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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Cannabis Regulation and Tax Act
- 2) Code Citation: 68 Ill. Adm. Code 1291
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
1291.10	Amendment
1291.95	New Section
1291.100	New Section
1291.110	New Section
1291.120	New Section
1291.130	New Section
1291.140	New Section
1291.150	New Section
1291.160	New Section
- 4) Statutory Authority: Implementing and authorized by the Cannabis Regulation and Tax Act [410 ILCS 705]
- 5) Effective Date of Rule:
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not set a date for the emergency to expire before the end of the 150-day period.
- 7) Date Filed with Index Department:
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Division of Financial and Professional Regulation's principal office of the Division of Professional Regulation and is available for public inspection.
- 9) Reason for Emergency: The Department has Emergency Rulemaking Authority to implement the CRTA pursuant to 410 ILCS 705/55-35(a). The Department anticipates issuing licenses in the coming weeks and must have established processes related to tax delinquency given the prohibition on issued licenses to delinquent individuals or entities. 410 ILCS 705/20(k)(1). The Responsible Vendor Program is required by 410 ILCS 705/15-40(i)(1).
- 10) A Complete Description of the Subjects and Issues Involved: The adopted amendments establish processes for denial of a license to operate an adult use cannabis dispensary due to an Illinois tax delinquency, including by establishing a provision for notice to the

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licensee or applicant and a time period to cure the delinquency. The amendments also establish requirements for the Responsible Vendor Program, a statutorily mandated training program, for which the Illinois Department of Financial and Professional Regulation (IDFPR) must accept applications in August of odd-numbered years. The amendments detail the application process and requirements and curriculum requirements for the training.

- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2nd Floor  
Springfield, IL 62786

217/785-0813  
Fax: 217/557-4451

The full text of the Emergency Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1291  
CANNABIS REGULATION AND TAX ACT

SUBPART A: GENERAL PROVISIONS

Section  
1291.10 Definitions  
EMERGENCY  
1291.50 Tied Applicant  
1291.95 Tax Delinquency  
EMERGENCY

SUBPART B: RESPONSIBLE VENDOR PROGRAM

Section  
1291.100 Application and Approval Process  
EMERGENCY  
1291.110 Curriculum Requirements  
EMERGENCY  
1291.120 Programmatic Requirements  
EMERGENCY  
1291.130 Responsible Vendor Provider Recordkeeping  
EMERGENCY  
1291.140 Closure of an Approved Provider  
EMERGENCY  
1291.150 Individuals Required to Complete a Responsible Vendor Program  
EMERGENCY  
1291.160 Agent Training Deadlines and Requirements  
EMERGENCY

AUTHORITY: Implementing and authorized by the Cannabis Regulation and Tax Act [410 ILCS 705]

SOURCE: Adopted by emergency rulemaking at 43 Ill. Reg. 14934, effective December 9, 2019, for a maximum of 180 days; emergency rule expired June 5, 2020; adopted at 44 Ill. Reg.

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14103, effective August 24, 2020; emergency amendment at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

**Section 1291.10 Definitions**  
**EMERGENCY**

Terms not defined in this Section shall have the same meaning as in the Cannabis Regulation and Tax Act [410 ILCS 705]. Nothing in this Part is intended to confer a property or other right, duty, privilege or interest entitling an applicant to an administrative hearing upon denial of a dispensing organization application. The denial of a dispensing organization application does not preclude judicial review of the denial. The following definitions are applicable for purposes of this Part:

"Act" means the Cannabis Regulation and Tax Act [410 ILCS 705].

"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101).

"Address of record" means the address record by the Department in the applicant's application file maintained by the Department.

"Adult Use Dispensing Organization License" means a license issued by the Department of Financial and Professional Regulation that permits a person to act as a dispensing organization under this Act and any administrative rule made in furtherance of this Act.

"Affiliate": An "affiliate of" or person "affiliated with", means a Person who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, that Person.

"Affiliated entity": An "affiliated entity of a Person means any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the Person.

"Applicant" means the Proposed Dispensing Organization Name as stated on a license application.

"Application date" is the date an application for approval was received by the Department.

