

# SB1612



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1612

Introduced 2/26/2021, by Sen. Chapin Rose

### SYNOPSIS AS INTRODUCED:

410 ILCS 705/55-25

Amends the Cannabis Regulation and Tax Act. Provides that to pay any claim for death, injury, or property damage that may be brought against a dispensing organization or retail store, under any theory of recovery, arising from the on-premises consumption of cannabis, the dispensing organization or retail store authorized or permitted by a unit of local government to allow on-site consumption must carry liability insurance coverage in amounts not less than the maximum liability amounts set forth in specified provisions of the Liquor Control Act of 1934 for liability insurance coverage regarding the sale of alcoholic liquor.

LRB102 15938 CPF 21308 b

A BILL FOR

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 5. The Cannabis Regulation and Tax Act is amended  
5 by changing Section 55-25 as follows:

6 (410 ILCS 705/55-25)

7 Sec. 55-25. Local ordinances. Unless otherwise provided  
8 under this Act or otherwise in accordance with State law:

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

19 (2) 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 enact ordinances or rules not  
22 in conflict with this Act or with rules adopted pursuant  
23 to this Act governing the time, place, manner, and number

1 of cannabis business establishment operations, including  
2 minimum distance limitations between cannabis business  
3 establishments and locations it deems sensitive, including  
4 colleges and universities, through the use of conditional  
5 use permits. A unit of local government, including a home  
6 rule unit, may establish civil penalties for violation of  
7 an ordinance or rules governing the time, place, and  
8 manner of operation of a cannabis business establishment  
9 or a conditional use permit in the jurisdiction of the  
10 unit of local government. No unit of local government,  
11 including a home rule unit or non-home rule county within  
12 an unincorporated territory of the county, may  
13 unreasonably restrict the time, place, manner, and number  
14 of cannabis business establishment operations authorized  
15 by this Act.

16 (3) A unit of local government, including a home rule  
17 unit, or any non-home rule county within the  
18 unincorporated territory of the county may authorize or  
19 permit the on-premises consumption of cannabis at or in a  
20 dispensing organization or retail tobacco store (as  
21 defined in Section 10 of the Smoke Free Illinois Act)  
22 within its jurisdiction in a manner consistent with this  
23 Act. A dispensing organization or retail tobacco store  
24 authorized or permitted by a unit of local government to  
25 allow on-site consumption shall not be deemed a public  
26 place within the meaning of the Smoke Free Illinois Act.

1 To pay any claim for death, injury, or property damage  
2 that may be brought against the dispensing organization or  
3 retail store, under any theory of recovery, arising from  
4 the on-premises consumption of cannabis, a dispensing  
5 organization or retail store authorized or permitted by a  
6 unit of local government to allow on-site consumption must  
7 carry liability insurance coverage in amounts not less  
8 than the maximum liability amounts set forth in subsection  
9 (a) of Section 6-21 of the Liquor Control Act of 1934 for  
10 liability insurance coverage regarding the sale of  
11 alcoholic liquor.

12 (4) A unit of local government, including a home rule  
13 unit or any non-home rule county within the unincorporated  
14 territory of the county, may not regulate the activities  
15 described in paragraph (1), (2), or (3) in a manner more  
16 restrictive than the regulation of those activities by the  
17 State under this Act. This Section is a limitation under  
18 subsection (i) of Section 6 of Article VII of the Illinois  
19 Constitution on the concurrent exercise by home rule units  
20 of powers and functions exercised by the State.

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

26 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)