



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3061

Introduced 2/6/2025, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act
410 ILCS 82/35

Creates the On-Premise Cannabis Consumption Act. Provides that a county or municipality may issue licenses for temporary events and cannabis hospitality venues that will allow for the consumption of cannabis or cannabis-infused products and for the sale of cannabis paraphernalia at such temporary events or venues. Requires ordinances with specified requirements for such temporary events and cannabis hospitality venues before any licenses are issued. Limits home rule powers. Makes conforming changes in the Smoke Free Illinois Act. Effective immediately.

LRB104 10534 BDA 20610 b

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 1. Short title. This Act may be cited as the
5 On-Premise Cannabis Consumption Act.

6 Section 5. Definitions. As used in this Act:

7 "Cannabis" has the meaning given to that term in Section
8 1-10 of the Cannabis Regulation and Tax Act.

9 "Cannabis business establishment" has the meaning given to
10 that term in Section 1-10 of the Cannabis Regulation and Tax.

11 "Cannabis hospitality venue" means a public or private
12 restaurant, bar, or other business licensed under Section 15
13 that allows communal consumption of cannabis or
14 cannabis-infused products on premises.

15 "Cannabis-infused product" has the meaning given to that
16 term in Section 1-10 of the Cannabis Regulation and Tax Act.

17 "Cannabis paraphernalia" has the meaning given to that
18 term in Section 1-10 of the Cannabis Regulation and Tax Act.

19 "Governmental unit" means a county or municipality.

20 "Venue" means any business establishment licensed by a
21 governmental unit for hospitality-related business.

22 Section 10. Temporary event permits.

1 (a) The hosting of a temporary event for the consumption
2 of cannabis or cannabis infused products at a venue not
3 licensed as a cannabis hospitality venue is subject to
4 regulation by a municipality for events within the
5 municipality and by a county for events outside of a
6 municipality.

7 (b) A temporary event including the consumption of
8 cannabis or cannabis-infused products must hold a temporary
9 event permit issued by the governmental unit for the premises
10 at which the temporary event is conducted.

11 (c) An applicant for a temporary event permit under this
12 Section and the premises where it shall be conducted must meet
13 the requirements of any ordinance passed or adopted by the
14 governmental unit under this subsection.

15 (1) Before a governmental unit may issue any temporary
16 event permits under this Section, the governmental unit
17 must adopt an ordinance that includes all of the
18 following:

19 (A) application and permit fees for a permit
20 issued under this Section;

21 (B) maximum term of a permit issued under this
22 section; and

23 (C) a requirement that each permit application
24 includes plans detailing:

25 (i) the date, time of operation, and address
26 of the location hosting the consumption event;

1 (ii) how smoke, aerosols, and vapors from
2 cannabis consumption will be ventilated in indoor
3 consumption spaces;

4 (iii) how consumption will be obscured from
5 view by opaque or translucent walls, fences,
6 hedges, or other barriers in outdoor spaces; and

7 (iv) how individuals under 21 will be
8 prevented from entering the consumption space.

9 (2) The governmental unit may not adopt an ordinance
10 or rule that:

11 (A) prohibits a person who holds a permit issued
12 under this Section from adopting policies that allow
13 attendees of temporary events to bring their own
14 cannabis, cannabis infused products, or cannabis
15 paraphernalia into a temporary event;

16 (B) prohibits the preparation and sale of food and
17 non-alcoholic beverages at venues already licensed for
18 such sales by the governmental unit; or

19 (C) imposes public health or safety standards if
20 those standards serve no purpose other than deterring
21 the organization and execution of temporary events.

22 (d) The premises at which an applicant intends to conduct
23 the event may not be located within 500 feet of a primary or
24 secondary school.

25 (e) An applicant for a temporary event permit under this
26 Section must apply for the permit in the manner required by

1 ordinance of the governmental unit.

2 (f) Permit fees assessed under this Section must be
3 reasonably related to the cost of inspecting and regulating
4 the temporary event.

5 Section 15. Cannabis hospitality venues.

6 (a) The consumption of cannabis or cannabis-infused
7 products at a cannabis hospitality venue is subject to
8 regulation by a municipality for cannabis hospitality venues
9 within the municipality and by a county for cannabis
10 hospitality venues outside of a municipality.

11 (b) A person operating a cannabis hospitality venue must
12 hold a cannabis hospitality venue license issued by the
13 governmental unit for the premises at which the consumption
14 occurs.

