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**KENDALL COUNTY  
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
AGENDA**

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**Wednesday, June 26, 2019 – 5:00 p.m.**

**CALL TO ORDER**

**ROLL CALL:** Larry Nelson (Chair), Kendall County Regional Planning Commission Chairman or Designee (Bill Ashton), Kendall County Zoning Board of Appeals Chairman or Designee (Randy Mohr), Kendall County Board Chairman or Designee (Scott Gryder), Kendall County Soil and Water Conservation District Representative (Megan Andrews), Kendall County Planning, Building and Zoning Committee Chairman or Designee (Matthew Prochaska), Jeff Wehrli, and John Shaw

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**      Approval of Minutes from February 27, 2019 Meeting (Pages 2-3)  
Approval of Minutes from March 27, 2019 Gathering (Page 4)

**NEW/OLD BUSINESS**

1. Update on Zoning Ordinance Project with Teska Associates
2. Discussion of Recreational Marijuana Zoning Related Regulations (Pages 5-41)

**OTHER BUSINESS/ANNOUNCEMENTS**

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

**ADJOURNMENT** Next regularly scheduled meeting on Wednesday, July 24, 2019

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**KENDALL COUNTY  
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

***Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois  
5:00 p.m.  
Meeting Minutes of February 27, 2019***

Chairman Larry Nelson called the meeting to order at 5:00 p.m.

**Members Present:** Bill Ashton (5:10 p.m.), Larry Nelson, Matthew Prochaska, John Shaw, and Jeff Wehrli

**Member Absent:** Megan Andrews, Scott Gryder, and Randy Mohr

**Others Present:** Paul Pope, Village of Lisbon, Matt Asselmeier, Senior Planner and Ruth Ann Sikes, Part Time Office Assistant (Zoning)

**APPROVAL OF AGENDA**

Mr. Wehrli made a motion, seconded by Mr. Prochaska, to approve the agenda. With a voice vote of five (5) ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Wehrli made a motion, seconded by Mr. Prochaska, to approve the minutes of the August 22, 2018, and the January 23, 2019, meeting. With a voice vote of five (5) ayes the minutes were approved.

**NEW/OLD BUSINESS**

1. Discussion of Proposed Amendments to the Land Resource Management Plan for Properties in Lisbon Township

Mr. Prochaska gave an update on this and stated it was sent back to the Committee in November. He also stated that Member Purcell and Member Gilmour wanted no expansion of the mining district. They want to drop mining and leave all the other the same. The mining area would be left agriculture.

Mr. Wehrli made a motion, seconded by Mr. Ashton, to change the mining area to agriculture.

With a voice vote of four (4) ayes the motion carried. Mr. Shaw abstained.

2. Discussion of Home Occupation Zoning Regulations

Mr. Asselmeier provided a copy of the Home Occupation Zoning Regulations and gave a summary of the two.

The consensus of the Committee was to modify Section 4.06(a) to exempt research and development businesses from the requirement that they be conducted inside a primary or accessory structure, to add the phrase “unless otherwise permitted by law” to section (f) and to amend section 4.07 to correspond to section 4.06 on the matter.

Mr. Ashton requested that Mr. Asselmeier contact Mike Hoffman regarding this project.

The proposal will be put on the Agenda for next month’s meeting.

3. Update on Zoning Ordinance Project with Teska Associates

Mr. Asselmeier stated that it would be the middle of March before it is completed.

Mr. Ashton asked if we had to pass this in its entirety or can we approve it in sections. Mr. Asselmeier said that it will be at the Commission’s discretion.

The Committee decided that they wanted everything that Teska changed put in red.

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Nelson brought up the subject of the Sheriff’s Shooting Range. Mr. Prochaska stated that the noise was the one (1) issue at the railroad site causing complaints. Mr. Nelson suggested making a text amendment to the Kendall County Zoning Ordinance taking the Sheriff’s Gun Range out of special use and making it a permitted use. Mr. Asselmeier said originally all shooting ranges were permitted uses from the time Kendall County established zoning in 1940 until 1960.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**Adjournment:**

The next meeting will be March 27, 2019. Mr. Wehrli made a motion to adjourn the meeting, seconded by Mr. Ashton. With a voice vote of five (5) ayes, the motion passed and the meeting adjourned at 6:20 p.m.

Respectfully submitted,  
Ruth Ann Sikes  
Part-Time Office Assistant (Zoning)

**KENDALL COUNTY  
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

***Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois  
5:00 p.m.  
Meeting Minutes of March 27, 2019***

Chairman Larry Nelson called the meeting to order at 5:05 p.m.

**Members Present:** Megan Andrews, Bill Ashton, Larry Nelson, and Jeff Wehrli

**Members Absent:** Scott Gryder, Randy Mohr, Matthew Prochaska, and John Shaw

**Others Present:** Matt Asselmeier, Senior Planner and Ruth Ann Sikes, Part Time Office Assistant (Zoning)

Due to the absence of a quorum, the meeting adjourned at 5:05 p.m.

The next meeting will be April 24, 2019.

Respectfully submitted,  
Ruth Ann Sikes  
Part-Time Office Assistant (Zoning)

# Amended by Ordinance 2017-28

State of Illinois  
County of Kendall

Petition #14-17

## ORDINANCE # 2014-28

### AMENDMENT TO SECTIONS 3.02 AND 10.01.C OF THE KENDALL COUNTY ZONING ORDINANCE TO TEMPORARILY ALLOW MEDICAL CANNABIS CULTIVATION CENTERS- TEMPORARY

*WHEREAS*, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. Jan. 1, 2014), 410 ILCS 130/1 et seq. (“Act”), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and is repealed on January 1, 2018; and

*WHEREAS*, section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers; and,

*WHEREAS*, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, wishes to amend Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance (“Zoning Ordinance”) to regulate medical cannabis cultivation centers in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; ; and

*WHEREAS*, the Kendall County Board automatically repeals this amendment to Zoning Ordinance concurrent with the repeal of the Act, on January 1, 2018; and

*WHEREAS*, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on July 28, 2014; and

*NOW, THEREFORE, BE IT ORDAINED*, the Kendall County Board hereby amends Sections 3.02- “Definitions” & 10.01.C “M-1 & M-2 Manufacturing District- Special Uses” of the Kendall County Zoning Ordinance as provided:

I. **RECITALS.** The recitals set forth above are incorporated as is fully set forth herein.

**II. THE FOLLOWING TERMS ARE ADDED TO SECTION 3.02 “DEFINITIONS” OF ZONING ORDINANCE:**

**MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER.** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain

consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

**III. THE FOLLOWING LANGUAGE IS ADDED TO SECTION 10.01.C  
"MANUFACTURING DISTRICT- SPECIAL USE (M-1 & M-2)" OF ZONING  
ORDINANCE:**

10.01.C Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on January 1, 2018)

- a. **Definitions:** All terms not defined in section 3.02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended
- b. **Preliminary Requirements.** All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
  1. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.

