

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER v: LICENSING AND REGULATIONS

PART 1200  
INDUSTRIAL HEMP ACT

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AUTHORITY: Implementing and authorized by Section 15 of the Industrial Hemp Act [505 ILCS 89].

SOURCE: Adopted at 43 Ill. Reg. 4973, effective April 24, 2019; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1200.10 Definitions and Incorporations**

Definitions for this Part are located in Section 5 of the Industrial Hemp Act [505 ILCS 89]. The following definitions shall also apply to this Part:

"Academic Research" means research conducted by a licensed Academic Research Institution on hemp or industrial hemp.

"Academic Research Institutions" means institutions that: offer in person courses at a physical campus located in Illinois; are Illinois not-for-profit entities; offer agricultural programs or degrees; and conduct research on hemp. This includes accredited public institutions of higher education, as defined in 110 ILCS 205/1; accredited, not for profit, post-secondary educational institutions, as defined at

44 110 ILCS 1005/1; and community colleges, as defined at 110 ILCS 805/1-2(c); or  
45 other academic institutions approved by the Department, including, but not  
46 limited to, Illinois public or nonpublic secondary schools registered with the  
47 Illinois State Board of Education, which conduct academic research on hemp.

48  
49 "Academic Research Designated Laboratory" means a laboratory that is under the  
50 control of the licensed academic research institution or has a written agreement  
51 with another licensed academic research institution to conduct testing on its  
52 behalf. Testing conducted between licensed academic research institutions does  
53 not need to be contingent upon payment for testing services.

54  
55 "Academic Sampling Agent" means an individual designated by an Academic  
56 Research Institution to sample hemp for that institution.

57  
58 "Acceptable Hemp THC Level" means a total delta-9 tetrahydrocannabinol  
59 content concentration level of not more than 0.3% on a dry weight basis for hemp.  
60 Hemp will satisfy this standard if laboratory testing produces a distribution or  
61 range within the measurement of uncertainty that includes the total THC  
62 concentration level of 0.3% or less.

63  
64 "Act" means the Industrial Hemp Act [505 ILCS 89].

65  
66 "Agent" means any family member, employee, contracted employee, or farmhand  
67 of a licensed or registered hemp cultivator or processor.

68  
69 "Applicant" means the individual or entity who is applying for a license or  
70 registration.

71  
72 "Biomass" means the result of all flowers, buds, trichomes, leaves, stalks, seeds,  
73 and all plant parts from a lot being chopped or shredded in such a way as to create  
74 a homogenous, uniform blend of the lot. Only one lot may make up biomass.  
75 Chopping and shredding may be done by shredders, composters, or other  
76 specialty mechanical equipment.

77  
78 "Cannabis" means marijuana, hashish, and other substances that are identified as  
79 including any parts of the plant Cannabis sativa and including derivatives or  
80 subspecies, such as indica, of all strains of cannabis, whether growing or not; the  
81 seeds thereof, the resin extracted from any part of the plant; and any compound,  
82 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or  
83 resin, including tetrahydrocannabinol (THC) and all other naturally produced  
84 cannabinol derivatives, whether produced directly or indirectly by extraction;  
85 however, "cannabis" does not include the mature stalks of the plant, fiber  
86 produced from the stalks, oil or cake made from the seeds of the plant, any other

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

93  
94 "Cannabis plant" means a genus of flowering plants in the family Cannabaceae of  
95 which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis  
96 are subspecies thereof. The term cannabis plant for purposes of this Part refers to  
97 any form of the plant in which the total delta-9 tetrahydrocannabinol  
98 concentration on a dry weight basis has not yet been determined.

99  
100 "Contiguous Land Area" means land areas used for cultivation of industrial hemp  
101 that are not separated by more than 100 feet by waterways, fences, railroads,  
102 lanes, roads, highways, interstates or other separations.

103  
104 "Culpable Mental State Greater Than Negligence" means to act intentionally,  
105 knowingly, willfully, or recklessly.

106  
107 "Cultivating" means planting, growing, harvesting and storing a plant or crop.

108  
109 "Decarboxylated" or "decarboxylation" means the completion of the chemical  
110 reaction that converts THC-acid (THCA) into delta-9-THC, the intoxicating  
111 component of the cannabis plant. The decarboxylated value is calculated using a  
112 molecule mass conversion ratio that sums delta-9-THC and 87.7% of THC-acid  
113 ((delta-9 THC) + (0.877 \* THCA)).

114  
115 *"Department" means the Illinois Department of Agriculture.*

116  
117 *"Director" means the Director of Agriculture. [505 ILCS 89/5]*

118  
119 "Disposal Report" means the report and notice that the licensee must submit to the  
120 Department on the required form, no more than 48 hours after the crop has been  
121 disposed of for non-compliance with the Act or this Part.

122  
123 "Disposal" or "Disposed Of" means an activity that transitions non-compliant  
124 hemp or hemp used for research purposes into a non-retrievable or non-ingestible  
125 form. Approved methods of disposal include plowing, tilling, or disking plant  
126 material into the soil; mulching, composting, chopping, or bush mowing plant  
127 material into green manure; burning plant material; burying plant material into the  
128 earth and covering with soil, and any other methods approved by USDA and  
129 published on the Department's website.

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"Dry Weight Basis" means the ratio of the amount of dry solid in a sample after drying to the total mass of the sample before drying, including the moisture in a sample. Dry weight basis is the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis plant item (plant, extract, or other derivative), after excluding moisture from the item.

"Farm" means any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming ~~[35 ILCS 200/1-160]~~.

"Farm Service Agency" or "FSA" means the Farm Service Agency of the United States Department of Agriculture.

"Government Demonstration and Research Entity" means a state or local government body licensed to grow hemp for research, demonstration, soil or water remediation, or soil erosion control.

"Handle" means to possess, transport or store industrial hemp for any period of time on premises owned, operated or controlled by a person or entity, or the agent thereof, licensed to cultivate industrial hemp or registered to process industrial hemp.

"Hemp" or "Industrial Hemp" means the plant species *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 total delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

"Hemp Microgreens" means immature hemp seedlings grown for human consumption that are harvested above the soil or substrate line, prior to flowering, and not more than 14 days after germination and no more than five inches in height.

"High-Performance Liquid Chromatography" or "HPLC" means a type of chromatography technique in analytical chemistry used to separate, identify, and quantify each component in a mixture. HPLC relies on pumps to pass a

173 pressurized liquid solvent containing the sample mixture through a column filled  
174 with a solid adsorbent material to separate and analyze compounds.

175  
176 "Indoor Cultivation" means the process of cultivating industrial hemp in a  
177 greenhouse or in an enclosed building or structure capable of continuous  
178 cultivation throughout the year. Continuous cultivation is not required.