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"Application points" means the number of points a Dispensary Applicant receives on an application for a Conditional Adult Use Dispensing Organization License.

"Application submission window" means the period between August 1<sup>st</sup> and August 15<sup>th</sup> of every odd numbered year during which the Department will receive applications to be approved as a Responsible Vendor Provider unless the date falls on a holiday or weekend in which case the window is extended to the next business day. The application submission window shall close at 5 p.m. central time on the final day on which applications are accepted.

"Approved list" is the list of providers.

*"BLS region" means a region in Illinois used by the United States Bureau of Labor Statistics to gather and categorize certain employment and wage data. The 17 regions in Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion, Champaign-Urbana, Chicago-Naperville-Elgin, Danville, Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria, Rockford, St. Louis, Springfield, Northwest Illinois nonmetropolitan area, West Central Illinois nonmetropolitan area, East Central Illinois nonmetropolitan area, and South Illinois nonmetropolitan area. (Section 1-10 of the Act)*

"Bulk cannabis inventory" means cannabis and cannabis-infused products stored in the reinforced vault in clear, heat-sealed or taped shrink wrap bags or sheeting that is labeled with the date the inventory is sealed, the last four digits of the batch number, the number of items contained within the wrapping and the date the inventory was last counted. Bulk Cannabis Inventory is included in the dispensing organization's total inventory available for sale.

"By lot" means a randomized method of choosing between 2 or more Eligible Tied Applicants or 2 or more Qualifying Applicants.

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

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compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means cannabis flower, concentrate, and cannabis-infused products.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization.

"Cannabis flower" means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

"Cannabis-Infused product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked.

"Conditional license" means a Conditional Adult Use Dispensing Organization License.

"Department" means the Department of Financial and Professional Regulation.

*"Dispensary Applicant" means the Proposed Dispensing Organization Name as stated on an application for a Conditional Adult Use Dispensing Organization License.*

*"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Part, "dispensing organization" includes a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.*

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"Dispensing Organization License" or "License" means any Early Approval Adult Use Dispensing Organization License, Conditional Adult Use Dispensing Organization License, or Adult Use Dispensing Organization License.

"Dispensing organization agent identification card" or "agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a dispensing organization agent, agent-in-charge, or principal officer.

"DOA" means the Illinois Department of Agriculture.

"DPH" means the Illinois Department of Public Health.

"E-mail address of record" means a primary or alternate contact e-mail address recorded by the Department in the applicant's application file maintained by the Department.

"Eligible applicant" means a tied applicant eligible to participate in the process by which a remaining available license is distributed by lot.

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996 and the HIPAA Privacy Rule as found at 45 CFR 164.

"Individual" means a natural person.

"ISP" means the Illinois State Police.

"Laboratory" means an independent laboratory located in Illinois and approved by DOA to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research or analysis.

"Notify" means to send via regular United States mail or e-mail.

"On-site instruction" means class is held at a physical location in-person or remotely by real-time video technology tools.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company,

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or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

*"Principal officer" includes a cannabis business establishment applicant or licensed cannabis business establishment's board member, owner with more than 1% interest of the total cannabis business establishment or more than 5% interest of the total cannabis business establishment of a publicly traded company, president, vice president, secretary, treasurer, partner, officer, member, manager member, or person with a profit sharing, financial interest, or revenue sharing arrangement. This definition includes a person with authority to control the cannabis business establishment or a person who assumes responsibility for the debts of the cannabis business establishment. (Section 1-10 of the Act)*

*"Qualifying Applicant" means an applicant that submitted an application pursuant to Section 15-30 that received at least 85% of 250 application points available under Section 15-30 as the applicant's final score and meets the definition of "Social Equity Applicant" as set forth under this Section.*

"Reinforced vault" means a room built to the specifications listed in Section 1291.220(g).

"Remaining available license" means a license in a BLS region that has not been awarded by the Department at the conclusion of the scoring process period. There may be more than one remaining available license in a BLS region. For example, if four licenses are available in a BLS region and the five highest scoring Dispensary Applicants receive scores of 245, 240, 235, 235, and 235 points, the applicants receiving 245 and 240 application points will be awarded licenses and the three applicants receiving 235 points may become Eligible Applicants. Likewise, if one license is available in a BLS region and there are five Dispensary Applicants with the highest score, all five Dispensary Applicants may become Eligible Applicants.

