



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4416

Introduced 2/3/2020, 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 within the 1.5 mile radius of contiguous unincorporated territory surrounding the corporate limits of a municipality that has prohibited the operation of adult-use cannabis dispensing organizations within the municipality.

LRB101 16423 CPF 66582 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 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 or
13 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 to
23 this Act governing the time, place, manner, and number of

1 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 manner
8 of operation of a cannabis business establishment or a
9 conditional use permit in the jurisdiction of the unit of
10 local government. No unit of local government, including a
11 home rule unit or non-home rule county within an
12 unincorporated territory of the county, may unreasonably
13 restrict the time, place, manner, and number of cannabis
14 business establishment operations authorized by this Act.

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

26 (4) A unit of local government, including a home rule

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

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

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