

HB0314



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0314

Introduced 1/29/2021, by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

410 ILCS 705/55-25

Amends the Cannabis Regulation and Tax Act. Provides that a county may not authorize or permit the sale of adult-use cannabis in any unincorporated territory that is within 1.5 miles of the corporate limits of a municipality that has prohibited the operation of adult-use cannabis dispensing organizations within the municipality.

LRB102 02732 CPF 12735 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Cannabis Regulation and Tax Act is amended
5 by changing Section 55-25 as follows:

6 (410 ILCS 705/55-25)

7 Sec. 55-25. Local ordinances. Unless otherwise provided
8 under this Act or otherwise in accordance with State law:

9 (1) A unit of local government, including a home rule
10 unit or any non-home rule county within the unincorporated
11 territory of the county, may enact reasonable zoning
12 ordinances or resolutions, not in conflict with this Act
13 or rules adopted pursuant to this Act, regulating cannabis
14 business establishments. No unit of local government,
15 including a home rule unit or any non-home rule county
16 within the unincorporated territory of the county, may
17 prohibit home cultivation or unreasonably prohibit use of
18 cannabis authorized by this Act.

19 (2) A unit of local government, including a home rule
20 unit or any non-home rule county within the unincorporated
21 territory of the county, may enact ordinances or rules not
22 in conflict with this Act or with rules adopted pursuant
23 to this Act governing the time, place, manner, and number

1 of cannabis business establishment operations, including
2 minimum distance limitations between cannabis business
3 establishments and locations it deems sensitive, including
4 colleges and universities, through the use of conditional
5 use permits. A unit of local government, including a home
6 rule unit, may establish civil penalties for violation of
7 an ordinance or rules governing the time, place, and
8 manner of operation of a cannabis business establishment
9 or a conditional use permit in the jurisdiction of the
10 unit of local government. No unit of local government,
11 including a home rule unit or non-home rule county within
12 an unincorporated territory of the county, may
13 unreasonably restrict the time, place, manner, and number
14 of cannabis business establishment operations authorized
15 by this Act.

16 (3) A unit of local government, including a home rule
17 unit, or any non-home rule county within the
18 unincorporated territory of the county may authorize or
19 permit the on-premises consumption of cannabis at or in a
20 dispensing organization or retail tobacco store (as
21 defined in Section 10 of the Smoke Free Illinois Act)
22 within its jurisdiction in a manner consistent with this
23 Act. A dispensing organization or retail tobacco store
24 authorized or permitted by a unit of local government to
25 allow on-site consumption shall not be deemed a public
26 place within the meaning of the Smoke Free Illinois Act.

1 (4) A unit of local government, including a home rule
2 unit or any non-home rule county within the unincorporated
3 territory of the county, may not regulate the activities
4 described in paragraph (1), (2), or (3) in a manner more
5 restrictive than the regulation of those activities by the
6 State under this Act. A county may not authorize or permit
7 the sale of adult-use cannabis in any unincorporated
8 territory that is within 1.5 miles of the corporate limits
9 of a municipality that has prohibited the operation of
10 adult-use cannabis dispensing organizations within the
11 municipality. This Section is a limitation under
12 subsection (i) of Section 6 of Article VII of the Illinois
13 Constitution on the concurrent exercise by home rule units
14 of powers and functions exercised by the State.

15 (5) A unit of local government, including a home rule
16 unit or any non-home rule county within the unincorporated
17 territory of the county, may enact ordinances to prohibit
18 or significantly limit a cannabis business establishment's
19 location.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)