

Recreational Cannabis FAQs

1. When was cannabis made legal in Illinois?

On Tuesday 6/25/2019, Governor JB Pritzker signed [Illinois House Bill 1438](#), better known as [the Cannabis Regulation and Tax Act \(CRTA\)](#), thus legalizing the consumption and possession of cannabis for adults 21 and older in Illinois.

2. Can the consumption/possession of cannabis be banned by a local municipality like Willowbrook?

No, municipalities cannot ban or override the CRTA.

3. Will the Village have any regulatory abilities?

Yes. When it comes to restrictions, municipalities have the ability to:

- ban the selling of recreational cannabis within Village limit
- dictate the amount 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, churches, government buildings, and liquor stores.
- regulate the zoning of cannabis businesses in specific districts

4. 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 private property.

5. If the sale of recreational cannabis was to be allowed in Willowbrook, how many licenses would be issued?

While many individual cities have a limitation on the amount of recreational cannabis facilities (dispensaries) that are allowed within their limits, Willowbrook is part of a larger Bureau of Labor Statistics Region within the state. The region Willowbrook is a part of is the Chicago-Naperville, Elgin region. The State is allowing up to 47 licenses within the region.

6. Should the Village permit dispensaries to open, how will the Village manage public safety at these locations?

The Willowbrook Police Department surveyed communities that currently contain a medical cannabis facility within its limits and found that there were limited calls to such facilities statewide. Public safety is the Village's top priority and any specific security concerns will be addressed.

7. Who can legally purchase and consume cannabis?

As a result of the new State legislation, the consumption of cannabis as of 1/1/2020, will be treated similarly to that of the consumption of alcohol with any Illinois resident, or non-resident, ages 21 or over, now being able to purchase and consume cannabis.

8. Who can legally grow and sell recreational cannabis?

Only licensed businesses will be able to legally grow and sell cannabis. Medical cannabis patients will be allowed to grow up to five plants each within their home.

9. What will the Village's role be in the licensing process?

The Village plays no role in the licensing process as it is left up to the Department of Financial and Professional Regulation to select and process those individuals attempting to obtain a license.

10. How much cannabis may an individual possess?

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 gummies, candy, other consumable products (referred to as "edibles"), or tinctures, and lotions

Non-Illinois residents may legally possess up to 1/2 of these amounts.

11. What action is required by the Village Board to allow recreational cannabis to be sold in Willowbrook?

The Village Board will go through multiple readings regarding the sale of recreational cannabis in Willowbrook before giving a final approval or disapproval. In addition to this, the Village code of ordinances will be changed accordingly.

12. Will cannabis consumption be allowed in public spaces?

No, the consumption of cannabis in public will be considered unlawful.

13. Where will consumption be allowed?

The consumption of cannabis will be allowed on private property or potentially, specifically designated establishments such as dispensaries or smoking lounges.

14. 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.

15. Is the sale of medical cannabis currently allowed in Willowbrook? If so, where?

Yes. By state and local ordinance, medical cannabis was approved in 2014 and its sale is permitted in Willowbrook as a special use in the industrial district. While these facilities are allowed in Willowbrook, no such business has opted to open in Willowbrook.

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

17. How will the potential tax revenue generated be used?

Within the bill, any government proceeds associated with the sale of recreational cannabis was established as follows:

- 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
- 25% for identified social equity programs

18. How will the potential tax revenue from the (3%) tax be used by Willowbrook?

Currently, the Village would plan to utilize these funds for public improvement projects, funding of police pension liabilities and costs related to the Sterigenics issue.

19. 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.

20. How does recreational cannabis affect criminal records?

Illinois Governor JB Pritzker has stated that he will pardon past convictions for possession of up to 30 grams, with the attorney general going to court to delete public records of a conviction or arrest for the now legal amount. Regarding possession of 30-500 grams, an individual or a state's attorney may petition the court to vacate or expunge the conviction.

21. What are some potential impacts to the State's decision to allow recreational marijuana use when it comes to policing?

It is reasonable to assume that the legalization of cannabis will increase the demand for police services 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 village limits of Willowbrook.

22. What efforts will the Village take in communicating to the public about this topic?

The Village is committed to above board communication and honest transparency at each step that should occur. Ahead of each time that this topic will be considered on any Village committee or board agenda, the Village will share information about the upcoming meetings on the Village's website, www.willowbrookil.org.

23. How can I share my thoughts or opinions on this topic as a resident or community member?

Please email planner@willowbrook.il.us with any thoughts or concerns. Additionally, public comment at Village Board and Plan Commission Meetings is available for any member of the public.