179  
180 ~~*"Industrial Hemp" means the plant Cannabis sativa L. and any part of that plant,*~~  
181 ~~*whether growing or not, with a delta-9 tetrahydrocannabinol (THC)*~~  
182 ~~*concentration of not more than 0.3% on a dry weight basis that has been*~~  
183 ~~*cultivated under a license issued under the Act or is otherwise lawfully present in*~~  
184 ~~*this State, and includes any intermediate or finished product made or derived*~~  
185 ~~*from industrial hemp.*~~

186  
187 ~~*"Land Area" means a farm as defined in Section 1-60 of the Property Tax Code*~~  
188 ~~*[35 ILCS 200] in this State or land or facilities under the control of an institution*~~  
189 ~~*of higher education.*~~

190  
191 "Key Participants" means a sole proprietor, a partner in partnership, or a person  
192 with executive managerial control in a corporation. A person with executive  
193 managerial control includes persons such as a chief executive officer, chief  
194 operating officer, and chief financial officer. This definition does not include non-  
195 executive managers such as farm, field, or shift managers.

196  
197 "Land Area" means a farm as defined in Section 1-60 of the Property Tax Code  
198 [35 ILCS 200] in this State or land or facilities under the control of an academic  
199 research institution or government demonstration and research entity.

200  
201 "Law Enforcement" means the officers and activities of the federal, State, and  
202 local agencies responsible for maintaining public order and enforcing the law.

203  
204 "License" means authorization by the Department for any individual or legal  
205 entity to grow industrial hemp in the State.

206  
207 "Licensee" means a person or entity that has applied for, and received, a license to  
208 cultivate Industrial Hemp from the Department.

209  
210 "Lot" refers to a contiguous area in a field, greenhouse, or indoor growing  
211 structure containing the same variety or strain of the cannabis plant throughout.

212  
213 "Negligence" means a failure to exercise the level of care that a reasonably  
214 prudent person would exercise in complying with this Part.

215

216 "Official Sample" means the preharvest hemp sample collected by the  
217 Department, or sampling agent which is used to assess the THC concentration of a  
218 single lot of hemp. The official sample may also be used for sample retesting if a  
219 sufficient quantity of the original official sample remains.

220  
221 "Order of Disposal" means an order furnished to the licensee by the Department,  
222 ordering the disposal of cannabis plants that exceeds the acceptable hemp THC  
223 concentration when remediation is refused or has failed, and the grower refuses to  
224 destroy the non-compliant lot.

225  
226 "Person" means any individual, partnership, firm, corporation, company, society,  
227 association, the State or any department, agency, or subdivision thereof, or any  
228 other entity, or the agent thereof.

229  
230 "Post Decarboxylation Value", in the context of testing methodologies for THC  
231 concentration in hemp, means a value determined after the process of  
232 decarboxylation that determines the total potential delta-9 tetrahydrocannabinol  
233 (THC) content derived from the sum of the THC and delta-9-  
234 tetrahydrocannabinolic acid (THCA) content and reported on a dry weight basis.  
235 The post decarboxylation value of THC can be calculated by using a  
236 chromatographic technique using heat, gas chromatography, through which  
237 THCA is converted from its acid form to its neutral form, THC. Thus, this test  
238 calculates the total potential THC in each sample. The post decarboxylation value  
239 of THC can also be calculated by using a high-performance liquid  
240 chromatography technique, which keeps the THCA intact and requires a  
241 conversion calculation of that THCA to calculate total potential THC in a given  
242 sample.

243  
244 *"Process" means the conversion of raw industrial hemp plant material into a form*  
245 *that is presently legal to import from outside the United States under federal law.*  
246 [505 ILCS 89/5]

247  
248 "Registrant" or "Processor" means any person or entity that has applied for, and  
249 received, a registration~~Registration~~ to process industrial hemp from the  
250 Department.

251  
252 "Registration" means authorization by the Department for any individual or legal  
253 entity to process or handle industrial hemp.

254  
255 "Remediation" means the process by which non-compliant hemp (THC  
256 concentration > 0.3%) is rendered compliant (THC concentration ≤ 0.3%).  
257 Remediation can be achieved by separating and destroying non-compliant flowers  
258 while retaining stalks, leaves, and seeds; or by shredding the entire hemp plant to

259 create a homogenous biomass. Both remediation options require retesting for  
260 THC compliance before entering the stream of commerce.

261  
262 "Sampling Agent" means someone trained under applicable USDA training  
263 program available on the USDA website or a State training program for sample  
264 collection and has provided proof of training to the Department.

265  
266 "Strain" means variations of a cultivar, generally from breeding techniques or  
267 genetic mutations.

268  
269 "Hemp Testing Laboratory" or "testing laboratory" means a laboratory approved  
270 by the Department to handle, test, and analyze hemp in accordance with this Part.

271  
272 "THC" or "delta 9 tetrahydrocannabinol" means total THC.

273  
274 "Total THC" or "Total potential THC" means the value determined after the  
275 process of decarboxylation, or the application of a conversion factor if the testing  
276 methodology does not include decarboxylation, that expressed the potential total  
277 delta-9 tetrahydrocannabinol content derived from the sum of the THC and  
278 THCA content and reported on a dry weight basis within the measurement of  
279 uncertainty. This post-decarboxylation value of THC can be calculated by using a  
280 chromatograph technique using heat, such as gas chromatography, through which  
281 THCA is converted from its acid form to its neutral form, THC. Thus, this test  
282 calculates the total potential THC in a given sample. The total THC can also be  
283 calculated by using high performance liquid chromatography which keeps the  
284 THCA intact. This technique requires the use of the following conversion: [Total  
285 THC= (0.877 x THCA) + THC] which calculates the potential total THC in a  
286 given sample.

287  
288 "USDA sampling guidance" means United States Department of Agriculture  
289 Sampling Guidelines for Hemp issued on January 15, 2021 by the U.S. Domestic  
290 Hemp Production Program which have been incorporated by reference and does  
291 not include any letter amendments or editions. The guidance may be found at  
292 <https://www.ams.usda.gov/rules-regulations/hemp/rulemaking-documents> and is  
293 available from the Department upon request.

294  
295 "Variety" means a group of plants or an individual plant that exhibits distinctive  
296 observable physical characteristics or has a distinct genetic composition. This  
297 includes the terms "cultivar" and "strain".

298  
299 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

300  
301 **Section 1200.20 General Provisions**

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343
- a) No person shall cultivate industrial hemp in the State without first receiving an Industrial Hemp Cultivation License from the Department.
  - b) No person shall process or handle industrial hemp in the State without first receiving a processor/~~handler~~ registration from the Department.
  - c) All licensees in the State must provide reports as outlined in Section 1200.40(a) and (b).
  - d) Licensed industrial hemp cultivators are solely responsible for procuring seeds, clones, transplants or propagules for planting.
  - e) All seeds, clones, transplants and propagules used to cultivate industrial hemp in Illinois shall be certified under the Association of Official Seed Certifying Agencies (AOSCA) standards and guidelines for industrial hemp or shall be accompanied by a certificate of analysis from an accredited certified laboratory from a state with a regulated industrial hemp program that certifies the industrial hemp grown will not contain in excess of 0.3% THC.
  - f) No land area may contain cannabis plants or parts of cannabis plants that the licensee knows or has reason to know are of a variety that will produce a plant that, when tested, will produce more than 0.3% THC concentration on a dry weight basis. No licensee shall use any such variety for any purpose associated with the cultivation of industrial hemp.
  - g) The minimum land area for industrial hemp cultivation shall be a contiguous land area of one quarter of an acre for outdoor cultivation and 500 square feet for indoor cultivation.
  - h) Licensee information may be shared with law enforcement without notice to the licensee.
  - i) Any violations of the Act, this Part, or any Illinois or Federal Criminal Code may subject the licensee or registrant to administrative penalties as set forth in Sections 1200.120 and 1200.130 and may also subject the licensee or registrant to criminal prosecution.
  - j) Licensee shall designate the area where hemp is grown into lots. A lot is to be defined by the licensee in terms of farm location, field acreage, and variety (i.e., cultivar) and to be reported as such to Farm Services Agency. Licensees shall report the appropriate designation as determined by the FSA for the specific



344 location(s) where hemp is being grown using FSA terminology such as "farm,"  
345 "tract," "field," and "subfield" to mean "lot" for the purpose of this rule.

346  
347 k) Harvest Timing and Restrictions

348  
349 1) No licensee shall harvest any portion of a hemp crop until after the lot to  
350 be harvested has been sampled pursuant to Section 1200.50.

351  
352 2) A sample of each lot must be collected by a sampling agent within 30  
353 calendar days prior to licensee's reported harvest date. Licensee is  
354 responsible for obtaining the services of a sampling agent approved by the  
355 testing laboratory.

356  
357 3) There shall be no change of ownership of any hemp crop until laboratory  
358 testing has been completed on such crop pursuant to Section 1200.50.

359  
360 1) Each licensee and registrant shall maintain all records for a period of at least 3  
361 years. Records may be subject to audit and inspection by the Department.  
362 "Records" includes, but is not limited to:

363  
364 1) harvest reports;

365  
366 2) sales data including license numbers of licensees or registrants purchasing  
367 seed, propagules or raw industrial hemp;

368  
369 3) testing results;

370  
371 4) sampling documentation;

372  
373 5) resampling results;

374  
375 6) disposal reports;

376  
377 7) transportation records;

378  
379 8) any reports made to USDA, FSA, or the Department, and any related  
380 documentation; and

381  
382 9) Records of the USDA hemp lot with lot identification number, crop year,  
383 and state of origin.

384  
385 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
386

387 **Section 1200.30 Application and Licensure**  
388

389 a) Each applicant for an industrial hemp cultivation license shall submit a signed,  
390 complete, accurate and legible application form provided by the Department. The  
391 applicant shall provide the following:  
392

393 1) The name, address, phone number, and email address of the person or  
394 entity applying for the cultivation license; key participants of the license  
395 may be required to provide additional personal identifiable information to  
396 facilitate background checks.  
397

398 2) The type of business or organization, such as corporation, LLC,  
399 partnership, sole proprietor, etc., as well as the entity's EIN;  
400

401 3) Business name and address, if different than the ones submitted in  
402 response to subsection (a)(1). This shall include the full name of the  
403 business, address of the principal business location, and the full name and  
404 title of the key participants;  
405

406 4) The legal description of the land area, including Global Positioning  
407 System coordinates of each contiguous land area, to be used to cultivate  
408 industrial hemp;  
409

410 5) A map of the land area on which the applicant plans to grow industrial  
411 hemp, showing the boundaries and dimensions of the growing area in  
412 acres or square feet;  
413

414 6) The applicable fee prescribed by Section 1200.80; ~~and~~  
415

416 7) The varieties of industrial hemp that are intended for cultivation.  
417

418 8) The designated testing laboratory for Academic Research Institutions;  
419

420 9) An acknowledgement and consent to the Department collecting,  
421 maintaining, and providing to USDA directly and through the USDA's  
422 online platform, any required data, including but not limited to; licensee  
423 status, contact information, disposal reporting, background checks if  
424 required by the USDA, and real-time information for each hemp licensee  
425 licensed or authorized in the State.  
426

427 b) Pursuant to the Agricultural Farm Act of 2018 (7 U.S.C. 1639p(e)(3)(B)), no  
428 person who has been convicted of any controlled substances related felony in the  
429 10 years prior to the date of application shall be eligible to obtain a license or

430 registration. For applicants that are entities, this prohibition shall apply to any  
431 person associated with the applicant who has executive managerial control of the  
432 entity. This does not include non-executive managers such as farm, field, or shift  
433 managers. This requirement shall be removed upon the repeal of this provision by  
434 the Federal government. This prohibition does not apply to participants in the  
435 Industrial Hemp 411 Pilot Program authorized under the 2014 Agricultural Act  
436 prior to December 20, 2018 [720 ILCS 550/15.2].

- 437
- 438 c) Within 30 calendar days after receipt of a completed application and the  
439 associated fee, the Department will either issue a license or deny the application.  
440 Incomplete applications or applications that do not meet the requirements for  
441 licensure or registration will be denied. ~~An~~~~rejected and an~~ additional application  
442 fee will be collected for corrected and/or new applications.
- 443
- 444 d) A license or registration shall be good for a maximum of 3 calendar years from  
445 the date of issuance.
- 446
- 447 e) Any changes to the licensee's cultivation ~~plan~~~~application~~ as outlined in the  
448 original application as specified in Section 1200.30(a), must be approved by the  
449 Department in writing prior to implementation.
- 450
- 451 f) All processors of industrial hemp shall register with the Department on a form  
452 provided by the Department, which shall include:
- 453
- 454 1) The name and address of the person or entity applying for the processor  
455 registration;
- 456
- 457 2) The business type, such as a corporation, LLC, partnership, sole  
458 proprietor, etc.;
- 459
- 460 3) The business name and address if different than the one submitted in  
461 response to subsection (f)(1);
- 462
- 463 4) The nature of the processing by the registrant; ~~and~~
- 464
- 465 5) The applicable fee set forth in Section 1200.80; ~~and~~;
- 466
- 467 6) A copy of the current local zoning ordinance or permit and verification  
468 that the proposed hemp processor is in compliance with the local zoning  
469 rules and distance limitations established by the local jurisdiction for hemp  
470 processing.
- 471

