



Sen. Donald P. DeWitte

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10200SB0042sam001

LRB102 02731 CPF 22599 a

1 AMENDMENT TO SENATE BILL 42

2 AMENDMENT NO. _____. Amend Senate Bill 42 by replacing
3 everything after the enacting clause with the following:

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

1 prohibit home cultivation or unreasonably prohibit use of
2 cannabis authorized by this Act.

3 (2) A unit of local government, including a home rule
4 unit or any non-home rule county within the unincorporated
5 territory of the county, may enact ordinances or rules not
6 in conflict with this Act or with rules adopted pursuant
7 to this Act governing the time, place, manner, and number
8 of cannabis business establishment operations, including
9 minimum distance limitations between cannabis business
10 establishments and locations it deems sensitive, including
11 colleges and universities, through the use of conditional
12 use permits. A unit of local government, including a home
13 rule unit, may establish civil penalties for violation of
14 an ordinance or rules governing the time, place, and
15 manner of operation of a cannabis business establishment
16 or a conditional use permit in the jurisdiction of the
17 unit of local government. No unit of local government,
18 including a home rule unit or non-home rule county within
19 an unincorporated territory of the county, may
20 unreasonably restrict the time, place, manner, and number
21 of cannabis business establishment operations authorized
22 by this Act.

23 (3) A unit of local government, including a home rule
24 unit, or any non-home rule county within the
25 unincorporated territory of the county may authorize or
26 permit the on-premises consumption of cannabis at or in a

1 dispensing organization or retail tobacco store (as
2 defined in Section 10 of the Smoke Free Illinois Act)
3 within its jurisdiction in a manner consistent with this
4 Act. A dispensing organization or retail tobacco store
5 authorized or permitted by a unit of local government to
6 allow on-site consumption shall not be deemed a public
7 place within the meaning of the Smoke Free Illinois Act.

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

23 (5) A unit of local government, including a home rule
24 unit or any non-home rule county within the unincorporated
25 territory of the county, may enact ordinances to prohibit
26 or significantly limit a cannabis business establishment's

1 location.

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