

Authored By:

Name: James V. Ferolo
Email: jvferolo@ktjlaw.com
Phone: (312) 984-6433

Name: Michael A. Marrs
Email: mamarrs@ktjlaw.com
Phone: (312) 984-6419

Name: Carmen P. Forte
Email: cpforte@ktjlaw.com
Phone: (312) 984-6435

Name: Caitlyn R. Culbertson
Email: erculbertson@ktjlaw.com
Phone: (312) 984-6414

Name: Elizabeth F. Brogan
Email: efbrogan@ktjlaw.com
Phone: (312) 984-6431

Full Text of Recreational Cannabis Legislation Introduced

While there has been a lot of buzz about legalization of recreational cannabis in Illinois, negotiations on specific statutory language have been occurring behind closed doors. Now, at long last, the full text of the proposed Cannabis Regulation and Tax Act was introduced on May 6 and is currently pending in the Illinois State Senate as Senate Floor Amendment No. 1 to Senate Bill 7. Although the details and text of the proposed Act are subject to change as it makes its way through committees and the Senate and House floors, it is certain to have an impact on local governments. The following are some of the highlights of the Act as introduced that local governments should be aware of:

- Possession limits for Illinois residents who are 21+ years old are any combination of:
 - 30g of raw cannabis
 - 500 mg or less of THC of cannabis-infused products
 - 5g of cannabis product in concentrated form
- Home cultivation of up to five cannabis plants is allowed under certain conditions.
- No unit of local government, including a home rule unit, or school district, may unreasonably prohibit home cultivation and use of cannabis authorized by the Act.

For any questions or comments you might have regarding this newsletter, please feel free to contact:

Chicago Office

20 N. Wacker Drive, Ste. 1660
Chicago, IL 60606

T: (312) 984-6400

F: (312) 984-6444

Orland Park Office

15010 S. Ravinia Ave., Ste 10
Orland Park, IL 60462

T: (708) 349-3888

F: (708) 349-1506

www.ktjlaw.com

This newsletter is not to be construed as legal advice or a legal opinion under any circumstance. The contents are solely intended for general informative purposes, and the readers of this newsletter are strongly urged to contact their attorney with regard to any concepts discussed herein.

This newsletter may be deemed advertising under the laws of the Supreme Court of Illinois.

© 2019 Klein, Thorpe and Jenkins, Ltd.

KTJ

KLEIN, THORPE & JENKINS, LTD.
Attorneys at Law

- Municipalities may pass ordinances prohibiting the establishment of dispensaries in their jurisdiction.
 - Local units of government must adopt “opt out” ordinances within one year of the effective date of the Act or they are limited to adopting “opt out” provisions via local referendum.
- Municipalities may enact reasonable zoning ordinances or rules governing the time, place, manner and number of cannabis establishment operations.
 - Minimum distance limitation between cannabis establishments and locations the municipality deems sensitive are allowed.
 - Dispensing organizations may not be located within 1,500 feet from another pre-existing dispensing organization or medical cannabis dispensing organization.
- Local governments may establish civil penalties for violating time, place and manner regulations within the local jurisdiction.
- On and after January 1, 2019, any municipality may, by ordinance, impose a cannabis purchaser excise tax upon purchasers for the privilege of using cannabis purchased in the municipality. The rate may be imposed in 0.25% increments and shall not exceed 3% of the purchase price.

Although Governor Pritzker is eager for this bill to advance and is already including revenue from the legalization in his 2020 budget, it is unclear whether or not the bill will successfully pass both chambers before the General Assembly adjourns next month, or will instead be considered in the fall Veto Session or next Spring. KTJ will continue to provide updates on any changes to the contents and impact of the Bill on local governments as it progresses through the legislature.

You can view the full text of Senate Amendment No. 1 here:

[Senate Amendment No. 1](#)