

SUBSTITUTE
ORDINANCE

WHEREAS, the City of Chicago (the “City”) is a home rule unit of government under Article VII, Section 6(a) of the Constitution of the State of Illinois, and, as such, may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, while Chicago Midway International Airport is an international and domestic hub, it is predominantly surrounded by residential neighborhoods that are home to thousands of families, with John F. Kennedy High School and Gurdon S. Hubbard High School consistently ranking among the most overcrowded schools in the City; and

WHEREAS, further, these residential neighborhoods are located within the 8th Police District, which serves over 250,000 residents – the most of any police district – with approximately 10 officers for every 10,000 residents – more than double the Citywide average; and

WHEREAS, the Agriculture Improvement Act of 2018 – commonly known as the 2018 Farm Bill – legalized, but did not regulate, certain cannabinoid hemp products; and

WHEREAS, this lack of regulation has led to a proliferation of retailers selling essentially unregulated psychoactive cannabis, often containing significant quantities of delta-8 and delta-9 THC, with no safety regulations such as minimum age limits, testing, or truth in labeling requirements; and

WHEREAS, in order to protect the health and safety of our residents, the City Council desires to prohibit the sale of such unregulated cannabinoid hemp products in and around the residential neighborhoods surrounding Midway Airport; now, therefore:

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

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. Chapter 4-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-4-331, as follows:

4-4-331 Cannabinoid hemp products – Prohibited Areas.

(a) As used in this section:

“Cannabinoid hemp product” means hemp or any product manufactured or derived from hemp, including hemp derived terpenes, in its final form, that is: (1) used for human consumption, including by ingestion, inhalation, or otherwise; and (2) capable of producing a psychoactive effect in a person who consumes it. “Cannabinoid hemp product” shall not include products intended for topical use.

“Concealment” means to deliberately hide to prevent or evade discovery.

“Hemp” means the plant *Cannabis sativa* L. and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,

whether growing or not, that is not cannabis regulated under the Compassionate Use Medical Cannabis Program Act (410 ILCS 130/1 et seq.) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1et seq.).

"Licensed premises" means the premises or location licensed or required to be licensed under this Code. The term "licensed premises" includes (1) the building where the licensed premises is located; (2) all grounds, areas and facilities on, in or immediately adjacent to the licensed premises used by, or held out for use by, the licensee or their agent or employee, including, but not limited to, the licensed premises' parking facility; and (3) all vehicles used by the licensee or his agent or employee to conduct the activity licensed or required to be licensed under this chapter.

"Midway Residential Area" means that portion of the City bounded as follows: Beginning at the intersection of 65th Street and Harlem Avenue, thence north on Harlem Avenue to Illinois Central Railroad, thence northeast along the Illinois Central Railroad to 51st Street, thence east on 51st Street to Laramie Avenue, thence north on Laramie Avenue to 50th Street, thence east on 50th Street to Cicero Avenue, thence south on Cicero Avenue to 51st Street, thence east on 51st Street to Kolin Avenue, thence south on Kolin Avenue to Archer Avenue, thence northeast on Archer Avenue to Kildare Avenue, thence south on Kildare Avenue to 51st Street, thence east on 51st Street to Harding Avenue, thence south on Harding Avenue to the alley south of 51st Street, thence east on the alley south of 51st Street to Lawndale Avenue, thence north on Lawndale Avenue to 51st Street, thence east along 51st Street extended east to the Grand Trunk Western Railroad, thence south along the Grand Trunk Western Railroad to 59th Street, thence east on 59th Street to Central Park Avenue, thence south on Central Park Avenue to 65th Street, thence east on 65th Street to St. Louis Avenue, thence south on St. Louis Avenue to Marquette Road, thence west on Marquette Road to the Grand Trunk Western Railroad, thence south along the Grand Trunk Railroad to a line extending west from the intersection of 75th Street and Central Park Avenue, then west along such line to Pulaski Road, thence north on Pulaski Road to 71st Street, thence west on 71st Street as extended to Cicero Avenue, thence north on Cicero Avenue to 65th Street, thence west on 65th Street to Harlem Avenue.

(b) No licensee under this Code or their agent or employee shall possess, sell, offer for sale, give away, barter, exchange, or otherwise furnish on the licensed premises any cannabinoid hemp products, or engage in an act of concealment of cannabinoid hemp products on any licensed premises, within the Midway Residential Area.

(c) Except as otherwise provided in this Code, any person who violates any of the requirements of this section or any rule or regulation promulgated thereunder shall be fined not less than \$2,000.00 nor more than \$5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(d) Any violation of this section or any rule or regulation promulgated thereunder may result in license suspension or revocation in accordance with the requirements of Section 4-4-280.

SECTION 3. Section 4-64-515 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-64-515 Prohibited locations – Retail tobacco dealers.

(Omitted text is unaffected by this ordinance)

(f) The Commissioner of Business Affairs and Consumer Protection shall not issue any new retail tobacco dealer license or renew any existing retail tobacco dealer license for a retail tobacco store, as defined by Section 7-32-010, within the Midway Residential Area, as defined in Section 4-4-331.

(g) The Commissioner of Business Affairs and Consumer Protection and the Commissioner of Health are hereby authorized to promulgate rules necessary or appropriate to enforce this section.

SECTION 4. This ordinance shall take effect 90 days after passage.