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AN ORDINANCE AMENDING CHAPTER 21 (PROHIBITION OF CANNABIS BUSINESS ESTABLISHMENTS), OF TITLE 7 (BUSINESS AND LICENSE), OF THE ORLAND PARK VILLAGE CODE

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WHEREAS, the Village of Orland Park is a home rule municipality as defined by Article VII, § 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village of Orland Park has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, the Village of Orland Park previously determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the Village, and has taken action to prohibit adult-use cannabis business establishments; and

WHEREAS, numerous incidences have occurred and been observed of businesses in the Village of Orland Park offering for sale cannabinoids such as Delta-8, THC-A, and THC-O, claiming that these cannabinoids are legal and unregulated, despite advertising their intoxicating effects; and

WHEREAS, Delta-8 THC, THC-A, THC-O, and other emerging cannabinoids, although chemical analogs to regulated Cannabis derivatives, may not yet be fully regulated by Federal Law or the Cannabis Regulation and Tax Act and/or the Compassionate Use of Medical Cannabis Program Act, despite having similar intoxicating THC content to Delta-9 Cannabis, which is regulated by State and Federal Law; and

WHEREAS, the sale of these products, including to minors, is a danger to public health as these products may cause hallucination, vomiting, tremors, anxiety, dizziness, confusion, and loss of consciousness, as well as negatively affecting cognitive functioning; and

WHEREAS, to the extent not pre-empted by existing state or federal law, the President and Board of Trustees of the Village of Orland Park desire to abolish the sale of any THC products, including chemical analogs of THC such as THC-A, THC-O, Delta-8 THC, and/or other emerging cannabinoids with the intoxicating effect of THC or the potential for the intoxicating effects of THC, by any business licensed in the Village of Orland Park.

BE IT ORDAINED by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: Title 7 (Business and License) of the Orland Park Village Code, Chapter 21 (Cannabis Business Establishments Prohibited) shall be amended by the addition of Subsection 7-21-2-1 that will read as follows:

“7-21-2-1 SALE OF THC CANNABINOIDS PROHIBITED:

No Business licensed by the Village of Orland Park shall sell, offer for sale, give away, deliver or distribute any products that contain THC or a chemical analog of THC or any cannabinoid which can undergo aging, heating, or a decarboxylation process to develop and/or activate THC.”

SECTION 3:

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4:

Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such holding.

SECTION 5:

Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Orland Park Village Code, as amended, shall remain in full force and effect.

SECTION 6:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.