"Responsible vendor provider" or "provider" means a person approved by the Department to offer a responsible vendor program and issue certifications pursuant to Section 15-40(k) of the Act.

"Responsible vendor program" or "program" means a training course or module offered by an approved responsible vendor provider that provides at least two hours of class instruction on topics outlined in Section 1291.110.



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"Responsible vendor trainer" or "trainer" means an individual who is employed by or contracting with a responsible vendor provider to provide the instruction of a responsible vendor program.

"Scoring process period" is the period of time between the conclusion of the submission period for a conditional license application and when the Department publishes the names of tied applicants that may become eligible applicants.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"State verification system" means a web-based system established and maintained by the State of Illinois that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, the Illinois State Police, and dispensing organization and the tracking of the date of sale, amount, and price of cannabis purchased by purchasers.

"Tied applicant" means an application submitted by a Dispensary Applicant pursuant to Section 15-30 that received the same number of application points under Section 15-30 as the Dispensary Applicant's final score as one or more top-scoring applications in the same BLS region and would have been awarded a license but for the one or more other top-scoring applications that received the same number of application points. Each application for which a Dispensary Applicant was required to pay a required application fee for the application period ending January 2, 2020 shall be considered an application of a separate Tied Applicant.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)

**Section 1291.95 Tax Delinquency**  
**EMERGENCY**

- a) The Department shall deny issuance or renewal of a Conditional Adult Use Dispensing Organization License or Adult Use Dispensing Organization License if any principal officer, board member, and/or person having a financial or voting interest of 5% or greater in the licensee, applicant, or the license holder, is delinquent in filing any required tax return or paying any amount owed to the State of Illinois.

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- b) The Department shall notify the applicant or licensee of any determination by the Illinois Department of Revenue that any principal officers, board members, and/or persons having a financial or voting interest of 5% or greater in the licensee or applicant are delinquent in filing any required tax return or paying any amount owed to the State of Illinois.
- c) Upon notification of tax delinquency being sent by the Department to the applicant or licensee, the applicant or licensee shall have 60 days to provide the Department proof that the applicant or licensee is no longer delinquent in filing any required tax return or paying any amount owed to the State of Illinois, as determined by the Illinois Department of Revenue.
- d) If after 60 days the applicant or licensee has not provided the Department proof that the applicant or licensee is no longer delinquent in filing any tax return or paying any amount owed to the State of Illinois, the Department shall deny issuance of a Conditional Adult Use Dispensing Organization License or Adult Use Dispensing Organization License.

(Source: Added by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)

SUBPART B: RESPONSIBLE VENDOR PROGRAM

**Section 1291.100 Application and Approval Process  
EMERGENCY**

- a) Before any entity can offer a responsible vendor program, the applicant shall first apply to and receive approval for the program from the Department and pay the applicable fee. Applications for approval shall be submitted on forms provided by the Department and shall include:
  - 1) A list of responsible vendor trainers and the following document for each trainer:
    - A) A resume and/or a curriculum vitae;
    - B) A written statement detailing the trainer's relevant experience; and
    - C) A signed certification from the trainer that they do not hold an ownership interest in a cannabis business establishment;

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- 2) A general outline of the responsible vendor program;
  - 3) All training materials and curriculum consistent with Section 1291.120;
  - 4) A blank copy of the pre-test and post-test required by Section 1291.120(a)(2);
  - 5) A signed statement from each individual with an ownership interest in the applicant confirming that the individual does not hold an ownership interest in a cannabis business establishment nor is the individual owner an agent, employee, or affiliate of a cannabis business establishment or an affiliated entity of a cannabis establishment; and
  - 6) The application fee required by Section 1291.120(a)(2).
- b) The application shall be signed by a representative of the entity applying to be a responsible vendor provider certifying that all information contained in the application is true and accurate.
  - c) All required materials shall be submitted during the application submission window. The Department will not accept applications any other time. Early or late applications will not be accepted.
  - d) The applicant may not modify their training materials to meet the above requirements. If the Department denies approval, it shall provide a detailed description of the reasons for the denial.
  - e) The Department may, in its discretion, refuse to issue an approval to any applicant:
    - 1) Who is unqualified to perform the duties required of a provider;
    - 2) Who fails to disclose or makes misrepresentations of any information called for in the application;
    - 3) Who fails to provide all required application materials; or

