

ORDINANCE NO. 23-\_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),  
CHAPTER 3 (LIQUOR AND TOBACCO CONTROL), SECTION 3 (DEFINITIONS),  
AND SECTION 14 (PROHIBITED ACTS AND CONDITIONS)  
OF THE NAPERVILLE MUNICIPAL CODE**

**Recitals**

1. **WHEREAS**, Delta-8 tetrahydrocannabinol, also known as Delta-8 THC, and Delta-9 tetrahydrocannabinol, also known as Delta-9 THC are psychoactive substances typically manufactured from hemp-derived cannabidiol (CBD); and,
2. **WHEREAS**, Delta-9 THC (or “Delta-9”) Delta-8 THC (or “Delta-8”) are becoming widely available for purchase due to the passage of the 2018 Agricultural Improvement Act allowing hemp-derived products containing less than .3% THC on a dry weight basis; and,
3. **WHEREAS**, Delta-8 has not been approved or evaluated by the Food and Drug Administration for a safe use in any context; and,
4. **WHEREAS**, the United States Drug Enforcement Agency opined that synthetically derived Delta-8 and Delta-9 are illegal controlled substances; and,
5. **WHEREAS**, the Naperville Police Department has received constituent complaints relating to the sale of psychoactive cannabinoids to minors at businesses with cigarette and tobacco dealer’s licenses; and
6. **WHEREAS**, psychoactive cannabinoids need to be regulated to protect the public health and safety of individuals under the age of twenty-one; and,
7. **WHEREAS**, the City is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution, may exercise any power and perform any function pertaining to its government and affairs.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that:**

**SECTION 1:** The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

**SECTION 2:** Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 3 (Definitions) of the Naperville Municipal Code is hereby amended by adding the underlined language as follows:

**3-3-3: - DEFINITIONS:** For the purposes of this Chapter, the following words and phrases shall have the following meanings:

ALCOHOLIC LIQUOR through  
TAVERN

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<p><u>TETRAHYDROCANNABINOL</u></p>	<p><u>Including without limitation, the following:</u></p> <p><u>(a) Delta-1 cis or trans tetrahydrocannabinol,</u>  <u>(b) Delta-6 cis or trans tetrahydrocannabinol, and its optical isomers;</u>  <u>(c) Delta-3.4 cis or trans tetrahydrocannabinol, and its optical isomers;</u>  <u>(d) Delta-10 cis or trans tetrahydrocannabinol, and its optical isomers;</u>  <u>(e) Delta-8 tetrahydrocannabinol acetate 8 ester;</u>  <u>(f) Delta-9 tetrahydrocannabinol acetate 10 ester;</u>  <u>(g) Delta-6a, 10a tetrahydrocannabinol acetate ester;</u>  <u>(h) Delta-10 tetrahydrocannabinol acetate ester;</u>  <u>(i) A product derived from industrial hemp that was produced as a result of a chemical process that converted the industrial hemp or a substance contained in the industrial hemp into Delta-8, Delta-9, Delta-6a, 10a, or Delta-10 tetrahydrocannabinol including their respective acetate esters; and</u>  <u>(j) Any other psychoactive substance derived therein.</u></p>
<p><u>TETRAHYDROCANNABINOL PRODUCT</u></p>	<p><u>Any product containing tetrahydrocannabinol used for human consumption.</u></p>

THIRD-PARTY PROMOTER through  
WINE OR VINOUS BEVERAGE

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ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk