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Illinois Department of Financial and Professional Regulation

Division of Professional Regulation

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JB PRITZKER
Governor

MARIO TRETO, JR.
Secretary

CECILIA ABUNDIS
Director

June 21, 2022

Kim Schultz
Executive Director
Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62701

Dear Kim:

Pursuant to 1 Ill. Adm. Code 220.600 and Section 5 40(c) of the Illinois Administrative Procedure Act, the Department of Financial and Professional Regulation is submitting the Second Notice for the proposed rulemaking involving Sections 1291.10, 1291.400, 1291.405, 1291.410, 1291.420 and 1291.440 of Part 1291, the Cannabis Regulation and Tax Act of Title 68 of the Illinois Administrative Code. This proposed rulemaking was published in the Marc 25, 2022, edition of the Illinois Register.

If you have any questions regarding the proposed rulemaking, please contact:

Mr. Craig Cellini
Department of Financial and Professional Regulation
320 West Washington, 2nd Floor
Springfield, Illinois 62786
(217) 785 0810

Sincerely,

Craig Cellini
Rules Coordinator

FIRST NOTICE CHANGES

Agency: Department of Financial and Professional Regulation

Rulemaking: Cannabis Regulation and Tax Act (68 Ill. Adm. Code 1291)

Changes:

1. Delete lines 157 through 181.
2. In line 212, insert “‘Firearm Injury’ means a gunshot wound or penetrating injury from a weapon that uses a powder charge to fire a projectile. Weapons that use a power charge include handguns, rifles, and shotguns. Injuries from air- and gas-powered guns, BB guns, and pellet guns are not considered firearm injuries as these types of guns do not use a powder charge to fire a projectile.”
3. In line 293, insert “‘Victim’ means (1) a person killed or injured as a result of a firearm injury perpetrated or attempted against him or her, (2) the spouse, parent, or child of a person killed or injured as a result of a firearm injury perpetrated or attempted against the person, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured while attempting to assist a person against whom a firearm injury is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured while assisting a law enforcement official apprehend a person who has perpetrated a firearm injury or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, or a (5) a person who personally witnessed a firearm injury. The victim must not be the offender in the criminal act and must not have provoked or incited the crime.”
4. In line 397, after “Social Security Numbers” add “or Individual Taxpayer Identification Number”.
5. In line 414, after “Social Security Numbers” add “or Individual Taxpayer Identification Number”.
6. In lines 423 through 428 replace “the applicant (1) will meet and prove at least one of the criteria of paragraph (A) of this section for Option 1 Applicants; or (2) will meet and prove at least 4 of the criteria of paragraph (B) of this section for Option 2 Applicants. The acknowledgment will also include a statement or indication that the applicant understands the timeframes to do so as required in these rules.” with “The business entity is 51% or more owned or controlled by one or more individuals who each meet the combination of at least one of the criteria under Criteria 1 and one of the criteria under Criteria 2. This does not mean multiple individuals need to meet identical criteria, but each individual must meet at least one criteria from Criteria 1 and one criteria from Criteria 2.”
7. Delete lines 430 through 519 and replace with:
“(A) Criteria 1 (only 1 required):

- i) An individual who has resided for at least 5 of the preceding 10 years in a census tract that has a poverty rate of at least 20% according to the latest American Community Survey available at <https://data.census.gov/cedsci/table?q=poverty%20rate&g=0100000US%241400000&tid=ACSST5Y2020.S1701>;
- ii) An individual who has resided for at least 5 of the preceding 10 years in a census tract where at least 20% of the households receive assistance under the Supplemental Nutrition Assistance Program, available at <https://data.census.gov/cedsci/table?q=snap%20participation&g=0100000US%241400000&tid=ACSST5Y2020.S2201>;
- iii) An individual who has resided for at least 5 of the preceding 10 years in a census tract area classified as “low income and low access” where at least 100 households are more than one-half mile from the nearest supermarket and have no access to a vehicle or a significant number (at least 500 people) or share (at least 33%) of the population is greater than 1 mile from the nearest supermarket, supercenter, or large grocery store for an urban area or greater than 20 miles for a rural area, as classified by the latest data set that is publicly available at the start of the application window for any lottery conducted under this Part. Such data set, the United States Department of Agriculture Economic Research Service’s Food Access Research Atlas, is available at <https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas>;
- iv) An individual who has received Medicaid, Supplemental Security Income, Social Security Disability, and/or subsidized housing for at least 5 of the preceding 10 years; and/or,
- v) An individual who has resided for at least 5 of the preceding 10 years in a census tract in the top 15th percentile for the percent of residents in the census tract failing to graduate from High School in that state, as classified by the latest data set that is publicly available at the start of the application window for any lottery conducted under this Part. Such data set, the by the United States Census Bureau is available at <https://www.census.gov/topics/education/educational-attainment/data/data-tools.html>.

B) Criteria 2 (only 1 required):

- i) An individual who has been arrested for, convicted of, or adjudicated delinquent for any offense, or substantially similar offense, of Illinois, federal, or other state law for (1) possession of not more than 500 grams of cannabis or (2) manufacture, delivery, or possession with intent to deliver, or manufacture of cannabis up to 30 grams;
- ii) An individual who has a family member who has been arrested for, convicted of, or adjudicated delinquent for any offense, or substantially similar offense, of Illinois, federal, or other state law for (1) possession of not more than 500 grams of cannabis or (2) manufacture, delivery, or possession with intent to deliver, or manufacture of cannabis up to 30 grams;
- iii) An individual who has been a victim of firearm injury, as those terms are defined in these Rules. This must be evidenced by either a police report or medical record.
- iv) As soon as reasonably possible, but no later than 5 business days prior to the acceptance of applications, the Department shall make publicly available the documents applicants may use to establish eligibility under both Criteria 1 and Criteria 2.”

8. After line 523, insert: “8) The acknowledgment will also include a statement or indication that the applicant understands the timeframes to do so as required in these rules.”
9. Delete lines 689 – 714.