INFORMATIONAL BULLETIN
JUNE 2026
ILLINOIS HEMP ACT OVERVIEW

Division of Cannabis Regulation
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On June 12, 2026, Governor JB Pritzker signed Public Act 104-463 (SB 3222, sponsored by Senator Kimberly Lightford and Representative Will Guzzardi) which creates the new Illinois Hemp Act.

Immediate Changes to Industrial Hemp Act

Effective immediately, all cannabinoid products that contain more than 0.4 milligrams of THC or other cannabinoids that have similar effects as THC (such as delta-8, THC-P, THC-O, and HHC) may only be offered to sale to individuals over age 21. Age verification is required for any individual that appears under age 30.

Additionally, effective immediately, all hemp products must meet certain product labeling requirements.

Specifically, all hemp products must contain a label with the following information:

- The product name
- Net weight or volume of the product
- A complete list of ingredients
- Identity and quantity of each cannabinoid present in the product expressed in milligrams, including the total THC content. For non-infused products, cannabinoid content by percentage content by weight is acceptable.
- Number of servings per container
- A batch or lot number
- Name and contact information of the manufacturer or distributor; and
- An expiration date or use by date.

All hemp products shall not contain the following:

- Any false or misleading claim – including that the product is a cannabis product
- Any image designed to appeal to children
- Any information that imitates the trade name or packaging of any commercial food, candy or beverage or product marketed to children; and
- Any health claim

Any product label that does not meet the above requirements shall not be offered for sale until it can be relabeled. Failure to do so is considered an unlawful practice under the Consumer Fraud and Deceptive Practices Act. For a full list of requirements, see Section 20 of the Industrial Hemp Act.

November 12, 2026 Repeal of Industrial Hemp Act and Replacement with New Illinois Hemp Act

On November 12, 2026, the Industrial Hemp Act will be repealed and replaced with the new Illinois Hemp Act. The Illinois Hemp Act creates a full regulatory framework for hemp and hemp products, from cultivation to sale. It also adopts the federal law definition of "hemp" that is set to take effect on November 12.

Updated Definition of Hemp

The most important change in the Illinois Hemp Act is the updated definition of "hemp" that follows the new federal definition of "hemp." Whether or not a plant can be considered "hemp" is a legal question. The plant *cannabis sativa L.* can only be considered "hemp" if it meets the statutory definition of "hemp."

Effective November 12, 2026, the term "hemp" will be statutorily defined in Illinois as follows:

> ***"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 total tetrahydrocannabinol concentration (including tetrahydrocannabinolic acid) of not more than 0.3 percent on a dry-weight basis. "Hemp" includes "industrial hemp." Hemp does not include any of the following:*
>
> *(a) Any viable seeds from a Cannabis sativa L. plant that exceeds a total tetrahydrocannabinols concentration, including tetrahydrocannabinolic acid, of 0.3% in the plant on a dry weight basis;*
>
> *(b) Any intermediate hemp-derived cannabinoid product containing any of the following:*
>
> *a. Cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;*
> *b. Cannabinoids that are capable of being naturally produced by a Cannabis sativa L. plant and were synthesized or manufactured outside the plant;*
> *c. More than 0.3% combined total of total tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other cannabinoids that have similar effects or are marketed to have similar effects on humans or animals as a tetrahydrocannabinol as established under Section 15 of this Act.*
>
> *(c) Any intermediate hemp-derived cannabinoid product that is marketed or sold as a final product or directly to an end consumer for personal or household use;*
>
> *(d) Any final hemp-derived cannabinoid product containing any of the following*
>
> *a. Cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;*
> *b. Cannabinoids that are capable of being naturally produced by a Cannabis sativa L. plant and were synthesized or manufactured outside the plant;*
> *c. Greater than 0.4 milligrams combined total per container of total tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other cannabinoids that have similar effects, or are marketed to have similar effects, on humans or animals as a tetrahydrocannabinol as established under Section 15 of this Act.*

Key Aspects of the New "Hemp" Definition:

- The new definition makes clear that intoxicating products that are produced or derived from the *Cannabis sativa L.* plant are not "hemp." Specifically, the definition excludes cannabinoids and derivates that are not naturally produced from the plant, as well as products that contain more than 0.4 mg of total THC (including THCa) and any other cannabinoid with similar effects. See Section 15 of the Illinois Hemp Act for a full list of cannabinoids that are considered to have similar effects to THC; the list includes delta-8 THC, THC-P, HHC, THC-O.
- The federal definition of hemp requires the Food and Drug Administration to publish a list of cannabinoids that are capable of being naturally produced by the *cannabis sativa l.* plant as well as a list of cannabinoids that have similar effects to THC or marketed to have similar effects to THC. The Illinois Hemp Act creates similar lists in statute that will be supplemented by the federal list when that list is completed
- The new definition clarifies that the plant shall contain less than 0.3% Total THC (which includes both delta-9 THC and THCa). Total THC was already required under United State Department of Agriculture and IDOA standards for hemp cultivation. The definition also explicitly states that non-cannabinoid "industrial hemp" is also considered "hemp."

Regulation of Hemp Products

Effective November 12, 2026, all final consumer hemp cannabinoid products sold in Illinois will be prohibited from containing alcohol, tobacco, or nicotine; cannot be intended for smoking or vaping; and must consist only of FDA-recognized safe ingredients. Products must also be prepackaged and cannot be assembled or combined with other consumables at the point of sale.

