



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5731

Introduced 3/20/2026, by Rep. Jawaharial Williams

SYNOPSIS AS INTRODUCED:

New Act
410 ILCS 82/35

Creates the On-Premise Cannabis Consumption Act. Provides that a county or municipality may issue licenses for temporary events and cannabis hospitality venues that will allow for the consumption of cannabis or cannabis-infused products and for the sale of cannabis paraphernalia at such temporary events or venues. Requires ordinances with specified requirements for such temporary events and cannabis hospitality venues before any licenses are issued. Limits home rule powers. Makes conforming changes in the Smoke Free Illinois Act. Effective immediately.

LRB104 21046 BDA 35016 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 On-Premise Cannabis Consumption Act.

6 Section 5. Definitions. As used in this Act:

7 "Cannabis" has the meaning given to that term in Section
8 1-10 of the Cannabis Regulation and Tax Act.

9 "Cannabis business establishment" has the meaning given to
10 that term in Section 1-10 of the Cannabis Regulation and Tax
11 Act.

12 "Cannabis hospitality venue" means a public or private
13 restaurant, bar, or other business licensed under Section 15
14 that allows communal consumption of cannabis or
15 cannabis-infused products on premises.

16 "Cannabis-infused product" has the meaning given to that
17 term in Section 1-10 of the Cannabis Regulation and Tax Act.

18 "Cannabis paraphernalia" has the meaning given to that
19 term in Section 1-10 of the Cannabis Regulation and Tax Act.

20 "Governmental unit" means a county or municipality.

21 "Venue" means any business establishment licensed by a
22 governmental unit for hospitality-related business.

1 Section 10. Temporary event permits.

2 (a) The hosting of a temporary event for the consumption
3 of cannabis or cannabis-infused products at a venue not
4 licensed as a cannabis hospitality venue is subject to
5 regulation by a municipality for events within the
6 municipality and by a county for events outside of a
7 municipality.

8 (b) A temporary event including the consumption of
9 cannabis or cannabis-infused products must hold a temporary
10 event permit issued by the governmental unit for the premises
11 at which the temporary event is conducted.

12 (c) An applicant for a temporary event permit under this
13 Section and the premises where it shall be conducted must meet
14 the requirements of any ordinance passed or adopted by the
15 governmental unit under this subsection.

16 (1) Before a governmental unit may issue any temporary
17 event permits under this Section, the governmental unit
18 must adopt an ordinance that includes all of the
19 following:

20 (A) the application and permit fees for a permit
21 issued under this Section;

22 (B) the maximum term of a permit issued under this
23 Section; and

24 (C) a requirement that each permit application
25 includes plans detailing:

26 (i) the date, time of operation, and address

1 of the location hosting the consumption event;

2 (ii) a description of how smoke, aerosols, and
3 vapors from cannabis consumption will be
4 ventilated in indoor consumption spaces;

5 (iii) a description of how consumption will be
6 obscured from view by opaque or translucent walls,
7 fences, hedges, or other barriers in outdoor
8 spaces; and

9 (iv) a description of how individuals under 21
10 will be prevented from entering the consumption
11 space.

12 (2) The governmental unit may not adopt an ordinance
13 or rule that:

14 (A) prohibits a person who holds a permit issued
15 under this Section from adopting policies that allow
16 attendees of temporary events to bring their own
17 cannabis, cannabis-infused products, or cannabis
18 paraphernalia into a temporary event;

19 (B) prohibits the preparation and sale of food and
20 non-alcoholic beverages at venues already licensed for
21 such sales by the governmental unit; or

22 (C) imposes public health or safety standards if
23 those standards serve no purpose other than deterring
24 the organization and execution of temporary events.

25 (d) The premises at which an applicant intends to conduct
26 the event may not be located within 500 feet of a primary or

1 secondary school.

2 (e) An applicant for a temporary event permit under this
3 Section must apply for the permit in the manner required by
4 ordinance of the governmental unit.

5 (f) Permit fees assessed under this Section must be
6 reasonably related to the cost of inspecting and regulating
7 the temporary event.

8 Section 15. Cannabis hospitality venues.

9 (a) The consumption of cannabis or cannabis-infused
10 products at a cannabis hospitality venue is subject to
11 regulation by a municipality for cannabis hospitality venues
12 within the municipality and by a county for cannabis
13 hospitality venues outside of a municipality.

14 (b) A person operating a cannabis hospitality venue must
15 hold a cannabis hospitality venue license issued by the
16 governmental unit for the premises at which the consumption
17 occurs.

