carbon atoms, including tetrahydrocannabiphorols, tetrahydrocannabiocytls, tetrahydrocannabihexols and tetrahydrocannabutols.

**Sec. 3. 7 MRSA §2231, sub-§1-A, ¶H** is enacted to read:

H. "Potentially intoxicating hemp product" means any products derived from hemp and ingestible consumer products, including food, food additives, food products and beverages derived from hemp, that in their final forms do not contain:

- (1) A concentration of less than 0.3% potentially intoxicating cannabinoids; and
- (2) A ratio of more than 10:1 of nonintoxicating cannabinoids to potentially intoxicating cannabinoids.

**Sec. 4. 7 MRSA §2231, sub-§12** is enacted to read:

**12. Potentially intoxicating hemp products; prohibited sales.** A potentially intoxicating hemp product may not be sold to a person who has not attained 21 years of age.

**Sec. 5. 7 MRSA §2231, sub-§13** is enacted to read:

**13. Packaging and labeling requirements.** This subsection governs packaging and labeling requirements for hemp products.

A. A potentially intoxicating hemp product that is not a beverage, salve or topical product must be packaged in child-resistant and tamper-evident packaging.

B. A hemp product may not be labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the item was a different trademarked product.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.



**ATTACHMENT 2  
SOUTH CAROLINA BILL 3924  
PASSED HOUSE VOTE & MOVED TO  
SENATE APRIL 10, 2025**

## **A BILL**

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 56 TO TITLE 46 SO AS TO REGULATE THE SALE OF HEMP-DERIVED CONSUMABLES, AMONG OTHER THINGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 46 of the S.C. Code is amended by adding:

### **CHAPTER 56**

#### **Consumable Hemp Products**

Section 46-56-10. It is unlawful for a person under the age of twenty-one to possess or consume a "consumable hemp product." A "consumable hemp product" is defined as a hemp, tetrahydrocannabinol (THC) or cannabinoid product that is a hemp- or cannabinoid- derived good intended for human ingestion, absorption, or consumption made from a cannabinoid that is naturally occurring in a hemp plant or made from a cannabinoid that is chemically derived or otherwise synthetically manufactured that has been extracted or purified from an agricultural product. The following chemically derived hemp cannabinoids are specifically included in the definition of a consumable hemp product:

- (1) Hexahydrocannabinol (HHC);
- (2) Tetrahydrocannabinol acetate ester (THCo);
- (3) Tetrahydrocannabiphorol (THCp);
- (4) Delta 8 Tetrahydrocannabinol;
- (5) Delta 10 Tetrahydrocannabinol;
- (6) Delta 4 Tetrahydrocannabinol;
- (7) Delta 11 Tetrahydrocannabinol;
- (8) Delta 6a10a Tetrahydrocannabinol;
- (9) Hexahydrocannabinol Acetate (HHC-O);
- (10) Delta 9 Tetrahydrocannabiphorol;
- (11) Delta 9 Tetrahydrocannabihexol;
- (12) Delta 9 Tetrahydrocannabinol octyl;
- (13) Delta 9 Tetrahydrocannabinol methyl ether (THC-M);
- (14) Delta 8 Tetrahydrocannabinol octyl;

- (15) Delta 7 Tetrahydrocannabinol; or
- (16) any synthetic derivative or analog of the above compounds.

Section 46-56-20. (A) No person may knowingly:

(1) sell or distribute a product containing a consumable hemp product to a person who is under twenty-one years of age or purchase a product containing a consumable hemp product on behalf of a person who is under twenty-one years of age;

(2) persuade, entice, send, or assist a person who is under twenty-one years of age to purchase, acquire, receive, or attempt to purchase a consumable hemp product. This section does not preclude law enforcement efforts involving:

(a) the use of a minor if the minor's parent or legal guardian has consented to this action; or

(b) the use of a person under twenty-one years of age who is not a minor if the individual has consented to this action;

(3) distribute samples of consumable hemp product in or on a public street, sidewalk, or park; or

(4) sell or distribute a consumable hemp product without having first obtained proof of age from the purchaser or recipient.