- 472 g) Any applicant who materially falsifies information in their application shall be  
473 ineligible to receive a license or registration.  
474  
475 h) Applicants may appeal the denial of an application for licensure by submitting a  
476 Petition to the Director as prescribed in 8 Ill. Adm. Code 1, Subpart C, within 30  
477 calendar days after receipt of the notice of denial.  
478  
479 i) Hemp processor registrations may not be issued to locations which are zoned  
480 residential or are used as residential housing when located on property that is not  
481 zoned residential.  
482

483 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
484

#### 485 **Section 1200.40 Reports**

- 486  
487 a) At least 30 calendar days prior to harvest, to the best of the licensee's ability, each  
488 licensee shall file a Harvest Report, on a form provided by the Department, that  
489 includes:  
490  
491 1) The expected harvest dates and locations of each variety of industrial  
492 hemp cultivated by the licensee.  
493  
494 2) The licensee shall notify the Department if the harvest dates change in  
495 excess of five calendar ~~5~~ days.  
496  
497 b) No later than ~~December~~February 1 of each year, each licensee shall submit an  
498 Industrial Hemp Cultivator Final Report to the Department that includes:  
499  
500 1) Total acres or square feet of industrial hemp planted since December 1 of  
501 the prior year~~in the previous calendar year~~;  
502  
503 2) A description of each variety planted and harvested since December 1 of  
504 the prior year~~in the previous calendar year~~;  
505  
506 3) Total acres or square feet harvested since December 1 of the prior year~~in~~  
507 ~~the previous calendar year~~; and  
508  
509 4) Total yield in the appropriate measurement, such as tonnage, seeds per  
510 acre, or other measurement approved by the Department.  
511  
512 c) The Department will provide the information in 1200.40(b) to USDA by  
513 December 15 of each year.  
514

515 d) Licensees shall report hemp planting acreage to a local FSA office. This report  
516 shall be submitted to the FSA within 30 calendar days after the completion of  
517 planting of an outdoor crop site, or within 30 calendar days after the first planting  
518 of hemp in the calendar year in an indoor cultivation site. At a minimum, the  
519 following information shall be reported:

- 520
- 521 1) Street address for each crop site;
  - 522
  - 523 2) Geospatial location for each crop site;
  - 524
  - 525 3) Acreage of each crop site; and
  - 526
  - 527 4) Licensee identifying information, including licensee name and State  
528 licensee number.
  - 529

530 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

531

532 **Section 1200.50 Inspection, ~~and~~ Sampling, and Testing**

533

534 a) All licensees and registrants shall be subject to inspections at the discretion of the  
535 Department to ensure compliance with the Act. This includes but is not limited to:  
536 both scheduled and unannounced annual inspections, random inspections, and  
537 inspections for the purposes of auditing.

538

539 ~~b) The Department shall provide a minimum of 5 business days' notice to the~~  
540 ~~licensee of the inspection. The notification shall inform the licensee of the scope~~  
541 ~~and process by which the inspection will be conducted.~~

542

543 be) Failure to comply with ~~any a properly noticed~~ inspection shall result in the  
544 initiation of disciplinary proceedings pursuant to Section 1200.120~~100~~.

545

546 cd) Either the licensee or an agent of the licensee shall be present for the inspection  
547 and sampling and shall provide the inspector with unrestricted access to all  
548 industrial hemp plants, parts, seeds, and harvested material, including all  
549 buildings and other structures used for the cultivation and storage of industrial  
550 hemp and all documents pertaining to the licensee's industrial hemp cultivation  
551 and business.

552

553 d) All samples intended for use for official sample and test results must be taken by  
554 a sampling agent as defined in Section 100.10, and must be analyzed by a  
555 Department-approved testing laboratory under Section 1200.60.

556

- 557 1) If it is the business practice of the testing laboratory to have an agreement  
558 or contract with the sampling agent to accept samples, the sampling agent  
559 must have a valid agreement or contract. Growers are responsible for  
560 utilizing a sampling agent that is compliant with this Section.  
561
- 562 2) Samples may be hand delivered by the sampling agent to the testing  
563 laboratory or may be shipped to a testing laboratory using standard  
564 shipping methods where permitted.  
565
- 566 e) ~~All industrial hemp plants are subject to sampling and testing to verify that the~~  
567 ~~delta-9 THC concentration does not exceed 0.3% on a dry weight basis.~~  
568
- 569 1) ~~Individual or composite samples of each variety of cannabis may be~~  
570 ~~sampled from the licensee's land area, including indoor cultivation sites, at~~  
571 ~~the Department's discretion.~~  
572
- 573 2) ~~A representative sample will be taken by Department personnel or~~  
574 ~~approved laboratory personnel.~~  
575
- 576 3) ~~The sampled material shall be tested by an approved laboratory.~~  
577
- 578 4) ~~Quantitative laboratory determination of the delta-9 THC concentration on~~  
579 ~~a dry weight basis will be performed.~~  
580
- 581 5) ~~A sample test result with a delta-9 THC concentration on a dry weight~~  
582 ~~basis that exceeds 0.3% but is less than 0.7% may be retested at the~~  
583 ~~expense of the licensee. A request for a retest by the licensee must be~~  
584 ~~received by the Department within 3 days after initial receipt of the~~  
585 ~~original test results by the licensee.~~  
586
- 587 6) ~~All harvested industrial hemp receiving a sample test result with a delta-9~~  
588 ~~THC concentration on a dry weight basis that exceeds 0.3% and is not~~  
589 ~~retested at the request of the licensee shall be destroyed.~~  
590
- 591 7) ~~All harvested industrial hemp receiving both a sample test result and a~~  
592 ~~sample retest result with delta-9 THC concentrations on a dry weight basis~~  
593 ~~that exceeds 0.3% shall be destroyed.~~  
594
- 595 8) ~~All harvested industrial hemp receiving a sample test result with a delta-9~~  
596 ~~THC concentration on a dry weight basis that equals or exceeds 0.7% shall~~  
597 ~~be destroyed.~~  
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- ~~9) All harvested industrial hemp awaiting test results shall be stored by the licensee or processor and shall not be processed or transported until test results are obtained and the industrial hemp is released by the Department.~~
  - ~~10) Testing of industrial hemp will be completed by the Department or by a third party laboratory approved by the Department pursuant to this Part.~~
  - ~~11) Actual cost of testing shall be paid by the licensee.~~
  - e) Each industrial hemp lot must undergo official sampling and testing to verify that the total THC concentration does not exceed 0.3% on a dry weight basis.
    - 1) Individual or composite samples, as appropriate based on lot size and pursuant to published USDA sampling guidance, of each variety of hemp will be sampled from the licensee's land area, including indoor cultivation sites.
    - 2) A representative sample will be taken by a sampling agent or Department personnel.
  - f) Sampling procedures conducted by sampling agents shall comply with this Part, including the following requirements:
    - 1) Standard sampling and performance-based sampling procedures must be sufficient at a confidence level of 95% that no more than 1% of the plants in each lot would exceed the acceptable hemp THC level and ensure that a representative sample is collected that represents a homogeneous composition of the lot.
    - 2) The sampling agent shall verify the GPS coordinates of the growing area as compared with the GPS coordinates submitted by the licensee to the Department.
      - A) The licensee or designated employee may accompany the sampling agent throughout the sampling process.
      - B) The sampling agent shall estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the inflorescences (flowers, buds, or both flowers and buds). The sampling agent shall visually establish the homogeneity of the stand to establish that the growing area is of like variety.

