



## Legislation Text

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File #: 19-1128, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Waive the first reading and pass the ordinance modifying Section 10-2-3 of the Naperville Municipal Code to change local cannabis possession offenses to comply with the Cannabis Regulation and Tax Act (requires 6 positive votes)

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Joseph I. Solon Jr., City Prosecutor

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

On June 25, 2019, Illinois Gov. J.B. Pritzker signed into law the Cannabis Regulation and Tax Act (CRTA) legalizing and regulating the production, consumption, and sale of cannabis in Illinois. It will come into effect January 1, 2020. Under the CRTA, personal possession of up to 30 grams of cannabis is legal for Illinois residents at least 21 years of age, with lower limits for non-residents.

Naperville's Municipal Code currently includes local regulations concerning possession of cannabis that need to be amended for consistency with the new state law. The CRTA pre-empts home rule authority and does not allow municipalities to regulate personal possession and use of cannabis in a manner inconsistent with state law.

#### **DISCUSSION:**

All non-medicinal cannabis possession in the City is currently unlawful under the Naperville Municipal Code and state law. The CRTA legalizes the production, distribution, sale, possession, and use of adult use cannabis, but only in a limited, regulated way. Age restrictions (21 years of age), quantity limitations (no more than 30 grams for Illinois residents), and a prohibition on personal, non-medicinal cultivation are among the limits the state law places on cannabis possession.

The proposed amendments to the Naperville Municipal Code mirror the state law, incorporating it by reference and adopting its limitations. The amendments will insure that the City is compliant with the new law and will also provide the Naperville Police with the discretion to charge persons who violate provisions of the new state law with local ordinance violations.

Upon Council approval of the attached ordinance, the City will be compliant with the CRTA while maintaining prohibitions on actions inconsistent with the Act. The Naperville Police Department is working with City Legal and other outside law enforcement agencies such as the DuPage and Will County State's Attorney's offices to implement training and prepare for the January 1, 2020

legalization.

**FISCAL IMPACT:**

N/A