15 (c) The premises at which an applicant intends to have a
16 cannabis hospitality venue may not be located within 500 feet
17 of a public or private elementary or secondary school.

18 (d) An applicant for a cannabis hospitality venue license
19 under this Section and the premises at which the cannabis
20 hospitality venue is to be located must meet the requirements
21 of any ordinance adopted by the governmental unit under this
22 subsection.

23 (1) The ordinance must include all of the following:

24 (A) a requirement that a person who holds a
25 license must renew the license annually;

1 (B) fees for the application, licensure, and
2 renewal of licensure for a license under this Section;

3 (C) a restriction on the consumption of cannabis
4 or cannabis-infused products to designated areas of a
5 premises for which a license has been issued under
6 this Section;

7 (D) a requirement that each portion of a premises
8 for which a license has been issued under this Section
9 where cannabis or cannabis-infused products are
10 smoked, aerosolized, or vaporized must have:

11 (i) a ventilation system for any indoor
12 consumption areas that exhausts smoke, aerosols,
13 and vapors from that portion of the premises;

14 (ii) is designed and terminated in accordance
15 with building code standards for the applicable
16 occupancy classification; and

17 (iii) for any outdoor consumption area, it
18 must be surrounded by a sight-obscuring wall,
19 fence, hedge, or other opaque or translucent
20 barrier; the outdoor consumption space may be
21 located closer than 15 feet from an entrance or
22 exit of the cannabis hospitality venue so long as
23 the outdoor consumption space is not obstructing
24 the venue's primary public entry point or is
25 located on a public way.

26 (F) a requirement that a premises for which a

1 license has been issued under this Section must meet
2 any public health and safety standards and industry
3 best practices established by the governmental unit by
4 rule or ordinance;

5 (G) a requirement that premises for which this
6 license be issued have a designated smoke free area so
7 employees of the facility can be isolated from
8 cannabis smoke, vapor, and aerosols;

9 (H) a requirement that premises for which this
10 license be issued have a plan in place to prevent
11 patrons under the age of 21 from accessing the
12 consumption space; and

13 (I) a requirement that licensees which qualify for
14 Social Equity Applicant status found in the Cannabis
15 Tax and Regulation Act have their licensing costs
16 refunded.

17 (2) The governmental unit may not adopt an ordinance
18 or rule that:

19 (A) prohibits a person who holds a license issued
20 under this Section from adopting policies that allow
21 persons attending the cannabis hospitality venue to
22 bring cannabis, cannabis-infused products, or cannabis
23 paraphernalia into the club;

24 (B) imposes public health or safety standards on
25 cannabis hospitality venues if those standards serve
26 no purpose other than deterring the consumption of

1 cannabis or cannabis-infused products at the cannabis
2 hospitality venue; or

3 (C) prohibits the lawful preparation and sale of
4 food and beverage or the lawful sale or rental of
5 cannabis related paraphernalia so long as the cannabis
6 hospitality venue is appropriately licensed and in
7 compliance for such activities.

8 (f) License fees assessed under this Section must be
9 reasonably related to the cost of inspecting and regulating
10 the cannabis hospitality venue.

11 (g) Municipalities may choose to prohibit cannabis
12 hospitality venues from serving alcoholic beverages.

13 (h) Outside of areas defined by Section 10 and Section 15
14 of this act, a municipality may allow the use of cannabis in
15 places tobacco use is permitted by the Smoke Free Illinois
16 Act.

17 Section 20. Home rule. A home rule unit may not regulate or
18 license temporary events or cannabis hospitality venues a
19 manner inconsistent with this Act. This Act is a limitation
20 under subsection (i) of Section 6 of Article VII of the
21 Illinois Constitution on the concurrent exercise by home rule
22 units of powers and functions exercised by the State.

23 Section 90. The Smoke Free Illinois Act is amended by
24 changing Section 35 as follows:

1 (410 ILCS 82/35)

2 Sec. 35. Exemptions. Notwithstanding any other provision
3 of this Act, smoking is allowed in the following areas:

4 (1) Private residences or dwelling places, except when
5 used as a child care, adult day care, or healthcare
6 facility or any other home-based business open to the
7 public.