- 641           3)   Hemp licensees may not harvest hemp until a sampling agent, within 30  
642           days prior to the anticipated harvest, collects representative samples from  
643           the cannabis plants for THC concentration measurements.  
644  
645           4)   The sampling agent will take a representative sample from every lot of the  
646           crop site, using USDA sampling guidance, dated January 15, 2021 and  
647           industry best practices to ensure a homogenous composition of the sample.  
648  
649           A)   The selection of plants for testing will be at the sampling agent's  
650           discretion. Hemp growers may not act as their own sampling  
651           agents.  
652  
653           B)   The number of plants sampled will be determined by the sampling  
654           agent based on USDA sampling guidance, dated January 15, 2021.  
655  
656           5)   Samples shall be collected and maintained in such a way that there is no  
657           comingling of samples or sample material.  
658  
659           6)   Any cannabis plants observed outside of the crop site boundaries must be  
660           reported to the Department and law enforcement. The Department may  
661           elect to contact law enforcement on behalf of the sampling agent or  
662           request the sampling agent to contact law enforcement directly.  
663  
664           7)   The sampling agent shall notify the Department if they are unable to  
665           collect a sample because the licensee does not provide unrestricted access  
666           to the site or because the sampling agent reasonably believes that the  
667           licensee has commenced harvest prior to sample collection. The sampling  
668           agent shall not collect a sample if the sampling agent is not allowed  
669           complete, unrestricted access to the site; and/or reasonably believes the  
670           licensee has commenced harvest prior to sample collection.  
671  
672           g)   The sampled material shall be tested by a testing laboratory.  
673  
674           1)   A quantitative laboratory determination of the total THC concentration on  
675           a dry weight basis will be performed.  
676  
677           2)   A sample test result with a total THC concentration on a dry weight basis  
678           that exceeds 0.3% but is less than 0.7% may be retested at the expense of  
679           the licensee if a sufficient quantity of the original official sample remains.  
680           A request for a retest by the licensee shall be received by the Department  
681           within 3 business days after initial receipt of the original test results by the  
682           licensee.  
683



- 684           3)   All harvested industrial hemp receiving both a sample test result and a  
685           sample retest result with total THC concentrations on a dry weight basis  
686           that exceeds 0.3% shall be disposed of by the licensee unless the licensee  
687           chooses to remediate; pursuant to subsection (j).  
688  
689           4)   All harvested industrial hemp receiving a sample test result with a total  
690           THC concentration on a dry weight basis that equals or exceeds 0.7% shall  
691           be disposed of by the licensee unless the licensee chooses to remediate;  
692           pursuant to subsection (j).  
693  
694           5)   Any sampled material not meeting the definition of hemp will be reported  
695           to the Department. Such report made by a licensee will include the  
696           disposal records.  
697  
698           6)   All harvested industrial hemp awaiting test results shall be stored by the  
699           licensee and shall not be processed or transported until passing test results  
700           are obtained.  
701  
702           7)   The actual cost of testing shall be paid by the licensee.  
703  
704    h)   Crops harvested for hemp microgreens are not subject to the testing requirements  
705       described in Section 1200.50(f) and (g).  
706  
707           1)   Due to extremely low levels of cannabinoids in the immature plants,  
708           sampling and testing of every lot of hemp microgreens is unnecessary.  
709  
710           2)   Licensees are responsible for ensuring seeds used by the licensee for hemp  
711           microgreen production are from cannabis plant varieties meeting the  
712           definition of hemp.  
713  
714           3)   A licensed grower that produces a crop that does not meet the definition of  
715           a hemp microgreen under this subsection shall either:  
716  
717                   A)   Follow the compliance, sampling and testing requirements  
718                   pursuant to this Section; or  
719  
720                   B)   Dispose of the crop by approved methods of disposal that include:  
721                   plowing, tilling, or disking plant material into the soil; mulching,  
722                   composting, chopping, or bush mowing plant material into green  
723                   manure; burning plant material; burying plant material into the  
724                   earth and covering with soil, and any other methods approved by  
725                   USDA and published on the Department's website.  
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727    i)   Standard Remediation Procedures and Guidelines

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- 1) Procedures for Non-compliant Hemp.  
Non-compliant hemp may only be disposed of or remediated. Only successfully remediated crops will be allowed to enter the stream of commerce. All other non-compliant crops shall be disposed.
- 2) Remediation.
  - A) Remediation may take place using one of the following options:
    - i) Non-compliant hemp may be remediated by separating and destroying non-compliant flowers, while retaining stalks, leaves, and seeds.
    - ii) Non-compliant hemp may be remediated by shredding the entire hemp lot to create biomass. Lots shall be kept separate and shall not be combined during this process.
  - B) The licensee or designated employee, or an approved representative of the Department, as the Department deems appropriate, shall remediate or dispose of non-compliant hemp. The Department may require that a representative of the Department be present during the remediation or disposal process or that the licensee provide pictures, videos, or other proof that disposal occurred.
  - C) Upon notification that a lot has tested above the acceptable hemp THC level, the licensee shall notify the Department of the licensee's decision to either dispose of or remediate the non-compliant lot and the method of disposal or remediation the licensee will use. If the licensee refuses to dispose of or remediate the non-compliant hemp lot, the Department will issue the licensee an Order of Disposal.
  - D) All lots subject to remediation shall be stored, labeled and kept apart from each other and from other compliant hemp lots stored or held nearby.
- 3) Separation and removal of the flowers from the stalks, leaves and seeds.
  - A) The flowers, including buds, trichomes, "trim", and "kief", shall be removed from the lot and destroyed. Methods may include, but are

