



RECREATIONAL CANNABIS FAQs

The State of Illinois approved the use and possession of recreational cannabis (with restrictions) for adults 21 years of age and older effective January 1, 2020 when it passed [House Bill 1438](#). This law does not automatically change the provisions of the Village of River Forest Zoning Ordinance or Municipal Code. The Village Board of Trustees is considering how these Ordinances will be amended as a result of the changes in state law and encourages community education and input. Below is a list of FAQs regarding cannabis in the Village of River Forest. Please contact Lisa Scheiner, Assistant Village Administrator, at lscheiner@vrf.us or at (708) 714-3554 if you have any further questions.

When was cannabis made legal in Illinois? On June 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.

Can the consumption/possession of cannabis be banned by the Village of River Forest? No, municipalities cannot ban or override the CRTA.

Who can legally purchase and consume cannabis? As of January 1, 2020, the recreational consumption of cannabis will be treated similar to the consumption of alcohol or tobacco with any Illinois resident, or non-resident. Only those individuals age 21 or over, may purchase and consume cannabis. The purchase and consumption of medicinal marijuana is already allowed for qualifying individuals.

Who can legally grow and sell recreational cannabis? Only licensed businesses will be able to legally grow and sell recreational cannabis. Medical cannabis patients will be allowed to grow up to five plants within their home but they may not sell it. Owners/lessors of residential properties may prohibit the cultivation of cannabis by a lessee.

How much cannabis may an individual possess? Effective January 1, 2020, 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 candy, other consumable products (referred to as “edibles”), or tinctures, and lotions
- Non-Illinois residents may legally possess up to ½ of these amounts.

Where is possession of cannabis prohibited? Cannabis is prohibited on school buses, on the grounds of any preschool, primary or secondary school unless approved as a medical cannabis patient, correctional facilities, in a private residence where licensed child care or other similar social service care is provided on the premises, and in a vehicle unless it is in a sealed, secured, tamper-evident container and reasonably inaccessible while the vehicle is moving.

Where is cannabis consumption prohibited? Cannabis consumption is prohibited:

- On a school bus
- On the grounds of any preschool, primary or secondary school unless authorized in the medical cannabis program
- In any correctional facility
- In any motor vehicle
- In any private resident that is used at any time to provide licensed child care or other similar social service care on the premises



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- In any public place or knowingly in close proximity to anyone under 21 years of age and in any public place where a person could reasonably be expected to be observed by others
- In any building owned in whole or part, or leased by, the State or Village
- In any location where smoking is prohibited by the Smoke Free Illinois Act, including hospitals, restaurants, retail stores, offices, commercial establishments, etc.

Universities, colleges, and other post-secondary education institutions can restrict or prohibit cannabis use on their property.

If the Village allows dispensaries to be located in River Forest, the Village Board will consider whether or not to permit consumption of those products within the dispensary. The Village may also prohibit the consumption of recreational cannabis in other places such as bars and restaurants.

How will the Village of River Forest work respond to the potential public safety impacts of the State's decision to allow recreational marijuana usage? Public safety is the Village's top priority. The Police Department will:

- Enforce the laws, including all applicable Village Ordinances, regardless of whether or not it is grown and sold in River Forest
- Rely on the training and technology that has already been provided to officers, and will continue to be advanced and developed, to identify impaired motorists and take them off our roadways.
- Continue to partner with and monitor all businesses in the community to address safety and security concerns. For example, the Police Department conducts regular premise checks of banks and shops in River Forest, both during and outside business hours.

The legalization of cannabis may increase the demand for police services state-wide as well as the number of drug impaired drivers on our roadways, due to the state-wide allowance of marijuana, regardless of whether or not such a facility is located within the limits of River Forest. There are currently medical marijuana dispensaries located in neighboring communities and throughout the state of Illinois. Preliminary data from these communities does not support the need to modify existing public safety strategies as a result of the presence of these dispensaries. Further, the data does not support that these facilities generate greater traffic volumes than any of the uses currently permitted in commercial locations by the Village. The Police Department has not seen any increase of impaired drivers or cannabis related offenses due to Medical Marijuana Dispensaries being in operation in bordering and near-by communities.

All Village Departments, including the Police Department, will continue to address security and public safety concerns with all new business establishments that seek special zoning approval from the Village. Through this process, staff and the Village Board can implement conditions of approval that seek to address a project's impact on the community, particularly those surrounding public safety. If cannabis business establishments are allowed in River Forest, the Chief of Police will keep the Village Board of Trustees and Village Administrator apprised of any trends, patterns, or anomalies that occur with regard to allowing cannabis business establishments in River Forest.

Will the Village have any regulatory abilities? Yes. Municipalities have the ability to:

- Ban or permit the cultivation, growth and sale of recreational cannabis within the Village by prohibiting or allowing recreational cannabis use establishments in River Forest.
- If dispensaries are permitted, River Forest can:



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- Dictate the number of legal dispensaries within the Village
- Determine how cannabis businesses are operated such as hours of operation
- Dictate the location of cannabis businesses as they relate to points of interest such as schools, government buildings, and liquor stores.
- Regulate the zoning of cannabis businesses in specific districts

If the sale of recreational cannabis was allowed in River Forest, how many licenses would be issued? If River Forest allows recreational cannabis facilities (dispensaries) to be established, it may choose to limit the number of facilities that may exist, where they may be located within the commercial zoning districts, and how far they may be from other uses. River Forest is part of a larger Bureau of Labor Statistics Region within the state called the [Chicago-Naperville, Elgin region](#). The State is allowing up to 47 licenses within the region, in 2020.