2. *Registration.* Applicants must be registered with the Illinois Department of Agriculture
  3. *Location.* A Cultivation Center must be located more than 2,500 feet from the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130/105.
  4. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
  5. *Code Compliance.* Cultivation Centers must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
  6. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/105, as amended.
- c. **Required Permit Information.** Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:
1. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130/105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.
  2. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.
  3. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and
  4. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/105, as amended, and
  5. Proof that applicant is registered with the Illinois Department of Agriculture.
- d. **Operational and Facility Requirements:**
1. *Enclosed, Locked Facility.* All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.
  2. *Storage.* No outdoor storage of any kind will be permitted at Cultivation Centers.
  3. *Edibles.* Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130/80.
  4. *Waste.* Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with

- the requirements set forth in 410 ILCS 130/180 and 8 Ill. Admin. Code. 1000.460, as amended respectively.
- 5. *Signs.* All signage shall comply with Section 12 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.
- 6. *Other Products.* It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.
- 7. *Fence.* All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.
- 8. *Registration:* The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.

**c. Legal Protections.**

- 1. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center’s owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Cultivation Center’s participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
- 2. *Indemnification.* The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State’s Attorney and shall be appointed a Special Assistant State’s Attorney.
- 3. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.



- f. **Revocation:** Any special use permit granted under this Zoning Ordinance may be revoked for failure to comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Zoning Ordinance.

IV. **REPEAL.** This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on January 1, 2018.

*IN WITNESS OF*, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 16<sup>th</sup> day of September, 2014 and is automatically repealed on January 1, 2018.

Attest:

  
Kendall County Clerk  
Debbie Gillette

  
Kendall County Board Chairman  
John Shaw

# Amended by Ordinance 2017-28

State of Illinois  
County of Kendall

Petition #14-25

## ORDINANCE # 2014- 31

### AMENDMENT TO SECTION 10.01.C OF THE KENDALL COUNTY ZONING ORDINANCE TO TEMPORARILY ALLOW MEDICAL CANNABIS DISPENSING ORGANIZATIONS - TEMPORARY

*WHEREAS*, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. Jan. 1, 2014), 410 ILCS 130/1 et seq. (“Act”), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and is repealed on January 1, 2018; and

*WHEREAS*, section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis dispensing organizations; and,

*WHEREAS*, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, wishes to amend Section 10.01.C of the Kendall County Zoning Ordinance (“Zoning Ordinance”) to regulate medical cannabis dispensing organizations in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

*WHEREAS*, the Kendall County Board automatically repeals this amendment to Zoning Ordinance concurrent with the repeal of the Act, on January 1, 2018; and

*WHEREAS*, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on September 3, 2014; and

*NOW, THEREFORE, BE IT ORDAINED*, the Kendall County Board hereby amends Section 10.01.C “M-1 & M-2 Manufacturing District- Special Uses” of the Kendall County Zoning Ordinance as provided:

- I. **RECITALS.** The recitals set forth above are incorporated as if fully set forth herein.
- II. **THE FOLLOWING LANGUAGE IS ADDED TO SECTION 10.01.C “MANUFACTURING DISTRICT- SPECIAL USE (M-1 & M-2)” OF ZONING ORDINANCE:**

10.01(C) (11) Medical Cannabis Dispensing Organization- Temporary (will be automatically repealed on January 1, 2018)

- a. **Definitions:** All terms not defined in section 3.02 of this Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.), as amended
- b. **Preliminary Requirements.** All Medical Cannabis Dispensing Organization special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
  - i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.
  - ii. *Location.* A Dispensing Organization may not be located within 1,000 feet of the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use, as required pursuant to 410 ILCS 130/130 and Section 1290.50 of the Department of Financial and Professional Regulation rules.
  - iii. *Images.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights of any similar lighting system.
  - iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
  - v. *Code Compliance.* Dispensing Organizations must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
  - vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/130, as amended.
- c. **Required Permit Information.** Upon applying for a Dispensing Organization special use permit, the applicant must provide the following information:
  - i. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

- ii. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/130 & Section 1290.50.19, as amended.
- d. **Operational and Facility Requirements:**
- i. *Enclosed, Loading/unloading bay.* All medical cannabis deliveries shall take place in an Enclosed, Locked Facility.
  - ii. *Storage.* No outdoor storage of any kind will be permitted at Dispensing Organizations.
  - iii. *Advertisement/Signs.*
    - 1. All signage shall comply with Section 12 of the Kendall County Zoning Ordinance.
    - 2. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.
    - 3. Electronic message boards and temporary signs are not permitted in connection with a Dispensing Organization.
    - 4. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
    - 5. No Advertisements shall be placed or maintained within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game arcade admission to which is not restricted to persons age 21 or older.
    - 6. No advertisement shall be posted on publicly-owned or -operated property.
    - 7. If the dispensing organization sells edible cannabis infused products, it must display a placard that states the following: "Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens." The placard shall be no smaller than 24" tall by 36" wide, with typed letters no smaller than 2". The placard shall be clearly visible and readable by customers and shall be written in English.
  - iv. *Other Prohibitions.* A dispensing organization shall not:
    - 1. produce or manufacture cannabis;
    - 2. allow consumption of cannabis at the dispensary;
    - 3. sell cannabis unless it is pre-packaged and labeled in accordance with Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946;
    - 4. sell cannabis or cannabis-infused products to consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH;
    - 5. enter into an exclusive agreement with any cultivation center;

6. operate drive through windows;
  7. transport cannabis to residences of registered qualifying patients or designated caregivers;
  8. operate if video surveillance equipment is inoperative;
  9. operate if the point of sale equipment is inoperative;
  10. operate if the State's medical cannabis electronic verification system is inoperative; or,
  11. have fewer than two people working at any time while the dispensary is open.
- v. *Landscaping.* All dispensing organizations shall ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight.
  - vi. *Lighting.* All dispensing organizations shall ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance.
  - vii. *Hours of operation:* A dispensary may operate between 6 a.m. and 8 p.m. local time.

