



Office of City Clerk

City Council Document Tracking Sheet

City Hall
121 North LaSalle Street
Room 107
Chicago, IL 60602
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Matter ID: O2023-0004215

Meeting Date: 9/13/2023

Sponsor(s): Hopkins (02) *

Type: Ordinance

Title: Amendment of Municipal Code Chapter 7-24 by deleting and replacing Section 7-24-060 prohibiting the manufacture, sale, advertisement or concealment of any illicit THC product

Committee Assignment: Committee on Public Safety

to Public Safety

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 7-24 of the Municipal Code of Chicago is hereby amended by deleting Section 7-24-060 in its entirety, and replacing it with a new Section 7-24-060, as follows:

7-24-060 Prohibition on the manufacture, sale, and advertisement of certain substances.

(a) *Definitions.* As used in this section:

"Illicit THC product" means any product, material, compound, isomer, acid, salt, mixture, or preparation:

- (i) used or intended for human consumption;
- (ii) that is not made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis business establishments duly licensed under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, et seq.); and
- (iii) that contains: (1) any amount of synthesized tetrahydrocannabinol (THC) of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 tetrahydrocannabinol, and delta-10 tetrahydrocannabinol; or (2) a total delta-9 tetrahydrocannabinol content concentration level in excess of 0.3% on a dry weight basis or (3) a total delta-9 tetrahydrocannabinol content in excess of 0.5 milligrams per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein.

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

"Cannabis business establishment" has the meaning ascribed to that term in Section 17-17-0106-E.

"Concealment" means to deliberately hide or destroy to prevent or evade discovery.

"Prohibited substance" means any illicit THC product.

"Synthesized tetrahydrocannabinol (THC)" means tetrahydrocannabinol synthesized in a laboratory or by industry using directed synthetic or biosynthetic chemistry rather than traditional food preparation techniques such as heating or extracting

"Total delta-9 tetrahydrocannabinol content" is the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. This post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. Thus, this test calculates the total potential THC in a given sample. The total THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: $[Total\ THC = (0.877 \times THCA) + THC]$ which calculates the potential total THC in a given sample.

(b) No person shall make, manufacture, sell, give away, barter, exchange, distribute, furnish, market, advertise, or otherwise hold out for sale any prohibited substance. Notwithstanding the foregoing, nothing in this section shall prohibit any duly licensed cannabis business establishment from making, manufacturing, selling, giving away, bartering, exchanging, distributing, furnishing, marketing, advertising, or otherwise holding out for sale any cannabis product in accordance with the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.

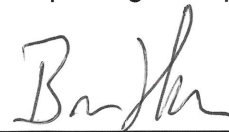
(c) No shall any person engage in an act of concealment of any prohibited substance.

(d) Unless duly licensed as a cannabis business establishment, no business shall: (1) hold itself out to be a “dispensary”, “cannabis dispensary”, “dispensing organization”, “cultivator”, or any kind of cannabis business establishment; or (2) display signage or engage in any marketing or advertising on-line or otherwise, that includes the word “tetrahydrocannabinol” or the abbreviation “THC” promoting the presence of tetrahydrocannabinol or THC in products, or the image of a green cross or any portion of a cannabis plant, including a leaf or bud.

(e) Except as otherwise provided in this Code, any person who violates any of the requirements of this section or any regulation promulgated thereunder shall be fined **[not less than \$2,000 nor more than \$5,000]** for each offense, and the making, manufacturing, selling, giving away, bartering, exchanging, distributing, furnishing, marketing, advertising, or otherwise holding out for sale of each independent item which violates this section shall constitute a separate and distinct offense to which a separate fine shall apply. In addition, any City licensee who violates this section or any rule promulgated thereunder may be subject to license discipline pursuant to Section 4-4-280 of this Code.

(f) Any prohibited substance made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale in violation of this section is subject to forfeiture and may be seized by any peace officer. The seizure and forfeiture shall be made in accordance with rules issued by the Superintendent of Police.

SECTION 2. This ordinance shall take effect 10 days after its passage and publication.



BRIAN HOPKINS, 2nd Ward