



Public Act 101-0027, which creates the Cannabis Regulation and Tax Act (the “Act”), was signed into law on June 25, 2019. By legalizing the sale of recreational cannabis in Illinois effective January 1, 2020. The information provided below is intended to educate the residents of Oak Forest of what is and what is not permitted under the new law. In addition to the information provided, you may also contact the Oak Forest Police Department and speak with an on duty watch commander at (708) 687-1376 for clarification.

USE AND POSSESSION

How much cannabis can a resident of the State of Illinois legally possess under the Act?

- For an Illinois resident who is 21 years or older, the possession limit is any combination of the following:
 - 30 grams of raw cannabis;
 - Cannabis-infused product or products containing a total of no more than 500 mg of THC;
 - 5 grams of cannabis product in concentrated form;
- For individuals who register as qualifying patients under the State’s existing medical cannabis program only:
 - Up to 5 Cannabis plants and the cannabis produced from those 5 plants, secured within the residence or dwelling unit (no matter how many people reside in a residence, only 5 plants are allowed per residence).
 - If the plants produce more than the 30 grams of raw cannabis that one individual is allowed to possess, the excess cannabis product must remain in the residence.
 - Qualifying patients are allowed to possess any combination of the amounts indicated above for Illinois residents. Additionally, if they have plants that yield more than the 30 grams, the excess must remain secured in the residence or residential property it is grown.

How much cannabis may a non-resident of the State of Illinois legally possess under the Act?

- For a person who is 21 year of age or older and who is not a resident of Illinois, the possession limit is any combination of the following:
 - 15 grams of raw cannabis, or;
 - 250 mg of THC contained in cannabis-infused products;
 - or 2.5 grams of concentrated cannabis.

- NOTE: a non-resident may not possess cannabis plants.

Where is a person restricted from possessing cannabis?

- The Act will not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for engaging in any of the following conduct:
 - Possessing cannabis on a school bus.
 - Possessing cannabis on the grounds of any preschool or primary or secondary school unless approved as a medical cannabis patient.
 - Possessing cannabis in any correctional facility.
 - Possessing cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving.
 - Possessing cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

Where will the use of cannabis be prohibited?

- The Act will not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for, the following:
 - Consuming cannabis on a school bus.
 - Consuming cannabis on the grounds of any preschool or primary or secondary school unless authorized in the medical cannabis program.
 - Consuming cannabis in any correctional facility.
 - Consuming cannabis in any motor vehicle.
 - Consuming cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
 - Consuming cannabis in any public place or knowingly in close physical proximity to anyone under 21 years of age.
 - Consuming cannabis in any public place where a person could reasonably be expected to be observed by others.
 - Consuming cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.
 - Note: Universities, colleges and other post-secondary educational institutions can restrict or prohibit cannabis use on their property.

How is a “public place” defined under the Act?

- A “public place” is defined as any place where a person could reasonably be expected to be observed by others.

- A “public place” includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government.
- A “public place” does not include a private residence unless the private residence is used to provide licensed child care, foster care or other similar social service care on the premises.

Are there certain specific activities that you cannot perform while using cannabis?

- Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while using or under the influence of cannabis
- Use of cannabis by a law enforcement officer, corrections officer, probation officer or firefighter while on duty.
- Use of cannabis by a person who has a school bus permit or a Commercial Driver's License while on duty.

Driving under the influence of cannabis - DUI and reckless driving based on THC impairment may continue to be charged

DUI

How will DUI's be addressed under the new law?

- Driving under the influence of cannabis will continue to be illegal.
- The Act allows for use of validated roadside chemical tests or standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 625 ILCS 5/11-501 of the Motor Vehicle Code or a similar local ordinance by drivers suspected of driving under the influence of cannabis.
- The results of validated roadside chemical tests and standardized field sobriety tests are, under the Act, admissible at a civil or criminal trial or proceeding for an arrest for a cannabis-related offense as defined in Section 11-501 of the Illinois Vehicle Code or a similar local ordinance.
- The Act creates a DUI Cannabis Task Force to examine best practices for driving under the influence of cannabis enforcement and emerging technology in roadside testing.
- The Act creates various statutory presumptions applicable to cannabis DUIs:
 - Tetrahydrocannabinol concentration of 5 nanograms or more in whole blood or 10 nanograms or more in an other bodily substance creates a presumption that a person was under the influence of cannabis; and
 - Tetrahydrocannabinol concentration of less than 5 nanograms in whole blood or less than 10 nanograms in an other bodily substance does not give rise to a presumption that the person was or was not under the influence of cannabis, but may be considered with other competent evidence in determining whether the person was under the influence of cannabis.
- The refusal to submit to a chemical test will result in the imposition of driver's license sanctions under Section 11-501.1 of the Illinois Motor Vehicle Code.

- The refusal to take validated roadside chemical tests or standardized field sobriety tests is admissible in any civil or criminal action or proceeding regarding impairment by use of cannabis.
- An authorized medical cannabis patient who drives is deemed to have given consent to (i) validated roadside chemical tests or (ii) standardized field sobriety tests.
- Law enforcement officers must have an independent, cannabis-related factual basis giving reasonable suspicion that a person is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis to conduct validated roadside chemical tests or standardized field sobriety tests .

HOME CULTIVATION

What are the limitations and requirements to grow cannabis at home?

- Only registered medical cannabis patients over 21 years of age may participate in home cultivation.
- Additionally, cultivation in private residences by medical cannabis patients is subject to the following limitations:
 - There is a limit of 5 plants that are 5 inches or more per household without a cultivation center or craft grower license;
 - Cannabis plants may not be cultivated in an area subject to public view;
 - Reasonable precautions must ensure that the plants are secure from unauthorized access or access by a person under 21 years of age;
 - Cannabis cultivation must occur in an enclosed locked space;
 - Cannabis cultivation may only occur on residential property lawfully in possession of the medical cannabis patient or with the consent of the person in lawful possession of the property;
 - The medical cannabis patient may allow their authorized agent to tend to the plants for brief periods of time if the resident is temporarily away
 - A medical cannabis patient may only purchase cannabis seed from a dispensary;
 - Purchase of live plant material is prohibited; and

If the home grown plants yield more than the allowable possession limit of 30 grams of raw cannabis, then the excess cannabis must remain secured within the residence of residential property in which it was grow

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