**e. Legal Protections.**

- i. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Dispensing Organization, the Dispensing Organization's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Dispensing Organization's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
- ii. *Indemnification.* The permitted Dispensing Organization, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of the County's own choosing, due in whole or in part to the Dispensing Organization's acts or omissions and/or for any illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall

County State's Attorney and shall be appointed a Special Assistant State's Attorney.

iii. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

f. **Revocation:**

- i. Any special use permit granted under this ordinance may be revoked for failure to comply with the terms of this ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Kendall County Zoning Ordinance.
- ii. Applicants must be registered with the Illinois Department of Financial and Professional Regulation prior to commencing operations and shall remain registered at all times of operation. The Dispensing Organization must notify Kendall County within ten (10) days of its registration being suspended or revoked. Failure to register or timely notify Kendall County of the suspension or revocation will result in immediate revocation of the special use.

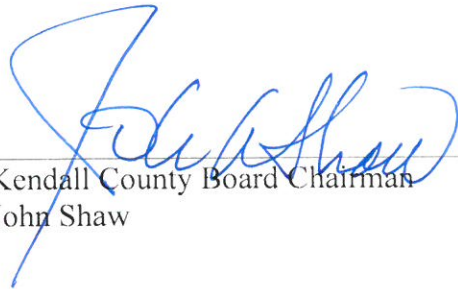
III. **REPEAL.** This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on January 1, 2018.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 18<sup>th</sup> day of November, 2014 and is automatically repealed on January 1, 2018.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
John Shaw

ORDINANCE # 2017- 28

**TEXT AMENDMENTS TO SECTIONS 3.02, 10.01.C.10 AND 10.01.C.11 OF THE  
KENDALL COUNTY ZONING ORDINANCE TO EXTEND THE EXPIRATION  
DEADLINE FROM JANUARY 1, 2018 TO JULY 1, 2020 FOR KENDALL  
COUNTY'S MEDICAL CANNABIS DISPENSING ORGANIZATIONS AND  
MEDICAL CANNABIS CULTIVATION CENTERS RELATED ZONING  
REGULATIONS**

*WHEREAS*, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. January 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and contained a repeal date of January 1, 2018; and,

*WHEREAS*, the Illinois General Assembly amended the Act by changing the repeal date to July 1, 2020 through P.A. 99-519 (eff. June 30, 2016); and,

*WHEREAS*, Section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers and medical cannabis dispensing organizations; and,

*WHEREAS*, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, amended Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis cultivation centers through Ordinance 2014-28 (adopted September 16, 2014), in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

*WHEREAS*, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, amended Sections 3.02 and 10.01.C of the "Zoning Ordinance" to regulate medical cannabis dispensing organizations through Ordinance 2014-31 (adopted November 18, 2014), in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

*WHEREAS*, the Kendall County Board originally desired to automatically repeal Ordinance 2014-28 and Ordinance 2014-31 on January 1, 2018; and

*WHEREAS*, the Kendall County Board now desires to automatically repeal Ordinances 2014-28 and Ordinance 2014-31 concurrently with the repeal of the Act, on July 1, 2020; and

*WHEREAS*, all administrative procedures required prior to passing amendments to the

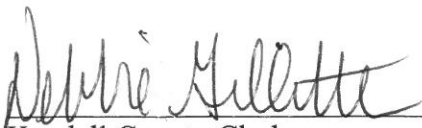
Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on October 30, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 3.02- “Definitions”, 10.01.C.10 & 10.01.C.11 “M-1 & M-2 Manufacturing District- Special Uses” of the Kendall County Zoning Ordinance as provided:

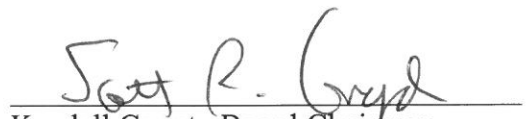
- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: All references to a repeal date of January 1, 2018 are deleted and replaced with a repeal date of July 1, 2020.
- III. All references to a repeal date of January 1, 2018 found within Ordinance 2014-28 are deleted and replaced with a repeal date of July 1, 2020.
- IV. All references to a repeal date of January 1, 2018 found within Ordinance 2014-31 are deleted and replaced with a repeal date of July 1, 2020.
- V. All of the provisions and regulations contained within Ordinances 2014-28 and Ordinance 2014-31 shall remain effective until July 1, 2020 at which time both Ordinances shall be automatically repealed.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 19<sup>th</sup> day of December, 2017.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder



1           (o) Labeling, including warning labels, may be modified by  
2 rule by the Department of Agriculture.

3           Section 55-25. Local ordinances. Unless otherwise provided  
4 under this Act or otherwise in accordance with State law:

5           (1) A unit of local government, including a home rule  
6 unit or any non-home rule county within the unincorporated  
7 territory of the county, may enact reasonable zoning  
8 ordinances or resolutions, not in conflict with this Act or  
9 rules adopted pursuant to this Act, regulating cannabis  
10 business establishments. No unit of local government,  
11 including a home rule unit or any non-home rule county  
12 within the unincorporated territory of the county, may  
13 prohibit home cultivation or unreasonably prohibit use of  
14 cannabis authorized by this Act.