Final consumer hemp cannabinoid products will also be subject to the following testing, labeling, and packing requirements:

- Testing. Prior to public sale, a representative sample from each lot must be tested by a Department-approved laboratory in accordance with cannabis testing standards until hemp specific testing standards are developed. A current certificate of analysis must be made available to the Department, retailers, and consumers via a scannable code or link on the product label.
- Labeling. All products must bear a label that includes the product name, net weight or volume, full ingredient list, cannabinoid identity and quantity, serving information, batch or lot number, manufacturer contact information, an expiration date, and a QR code linking to the certificate of analysis.
- Packaging. Products must be sold in sealed, child-resistant containers that comply with federal Consumer Product Safety Commission standards.
- Prohibited Label and Packaging Content. Labels and packaging may not include false or misleading claims (including a representation that the product is a cannabis product), content that promotes excessive consumption, imagery likely to appeal to minors, imitations of non-cannabis products marketed to children, unauthorized government insignia, or any health claim.

Penalties

Under federal law, parts of the plant cannabis sativa L. that do not meet the definition of "hemp" are classified as marijuana, a Schedule I controlled substance under the Controlled Substances Act. Similarly, in Illinois, if the plant cannabis sativa L. does not meet the definition of "hemp" in the new Illinois Hemp Act, it will be considered "cannabis".

Products that do not meet the definition of "hemp" are considered "cannabis" and may be subject to penalties for the unlicensed sale of cannabis. Manufacturing and delivery of cannabis without a license, as well as possession of cannabis above CRTA possession limits, remains illegal under the Illinois Cannabis Control Act. The Cannabis Control Act, depending on the amount, imposes penalties that range from a Class B misdemeanor (up to 6-month sentence) to a Class X felony (6-30 year sentence) and up to a $200,000 fine.

In addition to the Cannabis Control Act, entities that sell or distribute cannabis products without a license can face unlicensed practices actions by the Department of Financial and Professional Regulation and Department of Agriculture, tax penalties by the Department of Revenue, as well as any federal or local enforcement of cannabis penalties. The unlicensed sale of cannabis is also considered an unlawful practice under the Consumer Fraud and Deceptive Practices Act.

In addition, entities that sell or distribute products that meet the definition of hemp but do not meet Illinois Hemp Act product requirements may be subject to civil penalties by the Department, and the sale of the products is considered an unlawful practice under the Consumer Fraud and Deceptive Practices Act.

Hemp Cultivation License: The Illinois Hemp Act transfers existing hemp cultivation licenses issued by the Department under the current Industrial Hemp Act to the new Act. There should be little immediate impact to Illinois hemp farmers under the new Act. The current hemp plan adopted by the Department under the Industrial Hemp Act and approved by the United States Department of Agriculture remains in effect. The Department does not anticipate substantive changes to hemp cultivation rules unless there are further changes to federal law or regulations. Current license renewal cycles remain unchanged, and licensees can renew on their current expiration date, so no action is needed at this time.

Existing Industrial Hemp Processor Registrations: **The existing hemp processor registration created under the Industrial Hemp Act and issued by the Department will be terminated upon the repeal of the Industrial Hemp Act on November 12, 2026.** Existing registrants can request a prorated refund of license fees from the Department. Hemp processors can obtain either a new industrial hemp processor license or, if creating products intended for human or animal consumption, a hemp product manufacturer license under the Illinois Hemp Act. Additionally, updates to the Department's Cannabis Regulation and Tax Act rules regarding the use of hemp inputs state that a separate hemp license or registration is not required. CRTA licensees with existing hemp processor registrations do not need to obtain a new license under Illinois Hemp Act.

Hemp Product Manufacturer License: The Illinois Hemp Act creates a new Hemp Product Manufacturer license, which is required for any person that processes or handles hemp or intermediate hemp-derived cannabinoid products. Licenses are facility-specific, valid for two years, and carry a $5,000 fee (waived for public institutions of higher education).

- Sourcing and Product Restrictions. Manufacturers may only source hemp from USDA-licensed or state/tribal-approved growers and may only produce products that are legally permitted for sale under federal or Illinois law. The creation of artificially derived cannabinoids is expressly prohibited.
- Application Requirements. Applications must include the entity's contact information, facility identification, local zoning verification confirming the facility is not in a residentially zoned area, an authorized departmental point of contact, and a current list of all operations conducted at the facility.
- Facility Standards. Prior to licensure, the Department will inspect the facility to confirm that it is suitable for operations. Facilities must comply with the Illinois Food, Drug, and Cosmetic Act and related food safety laws, and must operate under the supervision of a Department of Public Health-certified food service sanitation manager.
- Extraction Operations. Manufacturers seeking to perform hemp extraction must receive Department approval and disclose all extraction methods and chemicals used. Extraction equipment must conform to recognized engineering standards, including NFPA, IFC, ASME, and UL, and is subject to annual inspection by a professional engineer.

New Industrial Hemp Processor License (IL Hemp Act): After November 12, 2026, any person who processes or handles raw industrial hemp plant material shall obtain an industrial hemp processor license from the Department. Applications must include the licensee's name, facility location, and a list of products to be produced. Licenses are valid for 2 years and carry a $200 fee. Industrial hemp processors are limited to producing product derived from industrial hemp and are prohibited from creating any product containing cannabinoids.

Questions

For general questions related to this Bulletin, please contact the Illinois Department of Agriculture, Division of Cannabis, Regulation at AGR.Hemp@illinois.gov.