

**AN ORDINANCE BANNING THE RETAIL SALE OF HEMP-DERIVED THC,
KRATOM, AND TIANEPTINE PRODUCTS WITHIN THE CITY**

WHEREAS, the City of Rolling Meadows, as a home rule unit of local government as provided by Article VII, Section 6(a) of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, following the passage of the Federal 2018 Agricultural Improvement Act, synthetic and chemical processes allow for the creation of psychoactive hemp products with effects similar to cannabis that are not regulated as similarly psychoactive cannabis products, such as products containing high concentrations of Delta-8 THC; and

WHEREAS, the U.S. Food and Drug Administration has warned the public that Delta-8 THC products: may be marketed in ways that put the public health at risk; are associated with a number of adverse events and poison control exposure cases; may have been created through chemical processes that leave harmful by-products and in uncontrolled or unsanitary manufacturing settings; and may be packaged in ways that are appealing to children; and

WHEREAS, the 2023 *Monitoring the Future* survey of 12th-grade students in the United States found that 11.4% self-reported the use of Delta-8-THC products, which may pose risks to adolescents including addiction, neurodevelopmental changes, acute psychiatric reactions from accidental overdosing, and exposure to toxic byproducts generated during the synthesis of Delta-8 THC; and

WHEREAS, the U.S. Drug Enforcement Administration states that kratom has “no legitimate medical use,” “can lead to addiction” and “psychotic symptoms that included hallucinations, delusion, and confusion” and “has been associated with numerous cases of overdose and fatalities;” and

WHEREAS, the U.S. Drug Enforcement Administration states that tianeptine is abused for its “euphoric properties similar to other opioids” and that “severe adverse

health effects, including respiratory depression, severe sedation, and death have occurred from the misuse of tianeptine;" and

WHEREAS, the U.S. Food and Drug Administration has, at various times, warned consumers not to use all of the foregoing substances due to public health concerns; and

WHEREAS, the State of Illinois has not scheduled, prohibited, or regulated the sale of any of the foregoing substances except to prohibit the sale of kratom to persons under the age of 18 (720 ILCS 642/); and

WHEREAS, the City finds that additional legislative actions are necessary in order to protect the public health, safety, morals, and welfare of the residents of the City and particularly those residents under 21 years of age; and,

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have therefore determined that it is in the best interest of the City and its residents to amend the Municipal Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Division 1, entitled "Generally," of Article II, entitled "Merchants," of Chapter 22, entitled "Businesses," of the Code of Ordinances, City of Rolling Meadows is hereby amended to create a new Section 22-76 as follows:

"Sec. 22-76 Ban of sales of THC, Kratom, and Tianeptine

(a) *Definitions.* Whenever in this Section the following words and phrases are used, they shall, for the purposes of this Section, have the meanings respectively ascribed to them in this Section, except when the context otherwise clearly indicates:

Hemp-Derived THC Products means a product that both:

- a. Is intended for human or animal consumption by any means including, without limitation: oral ingestion; inhalation; smoking; and topical absorption; and
- b. Contains a total THC concentration greater than:

- i. 0.3% by dry weight for any intermediate or finished plant product or material, or for any product intended for consumption by inhalation or smoking.
- ii. For all other products, more than 0.5 milligrams per serving or individual product unit, or more than 2 milligrams per retail package.

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.

Tianeptine means the chemical 7-((3-chloro-6-methyl-5,5-dioxido-6,11-dihydrodibenzo [c,f][1,2]thiazepin-11-yl)amino) heptanoic acid, and any compound, manufacture, salt, derivative, mixture, or preparation thereof.

Tetrahydrocannabinol or THC means 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, including, but not limited to, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, tetrahydrocannabinolic acid, tetrahydrocannabipheryl, or hexahydrocannabinol, however derived. As used in this definition, "isomer" means the optical, position, and geometric isomers.

- (b) *Prohibited Acts.* It shall be unlawful for any business or person to offer for sale or sell at retail any product containing kratom, any product containing tianeptine, or any hemp derived THC product within the City. Any product advertised or labeled as containing kratom, tianeptine, or any form of THC is presumed to be a product prohibited by this Section unless, in the case of a hemp derived THC product, it bears a manufacturer's label that lists a

concentration of all forms of THC not exceeding the regulations of this Section.

- (c) *Exceptions.* The prohibitions of this Section do not apply to:
- a. Any product approved by the United States Food and Drug Administration for sale for any therapeutic purpose where such product is marketed and sold solely for such an approved purpose.
 - b. Any product regulated by 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 *et seq.*), and any product sold by a dispensing organization licensed pursuant to either Act.
 - c. Retail sales fulfilled through delivery that are either (i) delivered to a premises outside of the City, or (ii) made by a business with no physical location within the City.
- (d) *Penalty.* In addition to any other penalty provided by law, the penalty for a violation of this Section is the general penalty provided in Appendix B, I. - General Penalty. A business may be held strictly liable for violations committed by their employees, regardless of actual or constructive knowledge. Each day that a violation continues shall constitute a separate and distinct offense.
- (e) *Suspension or revocation of license.* In addition to any other penalty provided by law, a business license may be suspended or revoked by the city manager, pursuant to section 22-40 of this code, each time the licensee, including the licensee's employees or agents, is found in violation of this Section."

Section 3: Section 22-106, entitled "Definitions," of Division 2, entitled "Tobacco and Industrial Hemp Dealers," of Article II, entitled "Merchants," of Chapter 22, entitled "Businesses," of the Code of Ordinances, City of Rolling Meadows shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are struck through):

"Sec. 22-106 Definitions.

Whenever in this division 2 the following words and phrases are used, they shall, for the purposes of this section, have the meanings respectively ascribed to them in this section, except when the context otherwise clearly indicates.

Whenever in this Code other words are used, those other words shall have the meanings normally ascribed to them:

* * *

Regulated products. Any of the following classes of goods and products:

* * *

Industrial hemp products. Any product containing, made, or derived from industrial hemp as defined in the Industrial Hemp Act (505 ILCS 89/1 et seq.) that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. The phrase "Industrial hemp products" are commonly advertised or represented as containing extracts of CBD (cannabidiol), delta-8-THC (tetrahydrocannabinol), or other substances derived from the cannabis sativa L. plant. **does not include Hemp-Derived THC Products as defined in Section 22-76, which are unlawful to sell at retail or offer for sale within the City pursuant to said Section.**

* * *

Section 4: If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 5: The City Manager is directed to transmit notice of the passage of this Ordinance to the holders of tobacco licensees within the City prior to the effective date of this Ordinance. However, failure to receive notice shall not constitute a defense to a violation of this Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after February 1, 2025, following its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 22nd day of October, 2024.

AYES: Boucher, Reyez, Koehler, McHale, Budmats, O'Brien, Vinezeano

NAYS: 0

ABSENT: 0



Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 25th day of October, 2024.



Judith Brose, Deputy City Clerk