18 (c) The premises at which an applicant intends to have a
19 cannabis hospitality venue may not be located within 500 feet
20 of a public or private elementary or secondary school.

21 (d) An applicant for a cannabis hospitality venue license
22 under this Section and the premises at which the cannabis
23 hospitality venue is to be located must meet the requirements
24 of any ordinance adopted by the governmental unit under this
25 subsection.

- 1 (1) The ordinance must include all of the following:
- 2 (A) a requirement that a person who holds a
3 license must renew the license annually;
- 4 (B) a description of the fees for the application,
5 licensure, and renewal of licensure for a license
6 under this Section;
- 7 (C) a restriction on the consumption of cannabis
8 or cannabis-infused products to designated areas of a
9 premises for which a license has been issued under
10 this Section;
- 11 (D) a requirement that each portion of a premises
12 for which a license has been issued under this Section
13 where cannabis or cannabis-infused products are
14 smoked, aerosolized, or vaporized must:
- 15 (i) have a ventilation system for any indoor
16 consumption areas that exhausts smoke, aerosols,
17 and vapors from that portion of the premises;
- 18 (ii) be designed and terminated in accordance
19 with building code standards for the applicable
20 occupancy classification; and
- 21 (iii) for any outdoor consumption area, be
22 surrounded by a sight-obscuring wall, fence,
23 hedge, or other opaque or translucent barrier; the
24 outdoor consumption space may be located closer
25 than 15 feet from an entrance or exit of the
26 cannabis hospitality venue so long as the outdoor

1 consumption space is not obstructing the venue's
2 primary public entry point or is located on a
3 public way;

4 (E) a requirement that a premises for which a
5 license has been issued under this Section must meet
6 any public health and safety standards and industry
7 best practices established by the governmental unit by
8 rule or ordinance;

9 (F) a requirement that premises for which this
10 license is issued have a designated smoke-free area so
11 employees of the facility can be isolated from
12 cannabis smoke, vapor, and aerosols;

13 (G) a requirement that premises for which this
14 license be issued have a plan in place to prevent
15 patrons under the age of 21 from accessing the
16 consumption space; and

17 (H) a requirement that licensees which qualify for
18 Social Equity Applicant status found in the Cannabis
19 Regulation and Tax Act have their licensing costs
20 refunded.

21 (2) The governmental unit may not adopt an ordinance
22 or rule that:

23 (A) prohibits a person who holds a license issued
24 under this Section from adopting policies that allow
25 persons attending the cannabis hospitality venue to
26 bring cannabis, cannabis-infused products, or cannabis

1 paraphernalia into the club;

2 (B) imposes public health or safety standards on
3 cannabis hospitality venues if those standards serve
4 no purpose other than deterring the consumption of
5 cannabis or cannabis-infused products at the cannabis
6 hospitality venue; or

7 (C) prohibits the lawful preparation and sale of
8 food and beverage or the lawful sale or rental of
9 cannabis related paraphernalia so long as the cannabis
10 hospitality venue is appropriately licensed and in
11 compliance for such activities.

12 (e) License fees assessed under this Section must be
13 reasonably related to the cost of inspecting and regulating
14 the cannabis hospitality venue.

15 (f) Municipalities may choose to prohibit cannabis
16 hospitality venues from serving alcoholic beverages.

17 (g) Outside of areas defined by Section 10 and Section 15
18 of this Act, a municipality may allow the use of cannabis in
19 places tobacco use is permitted by the Smoke Free Illinois
20 Act.

21 Section 20. Home rule. A home rule unit may not regulate or
22 license temporary events or cannabis hospitality venues in a
23 manner inconsistent with this Act. This Act is a limitation
24 under subsection (i) of Section 6 of Article VII of the
25 Illinois Constitution on the concurrent exercise by home rule

1 units of powers and functions exercised by the State.

2 Section 90. The Smoke Free Illinois Act is amended by
3 changing Section 35 as follows:

4 (410 ILCS 82/35)

5 Sec. 35. Exemptions. Notwithstanding any other provision
6 of this Act, smoking is allowed in the following areas:

7 (1) Private residences or dwelling places, except when
8 used as a child care, adult day care, or healthcare
9 facility or any other home-based business open to the
10 public.

