

**Staff Responses to Council Questions**  
**October 8, 2019**

**8. Active Agenda, B. ORD 2019-8320 An ordinance prohibiting adult use cannabis business establishments**

*From the 08.29.19 Memo provided to Council*

*DUI enforcement*

*"Potential increase in local incidents of driving under the influence for those traveling to and from dispensaries"*

*(?) - Is there potential to see an increase in local incidents of driving under the influence as a result of state legalization of possession and use?*

Yes

*Other enforcement issues*

*Potential increase in contributing to the delinquency of a minor investigations for those who provide marijuana to underage individuals, easier access for underage consumption*

*(?)- Is there potential to see an in delinquency of minor investigations for those who provide marijuana to underage individuals as a result of state legalization of possession and use?*

Yes

*Potential rise in illegal trafficking of product legitimately purchased from a licensed business*

*(?)- Is there potential for a rise in illegal trafficking of product legitimately purchased from a licensed business outside Downers Grove as a result of state legalization of possession and use?*

Yes

*Dispensary issues*

*Dispensaries may be a potential target for burglaries due to the inventory and cash present on-site  
Potential for armed robberies in and around dispensaries - Marijuana is still illegal at the federal level. Therefore, marijuana dispensaries are often cash businesses, and could result in armed robberies*

*(?)- Would we expect the same at non-retail/dispensary business operations?*

This is unknown. Colorado reported that in 2015, burglary accounted for 30% of overall criminal activity in Colorado, and burglary accounted for 62% of cannabis industry related crime. The same report did not indicate an overall increase in robberies. The report did not appear to separate retail from non-retail businesses. Source:

<https://cdpsdocs.state.co.us/ors/docs/reports/2016-SB13-283-Rpt.pdf>

*The Downers Grove Police Department currently conducts undercover checks of liquor and tobacco licensees to enforce violations when a vendor sells to a minor.*

*Additional resources will be required to develop policies and conduct such checks of DG dispensaries (?)- How much do we spend annually on liquor and tobacco licensee undercover checks?*

The annual cost to conduct compliance checks at liquor establishments is approximately \$2,700. The annual cost to conduct compliance checks at tobacco retailers is approximately \$1,400, which is funded primarily through a State grant.

*Assuming Darien (who has) and Westmont (who might) both opt in, please provide a map of the commercial areas within those communities, immediately adjacent to Downers Grove, where there are commercial retail establishments now.*

### [Map of Retail Establishments \(Adjacent to Downers Grove\) - Darien & Westmont](#)

*Please describe the subsidies, grants, technical assistance, low-interest loans, fee waivers or programs which are part of or related to the Act or expected to be administered by the DCEO that are intended to provide opportunity for participation and equity.*

### **Social Equity Applicants**

The State of Illinois established a program for “Social Equity Applicants” through the Cannabis Regulation and Tax Act as part of an effort to ensure that individuals and communities historically impacted by the criminalization of cannabis have an opportunity to participate in the legal cannabis industry.

Social Equity Applicants can receive the following support and services:

- Technical assistance and support on everything from putting together a business plan to applying for a license
- Additional points on their applications for a license to operate a cannabis business
- Opportunity to apply for a low-interest loan from the Department of Commerce & Economic Opportunity
- Fee reductions or waivers for licensing fees

### [Information on Social Equity Applicants, including eligibility requirements](#)

### **Restore, Reinvest and Renew (R3) Program**

The Restore, Reinvest and Renew (R3) Program will receive 25% of cannabis revenues and invest them into communities that have been disproportionately impacted by the criminalization of cannabis. Program funds will be awarded through specified grants to address economic development, violence prevention services, re-entry services, youth development and civil legal aid.

### [Information on the Restore, Reinvest and Renew \(R3\) Program](#)

## **DCEO - Ongoing Strategy on Cannabis**

Village staff reached out to the DCEO to get an update on any additional programs related to the Cannabis Regulation and Tax Act, and received the following response:

“The DCEO is working closely with the Governor’s Office and other state agencies to establish a strategy on cannabis. The planning is ongoing but the latest updates can be found on DCEO’s social media (facebook, twitter, and LinkedIn).

DCEO will be partnering with different organizations across the state to offer cannabis-related programming and will notify once that information is available.”

Individuals interested in cannabis-related programming can also ask any questions or provide any comments to the DCEO through the following email address: [CEO.AdultsUseCannabis@illinois.gov](mailto:CEO.AdultsUseCannabis@illinois.gov)

*How do we intend (and what is the expected cost) to monitor and enforce the personal medical growers allowance?*

Procedures for monitoring of personal medical growers have not been established, and the cost to carry out the monitoring is unknown. Police investigations of alleged criminal activity related to growing cannabis would be initiated on a case-by-case basis. The frequency and cost is unknown.

*How do we intend (and what is the expected cost) to monitor and enforce the personal possession limits?*

Police squads are currently equipped with portable drug scales. Police officers with reasonable suspicion to believe a subject is in possession of amounts in excess of legal limits would conduct an investigation to determine if an offense has occurred. The frequency and overall cost to conduct such investigations is unknown and would vary by incident.

*How do we intend (and what is the expected cost) to monitor and enforce a VoDG prohibition on delivery service activities within our boundaries?*

State law does not allow the transport of cannabis to residences or other locations where purchasers may be for delivery. 410 ILCS 705/15-70(n)(9)

*Can existing on-site consumption related smoke facilities (cigar bars, hookah lounges, etc.) allow marijuana consumption on site? Does the Act allow for any sort of "BYOB" arrangement? ie. could a restaurant that allows BYOB allow BYO edibles?*

Currently, the Cannabis Regulation and Tax Act has contradictory provisions in regards to on-site cannabis consumption. The Cannabis Act states that businesses could allow on-site cannabis use and would be exempt from the Smoke Free Illinois Act with local government approval, but the Cannabis Act also states that smoking cannabis is prohibited in any place where smoking is prohibited under the

Smoke Free Illinois Act. There is trailer legislation at the State level that is expected to be introduced during next month's legislative veto session to clarify the intent of the provision in the Cannabis Act relating to on-site consumption in businesses.

*Can, similarly to alcohol, cigars and food trucks, private parties provide recreational marijuana to their guests as long as the guests meet the 21 year old age requirement?*

Yes, provided it is a private event at a private residence.

## **Attachments**

rEmarks



**rRemarks Data for October 8, 2019 Village Council Meeting**

Agenda Section	Agenda Item	Comment	Commenter
8. Active Agenda	Active B. ORD 2019-8320 An ordinance prohibiting adult use cannabis business establishments		Chen Liao
8. Active Agenda	Active B. ORD 2019-8320 An ordinance prohibiting adult use cannabis business establishments	Opt out recreational marijuana sales in downer grove	Sean Hu 450 Rogers Street
8. Active Agenda	Active B. ORD 2019-8320 An ordinance prohibiting adult use cannabis business establishments		Greg
8. Active Agenda	Active B. ORD 2019-8320 An ordinance prohibiting adult use cannabis business establishments	I oppose the resolution to prohibit cannabis businesses. Downers Grove should explore the issue, send to Zoning and further discuss rather than turn it down out of hand. Revenue sources should be explored.	Janet Winningham 4413 Washington Street