15           (2) A unit of local government, including a home rule  
16 unit or any non-home rule county within the unincorporated  
17 territory of the county, may enact ordinances or rules not  
18 in conflict with this Act or with rules adopted pursuant to  
19 this Act governing the time, place, manner, and number of  
20 cannabis business establishment operations, including  
21 minimum distance limitations between cannabis business  
22 establishments and locations it deems sensitive, including  
23 colleges and universities, through the use of conditional  
24 use permits. A unit of local government, including a home  
25 rule unit, may establish civil penalties for violation of

1 an ordinance or rules governing the time, place, and manner  
2 of operation of a cannabis business establishment or a  
3 conditional use permit in the jurisdiction of the unit of  
4 local government. No unit of local government, including a  
5 home rule unit or non-home rule county within an  
6 unincorporated territory of the county, may unreasonably  
7 restrict the time, place, manner, and number of cannabis  
8 business establishment operations authorized by this Act.

9 (3) A unit of local government, including a home rule  
10 unit, or any non-home rule county within the unincorporated  
11 territory of the county may regulate the on-premises  
12 consumption of cannabis at or in a cannabis business  
13 establishment within its jurisdiction in a manner  
14 consistent with this Act. A cannabis business  
15 establishment or other entity authorized or permitted by a  
16 unit of local government to allow on-site consumption shall  
17 not be deemed a public place within the meaning of the  
18 Smoke Free Illinois Act.

19 (4) A unit of local government, including a home rule  
20 unit or any non-home rule county within the unincorporated  
21 territory of the county, may not regulate the activities  
22 described in paragraph (1), (2), or (3) in a manner more  
23 restrictive than the regulation of those activities by the  
24 State under this Act. This Section is a limitation under  
25 subsection (i) of Section 6 of Article VII of the Illinois  
26 Constitution on the concurrent exercise by home rule units

1 of powers and functions exercised by the State.

2 (5) A unit of local government, including a home rule  
3 unit or any non-home rule county within the unincorporated  
4 territory of the county, may enact ordinances to prohibit  
5 or significantly limit a cannabis business establishment's  
6 location.

7 Section 55-28. Restricted cannabis zones.

8 (a) As used in this Section:

9 "Legal voter" means a person:

10 (1) who is duly registered to vote in a municipality  
11 with a population of over 500,000;

12 (2) whose name appears on a poll list compiled by the  
13 city board of election commissioners since the last  
14 preceding election, regardless of whether the election was  
15 a primary, general, or special election;

16 (3) who, at the relevant time, is a resident of the  
17 address at which he or she is registered to vote; and

18 (4) whose address, at the relevant time, is located in  
19 the precinct where such person seeks to circulate or sign a  
20 petition under this Section.

21 As used in the definition of "legal voter", "relevant time"  
22 means any time that:

23 (i) a notice of intent is filed, pursuant to subsection  
24 (c) of this Section, to initiate the petition process under  
25 this Section;

1 board of a business or non-profit organization that pled  
2 guilty, was convicted, fined, or had a registration or  
3 license suspended or revoked;

4 (6) proposed operating bylaws that include procedures  
5 for the oversight of the cultivation center, including the  
6 development and implementation of a plant monitoring  
7 system, accurate recordkeeping, staffing plan, and  
8 security plan approved by the Department of State Police  
9 that are in accordance with the rules issued by the  
10 Department of Agriculture under this Act. A physical  
11 inventory shall be performed of all plants and cannabis on  
12 a weekly basis by the cultivation center;

13 (7) verification from the Department of State Police  
14 that all background checks of the prospective principal  
15 officers, board members, and agents of the cannabis  
16 business establishment have been conducted;

17 (8) a copy of the current local zoning ordinance or  
18 permit and verification that the proposed cultivation  
19 center is in compliance with the local zoning rules and  
20 distance limitations established by the local  
21 jurisdiction;

22 (9) proposed employment practices, in which the  
23 applicant must demonstrate a plan of action to inform,  
24 hire, and educate minorities, women, veterans, and persons  
25 with disabilities, engage in fair labor practices, and  
26 provide worker protections;

1 site as prescribed in subsection (b) of this Section shall  
2 submit an application on forms provided by the Department. The  
3 application must meet or include the following qualifications:

4 (1) a payment of a nonrefundable application fee of  
5 \$30,000;

6 (2) proof of registration as a medical cannabis  
7 dispensing organization that is in good standing;

8 (3) submission of the application by the same person or  
9 entity that holds the medical cannabis dispensing  
10 organization registration;

11 (4) the legal name of the medical cannabis dispensing  
12 organization;

13 (5) the physical address of the medical cannabis  
14 dispensing organization and the proposed physical address  
15 of the secondary site;

16 (6) a copy of the current local zoning ordinance  
17 Sections relevant to dispensary operations and  
18 documentation of the approval, the conditional approval or  
19 the status of a request for zoning approval from the local  
20 zoning office that the proposed dispensary location is in  
21 compliance with the local zoning rules;

22 (7) a plot plan of the dispensary drawn to scale. The  
23 applicant shall submit general specifications of the  
24 building exterior and interior layout;

25 (8) a statement that the dispensing organization  
26 agrees to respond to the Department's supplemental

1 suspended or revoked or (ii) managed or served on the board  
2 of a business or non-profit organization that pled guilty,  
3 was convicted, fined, or had a registration or license  
4 suspended or revoked;

5 (6) proposed operating bylaws that include procedures  
6 for the oversight of the craft grower, including the  
7 development and implementation of a plant monitoring  
8 system, accurate recordkeeping, staffing plan, and  
9 security plan approved by the Department of State Police  
10 that are in accordance with the rules issued by the  
11 Department of Agriculture under this Act; a physical  
12 inventory shall be performed of all plants and on a weekly  
13 basis by the craft grower;

14 (7) verification from the Department of State Police  
15 that all background checks of the prospective principal  
16 officers, board members, and agents of the cannabis  
17 business establishment have been conducted;

18 (8) a copy of the current local zoning ordinance or  
19 permit and verification that the proposed craft grower is  
20 in compliance with the local zoning rules and distance  
21 limitations established by the local jurisdiction;