11 (2) Retail tobacco stores as defined in Section 10 of
12 this Act in operation prior to January 1, 2008 (the
13 effective date of Public Act 95-17). The retail tobacco
14 store shall annually file with the Department by January
15 31~~st~~ an affidavit stating the percentage of its gross
16 income during the prior calendar year that was derived
17 from the sale of loose tobacco, plants, or herbs and
18 cigars, cigarettes, pipes, or other smoking devices for
19 smoking tobacco and related smoking accessories. Any
20 retail tobacco store that begins operation after January
21 1, 2008 (the effective date of Public Act 95-17) may only
22 qualify for an exemption if located in a freestanding
23 structure occupied solely by the business and smoke from
24 the business does not migrate into an enclosed area where

1 smoking is prohibited. A retail tobacco store that derives
2 at least 80% of its gross revenue from the sale of
3 electronic cigarettes and electronic cigarette equipment
4 and accessories in operation before January 1, 2024 (the
5 effective date of Public Act 103-272) qualifies for this
6 exemption for electronic cigarettes only. A retail tobacco
7 store claiming an exemption for electronic cigarettes
8 shall annually file with the Department by January 31 an
9 affidavit stating the percentage of its gross income
10 during the prior calendar year that was derived from the
11 sale of electronic cigarettes. A retail tobacco store may,
12 with authorization or permission from a unit of local
13 government, including a home rule unit, or any non-home
14 rule county within the unincorporated territory of the
15 county, allow the on-premises consumption of cannabis in
16 specially designated areas.

17 (3) (Blank).

18 (4) Hotel and motel sleeping rooms that are rented to
19 guests and are designated as smoking rooms, provided that
20 all smoking rooms on the same floor must be contiguous and
21 smoke from these rooms must not infiltrate into nonsmoking
22 rooms or other areas where smoking is prohibited. Not more
23 than 25% of the rooms rented to guests in a hotel or motel
24 may be designated as rooms where smoking is allowed. The
25 status of rooms as smoking or nonsmoking may not be
26 changed, except to permanently add additional nonsmoking

1 rooms. Hotel and motel establishments may also apply and
2 be licensed under the provisions of the On-Premise
3 Cannabis Consumption Act and may host consumption events
4 as detailed in that Act.

5 (5) Enclosed laboratories that are excluded from the
6 definition of "place of employment" in Section 10 of this
7 Act. Rulemaking authority to implement Public Act 95-1029,
8 if any, is conditioned on the rules being adopted in
9 accordance with all provisions of the Illinois
10 Administrative Procedure Act and all rules and procedures
11 of the Joint Committee on Administrative Rules; any
12 purported rule not so adopted, for whatever reason, is
13 unauthorized.

14 (6) Common smoking rooms in long-term care facilities
15 operated under the authority of the Illinois Department of
16 Veterans Affairs or licensed under the Nursing Home Care
17 Act that are accessible only to residents who are smokers
18 and have requested in writing to have access to the common
19 smoking room where smoking is permitted and the smoke
20 shall not infiltrate other areas of the long-term care
21 facility. Rulemaking authority to implement Public Act
22 95-1029, if any, is conditioned on the rules being adopted
23 in accordance with all provisions of the Illinois
24 Administrative Procedure Act and all rules and procedures
25 of the Joint Committee on Administrative Rules; any
26 purported rule not so adopted, for whatever reason, is

1 unauthorized.

2 (7) A convention hall of the Donald E. Stephens
3 Convention Center where a meeting or trade show for
4 manufacturers and suppliers of tobacco and tobacco
5 products and accessories is being held, during the time
6 the meeting or trade show is occurring, if the meeting or
7 trade show:

8 (i) is a trade-only event and not open to the
9 public;

10 (ii) is limited to attendees and exhibitors that
11 are 21 years of age or older;

12 (iii) is being produced or organized by a business
13 relating to tobacco or a professional association for
14 convenience stores; and

15 (iv) involves the display of tobacco products.

16 Smoking is not allowed in any public area outside of
17 the hall designated for the meeting or trade show.

18 This paragraph (7) is inoperative on and after October
19 1, 2015.

20 (8) A dispensing organization, as defined in the
21 Cannabis Regulation and Tax Act, authorized or permitted
22 by a unit of local government to allow on-site consumption
23 of cannabis, if the establishment: (1) maintains a
24 specially designated area or areas for the purpose of
25 heating, burning, smoking, or lighting cannabis; (2) is
26 limited to individuals 21 or older; and (3) maintains a

1 locked door or barrier to any specially designated areas
2 for the purpose of heating, burning, smoking, or lighting
3 cannabis.

4 (9) Temporary events or cannabis hospitality venues
5 licensed under the On-Premise Cannabis Consumption Act.

6 (Source: P.A. 103-272, eff. 1-1-24; 103-605, eff. 7-1-24;
7 104-234, eff. 8-15-25.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.