(B) Any consumable hemp beverage product offered for retail sale shall be merchandised in such a manner including, but not limited to, signage, shelf-talkers, and stickers on cooler doors, so as to clearly indicate to consumers the product contains hemp-derived cannabinoids.

(C) With the exception of consumable hemp beverages, it is a violation to fail to maintain any product containing consumable hemp products locked away or behind the counter of a retail establishment in an area inaccessible to the customer.

(D) A person violating subsection (A) is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

(E) Section 61-6-4080 is applicable to a person who is in violation of subsection (A)(1) for the sale or distribution of a consumable hemp product.

(F) It is unlawful for a person under twenty-one years of age to:

(1) knowingly purchase, possess, or accept receipt of a consumable hemp product; or

(2) knowingly present purported proof of age that is false, fraudulent, or not actually that person for the purpose of purchasing or receiving a consumable hemp product.

(G) A person violating subsection (F) is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or must be imprisoned for not more than thirty days, or both.

(H) A person eighteen years of age and older lawfully employed to serve or remove consumable hemp products, beer, wine, or alcoholic beverages in establishments licensed to sell these beverages is not considered to be in unlawful possession of the beverages during the course and

scope of his duties as an employee. The provisions of this subsection do not affect the requirement that a bartender must be at least twenty-one years of age.

Section 46-56-40. (A) A person engaged in the business of selling at retail consumable hemp products must post in each location for which he has obtained a license a sign with the following words printed thereon:

"The possession of a consumable hemp product by a person under twenty-one years of age is a criminal offense under the laws of this State, and it is also unlawful for a person to knowingly give false information concerning his age for the purpose of purchasing a consumable hemp product."

(B) The South Carolina Department of Agriculture must prescribe by regulation the size of the lettering and the location of the sign on the seller's premises.

(C) A retail seller of consumable hemp products who fails to display the sign required by this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.

Section 46-56-50. (A) Nothing in this act shall be construed to:

(1) legalize the sale, possession, or consumption of THC products by any person in this State where such products are otherwise prohibited by law;

(2) permit the sale or distribution of any product that exceeds the established THC limits; or

(3) prohibit the sale or distribution of any hemp product that is otherwise legal under state or federal law provided the sale or distribution is not in violation of this article.

(B) This article does not limit or affect any other federal or state law more strictly regulating THC or controlled substances in this State.

Section 46-56-60. An entity that is in the business of manufacturing or selling products containing a hemp-derived cannabinoid in this State, including a producer or retailer, may not be located within one thousand feet of a school, daycare facility, or other similar locations.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. During the first 180 days after the effective date of this act, law enforcement officers shall only issue warnings for violations of this article.

SECTION 4. This act takes effect upon approval by the Governor.

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**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**HB0064**

Introduced 1/9/2025, by Rep. Sonya M. Harper

**SYNOPSIS AS INTRODUCED:**

410 ILCS 620/21	from Ch. 56 1/2, par. 521
505 ILCS 89/5	
505 ILCS 89/10	
505 ILCS 89/15	
505 ILCS 89/20	

Amends the Illinois Food, Drug and Cosmetic Act. Provides that, notwithstanding any other provision of law, a food, food ingredient, dietary supplement, cosmetic, or other consumer product shall not be considered adulterated solely because it contains hemp, hemp-derived cannabinoids, including, but not limited to, Delta-9 tetrahydrocannabinol (THC), Delta-8 THC, tetrahydrocannabinolic acid (THCa), or any hemp product, provided that the hemp used in the product complies with the definition of "hemp" as specified in federal law. Amends the Industrial Hemp Act. Conforms several provisions in the Act to federal regulations under the Domestic Hemp Production Program, including (i) definitions, (ii) requirements for the application for a license to cultivate hemp, and (iii) rulemaking requirements for the Department of Agriculture. Provides that the Department of Agriculture shall adopt rules for the distribution and retail sale of hemp products under conditions in specified provisions of the Act. Provides that hemp products that contain cannabinoids, that are intended for human consumption, and that are designated for retail sale within Illinois (i) must meet specified requirements, including federal requirements and rules adopted by the Department of Public Health, and (ii) must be distributed or sold in a container that includes specified information. Provides that hemp products that are intended for inhalation or ingestion and contain detectable amounts of hemp cannabinoids may not be sold in this State to a person who is under 21 years of age. Provides that hemp products distributed or sold in violation of specified provisions in the Act shall be considered adulterated or misbranded pursuant to the Illinois Food, Drug and Cosmetic Act and all other applicable State laws. Defines terms. Makes technical changes.