22 (9) proposed employment practices, in which the  
23 applicant must demonstrate a plan of action to inform,  
24 hire, and educate minorities, women, veterans, and persons  
25 with disabilities, engage in fair labor practices, and  
26 provide worker protections;

1 and implementation of a plant monitoring system, accurate  
2 recordkeeping, staffing plan, and security plan approved  
3 by the Department of State Police that are in accordance  
4 with the rules issued by the Department of Agriculture  
5 under this Act; a physical inventory of all cannabis shall  
6 be performed on a weekly basis by the infuser;

7 (7) verification from the Department of State Police  
8 that all background checks of the prospective principal  
9 officers, board members, and agents of the infuser  
10 organization have been conducted;

11 (8) a copy of the current local zoning ordinance and  
12 verification that the proposed infuser is in compliance  
13 with the local zoning rules and distance limitations  
14 established by the local jurisdiction;

15 (9) proposed employment practices, in which the  
16 applicant must demonstrate a plan of action to inform,  
17 hire, and educate minorities, women, veterans, and persons  
18 with disabilities, engage in fair labor practices, and  
19 provide worker protections;

20 (10) whether an applicant can demonstrate experience  
21 in or business practices that promote economic empowerment  
22 in Disproportionately Impacted Areas;

23 (11) experience with infusing products with cannabis  
24 concentrate;

25 (12) a description of the enclosed, locked facility  
26 where cannabis will be infused, packaged, or otherwise

1 plan approved by the Department of State Police that are in  
2 accordance with the rules issued by the Department of  
3 Agriculture under this Act; a physical inventory shall be  
4 performed of all cannabis on a weekly basis by the  
5 transporting organization;

6 (7) verification from the Department of State Police  
7 that all background checks of the prospective principal  
8 officers, board members, and agents of the transporting  
9 organization have been conducted;

10 (8) a copy of the current local zoning ordinance or  
11 permit and verification that the proposed transporting  
12 organization is in compliance with the local zoning rules  
13 and distance limitations established by the local  
14 jurisdiction, if the transporting organization has a  
15 business address;

16 (9) proposed employment practices, in which the  
17 applicant must demonstrate a plan of action to inform,  
18 hire, and educate minorities, women, veterans, and persons  
19 with disabilities, engage in fair labor practices, and  
20 provide worker protections;

21 (10) whether an applicant can demonstrate experience  
22 in or business practices that promote economic empowerment  
23 in Disproportionately Impacted Areas;

24 (11) the number and type of equipment the transporting  
25 organization will use to transport cannabis and  
26 cannabis-infused products;



1 and employer workplace policies shall be interpreted broadly to  
2 protect employee safety.

3 Section 1-10. Definitions. In this Act:

4 "Adult Use Cultivation Center License" means a license  
5 issued by the Department of Agriculture that permits a person  
6 to act as a cultivation center under this Act and any  
7 administrative rule made in furtherance of this Act.

8 "Adult Use Dispensing Organization License" means a  
9 license issued by the Department of Financial and Professional  
10 Regulation that permits a person to act as a dispensing  
11 organization under this Act and any administrative rule made in  
12 furtherance of this Act.

13 "Advertise" means to engage in promotional activities  
14 including, but not limited to: newspaper, radio, Internet and  
15 electronic media, and television advertising; the distribution  
16 of fliers and circulars; and the display of window and interior  
17 signs.

18 "BLS Region" means a region in Illinois used by the United  
19 States Bureau of Labor Statistics to gather and categorize  
20 certain employment and wage data. The 17 such regions in  
21 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,  
22 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,  
23 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,  
24 Rockford, St. Louis, Springfield, Northwest Illinois  
25 nonmetropolitan area, West Central Illinois nonmetropolitan

1 area, East Central Illinois nonmetropolitan area, and South  
2 Illinois nonmetropolitan area.

3 "Cannabis" means marijuana, hashish, and other substances  
4 that are identified as including any parts of the plant  
5 Cannabis sativa and including derivatives or subspecies, such  
6 as indica, of all strains of cannabis, whether growing or not;  
7 the seeds thereof, the resin extracted from any part of the  
8 plant; and any compound, manufacture, salt, derivative,  
9 mixture, or preparation of the plant, its seeds, or resin,  
10 including tetrahydrocannabinol (THC) and all other naturally  
11 produced cannabinol derivatives, whether produced directly or  
12 indirectly by extraction; however, "cannabis" does not include  
13 the mature stalks of the plant, fiber produced from the stalks,  
14 oil or cake made from the seeds of the plant, any other  
15 compound, manufacture, salt, derivative, mixture, or  
16 preparation of the mature stalks (except the resin extracted  
17 from it), fiber, oil or cake, or the sterilized seed of the  
18 plant that is incapable of germination. "Cannabis" does not  
19 include industrial hemp as defined and authorized under the  
20 Industrial Hemp Act. "Cannabis" also means concentrate and  
21 cannabis-infused products.

22 "Cannabis business establishment" means a cultivation  
23 center, craft grower, processing organization, dispensing  
24 organization, or transporting organization.

25 "Cannabis concentrate" means a product derived from  
26 cannabis that is produced by extracting cannabinoids from the

1 plant through the use of propylene glycol, glycerin, butter,  
2 olive oil or other typical cooking fats; water, ice, or dry  
3 ice; or butane, propane, CO<sub>2</sub>, ethanol, or isopropanol. The use  
4 of any other solvent is expressly prohibited unless and until  
5 it is approved by the Department of Agriculture.

6 "Cannabis container" means a sealed, traceable, container,  
7 or package used for the purpose of containment of cannabis or  
8 cannabis-infused product during transportation.

9 "Cannabis flower" means marijuana, hashish, and other  
10 substances that are identified as including any parts of the  
11 plant Cannabis sativa and including derivatives or subspecies,  
12 such as indica, of all strains of cannabis; including raw kief,  
13 leaves, and buds, but not resin that has been extracted from  
14 any part of such plant; nor any compound, manufacture, salt,  
15 derivative, mixture, or preparation of such plant, its seeds,  
16 or resin.

