

Health

ORDINANCE

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

SECTION 1. Chapter 8-16 of the Municipal Code of Chicago is hereby amended by inserting a new Section 8-16-064, as follows:

8-16-064 Cannabinoid hemp product offenses involving minors.

(a) *Definitions.* For the purposes of 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: (a) used for human consumption, including by ingestion, inhalation, topical use, or otherwise; and (b) capable of producing a psychoactive effect in a person who consumes it.

“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 705/1-1 et seq.).

“Minor” means a person under the age of 21.

“Person in the business of cannabinoid hemp products” means any person who sells, gives away, barter, delivers, exchanges or otherwise furnishes any cannabinoid hemp product at retail or otherwise.

(b) *Minors.* No person shall: (1) sell, give away, barter, exchange, or otherwise furnish any cannabinoid hemp product, with or without remuneration, in any amount or in any form, to any minor; or (2) permit any cannabinoid hemp product to be sold or given, with or without remuneration, in any amount or in any form to any minor.

(c) *Employment.* Any person in the business of cannabinoid hemp products may engage, employ, or permit a minor to work on the licensed premises, if the minor has no duties relating to the sale, dispensing, service, or delivery of any cannabinoid hemp product on the premises. Any person in the business of cannabinoid hemp products who engages, employs, or permits a minor pursuant to this subsection shall not assign or permit the minor to perform any duties or acts relating to the sale, dispensing, service, or delivery of any cannabinoid hemp product on the premises. Any person in the business of cannabinoid hemp products who engages, employs, or permits a minor to work as allowed in this subsection shall be responsible for ensuring the minor does not consume, obtain, or possess any cannabinoid hemp product on the licensed premises.

(d) *Required postings.*

(1) Any person in the business of cannabinoid hemp products shall display a printed card in a location clearly visible to the public from the point of transaction that shall include the following warning:

WARNING

IT IS A VIOLATION OF THE LAW FOR ANY CANNABINOID HEMP PRODUCT TO BE SOLD TO ANY PERSON UNDER THE AGE OF 21. ANY PERSON WHO VIOLATES THIS LAW IS SUBJECT TO A FINE AND POSSIBLE IMPRISONMENT.

(2) Any person in the business of cannabinoid hemp products shall display a printed sign in a location clearly visible to the public from the point of transaction that shall include the following warning:

WARNING: Hemp-derived intoxicating cannabinoid products (example: delta-8-THC) are not tested for safety by federal, Illinois, or Chicago authorities and may impair cognition and cause other side effects.

(e) *Display of cannabinoid hemp products.* It shall be unlawful for any person in the business of cannabinoid hemp products to display any cannabinoid hemp product except: (i) behind a retail sales counter; and (ii) accessible only to the person or their agents or employees.

(f) *Enforcement.* In addition to the Chicago Police Department, the Department of Business Affairs and Consumer Protection and the Department of Public Health are authorized to enforce this section.

(g) *Presumption:* There shall be a rebuttable presumption that a product is a "cannabinoid hemp product" if such product claims on its packaging or the person in the business of cannabinoid hemp products claims by use of signage that the product is: (1) a cannabinoid hemp product; or (2) containing or being intended to produce or simulate the psychoactive effects of hemp, cannabis, any derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers of hemp or cannabis. Such presumption may be rebutted by submitting evidence that such goods, products, or merchandise do not contain the above compounds or are not intended to produce the above-described effects prepared by a "cannabis testing facility", as defined by the Cannabis Regulation and Tax Act or a duly licensed third-party testing facility that is accredited by a private laboratory accrediting organization.

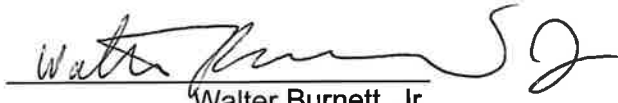
(h) *Fines.*

(1) Except as otherwise specified in subsection (h)(2) of this subsection, any person who violates this section shall be punished by a fine of not less than \$200 nor more than \$500 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(2) Any person who violates subsection (b) of this section shall be punished by a fine of not less than \$2,000 nor more than \$5,000 for the first offense, and a fine of not less than \$5,000 nor more than \$10,000, or incarceration for a term of not less than 90 days nor more than 180 days, or both, for the second and any subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense.

(i) Nothing provided in this section shall be construed to prohibit the furnishing or consumption of cannabinoid hemp products in compliance with the Compassionate Use of Medical Cannabis Program Act ("Act"), codified at 410 ILCS 130/ 1 et. seq., to the extent the Act applies to such products.

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


Walter Burnett, Jr.
Alderman, 27th Ward