- 770 not limited to, by hand, mechanical, or chemical removal of non-  
771 compliant flowers and floral materials.  
772  
773 B) Until such time as the non-compliant flowers and floral material  
774 are disposed of, the stalks, leaves, and seeds shall be separated  
775 from the non-compliant floral material and clearly labeled and  
776 marked as "hemp for remediation purposes".  
777  
778 C) Seeds removed from non-compliant hemp during remediation shall  
779 not be used for propagative purposes.  
780  
781 4) Creation of Biomass.  
782  
783 A) The entire lot shall be shredded to create a homogenous and  
784 uniform biomass.  
785  
786 B) The biomass created through this process shall be resampled and  
787 retested to ensure compliance before entering the stream of  
788 commerce. Biomass that fails the retesting is non-compliant hemp  
789 and shall be disposed of.  
790  
791 C) Remediated biomass shall be separated from any compliant hemp  
792 stored in the area and clearly labeled as "hemp for remediation  
793 purposes". Remediated biomass shall not leave the labeled area  
794 until a test result that does not exceed 0.3% total THC is received  
795 or the biomass is ready to be disposed of.  
796  
797 5) Resampling Remediated Biomass or Remediated Stalks, Leaves and  
798 Seeds.  
799  
800 A) Remediated biomass or remediated stalks, leaves, and seeds shall  
801 be resampled and retested to ensure compliance before entering the  
802 stream of commerce. Remediated biomass or remediated stalks,  
803 leaves, and seeds that exceed 0.3% total THC concentration on a  
804 dry weight basis shall be destroyed.  
805  
806 B) The resample must be taken by the sampling agent in a manner  
807 described in USDA sampling guidance, dated January 15, 2021.  
808  
809 C) When taking the resample, the sampling agent shall take  
810 remediated biomass or remediated stalks, leaves and seeds material  
811 from various depths, locations, and containers in the labeled and  
812 demarcated area to collect a representative sample of the material.

813 At minimum, 750 mL or three standard measuring cups of  
814 remediated biomass or remediated stalks, leaves and seeds material  
815 shall be collected. Sampling agents may collect more remediated  
816 biomass or remediated stalks, leaves and seeds material based on  
817 the requirements of the testing laboratory. If 750 mL of material is  
818 not available, the sampling agent shall collect enough remediated  
819 biomass or remediated stalks, leaves and seeds material for a  
820 representative sample.

821  
822 D) An original copy of the resample test results, or a legible copy,  
823 must be retained by the licensee or an authorized representative  
824 and be made available for inspection for a period of three years  
825 from the date of receipt.

826  
827 E) Laboratories testing a resample shall utilize the same testing  
828 protocols as when testing a standard sample.  
829

830 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
831

### 832 Section 1200.55 Academic Research Institutions

833  
834 Academic research institutions shall be subject to all provisions of this Part with the exception of  
835 the following:

836  
837 a) License Fees. Academic research institutions shall be subject to the fees imposed  
838 in Section 1200.80.

839  
840 b) Laboratory Testing. An academic research institution is exempt from the testing  
841 described in Section 1200.50. Potency testing shall be conducted by an academic  
842 research designated laboratory.

843  
844 c) Reporting. An academic research institution shall provide the following reports,  
845 which shall be confidential to the extent that they reveal, or release research  
846 conducted, unless the academic research institution provides authorization for  
847 release:

848  
849 1) Within 72 hours after the academic research institution receives test  
850 results, the following data shall be provided to the Department:

851  
852 A) the test results;

853  
854 B) photos of samples; and  
855

- 856 C) documentation of sampling chain of custody.  
857  
858 2) No later than December 1 of each year, each academic research institution  
859 shall submit an Industrial Hemp Academic Institution Research Report to  
860 the Department that includes:  
861  
862 A) Total acres or square feet of industrial hemp planted in the current  
863 calendar year;  
864  
865 B) A description of each variety planted and harvested in the current  
866 calendar year;  
867  
868 C) Total acres or square feet harvested in the current calendar year;  
869  
870 D) Total yield in the appropriate measurement, such as tonnage, seeds  
871 per acre, or other measurement approved by the Department;  
872  
873 E) A disposal report for each lot or field harvested at the conclusion  
874 of the academic research; and  
875  
876 F) A description of the research and research findings.  
877  
878 3) Acreage Reports to Farm Service Agency. Academic research institutions  
879 shall report hemp planting acreage to the United States Department of  
880 Agriculture Farm Service Agency as described in Section 1200.40(d), with  
881 the exception that this report does not have to be broken down by lot or  
882 planting date.  
883  
884 d) Commerce and Disposal. Hemp grown for research purposes may not enter the  
885 stream of commerce at any time. Hemp grown for research purposes must be  
886 disposed of in accordance with this Part at the conclusion of the research period.  
887 An academic research institution must obtain a standard hemp grower license if  
888 they intend to offer any product for sale or commerce.  
889  
890 e) Sampling. Academic research institutions shall be exempt from the Inspection and  
891 Sampling provisions in Section 1200.50. Academic research institution sampling  
892 procedures shall include the following:  
893  
894 1) Academic research institutions shall notify the Department at least seven  
895 business days prior to collection of samples. The notification shall include  
896 the name of the individual designated as the academic sampling agent and  
897 the GPS coordinates for the samples to be taken.  
898

- 899           2)    Academic research institutions shall identify and designate a sampling  
900           agent. For academic research institutions only, a sampling agent may be  
901           an employee.  
902  
903           3)    The academic sampling agent shall verify the GPS coordinates of the  
904           growing area as compared with the GPS coordinates submitted by the  
905           academic research institution to Department.  
906  
907           4)    The sampling agent shall estimate the average height, appearance,  
908           approximate density, condition of the plants, and degree of maturity of the  
909           inflorescences (flowers/buds). The sampling agent shall visually establish  
910           the homogeneity of the stand to establish that the growing area is of like  
911           variety.  
912  
913           5)    All samples shall be collected from the flowering tops of the plant by  
914           cutting the top five to eight inches from the "main stem" (that includes the  
915           leaves and flowers), "terminal bud" (that occurs at the end of a stem), or  
916           "central cola" (cut stem that could develop into a bud) of the flowering top  
917           of the plant.  
918  
919           6)    Samples shall be collected and maintained in such a way that there is no  
920           commingling of samples or sample material.  
921  
922        f)    At the request of the academic research institution, and with the Department's  
923           written permission, an academic research institution may opt for performance-  
924           based sampling protocols instead of the provisions outlined in Section 1200.55.  
925  
926           1)    Consideration for performance-based sampling protocols will include:  
927  
928            A)    Whether the academic research institution can provide proof of a  
929            seed certification process or process that identifies varieties that  
930            have consistently demonstrated to result in compliant hemp plants;  
931  
932            B)    The academic research institution's history of producing compliant  
933            hemp plants over an extended period of time; or  
934  
935            C)    The academic research institution's plan to ensure, at a confidence  
936            level of 95%, that no more than 1% of the plants in each sampling  
937            will exceed the acceptable total THC level.  
938  
939           2)    Performance-based sampling protocol will be subject to the following  
940           terms and conditions:  
941

