

1 ARTICLE IX. - CANNABIS AND DRUG PARAPHERNALIA VIOLATIONS

2 Sec. 29-300. - ~~Cannabis defined.~~Definitions.

3 Whenever reference is made in this Article to the "Illinois Cannabis Act"
4 or the "Cannabis Act" it shall mean the Cannabis Regulations and Tax Act of
5 Illinois approved June 25, 2019, in force January 1, 2020. All other words
6 and phrases used herein shall have the same meaning as the same or similar
7 words or phrases defined by and used in said Cannabis Regulations and Tax
8 Act, including the following:

9 (a) "Act" shall mean the Cannabis Regulation and Tax Act of Illinois
10 approved June 25, 2019 as Public Act 101-0027.

11 (b) "Advertise" means to engage in promotional activities including,
12 but not limited to: newspaper, radio, Internet, print and electronic
13 media, and television advertising; the distribution of fliers and
14 circulars; and the display of window and interior signs.

15 (c) "Cannabis" includes marijuana, hashish and other substances which
16 are defined as including any parts of the plant Cannabis Sativa,
17 whether growing or not; the resin extracted from any part of such
18 plant; and any compound, manufacture, salt, derivative, mixture or
19 preparation of such plant, its seeds or resin, including tetrahydro-
20 cannabinol (THC) and all other cannabiviol derivatives, including its
21 naturally occurring or synthetically produced ingredients, whether
22 produced directly or indirectly by extraction or independently by means
23 of chemical synthesis or by a combination of extraction and chemical
24 synthesis; but shall not include the mature stalks of such plant, fiber
25 produced from such stalks, oil or cake made from the seeds of such
26 plant, any other compound, manufacture, salt, derivative, mixture, or
27 preparation of such mature stalks (except the resin extracted
28 therefrom), fiber, oil or cake, or the sterilized seed of such plant

1 which is incapable of germination. "Cannabis" does not include
2 industrial hemp as defined and authorized under the Industrial Hemp
3 Act. "Cannabis" also means concentrate and cannabis-infused products.

4 ~~(a)~~ (d) "Controlled Substance" means any drug, substance, immediate
5 precursor, or synthetic drug meeting the definition of a controlled
6 substance as Section 102(a) (f) of the Illinois Controlled Substances
7 Act defines the term. For the purposes of this Article, "controlled
8 substance" does not include cannabis.

9 (Ord. No. 008-56, § 1, 6-10-08)

10 Sec. 29-301. ~~--~~ Possession and use unlawful.

11 (a) It shall be a violation of this article for any person ~~knowingly~~
12 ~~to possess any quantity of any substance containing cannabis, except~~
13 ~~that this article shall be limited to persons knowingly possessing less~~
14 ~~than thirty (30) grams of any substance containing cannabis. who is~~
15 under twenty-one (21) years of age to possess or use:

16 (1) More than 30 grams of cannabis flower;

17 (2) Five-hundred (500) milligrams of THC contained in a cannabis-
18 infused product; or,

19 (3) Five (5) grams of cannabis concentrate.

20 (b) It shall be a violation of this article for any person to
21 possess or use cannabis on a school bus, grounds of a pre-
22 school, primary or secondary school, unless used by a qualifying
23 patient or caregiver pursuant to the Compassionate Use or
24 Medical Cannabis Pilot Program Act.

25 (c) It shall be unlawful to possess or use cannabis in a
26 private residence used at any time to provide licensed
27 childcare.

1 (d) It shall be unlawful to use cannabis in any motor vehicle,
2 in any public place, or in any place where smoking is prohibited
3 under the Smoke Free Illinois Act.

4 (e) It shall be unlawful to facilitate the use of cannabis by a
5 person not allowed to use and/or possess cannabis under the Act.

6 (f) It shall be unlawful to use cannabis in close proximity to
7 anyone under the age of 21 who is not a registered medical
8 cannabis patient under the Compassionate Use of Medical Cannabis
9 Pilot Program Act.

10 (g) It shall be unlawful to grow cannabis unless authorized by
11 the Compassionate Use of Medical Cannabis Pilot Program Act.

12 _____
13 (Ord. No. 008-56, § 1, 6-10-08)

14 Sec. 29-302. - Drug paraphernalia defined.

15 Means all equipment, products and materials of any kind which are used,
16 intended or use of designed for use, in planting, propagating, cultivating,
17 growing, harvesting, manufacturing, compounding, converting, producing,
18 processing, preparing, testing, analyzing, packaging, repackaging, storing,
19 containing, concealing, injection, ingesting, inhaling or otherwise
20 introducing into the human body a controlled substance ~~as defined in 720 ILCS~~
21 ~~550/1 et seq. and 720 ILCS 570/100 et seq.~~ It includes but is not limited to:

22 (1) Kits used, intended for use, or designed for using in planting,
23 propagating, cultivating, growing or harvesting of any species of
24 plant which is a controlled substance or from which a controlled
25 substance can be derived;

- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, manitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- ~~(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana; Reserved;~~
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing ~~marijuana~~, cocaine, or other

1 ~~controlled substances hashish, or hashish oil~~ into the human body,
2 such as:

3 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
4 with or without screens, permanent screens, ~~hashish heads~~, or
5 punctured metal bowls;

6 b. Carburetion tubes and devices;

7 c. Water pipes;

8 d. Smoking and carburetion masks;

9 e. ~~Reach clips; meaning objects used to hold burning material, such~~
10 ~~as marijuana cigarette that has become too small or too short to be~~
11 ~~held in the hand;~~ Reserved;

12 f. Miniature cocaine spoons, and cocaine vials;

13 g. Chamber pipes;

14 h. Carburetor pipes;

15 i. Electric pipes;

16 j. Air-driven pipes;

17 k. Chillums;

18 l. Bonds;

19 m. ~~Ice~~ pipes or chillers.

