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Gov. Pritzker Bans the Sale of Intoxicating Hemp to Minors, Bolsters Equity and Oversight in the Cannabis Industry

Gov Press

10–12 minutes



Office of the Governor JB Pritzker

FOR IMMEDIATE RELEASE: Friday, June 12, 2026

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KEY TERMINOLOGY IN RELEASE:

Intoxicating Hemp: Refers to products such as Delta-8, THC-P, and HHC that are currently unregulated and sold

outside of the state's regulated adult-use cannabis market. Adult-use cannabis sold in licensed Illinois dispensaries is only available to people who are 21 years or older.

CHICAGO — Today, Governor JB Pritzker signed SB 3222 – landmark hemp legislation that strengthens social equity and medical access, reduces regulatory burdens, strengthens oversight, and improves public safety. SB 3222 is key to ensuring that the state's cannabis sector remains safe for consumers and that Illinois continues to set a national example with its diversity and equity efforts in the cannabis industry.

The bill immediately bans the sale of intoxicating hemp products to people under the age of 21, which follows reports of minors ingesting misleading or poorly labelled products. In November 2026, intoxicating hemp products will be subject to regulations set forth in the Cannabis Regulation and Tax Act (CRTA), including:

- Requiring child-proof packaging;
- Banning misleading marketing and packaging that rips off consumer brands to appeal to children; and
- Ensuring the existing cannabis regulatory framework applies to intoxicating hemp products.

“Instead of letting an ambiguous marketplace keep putting people at risk, Illinois is taking action to protect consumers of all ages, especially children, from misleading packaging and

labeling,” **said Governor JB Pritzker**. “This landmark legislation closes the intoxicating hemp loophole while bolstering equity and oversight and expanding medical access. Illinois is committed to cultivating a cannabis industry that benefits diverse businesses across the state and prioritizes accessibility, and I am proud to sign this measure into law.”

“Illinois has led the nation in building a cannabis industry that prioritizes both equity and public safety, and SB 3222 builds on that progress,” **said Lieutenant Governor Juliana Stratton**. “By protecting young people from unregulated intoxicating hemp products and creating clear standards for the industry, we are ensuring consumers are safer while preserving opportunities for diverse businesses and communities across our state.”

“I have fought for years to bring order and fairness to these markets, and working with our House colleagues, we finally got it done,” **said Senate Majority Leader Kimberly Lightford (D-Maywood)**. “This is about protecting people, keeping our promises, and keeping Illinois at the forefront nationally.”

“This bill accomplishes two important goals at once: it gets unregulated intoxicating hemp products off the streets and out of the hands of kids, and it also helps legitimate cannabis businesses compete,” **said House Assistant Majority Leader Will Guzzardi (D-Chicago)**. “I’m proud of

the collaboration that happened across chambers to help small, social equity cannabis entrepreneurs thrive in our state while keeping our products regulated and keeping Illinoisans safe.”

“This marks a groundbreaking step in providing crucial consumer protections for users of cannabis and hemp products,” **said Mario Treto, Jr., Secretary of the Illinois Department of Financial and Professional Regulation (IDFPR).** “Illinois continues to lead the nation in building a responsible, consumer-focused cannabis industry.”

“This bill marks a giant step forward for medical patients, social equity operators, and the cannabis market as a whole,” **said Erin Johnson, Illinois’ Cannabis Regulation Oversight Officer.** “This legislation modernizes Illinois’ cannabis regulation by bringing the much-needed reforms that patients, consumers, and industry have been asking for, and further cements our role as a national cannabis policy leader.”

“With this law, medical cannabis patients will now have easier access to products that can help provide relief from a variety of debilitating medical conditions and symptoms,” **said IDPH Director Dr. Sameer Vohra.** “In addition, thanks to Governor Pritzker and the General Assembly, the legislation will provide much needed oversight for intoxicating hemp products, ensuring that such products are properly regulated and safe for those who use them.”

“SB 3222 provides a long-needed framework for regulating and strengthening the Department's Industrial Hemp Program to protect the state's Hemp growers and consumers,” **said Jerry Costello II, Director of the Illinois Department of Agriculture (IDOA)**. “This law will give the Department more tools to continue building on the work already done to make Illinois one of the most equitable cannabis markets in the nation while also strengthening health and safety protections for patients and adult use consumers across the state.”