- 942           A)    When samples are collected, the sampling procedure must follow  
943           the provisions of Section 1200.55(e);  
944  
945           B)    The Department reserves the right to sample and test, or order the  
946           sampling and testing, of any hemp lot at any time to ensure  
947           compliance with the acceptable hemp total THC level; and  
948  
949           C)    Violations of performance-based methods will result in academic  
950           research institutions no longer being exempt from the sampling  
951           procedures outlined in Section 1200.50, and may result in  
952           administrative penalties as outlined in Section 1200.130.  
953

954           (Source: Added at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

955  
956    **Section 1200.56 Government Demonstration and Research Entity**  
957

- 958           a)    A government demonstration and research entity shall be subject to all provisions  
959           of this Part with the exception of the following:  
960  
961                1)    Licensing  
962  
963                    A)    Government Demonstration and Research Entities shall be subject  
964                    to the relevant fees imposed in Section 1200.80.  
965  
966                    B)    The Department shall be exempt from the license fee.  
967  
968                2)    Laboratory Testing. A government demonstration and research entity is  
969                exempt from the testing described in Section 1200.50, so long as all hemp  
970                produced is destroyed according to the Act and the provisions of this Part.  
971  
972           b)    Hemp grown for governmental research and demonstration purposes may not  
973           enter the stream of commerce at any time. A government demonstration and  
974           research entity must obtain a standard hemp grower license if they intend to offer  
975           any product for sale or commerce.  
976  
977           c)    Hemp grown for these purposes must be disposed of in accordance with this Part  
978           at the conclusion of the demonstration or research period.  
979  
980           d)    Acreage Reports to Farm Service Agency. Government demonstration and  
981           research entity shall report hemp planting acreage to the United States  
982           Department of Agriculture Farm Service Agency as described in 1200.40(d), with  
983           the exception that this report does not have to be broken down by lot or planting  
984           date.

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(Source: Added at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1200.60 Laboratory Approval**

- a) No laboratory shall handle, test or analyze hemp unless approved by the Department in accordance with this Section. A list of approved hemp testing laboratories will be made available by the Department on its website.
  
- b) In order for a laboratory to be approved by the Department as hemp testing laboratory to handle, test, or analyze hemp the laboratory shall meet all of the following requirements:~~No laboratory shall be approved to handle, test or analyze cannabis unless the laboratory:~~
  - 1) Accreditation~~Is accredited~~ to the ISO/IEX 17025 standard by a private non-profit laboratory accrediting organization, or can demonstrate that it has a current working relationship with an accrediting organization and receives final accreditation within one year of applying to be an approved hemp testing laboratory with the Department;
  
  - 2) The hemp testing laboratory is~~is~~ independent from all other persons involved in the hemp 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 cultivation license or processor registration;
  
  - 3) The hemp testing laboratory employs~~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 in chemical or biological sciences and a minimum of 2 years post-degree laboratory experience; or
  
    - B) a bachelor's degree in chemical or biological sciences and a minimum of 4 years post-degree laboratory experience.
  
  - 4) Demonstrates procedures requiring hemp testing adherence to standards of performance for detecting total THC concentration, including the Measurement of Uncertainty (MU), and is registered with the United States Drug Enforcement Agency, if registration is required by the USDA.



1027 c) Each hemp testing laboratory applicant and department approved hemp  
1028 ~~independent~~ testing laboratory that claims to be accredited must provide the  
1029 Department with a copy of the most recent annual inspection report granting  
1030 accreditation and every annual report thereafter.

1031  
1032 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1033

### 1034 **Section 1200.70 Testing Requirements**

1035  
1036 a) Industrial hemp sampled for testing may be transported to a hemp testing~~the~~  
1037 ~~approved~~ laboratory by the Director, or the Director's~~one of his or her~~ designees,  
1038 ~~or~~ by approved laboratory personnel, or by a sampling agent pursuant to the  
1039 following requirements:-

1040  
1041 1) An appropriate chain of custody must be maintained at all times.

1042  
1043 2) The sampling agent, transporter, and laboratory are each responsible for  
1044 their own portion of the chain of custody and sharing such with the other  
1045 parties as necessary.

1046  
1047 b) Hemp testing laboratories shall test~~The industrial hemp shall be tested~~ using post-  
1048 decarboxylation, or other similarly reliable methods approved by the USDA, to  
1049 detect total THC~~delta-9~~ concentration levels of the sampled hemp. Reliable  
1050 methods of testing may include chromatographic technique using heat; gas  
1051 chromatography, through which THCA is converted from acid to its neutral THC  
1052 form; or a high-performance liquid chromatograph technique, which keeps THCA  
1053 intact and requires a conversion calculation to get the THC value.

1054  
1055 c) When a testing laboratory tests a hemp sample, the testing laboratory shall report  
1056 the total THC concentration level on a dry weight basis and the measurement of  
1057 uncertainty. The measure of uncertainty shall be estimated and reported with test  
1058 results.

1059  
1060 d) Samples shall be obtained in accordance with USDA sampling guidance dated  
1061 January 15, 2021.

1062  
1063 e) Treatment of Samples Post-Testing.

1064  
1065 1) Samples shall be stored by the testing laboratory for a minimum of six  
1066 months following testing.

1067  
1068 A) Samples shall be stored in a manner that preserves the quality and  
1069 content of the sample material.

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B) Samples may be stored at an appropriate location other than the hemp laboratory upon approval by the Department.

2) Licensees may request re-testing of any remaining, un-tested, parts of a sample. To be considered an official result, any re-testing under this Section must be conducted under the processes outlined in Section 1200.50.

3) The laboratory shall notify the Department, in writing, at least 10 business days prior to the disposal of any sample.

f) Reporting of Test Results

1) All laboratories authorized by the Department to test hemp shall also comply with USDA hemp reporting requirements.

2) The Department will take reasonable steps to notify laboratories of specific test reporting requirements, but ultimate responsibility for compliance with USDA reporting lies with the laboratory.

3) Laboratories shall report final, official THC level, test documentation to the USDA. Laboratories are not required to report test results requested by the grower throughout the season to the USDA or the Department.

4) Laboratories shall provide growers with copies of test results. The original test documentation shall be retained by the laboratory and provided to USDA, as appropriate.

g) The Department, at a licensee's request, may conduct testing at a Department operated laboratory on behalf of licensees to meet testing requirements under this Part or for compliance testing in the event the Department offers this service.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1200.80 Fees**

An applicant or licensee shall submit the following nonrefundable fees with each license application submitted, in the form of a certified check or money order payable to the "Illinois Department of Agriculture", or by such other means as approved by the Department. All fees shall be deposited into the Industrial Hemp Fund.