20 (Ord. No. 008-56, § 1, 6-10-08)

21 Sec. 29-303. - Drug paraphernalia determined.

22 In determining whether an object is drug paraphernalia, a court or other
23 authority should consider, in addition to all other logically relevant
24 factors, the following:

25 (1) Statements by an owner or by anyone in control of the object
26 concerning its use;

- (2) The proximity of the object, in time and space, to a direct violation of ~~720 ILCS 550/1 et seq. and 720 ILCS 570/100 et seq.~~ the Illinois Controlled Substance Act;
- (3) The proximity of the object to controlled substances;
- (4) The existence of any residue of controlled substances on the object;
- (5) Direct or circumstantial evidence of the intent of the owner, or anyone in control of the object, to deliver it to persons whom he knows, or should reasonable know, intend to use the object to facilitate a violation of ~~720 ILCS 550/1 et seq. and 720 ILCS 570/100 et seq.~~ the Illinois Controlled Substance Act; the innocence of any owner, or of anyone in control of the object, as to a direct violation of ~~720 ILCS 550/1 et seq. and 720 ILCS 570.100 et seq.~~ the Illinois Controlled Substance Act shall not prevent a finding that the object is used, or intended for use, or designed for use as drug paraphernalia;
- (6) Instructions, oral or written, provided with the object concerning its use;
- (7) Descriptive materials accompanying the object which explain or depict its use;
- (8) National and local advertising concerning its use;
- (9) The manner in which the object is displayed for sale;
- (10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (11) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (12) The existence and scope of legitimate uses for the object in the community;
- (13) Expert testimony concerning its use.

1 (Ord. No. 008-56, § 1, 6-10-08)

2 Sec. 29-304. - Possession of drug paraphernalia.

3 It shall be unlawful for any use, or to possess with intent to use, drug
4 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,
5 compound, convert, produce, process, prepare, test, analyze, pack, repack,
6 store, contain, inject, ingest, inhale, or otherwise introduce into the human
7 body a controlled substance as defined in ~~720 ILCS 550/1 et seq. and 720 ILCS~~
8 ~~570/100 et seq.~~the Illinois Controlled Substance Act.

9 (Ord. No. 008-56, § 1, 6-10-08)

10 Sec. 29-305. - Manufacture, sale or delivery of drug paraphernalia.

11 It is unlawful for any person to manufacture, sell, offer for sale,
12 display, furnish, deliver, possess with intent to deliver, drug
13 paraphernalia, knowing or under circumstances where one reasonably should
14 know, that it will be used to plant, propagate, cultivate, grow, harvest,
15 manufacture, compound, convert, produce, process, prepare, test, analyze,
16 pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise
17 introduce into the human body a controlled substance in violation of ~~720 ILCS~~
18 ~~550/1 et seq. and 720 570/100 et seq.~~the Illinois Controlled Substance Act.

19 (Ord. No. 008-56, § 1, 6-10-08)

20 Sec. 29-306. - Advertisement of drug paraphernalia.

21 It is unlawful for any person to place in any newspaper, magazine,
22 handbill, or other publication any advertisement, knowing, or under
23 circumstances where one reasonably should know, that the purpose of the
24 advertisement, in whole or in part, is to promote the sale of objects
25 designed or intended for use as drug paraphernalia.

26 (Ord. No. 008-56, § 1, 6-10-08)

27 Sec. 29-307. - Penalties.

(a) Any person convicted of a violation of section 29-301 shall be fined in an amount not less than two hundred fifty dollars (\$250.00) and not more than one thousand five hundred dollars (\$1,500.00) for each such violation.

(b) Any person convicted of a violation of section 29-304, section 29-305 or section 29-306 shall be fined in an amount not less than five hundred dollars (\$500.00) and not more than one thousand five hundred dollars (\$1,500.00) for each such violation.

(c) If a person violates section 29-301 of this article, the penalty for possession of any drug paraphernalia seized for that offense shall be a civil law violation punishable by a minimum fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each such violation.

(Ord. No. 008-56, § 1, 6-10-08; Ord. No. 017-015, 3-28-17)

Sec. 29-308. - Administrative review.

A written petition to set aside a determination of a violation of this chapter may be filed by a person owing an unpaid fine in the manner and subject to the restrictions hereinafter set forth:

(1) The petition must be filed with the clerk not later than fourteen (14) days from the date of the violation:

(2) Any administrative adjudication of any violation of this article shall be authorized and conducted pursuant to 65 ILCS 5/1-2.1 et seq.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-309. - Unlawful Advertisement

It shall be unlawful to advertise cannabis or a cannabis infused product in any form or through any medium:

(a). Within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a

1 public park, a public library, or a game arcade where admission is not
2 restricted to persons 21 years of age or older;

3 (b) In or on a public transit vehicle or public transit
4 shelter; or,

5 (c) On publicly owned or publicly operated property.

6
7 Secs. 29-310—29-314. - Reserved.