



ADDENDUM
REGULAR VILLAGE BOARD MEETING
MARCH 28, 2023
7:00 PM

6. CONSENT AGENDA

- p. Consideration to adopt Ordinance No. 3804 amending Chapter 6, Article B of Title 3, Cigarette and Tobacco Dealers, Alternative Nicotine Products by enacting a prohibition on the sale of products containing Tetrahydrocannabinol (THC) in licensed Tobacco Dealer establishments.

(Through an investigation by the Police Department, it was determined that the sale and resale of THC related products by Village licensed tobacco dealers included the sales and possession of these products to minors as young as eleven years old in the Village.)

In compliance with the Americans with Disabilities Act and other applicable Federal and State laws, the meeting will be accessible to individuals with disabilities. Persons requiring auxiliary aids and/or services should contact the Village Clerk, preferably no later than five days before the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE B OF TITLE 3, CIGARETTE AND TOBACCO DEALERS, ALTERNATIVE NICOTINE PRODUCTS BY ENACTING A PROHIBITION ON THE SALE OF PRODUCTS CONTAINING TETRAHYDROCANNABINOL (THC) IN LICENSED TOBACCO DEALER ESTABLISHMENTS

WHEREAS, the Village of Elk Grove Village (the “Village”) is a home rule municipality. as set forth in Article VII, Section 6(a) of the Illinois Constitution and as such is enabled to adopt legislation relating to its government and affairs; and

WHEREAS, the Mayor and Board of Trustees have been advised by the Police Department of the numerous sale of products containing THC to minors at several licensed tobacco dealer establishments in the Village; and

WHEREAS, while the State of Illinois, pursuant to the enactment of the Cannabis Regulation and Tax Act and the earlier enactment of the Compassionate Use of Medical Cannabis Program Act, have established strict guidelines, standards and regulation for most products which contain cannabis sativa derivatives, certain vape cannabis products and gummy bears which contain certain quantities of THC can be sold in non-state regulated facilities; and

WHEREAS, through investigation conducted by the Youth Detective Division of the Elk Grove Village Police Department, it was determined that primary sales and resales of these THC products included sales and possession of these products to minors as young as eleven years old and who are students in local Junior High Schools in the Village; and

WHEREAS, the Mayor and Board of Trustees have also been advised of studies conducted by the National Institute of Health and the Center for Disease Control and Prevention which acknowledged and set forth certain adverse effects related to the ingestion of these THC products including hallucination, vomiting, tremors, anxiety, dizziness, confusion and loss of consciousness as well as negatively affecting certain brain functions especially related to memory, learning, decision-making and emotions; and

WHEREAS, the Mayor and Board of Trustees have further been advised that Delta 8 THC products have not been evaluated or approved by the FDA for safe use and may be marketed in ways that put the public health at risk; and

WHEREAS, as a result of these findings and conclusions, it was determined by the Mayor and Board of Trustees that abolishing the sale of THC products in licensed tobacco dealer establishments in the Village is in the best interest of protecting the health, safety and welfare of Village residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Elk Grove Village, Cook and DuPage Counties, Illinois as follows:

Section 1: That Section 3-6B-1 Definitions of Chapter 6, Article B of Title 3 – Cigarette and Tobacco Dealers, Alternative Nicotine Products of the Village Code be amended by adding thereto the following:

Tetrahydrocannabinol (THC) Products. A product which contains THC derived from the cannabis sativa plant such as delta 8 vapes, gummy bears and similar products containing THC.

Section 2: That Section 3-6B-4 be amended by adding thereto the following:

E. SALE OF THC PRODUCTS PROHIBITED: It shall be unlawful for any licensee or any employee or agent of any such licensee to sell, deliver or distribute any product which contains THC.

Section 3: That Section 3-6B-6 be amended by adding thereto the following:

Notwithstanding the above, any licensee who violates or who is alleged to have violated Section 3-6B-4-E of this article shall be subject to a hearing before the Mayor in the manner provided in Section 3-6B-6 where upon a finding of guilty or admission of guilt, the Mayor may levy a fine in the amount set forth in Section 3-6B-7 of this article and may furthermore suspend or revoke the license.

Section 4: The provisions of this Ordinance have no bearing or effect on establishments licensed by the State of Illinois pursuant to the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.

Section 5: This ordinance shall be in full force and effect from and after ten (10) days from its passage, approval and publication in pamphlet form according to law.

VOTE: AYES: _____ NAYS: _____ ABSENT: _____

PASSED this _____ day of _____ 2023

APPROVED this _____ day of _____ 2023

APPROVED:

Mayor Craig B. Johnson
Village of Elk Grove Village

ATTEST:

Loretta M. Murphy, Village Clerk

PUBLISHED in pamphlet form this _____ day of _____ 2023.