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 their private property.

What will the Village's role be in the licensing process? The licensing process is administered by the Department of Financial and Professional Regulation to select and process those attempting to obtain a license. As a non-home rule community, River Forest cannot require a cannabis business establishment to obtain a local business license. However, the Village may require these establishments to register with the Village.

Are there any changes to existing medical cannabis laws? Yes; the list of conditions that are covered under the use of medical cannabis was expanded to now include chronic pain, autism, migraines, irritable bowel syndrome, osteoarthritis, and anorexia.

Is the sale of medical cannabis currently allowed in River Forest? Any entity that desires to open a medical dispensary in River Forest would be required to undergo a public hearing and approval process by a zoning advisory body (Zoning Board of Appeals or Development Review Board) and the Village Board of Trustees. The Village cannot ban medical dispensary facilities outright. These requirements will not change regardless of whether or not the Village of River Forest prohibits or permits recreational cannabis business establishments.

Is River Forest considering allowing recreational cannabis business establishments? The Village Board of Trustees will discuss this matter on August 26, 2019, and determine whether to proceed with the process of prohibiting or considering permitting cannabis business establishments in River Forest.

What action is required by the Village Board to allow recreational cannabis to be sold in River Forest? If the Village Board of Trustees opts to proceed with the consideration of permitting cannabis business establishments the Village Board will host a community meeting on September 9, 2019 at 6:00 p.m. at the Village Hall (400 Park Avenue) to hear resident input and gather more information. If they choose to move forward, the Village Board will direct the Zoning Board of Appeals to conduct a public hearing to consider amendments to the Zoning Ordinance. The Zoning Board of Appeals would then conduct the hearing and make a recommendation to the Village Board of Trustees. The Village Board of Trustees would then consider that recommendation and make a final determination about how to amend the Zoning Ordinance. The Village Board would also consider any other sections of the Village Code that would need to be amended relative to the changes in the law effective January 1, 2020. The Village Board would also need to consider an Ordinance imposing a 3% excise tax on cannabis sales in River Forest.

What efforts will the Village take in communicating to the public about this topic? The Village Board will advertise all public meetings and public hearings on its [website](#) (including the [meeting calendar](#)), [Village e-news](#),



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and by posting meeting notices at the Village Hall. All public hearing notices will be distributed according to the Village Code. The public is encouraged to participate in this process. If any resident cannot attend one of these meetings they are encouraged to contact Village staff (lscheiner@vrf.us) or their elected officials through the [contact us](#) section of the Village's website.

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, the Village may add a special tax of up to 3% and counties may add a special tax up to 3.75% in unincorporated areas.

How will the potential tax revenue generated be used? Within the bill, government proceeds for the sale of recreational cannabis are:

- 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 (after State administrative costs are accounted for)
- 25% for identified social equity programs

If cannabis business establishments are permitted in River Forest, the Village Board would consider whether to impose a local tax of 3% on sales. If the Board wishes to explore permitting these uses in River Forest additional information will be provided regarding possible annual revenues. Since the Board has not determined whether or not to permit cannabis establishments, no decisions have been made regarding the use of funds generated, however, the Village remains committed to protecting public safety, stabilizing property taxes and improving property values.

How do federal laws affect Illinois' law? Although cannabis remains illegal at the federal level, federal law enforcement has rarely interfered with individuals possessing the State regulated legal amount or businesses complying with state enforced programs. Any questions related to Federal or State regulations should be directed to the proper agencies.

Are Village employees permitted to use cannabis? No. The Village has an obligation to ensure a safe working environment and that employees who report to work are capable of safely performing their jobs. The Village has a drug-free workplace policy that is strictly enforced and prohibits employees from being under the influence of illicit or illegal drugs, unauthorized prescription drugs, alcohol, or controlled substances while on duty or on Village premises. While permitted by the state, cannabis remains illegal at the federal level. Employees in certain safety sensitive positions (i.e. police officers and firefighters) cannot obtain medical marijuana cards. Depending upon the position, most Village employees are subject to drug and alcohol tests in certain situations. All employees who are prescribed drugs or who are taking over-the-counter medications are required to consider medication-related work restrictions and discuss these matters with their supervisors. Any employee who is reasonably suspected of being under the influence of drugs or alcohol, including prescription medications, may be sent for testing. Supervisory staff are trained to identify when an employee may be under the influence.

How does recreational cannabis affect criminal records? The Act includes a schedule of expungement provisions that requires local law enforcement to automatically expunge all criminal history records of an arrest, charge not



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initiated by arrest, order of supervision or order of qualified probation for a "minor cannabis offense" if: 1) one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records; and, 2) no criminal charges were filed relating to the arrest or law enforcement interaction or criminal charges were filed and subsequently dismissed or vacated or the arrestee was acquitted. "Minor Cannabis Offense" as defined in the Act means a violation of Section 4 (possession) or Section 5 (delivery) of the [Cannabis Control Act \(available via this link\)](#) concerning not more than 30 grams of any substance containing cannabis, provided the violation did not include a penalty enhancement under Section 7 of the Cannabis Control Act and is not associated with an arrest, conviction or other disposition for a violent crime as defined in subsection (c) of Section 3 of the [Rights of Crime Victims and Witnesses Act \(available via this link\)](#).