Executive Order 2020-57

(COVID-19 EXECUTIVE ORDER NO.53)

October 02, 2020

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WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 293,000 and growing, and taking the lives of thousands of residents; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, on September 18, 2020, due to the continuing spread of COVID-19 and the ongoing health and economic impacts felt by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, the Cannabis Regulation and Tax Act, 410 ILCS 705/15-5 et. seq., and the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130, require the Department of Agriculture (the Department), through the Department of State Police (ISP), to conduct background checks for prospective cultivation center agents in order to apply for a cultivation center agent identification card, which must be visible at all times when on the property of a cultivation center and during the transportation of medical cannabis to a registered dispensary organization; and,

WHEREAS, the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act require the Department to approve or deny an application for a medical or adult use cannabis cultivation center agent identification card within 30 days of receiving a completed application or renewal application and issue an identification card to a qualifying agent within 15 business days of approving the application; and,

WHEREAS, the COVID-19 outbreak has created delays in the background check process and has impacted the Department's ability to issue cultivation center agent identification cards in a timely manner;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to Sections 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby order the following:

Section 1. The requirement that a medical or adult use cannabis cultivation center agent must have a completed background check when applying for an agent identification card pursuant to 410 ILCS 705/20-40(b) and 410 ILCS 130/95(b) is suspended provided that the cultivation center agent's application to the Department demonstrates that the cultivation center agent has submitted a full set of fingerprints to ISP for the purpose of obtaining a State and federal criminal records check.

Section 2. The requirement that a medical or adult use cannabis cultivation center agent must keep an agent identification card visible at all times when in the cultivation center pursuant to 410 ILCS 130/100(b) and 410 ILCS 705/20-35(b) is suspended, provided that the cultivation center agent has written confirmation from the Department that the cultivation center agent submitted a completed application to the Department prior to beginning work at a cultivation center.

Section 3. The requirements that the Department must (a) approve or deny an application for a medical or adult use cannabis cultivation center agent identification card within 30 days of receiving a completed application or renewal application, and (b) issue a cultivation center agent identification card to a qualifying agent within 15 business days of approving the application or renewal pursuant to 410 ILCS 130/100(a) and 410 ILCS 705/20-35(a) are suspended.

Section 4. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor October 2, 2020
Filed by the Secretary of State October 2, 2020