- 1112 a) The application fee for an Industrial Hemp Cultivation License shall be \$100 for  
1113 each noncontiguous land area and each indoor cultivation operation area.  
1114  
1115 b) Upon approval of an application, the license fee for each noncontiguous land area  
1116 and each indoor cultivation operation shall be \$1000 for a 3 year license; \$700 for  
1117 a 2 year license; and \$375 for a 1 year license.  
1118  
1119 c) The application fee for a processor registration shall be \$100 for each address  
1120 operated by the processor.  
1121  
1122 d) Upon approval of an application for registration, the registration fee for each  
1123 registered address operated by a processor shall be \$1000 for a 3 year registration;  
1124 \$700 for a 2 year registration; and \$375 for a 1 year registration.  
1125  
1126 e) Qualifying academic research institutions shall pay a \$100 fee per year for a  
1127 license or license renewal.  
1128  
1129 f) Qualifying government research and demonstration entities shall pay a \$200 per  
1130 year fee for a license or license renewal. The Department is exempt from this fee  
1131 when registering as a qualifying government research and demonstration entity.  
1132  
1133 g) In the event the Department laboratory provides optional testing services to  
1134 licensees for purposes of complying with testing requirements, the Department  
1135 may assess a reasonable fee to cover the Department's costs not to exceed \$1,000  
1136 per analysis for hemp testing conducted by the Department.  
1137  
1138 h) In the event the Department provides optional sampling services to licensees the  
1139 Department may assess a reasonable fee to cover the Department's costs not to  
1140 exceed \$500 per sample if the sample is collected by the Department.  
1141

1142 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1143

1144 **Section 1200.90 Restrictions on Sale and Transfer**  
1145

- 1146 a) A licensed person shall not sell or transfer, or permit the sale or transfer of, living  
1147 plants or viable seeds to any person in the State of Illinois who does not hold a  
1148 license or registration issued by the Department.  
1149  
1150 b) A licensed person shall not sell or transfer, or permit the sale or transfer of, living  
1151 plants or viable seeds outside the State of Illinois that is not authorized by a state  
1152 agency under the laws of the destination state.  
1153

1154 c) The Department shall permit the sale or transfer of stripped stalks, fiber, dried  
1155 roots, nonviable seeds, seed oils, floral and plant extracts (excluding THC in  
1156 excess of 0.3%) and other marketable hemp products to members of the general  
1157 public, both within and outside the State of Illinois.  
1158

1159 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1160

1161 **Section 1200.100 Other Prohibited Activities**  
1162

1163 a) A licensed person shall not plant or grow hemp on any site not listed in the  
1164 application.  
1165

1166 b) A licensed or registered person shall not ship or transport, or allow to be shipped  
1167 or transported, live hemp plants, cuttings for planting, or viable seeds from a  
1168 variety that is currently designated by the Department as a prohibited variety or a  
1169 variety of concern to any location outside the State of Illinois.  
1170

1171 c) A licensed or registered person shall not ship or transport, or allow to be shipped  
1172 or transported, any hemp product with a total~~delta-9~~ THC concentration in excess  
1173 of 0.3% on a dry weight basis.  
1174

1175 d) A licensed or registered person shall not ship or transport cannabis seeds, plants  
1176 or parts of cannabis plants that the licensee knows or has reason to know are of a  
1177 variety that will produce a plant that, when tested, will produce more than 0.3%  
1178 total THC concentration on a dry weight basis.  
1179

1180 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1181

1182 **Section 1200.110 Transportation of Industrial Hemp**  
1183

1184 a) Only a licensed or registered person who is licensed or registered with the USDA  
1185 or licensed or registered under a USDA approved State or Tribal hemp plan, or an  
1186 agent thereof, may ~~not~~ transport ~~live or harvested~~ industrial hemp.  
1187

1188 b) Industrial hemp that has not been processed may be transferred by the licensee or  
1189 registrant from the place of cultivation to the place of processing at any time after  
1190 passing required testing.  
1191

1192 c) Approved laboratory personnel, Department personnel, a third party designated  
1193 by the Department, or sampling agents may transport hemp samples for testing to  
1194 laboratories for testing purposes.  
1195

1196 d) There is no State restriction on the transportation of industrial hemp product  
1197 following retail sale to a member of the public.  
1198

1199 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1200

1201 **Section 1200.120 Violations**  
1202

1203 a) A licensee or registrant shall be subject to subsection (b) if the Department  
1204 determines that the licensee or registrant has negligently violated the Act or this  
1205 Part, including by negligently:  
1206

1207 1) Failing to provide a legal description of land on which the licensee  
1208 produces hemp;  
1209

1210 2) Failing to obtain a license, registration or other required authorization  
1211 required by this Part from the Department; or  
1212

1213 3) Producing or processing Cannabis ~~sativa L.~~ with a total THC  
1214 concentration exceeding the acceptable hemp THC level. Licensees do not  
1215 commit a negligent violation under subsection (b)(3) if they make  
1216 reasonable efforts to grow hemp and the cannabis plant does not have a  
1217 total ~~delta-9~~ THC concentration of more than 1% ~~0.3%~~ on a dry weight  
1218 basis.  
1219

1220 b) A ~~hemp~~ licensee or registrant described in subsection (a) shall comply with a  
1221 corrective action plan established by the Department to correct the negligent  
1222 violation, including:  
1223

1224 1) a reasonable date by which the licensee or registrant shall correct the  
1225 negligent violation; ~~and~~  
1226

1227 2) ~~a~~ requirement that the licensee or registrant shall periodically report to  
1228 the Department on the compliance of the licensee or registrant for a period  
1229 of not less than 2 calendar years; ~~and~~;  
1230

1231 3) announced or unannounced inspections by Department of licensee or  
1232 registrant to confirm compliance with the corrective action plan.  
1233

1234 c) A licensee or registrant that negligently violates the Act or this Part (see  
1235 subsection (a)) shall not, as a result of that violation, be subject to any criminal  
1236 enforcement action by any federal, State or local government and shall not receive  
1237 more than one negligent violation per growing season.  
1238

- 1239 d) A licensee or registrant that negligently violates subsection (a) 3 times in a 5-year  
1240 period shall be ineligible to hold a license or registration~~produce hemp~~ for a  
1241 period of 5 years beginning on the date of the third violation.  
1242
- 1243 e) If the Department determines that a licensee has violated the Act or this Part with  
1244 a culpable mental state greater than negligence, the Department shall immediately  
1245 report the licensee to:  
1246
- 1247 1) The Attorney General of the United States;
  - 1248 2) The Attorney General of Illinois; and
  - 1249 3) The Illinois State Police.
- 1250
- 1251 f) The Department may, on its own initiative, or after receipt of a complaint against  
1252 a licensee or registrant, conduct an investigation to determine whether a violation  
1253 has taken place.  
1254
- 1255 g) A licensee or registrant that wants to contest the Department's determination of a  
1256 violation of the Act or this Part must do so by submitting a request for an  
1257 administrative hearing in writing to the Department's Division of Cannabis  
1258 Regulation, attention Hemp Program, within 30 calendar days after receiving  
1259 notice of the violation.  
1260  
1261  
1262

1263 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)