

## ORDINANCE

### AN ORDINANCE AMENDING CHAPTER 8 ("BUSINESS LICENSING") OF THE OAK PARK VILLAGE CODE PROHIBITING THE SALE OF INTOXICATING HEMP AND KRATOM PRODUCTS TO UNDERAGE PERSONS

**WHEREAS**, the Village of Oak Park ("**Village**"), as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit, the Village of Oak Park's powers are construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, the purchase and sale of products containing intoxicating hemp and kratom is currently unregulated in the Village; and

**WHEREAS**, the U.S. Food and Drug Administration advises that certain hemp-derived products and kratom have intoxicating and psychoactive effects and recommends that such products be kept out of the reach of underage persons; and

**WHEREAS**, the President and Board of Trustees find that intoxicating hemp and kratom may be detrimental to the health, safety, and welfare of persons under the age of 21; and

**WHEREAS**, the President and Board of Trustees have determined that it would be in the best interest of the Village, its residents, and the general health, safety, and welfare of the public, to prohibit the retail sale of intoxicating hemp and kratom to underage persons and to require appropriate signage to be posted where intoxicating hemp and kratom are sold at retail.

**NOW THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Oak Park, Cook County, Illinois, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference.

**Section 2. Village Code Amended.** Article 42 ("Intoxicating Hemp and Kratom") of Chapter 8 ("Business Licensing") of the Village Code of Ordinances of the Village of Oak Park, Illinois, is created and will read as follows:

## ARTICLE 42

### INTOXICATING HEMP AND KRATOM

#### 8-42-1: Definitions

#### 8-42-2: Underage Sales; Prohibition

#### 8-42-3: Display; Packaging; Signage

#### 8-42-4: Violations; Penalties

## 8-42-1: DEFINITIONS:

The words and phrases below are defined as follows for the purposes of this article:

**INTOXICATING HEMP DISPENSING ESTABLISHMENT:** A person engaged in the sale at retail, giving away, or delivery with the intent of selling at retail of intoxicating hemp.

**INTOXICATING HEMP:** Any product, material, compound, isomer, acid, salt, mixture, or preparation:

- i. Used or intended for human consumption;
- ii. That is not made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis business establishments duly licensed under, and in accordance with, the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*); and
- iii. That contains or claims to contain: (1) any amount of synthetic cannabinoids of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 THC, and delta-10 THC, (2) a total delta-9 THC content concentration level in excess of 0.3% on a dry weight basis, (3) a total delta-9 THC content in excess of 0.5 milligrams per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein, or (4) Kratom.

**KRATOM:** Means any parts of the plant *Mitragyna speciosa*, whether growing or not, and any compound, manufacture, salt, derivative mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine, as defined in Section 5(a) of the Kratom Control Act, 720 ILCS 642/5(a), as may be amended.

**PERSON:** An individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

**SYNTHETIC CANNABINOID:** A cannabinoid-like compound that was produced using chemical synthesis, chemical modification, or chemical conversion, including in vitro biosynthesis or other bioconversion of such a method. Synthetic cannabinoids include the conversion of cannabinoids from one chemical structure to another, such as THC that was produced by the conversion of cannabidiol.

**TETRAHYDROCANNABINOL OR “THC”:** Any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol or tetrahydrocannabinolic acid (“THCA”), including, without limitation, delta-8-THC, delta-9-THC, delta-10-THC, tetrahydrocannabinolic acid, tetrahydrocannabipheryl, or hexahydrocannabinol, however derived. For the purposes of this definition, “isomer” means optical, position, and geometric isomers.

**TOTAL DELTA-9 THC CONTENT:** The value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential total delta-9 THC content derived from the sum of the THC and THCA content and reported on a dry weight basis, to be calculated either by using a chromatograph technique using heat, such as gaschromatography, through which THCA is converted from its acid form to its neutral form, or by using a liquid chromatograph technique, which keeps the THCA intact, and using the following conversion:  $[Total\ THC = (0.877 \times THCA) + THC]$  which calculates the potential total THC in a given sample.

**UNDERAGE PERSON:** An individual under the age of 21 years old.

#### **8-42-2: UNDERAGE SALES; PROHIBITION:**

A. Underage Sale Prohibited: No person and no intoxicating hemp dispensing establishment, or any officer, associate, member, representative, agent, or employee of such establishment, may sell, give, or deliver intoxicating hemp to an underage person.

B. Photo Identification: If an intoxicating hemp dispensing establishment, or any officer, associate, member, representative, agent, or employee of such establishment, believes or has reason to believe that a sale, giving, or delivery of intoxicating hemp is prohibited because of the insufficient age of the prospective purchaser, they must, before making such sale or delivery, demand presentation of adequate written evidence of identity, including, without limitation, a photograph, and of the fact that the purchaser or recipient is over the age of 21 years ("identification card"), issued by a federal, state, county, or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operations license or identification card issued to a member of the Armed Services.

C. No Sale: If an intoxicating hemp dispensing establishment, or any officer, associate, member, representative, agent, or employee of such establishment, believes or has reason to believe that the ultimate recipient of intoxicating hemp to be purchased is of insufficient age or is using a forged or false identification card, they may not make the sale.

#### **8-42-3: DISPLAY; PACKAGING; SIGNAGE:**

A. Display: Products containing intoxicating hemp must be displayed in an intoxicating hemp dispensing establishment from behind a sales or service counter so that no person may access it without assistance by an establishment employee.

B. Prohibited Packaging: An intoxicating hemp dispensing establishment cannot display, sell, give, or deliver any product containing intoxicating hemp which includes (i) packaging or labeling with images designed or likely to appeal to children, including, without limitation, cartoons, toys, fruit, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or (ii) packaging or labeling that bears reasonable resemblance to any product available for consumption without intoxicating hemp as a commercially available candy or snack food.

C. Signage: An intoxicating hemp dispensing establishment must post a sign informing the public of the age restrictions in this article at or near every display of intoxicating hemp. Each sign must be plainly visible and state:

*THE SALE OF INTOXICATING HEMP TO PERSONS UNDER TWENTY- ONE YEARS OF AGE IS PROHIBITED BY LAW.*

The text of such signs must be in red letters on a white background with letters at least one inch in height.

**8-42-4: VIOLATIONS; PENALTIES:**

A. Any violation of this article may be subject to administrative adjudication as provided for in this Code.

B. Every act or omission constituting a violation of any provision of this article, by any officer, director, manager, agent, or employee of an intoxicating hemp dispensing establishment is deemed to be an act of the owner of such establishment, and the owner is subject to punishment in the same manner as if the act or omission had been done or omitted by them personally.

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity thereof will not affect any of the other provisions of this Ordinance. All ordinances in conflict with this Ordinance are repealed to the extent of the conflict. This Ordinance will take effect upon passage and may be published in pamphlet form by the Office of the Village Clerk.

**Section 4. Effective Date.** This Ordinance will be in full force and effect and after its passage, approval and publication as required by law. Enforcement of Article 8-42 of the Village Code may not commence prior to June 1, 2025.

**ADOPTED** this \_\_ day of \_\_\_\_\_, 2025, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

**APPROVED** this \_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this \_\_ day of \_\_\_\_\_, 2025.

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Christina M. Waters, Village Clerk