



Legislation Details (With Text)

File #: 23-0710 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 8/30/2023 **In control:** City Council
On agenda: 11/28/2023 **Final action:** 11/28/2023

Title: An Ordinance amending Chapter 13 of the Code of Ordinances pertaining to the licensure of retailers authorized to sell all tobacco, nicotine, alternative nicotine products or vape products.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A-Chapter 13 Amended

Date	Ver.	Action By	Action	Result
11/28/2023	1	City Council	approved on the Consent Agenda	
11/21/2023	1	Committee of the Whole	(PLACED ON CONSENT AGENDA)	
11/7/2023	1	Rules, Administration, and Procedure	recommended for approval	Pass
10/3/2023	1	Committee of the Whole	returned	
9/19/2023	1	Committee of the Whole	(HELD)	
9/5/2023	1	Rules, Administration, and Procedure	recommended for approval	Pass

TO: Mayor Richard C. Irvin

FROM: Law Department-Nydia Molina, Asst. Corporation Counsel

DATE: November 7, 2023

SUBJECT:

Requesting approval of Amendments to Chapter 13 Tobacco and Related Products specifically, Chapter 13-1 Definitions and Chapter 13-9 Licenses and Endorsements to prohibit the sale, delivery or distribution of any product which contains Tetrahydrocannabinol (THC) or any synthetic cannabinoid.

PURPOSE:

While the State of Illinois has established strict guidelines, standards and regulations for most products which contain THC, products such as cookies, gummies, and vape cannabis products that contain certain quantities of THC or synthetic cannabinoids can be sold by non-regulated facilities and businesses. Furthermore, THC products sold have not been evaluated or approved by Food and Drug Administration (FDA) for safe use and may be marketed in ways that put the public health at risk.

BACKGROUND:

2018 Farm Bill legislation legalized hemp, which is defined as a cannabis plant that contains 0.3

percent delta 9 THC or less. However, the bill does not address delta 8-THC levels. This omission makes it legal for vendors to sell the compound with no oversight and unregulated at federal level. In recent months, multiple states and municipalities have enacted legislation prohibiting the sale of delta 8 products due to lack of research into the compound's psychoactive effects. The City of Aurora has been approached by businesses seeking building permits for the sale of such THC products. Aurora Police Department's officers have also located similar THC products including cookies, bars, gummies and other edible products sold at tobacco shops, vape shops and gas stations in the City.

DISCUSSION:

Prohibition of products that contain THC or other synthetic cannabinoids will protect the community from products that are not regulated or tested by any federal or state agency. Currently, the products may be produced and distributed from out of state facilities with no way for the consumer to be certain that the compounds used to prepare the final product sold is safe. In 2021, the National Institute of Health and Center for Disease Control (CDC) issued a CDH Health Advisory opinion that warned health care professionals, first responders, poison control centers and the public as to the potential adverse effects of products containing THC including lethargy, difficulty breathing, increased heart rate and coma. The CDC noted that the health effects of delta-8 THC have not been researched extensively. In addition, the packaging of these products may cause consumer confusion. There are no required warnings or labels to clearly indicate to the consumer what is contained in the product other than it contains .03 percent delta 8.

IMPACT STATEMENT:

Amending Chapter 13 will prohibit the sale, distribution and possession of THC or synthetic cannabinoid product in establishments that are licensed to sell tobacco, nicotine, alternative nicotine products or vapor products. This prohibition will protect the community at least until there are state and/or federal standards and regulations in place to ensure that the products are safe. Furthermore, it will protect the community, especially minors, from accidentally ingesting such products. Not only is the product accessible to minors, at gas stations, but since there is no limit on how much can be sold, there is no limit on the amount that may consumed which could lead to serious health risks.

RECOMMENDATIONS:

That the Council deliberate the language of the proposed amendments to Chapter 13 including prohibiting the sale, delivery or distribution of any product which contains Tetrahydrocannabinol (THC) or any synthetic cannabinoid.

cc: Rules, Administration and Procedure Committee



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____

DATE OF PASSAGE _____

An Ordinance amending Chapter 13 of the Code of Ordinances pertaining to the licensure of retailers authorized to sell all tobacco, nicotine, alternative nicotine products or vape products.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, there are reports of numerous sales of products containing THC in licensed tobacco and vape establishments within the City of Aurora that are not regulated or approved by any federal or state governmental body for safe use; and

WHEREAS, while the State of Illinois has established standards and regulations for most products which contain cannabis sativa derivatives, certain products which contain certain quantities of THC can be sold in non-state regulated facilities and

WHEREAS, it would be in the best interest of public health, safety and welfare of the City of Aurora residents to prohibit the sale of THC or any synthetic cannabinoid products in licensed tobacco licensed establishments; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Section 13-1 and 13-9 of Chapter 13 of the Code of Ordinance shall be and hereby are amended as set forth in Exhibit A.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon passage and approval.

Section Three: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage.