

**ORDINANCE NO. O-25-04**

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 6 OF THE PROSPECT HEIGHTS CITY CODE REGARDING PRODUCTS CONTAINING TETRAHYDROCANNABINOL (THC)**

**WHEREAS**, the City of Prospect Heights, Cook County, Illinois (the "City") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the Mayor and City Council of the City of Prospect Heights have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, Title 2, Chapter 6 of the Prospect Heights City Code regulates, among other things, retail establishments, including tobacco dealers and vendors; and

**WHEREAS**, the City Council has determined that adoption of the proposed amendment, as set forth in this Ordinance, will serve and be in the best interest of the City and its residents;

**NOW, THEREFORE**, be it ordained, by the Mayor and City Council of the City of Prospect Heights as follows:

**SECTION 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**SECTION 2.** Section 2-6D-1 of the City Code of the City of Prospect Heights, titled "License Required; Fee" shall be amended by deleting the following stricken language and adding the following bold and underlined language to read, as follows

**2-6D-1: LICENSE REQUIRED; FEE:**

A. License Required: It shall be unlawful for any person, firm or corporation to sell, give away, deliver, possess with intent to sell at wholesale or retail, possess with intent to give away or deliver for promotional purposes, either retail or wholesale, any tobacco products within the city without first having obtained a license from the city clerk.

B. Application: A written application for a license hereunder shall be made in writing to the city clerk and shall be processed in accordance with the requirements set forth in section 2-1-2 of this title.

C. License Fee: The license fee for a tobacco dealer/vendor license shall be one hundred sixty five dollars (\$165.00).

D. Tobacco Products Defined: For purposes of this title, "tobacco products" shall mean loose tobacco, plants, or herbs and cigars, cigarettes, pipes, vaporizers which are intended to simulate smoking tobacco, electronic cigarettes (a.k.a. e-cigs or e-cigarettes), or any electronic nicotine delivery system and other

smoking devices for burning tobacco and related smoking accessories. (Ord. 0-15-02, 1-26-2015)

**E. Illicit THC Products Defined: for purposes of this title, “illicit THC products” means any product, material, compound, isomer, acid, salt, mixture, or preparation:**

**(A) used or intended for human consumption;**

**(B) 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 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**

**(C) that contains: (1) any amount of synthesized tetrahydrocannabinol (THC) of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 tetrahydrocannabinol, and delta-10 tetrahydrocannabinol, (2) a total delta-9 tetrahydrocannabinol content concentration level in excess of 0.3% on a dry weight basis, (3) a total delta-9 tetrahydrocannabinol 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, as that term is defined in Section 5(a) of the Illinois Kratom Control Act, 720 ILCS 642/5(a), as may be amended.**

**F. Synthesized TCH Defined; Synthesized THC means tetrahydrocannabinol synthesized in a laboratory or by industry using directed or biosynthetic chemistry rather than traditional food preparation techniques such as heating or extracting.**

**G. Total Delta-9 THC Defined: Total Delta-0 THC means Content is 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 tetrahydrocannabinol 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 gas chromatography, 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 x THCA) + THC] which calculates the potential total THC in a given sample.”**

**SECTION 3.** Section 2-6D-4 of the City Code of the City of Prospect Heights, titled “Additional Regulations and Prohibitions” shall be amended by deleting the following stricken language and adding the following bold and underlined language to read, as follows:

2 2-6D-4: ADDITIONAL REGULATIONS AND PROHIBITIONS:

A. Certain Distributions Prohibited: It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such licensee or persons in the course of such licensee's business, to deliver tobacco products to any person on any right of way, playground, park, other property owned by the city, any school district, any park district or any public library.

B. Home Deliveries; Consent Form, Person To Person Delivery:

1. It shall be unlawful to deliver tobacco products to a residence in the city, unless the delivering agency has, on file at the time of delivery, an original consent form, executed by a person twenty one (21) years of age or older in the presence of an employee of the delivering agency.

2. It shall be unlawful to make a home delivery of a tobacco product except by face to face delivery into the hands of an individual providing proof that he or she is twenty one (21) years of age or older.

C. Self-Service Displays: It shall be unlawful for any person to sell or offer for sale, give away, deliver or to keep tobacco products with the intention of selling, giving away, or delivering such products by use of self-service display. (Ord. 0-02-04, 3-18-2002, eff. 3-28-2002; amd. Ord. O-19-19, 6-24-2019)

D. **It is unlawful for any licensee to sell, deliver, or distribute any Illicit THC Product.**

**SECTION 4.** All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby modified or repealed to the extent of such conflict. If any item or portion of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portion of such item or the remainder of this Ordinance.

**SECTION 5.** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION 6:** The City Clerk of the City of Prospect Heights is directed hereby to publish this Ordinance in pamphlet form.

**SECTION 7:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

**PASSED THIS 24th day of March 2025.**

  
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Patrick Ludvigsen, City Mayor

ATTEST:

4870-0501-6192,

Joanna Prizgionik  
City Clerk



AYES: Cameron, Anderson, Dolick

NAYS: Morgan-Adams

ABSENT: Dash



**To:** Mayor Ludvigsen and Members of the City Council

**From:** Joe Wade, City Administrator

**Subject:** Ordinance Amending Title 2, Chapter 6 of the Prospect Heights City Code Regarding Products Containing Tetrahydrocannabinol (THC)

**Date:** March 5, 2025

### **Background**

This proposed ordinance addresses concerns about the safety of unregulated products containing tetrahydrocannabinol (THC), that are used for human consumption. These products are not regulated or tested by state or federal agencies and are often packaged to resemble popular candies and snacks.

THC is a hemp derived product. Hemp and marijuana are different types of cannabis. Both have the active ingredient THC, the compound that gets users high. While hemp has a lesser amount of THC than marijuana, it is understood additives and synthetic processes used by manufacturers may alter products sold as hemp or Delta 8 THC to be stronger.

A recent survey by the Prospect heights Police Department found THC products to be sold at seven locations within the City. THC infused products include beverages (brewed products and sweetened drinks) and edibles (chocolate bars, candies and baked goods, including cookies, brownies and cupcakes).

While it is understood the 2018 Farm Bill allowed THC to be synthesized from hemp, the allowance of THC infused products has obtained significant community opposition. In recent weeks, a considerable number of Chicago suburban communities have banned the sale of these products.

These products often look like feel pieces of candy, brownies or other snacks. However, just one serving may contain several times the recommended dose of THC for adults, making juveniles very sick.

### **Analysis**

City Attorney Jim Hess, with the collaboration of police and administration, has crafted the attached ordinance for City Council consideration. The ordinance amends the Retail Establishment Code, defining and banning the sale of illicit THC products, Used or

intended for human consumption. The City's strength of enforcement is action against an establishment's tobacco and/or business license for non-compliance with this ordinance.

**Recommendation**

City staff recommends the adoption of this ordinance.