8 (2) Retail tobacco stores as defined in Section 10 of
9 this Act in operation prior to January 1, 2008 (the
10 effective date of Public Act 95-17). The retail tobacco
11 store shall annually file with the Department by January
12 31st an affidavit stating the percentage of its gross
13 income during the prior calendar year that was derived
14 from the sale of loose tobacco, plants, or herbs and
15 cigars, cigarettes, pipes, or other smoking devices for
16 smoking tobacco and related smoking accessories. Any
17 retail tobacco store that begins operation after January
18 1, 2008 (the effective date of Public Act 95-17) may only
19 qualify for an exemption if located in a freestanding
20 structure occupied solely by the business and smoke from
21 the business does not migrate into an enclosed area where
22 smoking is prohibited. A retail tobacco store that derives
23 at least 80% of its gross revenue from the sale of
24 electronic cigarettes and electronic cigarette equipment
25 and accessories in operation before January 1, 2024 (the

1 effective date of Public Act 103-272) qualifies for this
2 exemption for electronic cigarettes only. A retail tobacco
3 store claiming an exemption for electronic cigarettes
4 shall annually file with the Department by January 31 an
5 affidavit stating the percentage of its gross income
6 during the prior calendar year that was derived from the
7 sale of electronic cigarettes. A retail tobacco store may,
8 with authorization or permission from a unit of local
9 government, including a home rule unit, or any non-home
10 rule county within the unincorporated territory of the
11 county, allow the on-premises consumption of cannabis in
12 specially designated areas.

13 (3) (Blank).

14 (4) Hotel and motel sleeping rooms that are rented to
15 guests and are designated as smoking rooms, provided that
16 all smoking rooms on the same floor must be contiguous and
17 smoke from these rooms must not infiltrate into nonsmoking
18 rooms or other areas where smoking is prohibited. Not more
19 than 25% of the rooms rented to guests in a hotel or motel
20 may be designated as rooms where smoking is allowed. The
21 status of rooms as smoking or nonsmoking may not be
22 changed, except to permanently add additional nonsmoking
23 rooms. Hotel and Motel establishments may also apply and
24 be licensed under the provisions of the On-Premise
25 Cannabis Consumption Act and may host consumption events
26 as detailed in that Act.

1 (5) Enclosed laboratories that are excluded from the
2 definition of "place of employment" in Section 10 of this
3 Act. Rulemaking authority to implement Public Act 95-1029,
4 if any, is conditioned on the rules being adopted in
5 accordance with all provisions of the Illinois
6 Administrative Procedure Act and all rules and procedures
7 of the Joint Committee on Administrative Rules; any
8 purported rule not so adopted, for whatever reason, is
9 unauthorized.

10 (6) Common smoking rooms in long-term care facilities
11 operated under the authority of the Illinois Department of
12 Veterans' Affairs or licensed under the Nursing Home Care
13 Act that are accessible only to residents who are smokers
14 and have requested in writing to have access to the common
15 smoking room where smoking is permitted and the smoke
16 shall not infiltrate other areas of the long-term care
17 facility. Rulemaking authority to implement Public Act
18 95-1029, if any, is conditioned on the rules being adopted
19 in accordance with all provisions of the Illinois
20 Administrative Procedure Act and all rules and procedures
21 of the Joint Committee on Administrative Rules; any
22 purported rule not so adopted, for whatever reason, is
23 unauthorized.

24 (7) A convention hall of the Donald E. Stephens
25 Convention Center where a meeting or trade show for
26 manufacturers and suppliers of tobacco and tobacco

1 products and accessories is being held, during the time
2 the meeting or trade show is occurring, if the meeting or
3 trade show:

4 (i) is a trade-only event and not open to the
5 public;

6 (ii) is limited to attendees and exhibitors that
7 are 21 years of age or older;

8 (iii) is being produced or organized by a business
9 relating to tobacco or a professional association for
10 convenience stores; and

11 (iv) involves the display of tobacco products.

12 Smoking is not allowed in any public area outside of
13 the hall designated for the meeting or trade show.

14 This paragraph (7) is inoperative on and after October
15 1, 2015.

16 (8) A dispensing organization, as defined in the
17 Cannabis Regulation and Tax Act, authorized or permitted
18 by a unit local government to allow on-site consumption of
19 cannabis, if the establishment: (1) maintains a specially
20 designated area or areas for the purpose of heating,
21 burning, smoking, or lighting cannabis; (2) is limited to
22 individuals 21 or older; and (3) maintains a locked door
23 or barrier to any specially designated areas for the
24 purpose of heating, burning, smoking or lighting cannabis.

25 (9) Temporary events or cannabis hospitality venues
26 licensed under the On-Premise Cannabis Consumption Act.

1 (Source: P.A. 103-272, eff. 1-1-24; 103-605, eff. 7-1-24.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.