LRB104 03035 BDA 13053 b

1 AN ACT concerning hemp.

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

4 Section 5. The Illinois Food, Drug and Cosmetic Act is  
5 amended by changing Section 21 as follows:

6 (410 ILCS 620/21) (from Ch. 56 1/2, par. 521)

7 Sec. 21. Rulemaking; enforcement; federal regulations.

8 (a) The authority to adopt rules ~~promulgate regulations~~  
9 for the efficient enforcement of this Act is vested in the  
10 Director. The Director is authorized to make the rules adopted  
11 ~~regulations promulgated~~ under this Act conform, in so far as  
12 practicable, with those promulgated under the Federal Act.

13 (b) Hearings authorized or required by this Act shall be  
14 conducted by the Director or an officer, agent, or employee  
15 designated by the Director ~~him~~.

16 (c) All pesticide chemical regulations and supplements  
17 ~~thereto~~ or revisions to those regulations that are ~~thereof~~  
18 adopted under authority of the Federal Food, Drug and Cosmetic  
19 Act are the pesticide chemical regulations in this State,  
20 except insofar as modified or rejected by rules ~~regulations~~  
21 for finished foods adopted ~~promulgated~~ by the Director.

22 (d) All food additive regulations and supplements ~~thereto~~  
23 or revisions to those regulations that are ~~thereof~~ adopted

1 under authority of the Federal Food, Drug and Cosmetic Act are  
2 the food additive regulations in this State, except insofar as  
3 modified or rejected by rules adopted ~~regulations promulgated~~  
4 by the Director.

5 (e) All color additive regulations and supplements ~~thereto~~  
6 or revisions to those regulations that are ~~thereof~~ adopted  
7 under authority of the Federal Food, Drug and Cosmetic Act are  
8 the color additive regulations in this State, except insofar  
9 as modified or rejected by rules adopted ~~regulations~~  
10 ~~promulgated~~ by the Director.

11 (f) All special dietary use regulations and supplements  
12 ~~thereto~~ or revisions to those regulations that are ~~thereof~~  
13 adopted under authority of the Federal Food, Drug and Cosmetic  
14 Act are the special dietary use regulations in this State,  
15 except insofar as modified or rejected by rules adopted  
16 ~~regulations promulgated~~ by the Director.

17 (g) All bottled water and vended water device regulations  
18 and supplements ~~thereto~~ or revisions to those regulations that  
19 are ~~thereof~~ adopted under the authority of the Federal Food,  
20 Drug and Cosmetic Act are the bottled water and vended water  
21 device regulations in this State, except insofar as modified  
22 or rejected by rules adopted ~~regulations promulgated~~ by the  
23 Director.

24 (h) All infant formula regulations and supplements ~~thereto~~  
25 or revisions to those regulations that are ~~thereof~~ adopted  
26 under the authority of the Federal Food, Drug and Cosmetic Act

1 are the infant formula regulations in this State, except  
2 insofar as modified or rejected by rules adopted ~~regulations~~  
3 ~~promulgated~~ by the Director.

4 (i) All food, drug, device, and cosmetic Good  
5 Manufacturing Practices Regulations and supplements ~~thereto~~ or  
6 revisions to those regulations that are ~~thereof~~ adopted under  
7 the authority of Federal Food, Drug and Cosmetic Act are the  
8 food, drug, device and cosmetic Good Manufacturing Practices  
9 Regulations in this State, except insofar as modified or  
10 rejected by rules adopted ~~regulations promulgated~~ by the  
11 Director.