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- 4) If the training materials provided by the applicant do not demonstrate knowledge of the rules and laws for dispensing cannabis in Illinois or demonstrates a misunderstanding of the rules and laws.
- f) The Department will send approval notices to successful applicants. Approved responsible vendor providers may begin offering training upon receipt of its approval notice. Only responsible vendor providers approved by the Department can provide a responsible vendor program.
- g) An approval for a responsible vendor provider shall be valid only for the provider named in the application. An approval is not transferable or assignable.
- h) The Department may rescind its approval a Responsible Vendor Provider that allows an individual or entity that has not been disclosed to the Department to offer its training course.

(Source: Added by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)

**Section 1291.110 Curriculum Requirements**

**EMERGENCY**

- a) The curriculum for a responsible vendor program shall include, at a minimum, the following topics:
  - 1) Health and safety concerns of cannabis use, including the responsible use of cannabis, its physical effects, onset of physiological effects, recognizing signs of impairment, and appropriate responses in the vent of overconsumption. This section shall specifically include information on the health risks associated with the use or abuse of cannabis, how cannabis can affect an individual's health, dosing, the CAGE-AID test for detecting cannabis use disorder, and the phone number for the Illinois Poison Center;
  - 2) Training on laws and regulations on driving while under the influence and operating a watercraft or snowmobile under the influence. This section shall specifically include information on possible penalties for refusing a chemical test and the level of concentrations of tetrahydrocannabinol that can form the basis for a driving under the influence conviction;

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- 3) Sales to minors prohibition. This section shall include penalties levied under 6-20 of the Illinois Liquor Control Act and Section 10-20 of the Act;
- 4) Quantity limits on sales to purchasers. This section shall include information on the purchasers and patient limits as provided in Section 10-10 of the Action and Section 10(a) of the Medical Cannabis Program Act;
- 5) Acceptable forms of identification. This shall specifically include information on the acceptable forms of identification for:
  - A) Verifying age as provided in Section 10-20(e) of the Act;
  - B) Verifying residency;
  - C) The forms of identification that cannot serve as evidence of the purchaser's state of residence; and
  - D) Information on the proper methods for checking an ID.
- 6) Safe storage of cannabis, including information about preventing the accidental consumption by minors by storing cannabis in a locked place and/or in child-resistant containers;
- 7) Compliance with all inventory tracking system regulations. This section shall include information regarding the requirements of Section 15-75 of the Act and shall explain the difference between the State Verification System and any commercial inventory system a dispensing organization may use to track inventory. Additionally, this section must highlight the importance of verifying the physical inventory in the dispensary against the inventory reported in the State Verification System;
- 8) Waste handling management and disposal. This section shall include information on the proper disposal and destruction of cannabis waste in accordance with Section 15-90 of the Act;
- 9) Health and safety standards; this section shall include information regarding providing safe and healthy working conditions for employees including worker rights and protections guidance issued by the Occupation Safety and Health Administration and health and safety guidelines issued

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by the Illinois Department of Public Health and local health departments. It shall also include information regarding public health and safety standards, guidelines, mandates, or orders that may be in place at the time of the training;

