



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2019-8063

**Type:** Ordinance **Status:** Failed to Pass

**File created:** 10/16/2019 **In control:** City Council

**Final action:** 12/18/2019

**Title:** Amendment of Municipal Code Chapter 7-24 to prohibit certain Adult-Use Cannabis business establishments

**Sponsors:** Ervin, Jason C., Dowell, Pat, King, Sophia D., Hairston, Leslie A., Harris, Michelle A., Beale, Anthony, Sawyer, Roderick T., Mitchell, Gregory I., Coleman, Stephanie D., Moore, David H., Curtis, Derrick G., Taylor, Jeanette B., Brookins, Jr., Howard, Scott, Jr. Michael, Burnett, Jr., Walter, Taliaferro, Chris, Austin, Carrie M., Mitts, Emma, Martin, Matthew J., Hadden, Maria E.

**Indexes:** Ch. 24 Drugs & Narcotics

**Attachments:** 1. SO2019-8063.pdf, 2. O2019-8063.pdf

Date	Ver.	Action By	Action	Result
12/18/2019	1	City Council	Failed to Pass	Fail
10/16/2019	1	City Council	Referred	

COMMITTEE ON CONTRACTING OVERSIGHT AND EQUITY

### SUBSTITUTE ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule municipality as described in Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, a unit of local government, including a home rule unit, is authorized to enact an ordinance to prohibit the location of adult use cannabis business establishments within the City; and

WHEREAS, the City Council of the City of Chicago finds that the health, safety and welfare of its residents will be harmed by allowing adult use cannabis business establishments to operate within the City of Chicago; and

WHEREAS, the City Council of the City of Chicago has further determined that passage of this ordinance prohibiting the location of adult use cannabis business establishments within the City is in the best interests of the City and its residents; now therefore,

### **BE IT ORDAINED BY THE CITY COUNCIL OF CHICAGO:**

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 7-24 of the Municipal Code of Chicago is hereby amended by inserting the underscored language and deleting the struck-through language as follows:

**ARTICLE VIII. Cannabis Business Establishments Prohibited.**

**7-24-230 DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. Adult-Use Cannabis business establishments include: Adult-Use Cannabis Cultivation Centers (not including Medical Cannabis Cultivation Centers as set forth in Title 17 of the Municipal Code of Chicago), Adult-Use Cannabis Craft Growers. Adult-Use Cannabis Processing Organizations. Adult-Use Infuser

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Organizations. Adult-Use Cannabis Dispensing Organizations (not including Medical Cannabis Dispensing Centers as set forth in Title 17 of the Municipal Code of Chicago), Adult-Use Transporting Organizations or On-premise Adult-use Recreational Cannabis Consumption Establishments.

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act. (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or

business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act. (P.A.101-0027). as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act. (P.A. 101-0027). as it may be amended from time-to-time, and regulations promulgated thereunder.

ON-PREMISE ADULT-USE RECREATIONAL CANNABIS CONSUMPTION ESTABLISHMENT. An establishment, organization, business or businesses that permit(s) the on-premise consumption of recreational cannabis.

PERSON. Any natural individual, firm, partnership, public or private corporation, joint venture, joint stock company, limited liability company, association, club, society, or other organization, including any owner, manager, proprietor, employee, volunteer, agent or representatives appointed by an order of any court, including receivers, executors, trustees, or guardians.

#### **7-24-031. CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.**

The following adult-use cannabis business establishments are prohibited in the City of Chicago. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the City of Chicago of any of the following:

- (A) Adult-use cannabis craft grower;
- (CB) Adult-use cannabis cultivation center;
- (O) Adult-use cannabis dispensing organization;
- AH) Adult-use cannabis infuser organization or infuser;
- AI) Adult-use cannabis processing organization or processor;
- AJ) Adult-use cannabis transporting organization or transporter;
- AJ) (G) On-premise cannabis consumption establishment.

**7-24-032. PUBLIC NUISANCE DECLARED.**

Operation of any prohibited cannabis business establishment within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies

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**7-24-033. VIOLATIONS.**

Any person violating any of the provisions of Article V1H of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and each day a violation continues shall constitute a separate offense.

**7-24-034. SEVERABILITY.**

If any provision of this chapter, or the application of any provision of this chapter, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this chapter, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this chapter.

ARTICLE V4H IX. VIOLATION OF CHAPTER PROVISIONS (7-24-240 7-24-040 et seq.)

**7-24-230.7-24-040. Violation - Penalty.**

Any person violating any of the provisions of this chapter for which no other penalty is provided shall be fined not less than \$10.00 nor more than \$100.00 for each offense.

SECTION 3. This ordinance shall take full force and effect upon passage and publicatiea approval and shall expire on July 1, 2020.

Jason C. Ervin Alderman, 28<sup>th</sup> Ward

CHICAGO, December 18, 2019

To the President and Members of the City Council:

Your Committee on Contracting Oversight and Equity, having had under consideration an Ordinance recommending an amendment to the Municipal Code Chapter 7-24 to prohibit certain Adult-Use Cannabis business establishments (02019-8063), begs leave to report and recommend that Your Honorable Body pass the Substitute Ordinance transmitted herewith.

Carrie M. Austin Chairman

This recommendation was concurred by a viva voce vote of the members of the Committed.