12 (j) A federal regulation automatically adopted pursuant to  
13 this Act takes effect in this State on the date it becomes  
14 effective as a Federal regulation. No publication or hearing  
15 is required. The Director shall adopt ~~promulgate~~ all other  
16 proposed rules ~~regulations~~ in compliance with the requirements  
17 of the ~~The~~ Illinois Administrative Procedure Act.

18 (k) Notwithstanding any other provision of law, a food,  
19 food ingredient, dietary supplement, cosmetic, or other  
20 consumer product shall not be considered adulterated solely  
21 because it contains hemp, hemp-derived cannabinoids,  
22 including, but not limited to, Delta-9 tetrahydrocannabinol  
23 (THC), Delta-8 THC, tetrahydrocannabinolic acid (THCa), or any  
24 hemp product, provided that the hemp used in the product  
25 complies with the definition of "hemp" as specified in 7  
26 U.S.C. 1639o.

(Source: P.A. 84-891.)

Section 10. The Industrial Hemp Act is amended by changing Sections 5, 10, 15, and 20 as follows:

(505 ILCS 89/5)

Sec. 5. Definitions. In this Act:

"Department" means the Department of Agriculture.

"Director" means the Director of Agriculture.

"Hemp" ~~or "industrial hemp"~~ means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis ~~and includes any intermediate or finished product made or derived from industrial hemp.~~

"Hemp product" means a product that contains hemp.

"Hemp production plan" means a plan submitted by the Department to the Secretary of the United States Department of Agriculture pursuant to the federal Agriculture Improvement Act of 2018, Public Law 115-334, and consistent with the Domestic Hemp Production Program pursuant to 7 CFR Part 990 wherein the Department establishes its desire to have primary regulatory authority over the production of hemp.

"Industrial hemp" means hemp or any intermediate or



1 finished product made or derived from hemp.

2 "Lot" has the meaning ascribed to that term in 7 CFR 990.1.

3 ~~"Land area" means a farm as defined in Section 1-60 of the~~  
4 ~~Property Tax Code in this State or land or facilities under the~~  
5 ~~control of an institution of higher education.~~

6 "Person" means any individual, partnership, firm,  
7 corporation, company, society, association, the State or any  
8 department, agency, or subdivision thereof, or any other  
9 entity.

10 "Process" means the conversion of raw industrial hemp  
11 plant material into a form that is presently legal to import  
12 from outside the United States under federal law.

13 "THC" means delta-9 tetrahydrocannabinol.

14 (Source: P.A. 102-690, eff. 12-17-21.)

15 (505 ILCS 89/10)

16 Sec. 10. Licenses and registration.

17 (a) No person shall cultivate industrial hemp in this  
18 State without a license issued by the Department.

19 (b) The application for a license shall include:

20 (1) the name and address of the applicant;

21 (2) a legal description of the land that contains the  
22 lots where hemp is to be produced, including, to the  
23 extent practicable, any geospatial locations consistent  
24 with the Domestic Hemp Production Program under 7 CFR Part  
25 990 ~~the legal description of the land area, including~~

1 ~~Global Positioning System coordinates, to be used to~~  
2 ~~cultivate industrial hemp; and~~

3 (3) if federal law requires a research purpose for the  
4 cultivation of industrial hemp, a description of one or  
5 more research purposes planned for the cultivation of  
6 industrial hemp which may include the study of the growth,  
7 cultivation, or marketing of industrial hemp; however, the  
8 research purpose requirement shall not be construed to  
9 limit the commercial sale of industrial hemp.

10 (b-5) A person shall not process industrial hemp in this  
11 State without registering with the Department on a form  
12 prescribed by the Department.

13 (c) The Department may determine, by rule, the duration of  
14 a license or registration; application, registration, and  
15 license fees; and the requirements for license or registration  
16 renewal.

17 (Source: P.A. 102-690, eff. 12-17-21.)

18 (505 ILCS 89/15)

19 Sec. 15. Rules.

20 (a) The Department shall submit to the Secretary of the  
21 United States Department of Agriculture a hemp production plan  
22 under which the Department monitors and regulates the  
23 production of industrial hemp in this State. The Department  
24 shall adopt rules incorporating the hemp production plan,  
25 including application and licensing requirements.