- 10) Security surveillance requirements: This section shall specifically include information on where surveillance cameras should be located in a dispensary to ensure that all required areas are covered and where cameras are prohibited by law (e.g. bathrooms and locker rooms). Additionally, this section shall include information regarding the Department and ISP's ability to access all surveillance cameras remotely and at any time, and that all recordings must be saved for a period of at least 90 days;
  - 11) Permitting inspections by state and local licensing and enforcement authorities. This section shall specifically include instruction on allowing inspections by the Department, ISP, and local law enforcement officials, and the best practices for verifying with the relevant agencies that such individuals are authorized to inspect the dispensary;
  - 12) Purchaser privacy. This section shall specifically include instruction on HIPAA protections for medical cannabis patients, the prohibition on collection an adult use purchaser's personal information without the purchaser's consent, and maintaining a purchaser's confidentiality in a dispensary and in public;
  - 13) Packaging and labeling requirements. This section shall include the packaging and labeling information provided in Section 55-21 of the Act and 8 Ill. Adm. Code 1000.420 or their successor provisions; and
  - 14) Current educational information provided by the Department, as made available on the Department's website related to responsible vendor program.
- b) Providers have a continuing obligation after they are approved to update their curriculum within 30 days of the effective date of any amendment to the Act or these rules that alters the accuracy of their curriculum. Any updates to the curriculum shall be submitted to the Department for approval before the provider includes the amended curriculum in its course.

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- c) After a provider has been approved, it may update its curriculum to reflect changes in the industry, scientific knowledge, or for any other reason. Any updates to the curriculum must be submitted to the Department for approval before the provider includes the amended curriculum in its course.
- d) Failure to submit any updated materials, as required in Section 110(b) and (c) of this Part, may result in the Department rescinding its approval of the provider.

(Source: Added by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)

**Section 1291.120 Programmatic Requirements  
EMERGENCY**

- a) To maintain approval by the Department, a responsible vendor provider must meet the following requirements:
  - 1) Provide training that will include a minimum of two (2) hours of classroom instruction time for individuals who are required to complete a Responsible Vendor Program. Classroom instruction should be held in a safe and secure environment. For purposes of this Section, "classroom instruction" shall mean instruction that takes place in a setting where those individuals receiving the training learn through lectures, study papers, class discussion, textbook study or other means of organized formal education techniques, as distinguished from on-the-job training. Upon approval by the Department, "classroom instruction" may also include remote real-time online instruction. "Classroom instruction" does not include pre-recorded video instruction.
  - 2) Provide a pre-test and post-test to participants to assess the Program's effectiveness and to assess any increase in knowledge in the curriculum areas described in Section 12921.110. The responsible vendor provider shall make a copy of the pre-test, post-test, or a copy of any individual's examination or related records available to the Department upon request. Passage of the written examination shall require a score of 70%. A participant who fails to score at least 70% on the post-test shall not receive a certificate of proof of completion.
  - 3) Maintain a roster of individuals who have completed a Responsible Vendor Program. The roster shall include the participant name, address,

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telephone number and date of birth of each individual who completed the Program, including those who passed and failed the Program, and the date each individual completed the Program. The roster shall be made available to the Department upon request.

- 4) Issue a certification of completion to each individual who successfully completes the program. The certification must include:
  - A) Individual's first and last name;
  - B) Number of completed training hours;
  - C) Trainer's name;
  - D) Date of completion;
  - E) Name of the approved responsible vendor provider; and
  - F) Completion of "Approved IDFPR Responsible Vendor Training Program"
  
- 5) Submit a semi-annual report to the Department by June 15 for the reporting period of January 1 through June 30, and by January 15 for the reporting period of July 1 through December 31. The report shall contain the following information:
  - A) The number of participants trained during the reporting period;
  - B) The number of classes scheduled and completed during the reporting period and the locations of each class;
  - C) The total fees charged by the provider during the reporting period; and
  - D) The number of dispensaries represented by participants completing a responsible vendor program and the respective counties of those dispensaries.



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- 6) Submit a fee schedule indicating the cost of the program, if any. The responsible vendor provider must notify the Department within five days of any change to the fee schedule.
- 7) Notify the Department before a new trainer begins providing instruction of the provider's responsible vendor program. Such notification shall include:
  - A) The name of the responsible vendor provider;
  - B) The name of the trainer;
  - C) The trainers' resume and/or a curriculum vitae;
  - D) A written statement detailing the trainer's relevant experience; and
  - E) A signed statement from the trainer attesting that they do not hold an ownership interest in a cannabis business establishment.
- b) The Department may attend any in-person or remote, real time online video instruction at any time. Upon request, a Provider must make any login information or class places and times available to the Department.
- c) Failure to comply with this section or any other provisions of the Act or rules will result in the Department withdrawing its approval.