17 "Cannabis-infused product" means a beverage, food, oil,  
18 ointment, tincture, topical formulation, or another product  
19 containing cannabis that is not intended to be smoked.

20 "Cannabis plant monitoring system" or "plant monitoring  
21 system" means a system that includes, but is not limited to,  
22 testing and data collection established and maintained by the  
23 cultivation center, craft grower, or processing organization  
24 and that is available to the Department of Revenue, the  
25 Department of Agriculture, the Department of Financial and  
26 Professional Regulation, and the Department of State Police for

1 the purposes of documenting each cannabis plant and monitoring  
2 plant development throughout the life cycle of a cannabis plant  
3 cultivated for the intended use by a customer from seed  
4 planting to final packaging.

5 "Cannabis testing facility" means an entity registered by  
6 the Department of Agriculture to test cannabis for potency and  
7 contaminants.

8 "Clone" means a plant section from a female cannabis plant  
9 not yet rootbound, growing in a water solution or other  
10 propagation matrix, that is capable of developing into a new  
11 plant.

12 "Community College Cannabis Vocational Training Pilot  
13 Program faculty participant" means a person who is 21 years of  
14 age or older, licensed by the Department of Agriculture, and is  
15 employed or contracted by an Illinois community college to  
16 provide student instruction using cannabis plants at an  
17 Illinois Community College.

18 "Community College Cannabis Vocational Training Pilot  
19 Program faculty participant Agent Identification Card" means a  
20 document issued by the Department of Agriculture that  
21 identifies a person as Community College Cannabis Vocational  
22 Training Pilot Program faculty participant.

23 "Conditional Adult Use Dispensing Organization License"  
24 means a license awarded to top-scoring applicants for an Adult  
25 Use Dispensing Organization License that reserves the right to  
26 an adult use dispensing organization license if the applicant

1 meets certain conditions described in this Act, but does not  
2 entitle the recipient to begin purchasing or selling cannabis  
3 or cannabis-infused products.

4 "Conditional Adult Use Cultivation Center License" means a  
5 license awarded to top-scoring applicants for an Adult Use  
6 Cultivation Center License that reserves the right to an Adult  
7 Use Cultivation Center License if the applicant meets certain  
8 conditions as determined by the Department of Agriculture by  
9 rule, but does not entitle the recipient to begin growing,  
10 processing, or selling cannabis or cannabis-infused products.

11 "Craft grower" means a facility operated by an organization  
12 or business that is licensed by the Department of Agriculture  
13 to cultivate, dry, cure, and package cannabis and perform other  
14 necessary activities to make cannabis available for sale at a  
15 dispensing organization or use at a processing organization. A  
16 craft grower may contain up to 5,000 square feet of canopy  
17 space on its premises for plants in the flowering state. The  
18 Department of Agriculture may authorize an increase or decrease  
19 of flowering stage cultivation space in increments of 3,000  
20 square feet by rule based on market need, craft grower  
21 capacity, and the licensee's history of compliance or  
22 noncompliance, with a maximum space of 14,000 square feet for  
23 cultivating plants in the flowering stage, which must be  
24 cultivated in all stages of growth in an enclosed and secure  
25 area. A craft grower may share premises with a processing  
26 organization or a dispensing organization, or both, provided

1 each licensee stores currency and cannabis or cannabis-infused  
2 products in a separate secured vault to which the other  
3 licensee does not have access or all licensees sharing a vault  
4 share more than 50% of the same ownership.

5 "Craft grower agent" means a principal officer, board  
6 member, employee, or other agent of a craft grower who is 21  
7 years of age or older.

8 "Craft Grower Agent Identification Card" means a document  
9 issued by the Department of Agriculture that identifies a  
10 person as a craft grower agent.

11 "Cultivation center" means a facility operated by an  
12 organization or business that is licensed by the Department of  
13 Agriculture to cultivate, process, transport (unless otherwise  
14 limited by this Act), and perform other necessary activities to  
15 provide cannabis and cannabis-infused products to cannabis  
16 business establishments.

17 "Cultivation center agent" means a principal officer,  
18 board member, employee, or other agent of a cultivation center  
19 who is 21 years of age or older.

20 "Cultivation Center Agent Identification Card" means a  
21 document issued by the Department of Agriculture that  
22 identifies a person as a cultivation center agent.

23 "Currency" means currency and coin of the United States.

24 "Dispensary" means a facility operated by a dispensing  
25 organization at which activities licensed by this Act may  
26 occur.

1 "Dispensing organization" means a facility operated by an  
2 organization or business that is licensed by the Department of  
3 Financial and Professional Regulation to acquire cannabis from  
4 a cultivation center, craft grower, processing organization,  
5 or another dispensary for the purpose of selling or dispensing  
6 cannabis, cannabis-infused products, cannabis seeds,  
7 paraphernalia, or related supplies under this Act to purchasers  
8 or to qualified registered medical cannabis patients and  
9 caregivers. As used in this Act, dispensary organization shall  
10 include a registered medical cannabis organization as defined  
11 in the Compassionate Use of Medical Cannabis Pilot Program Act  
12 or its successor Act that has obtained an Early Approval Adult  
13 Use Dispensing Organization License.

14 "Dispensing organization agent" means a principal officer,  
15 employee, or agent of a dispensing organization who is 21 years  
16 of age or older.

17 "Dispensing organization agent identification card" means  
18 a document issued by the Department of Financial and  
19 Professional Regulation that identifies a person as a  
20 dispensing organization agent.

21 "Disproportionately Impacted Area" means a census tract or  
22 comparable geographic area that satisfies the following  
23 criteria as determined by the Department of Commerce and  
24 Economic Opportunity, that:

25 (1) meets at least one of the following criteria:

26 (A) the area has a poverty rate of at least 20%

1 according to the latest federal decennial census; or

2 (B) 75% or more of the children in the area  
3 participate in the federal free lunch program  
4 according to reported statistics from the State Board  
5 of Education; or

6 (C) at least 20% of the households in the area  
7 receive assistance under the Supplemental Nutrition  
8 Assistance Program; or

9 (D) the area has an average unemployment rate, as  
10 determined by the Illinois Department of Employment  
11 Security, that is more than 120% of the national  
12 unemployment average, as determined by the United  
13 States Department of Labor, for a period of at least 2  
14 consecutive calendar years preceding the date of the  
15 application; and

16 (2) has high rates of arrest, conviction, and  
17 incarceration related to the sale, possession, use,  
18 cultivation, manufacture, or transport of cannabis.

