

# SB1772



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1772

Introduced 2/5/2025, by Sen. Kimberly A. Lightford

#### 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 09417 BDA 19476 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 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.