

**VILLAGE OF LA GRANGE**  
**Recreational Cannabis – FAQs**

1. When will cannabis be legal in Illinois?

On Tuesday 6/25/2019, Governor JB Pritzker signed Illinois House Bill 1438, better known as the Cannabis Regulation and Tax Act (CRTA), legalizing the consumption and possession of cannabis for adults 21 and older in Illinois. The new law will be effective January 1, 2020.

2. When will the Village of La Grange consider zoning matters related to cannabis businesses and how can I provide comments?

The Village Board will discuss whether to allow or prohibit cannabis businesses at its regularly scheduled Village Board meeting on Monday, September 23 beginning at 7:30 p.m. in the Village Hall Auditorium. No official action is anticipated to be taken that evening. The next regularly scheduled Village Board Meeting where action could be considered is Monday, October 14 at 7:30 p.m.

The public is invited to attend to provide comments in person. Comments may also be provided via e mail to Village Manager Andrianna Peterson at [apeterson@villageoflagrange.com](mailto:apeterson@villageoflagrange.com).

3. Does the Village have the ability to regulate recreational cannabis?

Yes, municipalities have the ability to:

- ban the sale of recreational cannabis within Village limits;
- dictate the number of legal dispensaries within the Village;
- determine elements of how cannabis businesses are operated, such as hours of operation;
- restrict the location of cannabis businesses as they relate to facilities such as schools, churches, and government buildings;
- regulate the zoning of cannabis businesses in specific districts

4. Who can legally purchase and consume cannabis?

As a result of the new State legislation, the consumption of cannabis as of 1/1/2020, will be treated similarly to that of the consumption of alcohol with any Illinois resident, or non-resident, ages 21 or over, now being able to purchase and consume cannabis.

5. Who can legally grow and sell recreational cannabis?

Only licensed businesses will be able to legally grow and sell cannabis. Medical cannabis patients will be allowed to grow up to five plants each within their home.

6. What regulatory abilities, if any, do business owners and landlords have?

Any person, business, public entity, or landlord may prohibit the use of cannabis on private property.

7. If the sale of recreational cannabis is allowed in La Grange, how many licenses could be issued?

While individual municipalities can prohibit or limit the amount of recreational cannabis facilities in their community, the State is allowing up to 47 licenses total within the Chicago-Naperville-Elgin region (which includes Cook County and the 8 collar counties).

8. Can the legal consumption/possession of cannabis be banned by a local municipality?

Municipalities cannot ban or override the provisions of the Act that allow for lawful consumption / possession of cannabis.

9. What will the Village's role be in the State licensing process?

The Village plays no role in the State licensing process. The Department of Financial and Professional Regulation will select and process applicants for a license.

10. How much cannabis may an individual possess?

Illinois residents may possess up to:

- 30 grams, or just over one ounce of "flower"

- 5 grams of cannabis concentrate
- 500 milligrams of THC - the chemical that makes users high – in a cannabis infused product such as gummies, candy, other consumable products (referred to as “edibles”), or tinctures, and lotions

Non-Illinois residents may legally possess up to ½ of these amounts.

11. Will cannabis consumption be allowed in public spaces?

No, the consumption of cannabis in public will be considered unlawful. The definition of a public space is any place where a person could reasonably be expected to be observed by others which includes locations in close proximity to anyone under 21 years of age, or in any location where smoking is prohibited by the Smoke Free Illinois Act including hospitals, restaurants, retail stores, offices and commercial establishments.

12. Where will consumption be allowed?

The consumption of cannabis will be allowed on private property or potentially, if approved by the Village, specifically designated establishments such as dispensaries or smoking lounges.

Consumption is not allowed in a private residence used to provide licensed child care, foster care or other similar social service.

13. What specific activities cannot be performed while using cannabis?

Operating, navigating or being in physical control of any motor vehicle, aircraft or motorboat while using or under the influence of cannabis is prohibited.

Driving under the influence and reckless driving based on THC impairment continues to be a chargeable offense.

14. Is the sale of medical cannabis currently allowed in La Grange? If so, where?

The 2013 Compassionate Use of Medical Cannabis Act strictly limited the authority of municipalities to regulate medical cannabis cultivation centers and dispensaries – a municipality could not “unreasonably prohibit” the facilities.

In 2014 the Village added “Medical Cannabis Dispensary” to the special use list in the I-1 Light Industrial District with the condition that the dispensary not be permitted next to a residential property. No such business has opted to open in La Grange.

15. How is cannabis taxed?

Sales will be taxed at 10% for cannabis with THC levels at or less 35%; 25% for cannabis with THC levels above 35%; and 20% for cannabis infused products such as edibles. This is in addition to standard state and local sales taxes. Additionally, municipalities may add a tax of up to 3% and counties may add a tax up to 3.75% in unincorporated areas.

16. How will the potential tax revenue generated by the State be allocated?

Within the bill, any government proceeds associated with the sale of recreational cannabis was established as follows:

- 20% to State mental health services and substance abuse programs
- 10% to pay unpaid State bills
- 35% to the State General Revenue Fund
- 2% to public education and safety campaigns
- 8% to the Local Government Distributive Fund, for prevention and training for law enforcement
- 25% for identified social equity programs

17. If a dispensary is located in La Grange and a 3% local tax is levied, how would that revenue be used?

The Village Board has not discussed how the potential funds could be used. If dispensaries are approved in La Grange and if a dispensary locates in La Grange, the Village Board would consider potential revenues in the context of the Village’s budget.

18. How do federal laws affect Illinois’ law?

Cannabis remains illegal at the federal level but the federal government has broadly deferred to states to regulate legal amounts and comply with state enforced programs. Any questions related to Federal or State regulations should be directed to the proper agencies.

19. How does recreational cannabis affect criminal records?

Illinois Governor JB Pritzker has stated that he will pardon past convictions for possession of up to 30 grams, with the attorney general going to court to delete public records of a conviction or arrest for the now legal amount. Regarding possession of 30-500 grams, an individual or a state's attorney may petition the court to vacate or expunge the conviction.

20. What are some potential impacts to public safety as a result of the legalization of cannabis?

Public Safety is a top priority for the Village of La Grange. The Police Department will enforce the laws, including all applicable Village Ordinances, regardless of whether or not cannabis is grown or sold in La Grange.

The Illinois Chiefs of Police have expressed concerns regarding the demand for police services as related to drug impaired drivers, due to the state-wide allowance of marijuana, regardless of whether or not such a facility is located within the Village limits of La Grange. Driving under the influence of cannabis will continue to be illegal.

21. May voters choose to limit or prohibit cannabis establishments within a municipality?

The Act only provides for this option only within the City of Chicago.