19 "Early Approval Adult Use Cultivation Center License"  
20 means a license that permits a medical cannabis cultivation  
21 center licensed under the Compassionate Use of Medical Cannabis  
22 Pilot Program Act as of the effective date of this Act to begin  
23 cultivating, infusing, packaging, transporting (unless  
24 otherwise provided in this Act), and selling cannabis to  
25 cannabis business establishments for resale to purchasers as  
26 permitted by this Act as of January 1, 2020.



1 "Early Approval Adult Use Dispensing Organization License"  
2 means a license that permits a medical cannabis dispensing  
3 organization licensed under the Compassionate Use of Medical  
4 Cannabis Pilot Program Act as of the effective date of this Act  
5 to begin selling cannabis to purchasers as permitted by this  
6 Act as of January 1, 2020.

7 "Early Approval Adult Use Dispensing Organization at a  
8 secondary site" means a license that permits a medical cannabis  
9 dispensing organization licensed under the Compassionate Use  
10 of Medical Cannabis Pilot Program Act as of the effective date  
11 of this Act to begin selling cannabis to purchasers as  
12 permitted by this Act on January 1, 2020 at a different  
13 dispensary location from its existing registered medical  
14 dispensary location.

15 "Enclosed, locked facility" means a room, greenhouse,  
16 building, or other enclosed area equipped with locks or other  
17 security devices that permit access only by cannabis business  
18 establishment agents working for the licensed cannabis  
19 business establishment or acting pursuant to this Act to  
20 cultivate, process, store, or distribute cannabis.

21 "Enclosed, locked space" means a closet, room, greenhouse,  
22 building or other enclosed area equipped with locks or other  
23 security devices that permit access only by authorized  
24 individuals under this Act. "Enclosed, locked space" may  
25 include:

26 (1) a space within a residential building that (i) is

1 the primary residence of the individual cultivating 5 or  
2 fewer cannabis plants that are more than 5 inches tall and  
3 (ii) includes sleeping quarters and indoor plumbing. The  
4 space must only be accessible by a key or code that is  
5 different from any key or code that can be used to access  
6 the residential building from the exterior; or

7 (2) a structure, such as a shed or greenhouse, that  
8 lies on the same plot of land as a residential building  
9 that (i) includes sleeping quarters and indoor plumbing and  
10 (ii) is used as a primary residence by the person  
11 cultivating 5 or fewer cannabis plants that are more than 5  
12 inches tall, such as a shed or greenhouse. The structure  
13 must remain locked when it is unoccupied by people.

14 "Financial institution" has the same meaning as "financial  
15 organization" as defined in Section 1501 of the Illinois Income  
16 Tax Act, and also includes the holding companies, subsidiaries,  
17 and affiliates of such financial organizations.

18 "Flowering stage" means the stage of cultivation where and  
19 when a cannabis plant is cultivated to produce plant material  
20 for cannabis products. This includes mature plants as follows:

21 (1) if greater than 2 stigmas are visible at each  
22 internode of the plant; or

23 (2) if the cannabis plant is in an area that has been  
24 intentionally deprived of light for a period of time  
25 intended to produce flower buds and induce maturation, from  
26 the moment the light deprivation began through the

1 remainder of the marijuana plant growth cycle.

2 "Individual" means a natural person.

3 "Infuser organization" or "infuser" means a facility  
4 operated by an organization or business that is licensed by the  
5 Department of Agriculture to directly incorporate cannabis or  
6 cannabis concentrate into a product formulation to produce a  
7 cannabis-infused product.

8 "Kief" means the resinous crystal-like trichomes that are  
9 found on cannabis and that are accumulated, resulting in a  
10 higher concentration of cannabinoids, untreated by heat or  
11 pressure, or extracted using a solvent.

12 "Labor peace agreement" means an agreement between a  
13 cannabis business establishment and any labor organization  
14 recognized under the National Labor Relations Act, referred to  
15 in this Act as a bona fide labor organization, that prohibits  
16 labor organizations and members from engaging in picketing,  
17 work stoppages, boycotts, and any other economic interference  
18 with the cannabis business establishment. This agreement means  
19 that the cannabis business establishment has agreed not to  
20 disrupt efforts by the bona fide labor organization to  
21 communicate with, and attempt to organize and represent, the  
22 cannabis business establishment's employees. The agreement  
23 shall provide a bona fide labor organization access at  
24 reasonable times to areas in which the cannabis business  
25 establishment's employees work, for the purpose of meeting with  
26 employees to discuss their right to representation, employment

1 rights under State law, and terms and conditions of employment.  
2 This type of agreement shall not mandate a particular method of  
3 election or certification of the bona fide labor organization.

4 "Limited access area" means a building, room, or other area  
5 under the control of a cannabis dispensing organization  
6 licensed under this Act and upon the licensed premises with  
7 access limited to purchasers, dispensing organization owners  
8 and other dispensing organization agents, or service  
9 professionals conducting business with the dispensing  
10 organization.

11 "Member of an impacted family" means an individual who has  
12 a parent, legal guardian, child, spouse, or dependent, or was a  
13 dependent of an individual who, prior to the effective date of  
14 this Act, was arrested for, convicted of, or adjudicated  
15 delinquent for any offense that is eligible for expungement  
16 under this Act.

17 "Mother plant" means a cannabis plant that is cultivated or  
18 maintained for the purpose of generating clones, and that will  
19 not be used to produce plant material for sale to an infuser or  
20 dispensing organization.

21 "Ordinary public view" means within the sight line with  
22 normal visual range of a person, unassisted by visual aids,  
23 from a public street or sidewalk adjacent to real property, or  
24 from within an adjacent property.

25 "Ownership and control" means ownership of at least 51% of  
26 the business, including corporate stock if a corporation, and

1 control over the management and day-to-day operations of the  
2 business and an interest in the capital, assets, and profits  
3 and losses of the business proportionate to percentage of  
4 ownership.

5 "Person" means a natural individual, firm, partnership,  
6 association, joint stock company, joint venture, public or  
7 private corporation, limited liability company, or a receiver,  
8 executor, trustee, guardian, or other representative appointed  
9 by order of any court.

10 "Possession limit" means the amount of cannabis under  
11 Section 10-10 that may be possessed at any one time by a person  
12 21 years of age or older or who is a registered qualifying  
13 medical cannabis patient or caregiver under the Compassionate  
14 Use of Medical Cannabis Pilot Program Act.

15 "Principal officer" includes a cannabis business  
16 establishment applicant or licensed cannabis business  
17 establishment's board member, owner with more than 1% interest  
18 of the total cannabis business establishment or more than 5%  
19 interest of the total cannabis business establishment of a  
20 publicly traded company, president, vice president, secretary,  
21 treasurer, partner, officer, member, manager member, or person  
22 with a profit sharing, financial interest, or revenue sharing  
23 arrangement. The definition includes a person with authority to  
24 control the cannabis business establishment, a person who  
25 assumes responsibility for the debts of the cannabis business  
26 establishment and who is further defined in this Act.

1 "Primary residence" means a dwelling where a person usually  
2 stays or stays more often than other locations. It may be  
3 determined by, without limitation, presence, tax filings;  
4 address on an Illinois driver's license, an Illinois  
5 Identification Card, or an Illinois Person with a Disability  
6 Identification Card; or voter registration. No person may have  
7 more than one primary residence.

8 "Processing organization" or "processor" means a facility  
9 operated by an organization or business that is licensed by the  
10 Department of Agriculture to either extract constituent  
11 chemicals or compounds to produce cannabis concentrate or  
12 incorporate cannabis or cannabis concentrate into a product  
13 formulation to produce a cannabis product.

14 "Processing organization agent" means a principal officer,  
15 board member, employee, or agent of a processing organization.

16 "Processing organization agent identification card" means  
17 a document issued by the Department of Agriculture that  
18 identifies a person as a processing organization agent.

19 "Purchaser" means a person 21 years of age or older who  
20 acquires cannabis for a valuable consideration. "Purchaser"  
21 does not include a cardholder under the Compassionate Use of  
22 Medical Cannabis Pilot Program Act.

23 "Qualified Social Equity Applicant" means a Social Equity  
24 Applicant who has been awarded a conditional license under this  
25 Act to operate a cannabis business establishment.

26 "Resided" means an individual's primary residence was

1 located within the relevant geographic area as established by 2  
2 of the following:

3 (1) a signed lease agreement that includes the  
4 applicant's name;

5 (2) a property deed that includes the applicant's name;

6 (3) school records;

7 (4) a voter registration card;

8 (5) an Illinois driver's license, an Illinois  
9 Identification Card, or an Illinois Person with a  
10 Disability Identification Card;

11 (6) a paycheck stub;

12 (7) a utility bill; or

13 (8) any other proof of residency or other information  
14 necessary to establish residence as provided by rule.

15 "Smoking" means the inhalation of smoke caused by the  
16 combustion of cannabis.

17 "Social Equity Applicant" means an applicant that is an  
18 Illinois resident that meets one of the following criteria:

19 (1) an applicant with at least 51% ownership and  
20 control by one or more individuals who have resided for at  
21 least 5 of the preceding 10 years in a Disproportionately  
22 Impacted Area;

23 (2) an applicant with at least 51% ownership and  
24 control by one or more individuals who:

25 (i) have been arrested for, convicted of, or  
26 adjudicated delinquent for any offense that is

- 1 eligible for expungement under this Act; or
- 2 (ii) is a member of an impacted family;
- 3 (3) for applicants with a minimum of 10 full-time
- 4 employees, an applicant with at least 51% of current
- 5 employees who:
- 6 (i) currently reside in a Disproportionately
- 7 Impacted Area; or
- 8 (ii) have been arrested for, convicted of, or
- 9 adjudicated delinquent for any offense that is
- 10 eligible for expungement under this Act or member of an
- 11 impacted family.

12 Nothing in this Act shall be construed to preempt or limit

13 the duties of any employer under the Job Opportunities for

14 Qualified Applicants Act. Nothing in this Act shall permit an

15 employer to require an employee to disclose sealed or expunged

16 offenses, unless otherwise required by law.

17 "Tincture" means a cannabis-infused solution, typically

18 comprised of alcohol, glycerin, or vegetable oils, derived

19 either directly from the cannabis plant or from a processed

20 cannabis extract. A tincture is not an alcoholic liquor as

21 defined in the Liquor Control Act of 1934. A tincture shall

22 include a calibrated dropper or other similar device capable of

23 accurately measuring servings.

24 "Transporting organization" or "transporter" means an

25 organization or business that is licensed by the Department of

26 Agriculture to transport cannabis on behalf of a cannabis



1 business establishment or a community college licensed under  
2 the Community College Cannabis Vocational Training Pilot  
3 Program.

4 "Transporting organization agent" means a principal  
5 officer, board member, employee, or agent of a transporting  
6 organization.

7 "Transporting organization agent identification card"  
8 means a document issued by the Department of Agriculture that  
9 identifies a person as a transporting organization agent.

10 "Unit of local government" means any county, city, village,  
11 or incorporated town.

12 "Vegetative stage" means the stage of cultivation in which  
13 a cannabis plant is propagated to produce additional cannabis  
14 plants or reach a sufficient size for production. This includes  
15 seedlings, clones, mothers, and other immature cannabis plants  
16 as follows:

17 (1) if the cannabis plant is in an area that has not  
18 been intentionally deprived of light for a period of time  
19 intended to produce flower buds and induce maturation, it  
20 has no more than 2 stigmas visible at each internode of the  
21 cannabis plant; or

22 (2) any cannabis plant that is cultivated solely for  
23 the purpose of propagating clones and is never used to  
24 produce cannabis.

25

ARTICLE 5.