

In Brief

RECREATIONAL MARIJUANA USE TO BECOME LEGAL IN ILLINOIS

June 2019

The recreational use of marijuana is set to become legal in Illinois. House Bill 1438, passed both houses of the Illinois Legislature on May 31, 2019 and is currently awaiting Governor Pritzker's expected signature.

Effective January 1, 2020, adult residents of Illinois age 21 and older may legally possess up to 30 grams of cannabis flower, 5 grams of cannabis concentrate, and 500 milligrams of THC in a cannabis-infused product. The Bill also authorizes the State to issue licenses for growers, processors, and retailers of cannabis and to tax the sale of cannabis products. Registered qualifying medical marijuana patients 21 and older will be able to legally grow up to five cannabis plants without further license and be able to possess cannabis in greater amounts than other Illinois residents.

As is the law currently, employers may still adopt and maintain reasonable and non-discriminatory zero-tolerance drug free workplace policies, including policies preventing possession and use in the workplace and working under the influence. To this end, the Bill lays out specific and articulable symptoms that an employer may use to determine if an employee is under the influence of cannabis. Employers may also maintain policies regarding drug testing employees.

Illinois colleges and universities must continue to comply with federal laws such as the Drug-Free Schools and Communities Act Amendments of 1989, which generally require a college campus to be drug free. However, Article 25 of the Bill institutes the Community College Cannabis Vocational Pilot Program. Under the Program, for the 2021-2022 academic year, community colleges awarded licenses will be able to offer students courses and a "Career in Cannabis" certificate to prepare students for a career

in the legal cannabis industry. The Illinois Department of Agriculture will develop and issue rules by January 1, 2020 regulating the criteria for colleges seeking licenses to participate in the program.

As a potential benefit to Illinois community colleges, a medical cannabis dispensing organization seeking issuance of certain types of licenses shall be required to identify in their license application whether they will contribute a percentage of sales (up to \$100,000) to the Cannabis Business Development Fund or make a grant in the same amount to a cannabis industry training or education program at an Illinois community college.

Contact your Robbins Schwartz attorney for assistance with your questions about the coming marijuana legalization law and what it means for you.