1 (b) The rules adopted ~~set~~ by the Department shall include  
2 annual inspections of, at a minimum, a random group of  
3 producers to verify that hemp is produced in compliance with  
4 this Act and the Domestic Hemp Production Program established  
5 under 7 CFR Part 990 ~~one yearly inspection of a licensed~~  
6 ~~industrial hemp cultivation operation and allow for additional~~  
7 ~~unannounced inspections of a licensed industrial hemp~~  
8 ~~cultivation operation at the Department's discretion.~~

9 (c) The Department shall adopt rules necessary for the  
10 administration and enforcement of this Act in accordance with  
11 all applicable State and federal laws and regulations,  
12 including rules concerning standards and criteria for  
13 licensure and registration, for the payment of applicable  
14 fees, signage, and for forms required for the administration  
15 of this Act.

16 (d) The Department shall adopt rules for ~~the testing of~~  
17 ~~the industrial hemp THC levels and~~ for remediation or ~~the~~  
18 ~~disposal of plant matter exceeding lawful THC levels,~~  
19 ~~including an option for a cultivator to retest for a minor~~  
20 ~~violation~~ consistent with the Domestic Hemp Production Program  
21 under 7 CFR Part 990. ~~, with the retest threshold determined by~~  
22 ~~the Department and set in rule. Those rules may provide for the~~  
23 ~~use of seed certified to meet the THC levels mandated by this~~  
24 ~~Act as an alternative to testing~~

25 (e) The Department shall adopt rules for the distribution  
26 and retail sale of hemp products that meet all conditions

1 specified in Section 20 of this Act.

2 (Source: P.A. 102-690, eff. 12-17-21.)

3 (505 ILCS 89/20)

4 Sec. 20. Hemp products.

5 (a) Nothing in this Act shall alter the legality of hemp or  
6 hemp products that are presently legal to possess or own,  
7 except as otherwise provided in this Section.

8 (b) Hemp products that contain cannabinoids, that are  
9 intended for human consumption, and that are designated for  
10 retail sale within Illinois must meet the following  
11 requirements:

12 (1) The hemp used in the hemp products must comply  
13 with the definition of "hemp" specified in 7 U.S.C. 1639o.

14 (2) The hemp products must not contain contaminants  
15 unsafe for human consumption, including, but not limited  
16 to, any microbe, fungus, yeast, mildew, herbicide,  
17 pesticide, fungicide, residual solvent, metal, or other  
18 contaminant found in any amount that exceeds any of the  
19 accepted limitations as determined by rules adopted by the  
20 Department of Public Health for a food, food ingredient,  
21 dietary supplement, cosmetic, or other consumer product,  
22 or other limitation pursuant to the laws of this State,  
23 whichever amount is less.

24 (c) Hemp products that contain cannabinoids, that are  
25 intended for human consumption, and that are designated for

1 retail sale within Illinois must be distributed or sold in a  
2 container that includes:

3 (1) a scannable barcode or quick response code linked  
4 to a certificate of analysis prepared by an approved  
5 testing laboratory prominently displaying the  
6 concentration of all detectable cannabinoids in the  
7 product as well as any detectable contaminants under  
8 paragraph (2) of subsection (b) of this Section or rules  
9 adopted under that paragraph;

10 (2) the expiration date of the product;

11 (3) the number of milligrams of each marketed  
12 cannabinoid per serving; and

13 (4) a disclaimer, which shall state: "These statements  
14 have not been evaluated by the United States Food and Drug  
15 Administration. This product is not intended to diagnose,  
16 treat, cure, or prevent any disease.".

17 (d) Hemp products that are intended for inhalation or  
18 ingestion and contain detectable amounts of hemp cannabinoids  
19 may not be sold in this State to a person who is under 21 years  
20 of age.

21 (e) Hemp products distributed or sold in violation of this  
22 Section shall be considered adulterated or misbranded under  
23 the Illinois Food, Drug and Cosmetic Act and all other  
24 applicable State laws.

25 (Source: P.A. 100-1091, eff. 8-26-18.)