(Source: Added by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)

**Section 1291.130 Responsible Vendor Provider Recordkeeping  
EMERGENCY**

- a) Responsible vendor providers' records shall be maintained electronically and be available for inspection by the Department upon request. The Department may audit any records held by the responsible vendor at any time.
- b) Responsible vendor providers shall develop recordkeeping policies and procedures consistent with this Part.

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- c) Responsible vendor providers shall retain all records for at least 3 years from the date of creation and shall include, but not be limited to, the following:
- 1) Program training materials;
  - 2) Enrollment rosters and training records for registrants – records should include registrants who successfully completed the program and those who did not complete or failed the program;
  - 3) Completed program certificates for each successful individual;
  - 4) Storage and transfer records. If a responsible vendor provider ceases operations due to insolvency, revocation, bankruptcy or for any other reason, all records must be preserved at the expense of the responsible vendor for at least three years in a form and location in Illinois acceptable to the Department. The provider shall retain the records longer if requested by the Department. The provider shall notify the Department of the location where the dispensary records are stored or transferred;
  - 5) Approval notifications from the Department; and
  - 6) All other records, policies, and procedures required by the Act and this Part.

(Source: Added by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)

**Section 1291.140 Closure of an Approved Provider  
EMERGENCY**

The following procedures shall be followed for closure of an approved provider and removal from the approved list. The provider shall:

- a) Notify the Department, in writing, postmarked or e-mailed at least thirty (30) days in advance of the closing date.
- b) Notify individuals who have completed or are in the process of completing the program of the closure at least fifteen (15) days in advance of the closing date and of the location where their completion records will be maintained for at least three (3) years from the closing date.

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- c) Stop enrolling individuals immediately and provide refunds in the full amount of the program's fee to individuals who will be unable to complete the program.
- d) Notify the Department in writing the name(s) of the person(s) responsible for the maintenance of the records for at least 3 years from the date of closure.

(Source: Added by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)

**Section 1291.150 Individuals Required to Complete a Responsible Vendor Program  
EMERGENCY**

- a) All individuals who will be or are directly involved in the handling or sale of cannabis or cannabis-infused products employed by an adult use dispensing organization or medical cannabis dispensing organization shall complete a training program offered by a Responsible Vendor. Such individuals include, but are not limited to:
  - 1) Individuals involved with in-take of cannabis or cannabis-infused product deliveries;
  - 2) Individuals fulfilling cannabis or cannabis-infused product orders;
  - 3) Individuals involved with the destruction of cannabis or cannabis-infused products;
  - 4) Individuals entering purchasers' cannabis or cannabis-infused product orders into any point-of-sale system used by a dispensing organization; and
  - 5) Individuals employed by the dispensing organization that engage in inventory verifications.
- b) Individuals not required to complete a responsible vendor program include, but are not limited to:
  - 1) Principal officers who do not participate in the activities listed in Section 1291.150(a);

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- 2) Contracted, third-part security contractors that do not participate in the activities listed Section 1291.150(a);
- 3) Contracted, third-part auditors or similar professionals who may conduct inventory verification as part of the duties for which they have been contracted; and
- 4) Other individuals not directly involved in the handling or sale of cannabis or cannabis-infused products.

(Source: Added by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)

**Section 1291.160 Agent Training Deadlines and Requirements**  
**EMERGENCY**

- a) Individuals required to complete a responsible vendor program shall complete the program:
  - 1) Within 90 days of commencing employment; and
  - 2) Within 45 days before submitting a request to renew their dispensing organization identification card.
- b) Individuals who become employed by a different dispensing organization within one (1) year of completing a program are exempt from Section 1291.160(a), provided they submit their proof of completion to their new dispensing organization.
- c) Individuals who received a certification of training from a provider who is not an approved responsible vendor provider will not be accepted by the Department.

(Source: Added by emergency rulemaking at 45 Ill. Reg. \_\_\_\_\_, effective July 15, 2021, for a maximum of 150 days)