“As Illinois continues to build an equitable cannabis industry, this law is a major step forward in making the State's programs more accessible, coordinated, and responsive to the needs of social equity licensees,” **said DCEO Director Kristin Richards**. “With new flexibility to share information, streamline reporting, and deliver financial assistance, DCEO will be able to more effectively advance the goals of equity and economic opportunity across Illinois' growing cannabis industry.”

Protecting Illinoisans with New Safety Regulations

Effective Immediately:

Effective immediately, the sale of intoxicating hemp products is prohibited for anyone under the age of 21. Customers will be required to show ID before purchasing intoxicating hemp

products.

Effective November 12, 2026:

This legislation aligns the state with updated federal definitions of hemp, creating a clear, consistent regulatory structure. Under this new framework, non-intoxicating hemp products like CBD will remain legal, while intoxicating hemp products (Delta-8, THC-P, HHC, etc.) will be reclassified as cannabis and regulated under the Cannabis Regulation and Tax Act (CRTA) which governs Illinois' current adult-use cannabis market. Key provisions include:

- Only non-intoxicating CBD products with less than 0.4 mg total THC are permitted for sale outside of Illinois' legal medical and adult-use cannabis market
- All products must use safe ingredients, undergo rigorous testing, and carry detailed labels
- Packaging must be child-resistant where required and cannot target minors, mimic children's products, make health claims, or imply State endorsement

The bill also gives the Illinois Department of Agriculture (IDOA) authority to issue 45 previously unallocated infuser licenses in January of 2027 to applicants with previous social equity experience. The law also gives the Department authority to issue an additional 100 new licenses in 2028 based on demand.

The new law will bring Illinois into alignment with new federal

guidelines on classification when it goes into effect. Several agencies will work together to enforce the Illinois Hemp Act as the State works to protect consumers from non-compliant products, violations, and deceptive practices. The federal government has not provided any guidance as to any potential enforcement actions they may provide to states as their rule goes into effect.

Expanding Access for Medical Cannabis Patients

The new law also eliminates barriers for Illinoisans for medical cannabis patients — making it easier for them to access. Key provisions include:

- All Illinois dispensaries will now be allowed to register as a medical cannabis dispensary
- Dispensaries will be allowed to implement curbside pick-up & drive-through for both medical and adult-use customers, with priority given to medical-use patients
- Physicians can certify patients' qualifying conditions by telehealth, giving patients with debilitating diseases the ability to certify from the comfort of their own homes
- Expands qualifying conditions to include common and often debilitating conditions that impact women, including endometriosis, ovarian cysts, and others

Delivering Critical Improvements to Advance

Social Equity

This bill ushers in a host of improvements for social equity businesses in Illinois' diverse cannabis industry. Key provisions include:

- Craft growers and infusers who qualify will be eligible to receive an income-based hardship waiver
- Codified extensions will allow dispensaries more time to become operational, creating more accessible pathways to success in the industry
- The bill cuts regulatory red tape and reduces costs for businesses by allowing craft grower businesses to expand canopy space to 14,000 sq ft and other measures

SB 3222 will also increase Illinois' possession limits for cannabis flower and cannabis-infused products, bringing Illinois in line with limits in surrounding states.

Improving Regulatory Efficiency & Strengthening Oversight

The Illinois Hemp Act creates efficiencies in the regulatory process while strengthening oversight that will improve the way state agencies can share information, unify badging systems, administer financial assistance programs, and synchronize taxes across the industry. Key provisions include:

- Provides clarity on existing law that revenue sharing agreements may trigger ownership and brings transparency to “consulting agreements,” which are actually ownership and control
- Allows for most identification badges to be tied to the person and not the dispensary, eliminating need to go through the badging process again for employees who change jobs
- Cannabis testing labs will be licensed instead of registered, giving the Illinois Department of Agriculture (IDOA) additional tools to protect the health and safety of Illinois cannabis patients and consumers
- Adds pattern of late and non-payments, predatory financial practices, and financial collusion to the grounds for discipline, giving the Illinois Department of Financial and Professional Regulation (IDFPR) more explicit authority to take disciplinary action in these cases
- Gives the Illinois Department of Commerce and Economic Opportunity (DCEO) the flexibility to enter financial intermediary agreements and use a lottery when there aren’t enough funds for all cannabis businesses; adds financial assistance programs
- The bill also streamlines taxes by synchronizing the cultivation privilege tax at 7% of the gross receipts and more

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