

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 4-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-4-340, as follows:

4-4-340 Cannabinoid hemp products.

(a) *Definitions.* As used in this section:

"Cannabis" has the meaning ascribed to that term in Section 1-10 of the Cannabis Regulation and Tax Act, codified at 410 ILCS 705/1-10.

"Cannabis business establishment" has the meaning ascribed to that term in Section 17-17-0106-E.

"Concealment" means to deliberately hide to prevent or evade discovery.

"Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinol concentration (including tetrahydrocannabinolic acid) of not more than 0.3 percent in the plant on a dry weight basis. "Hemp" shall not include cannabis or industrial hemp.

"Hemp additive" means a liquid or solid containing hemp or any substance manufactured or derived from hemp, intended and marketed to be added to a beverage or other liquid, for human consumption, that: (1) is a liquid or any powder or crystalline substance; (2) contains not more than 10 milligrams of tetrahydrocannabinols (including tetrahydrocannabinolic acid) per serving size, as determined by the Commissioner, by rule; and (3) meets the requirements of subsection (d) of this section.

"Hemp beverage" means a liquid containing hemp or any substance manufactured or derived from hemp, intended and marketed as a beverage for human consumption that: (1) contains not more than 10 milligrams of tetrahydrocannabinols (including tetrahydrocannabinolic acid) per twelve fluid ounces; and (2) does not contain nicotine or alcohol, other than trace amounts of alcohol not to exceed 0.5% ABV. The tetrahydrocannabinols ratio under item (1) of this definition does not require hemp beverages to be sold in any specific container format, including twelve fluid-ounce cans.

"Industrial hemp" means hemp: (A) grown for the use of the stalk of the plant, fiber produced from such a stalk, or any other non-cannabinoid derivative, mixture, preparation, or manufacture of such a stalk; (B) grown for the use of the whole grain, oil, cake, nut, hull, or any other noncannabinoid compound, derivative, mixture, preparation, or manufacture of the seeds of such plant; (C) grown for purposes of producing microgreens or other edible hemp leaf products intended for human consumption that are harvested from an immature hemp plant that is grown from seeds that do not exceed the threshold for total tetrahydrocannabinol concentration specified in paragraph (1)(C)(i) of the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act of 2026, Pub. L. No. 119-37 (2025); (D) that is a plant that does not enter the stream of commerce and is intended to support hemp

research at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or an independent research institute; or (E) grown for the use of a viable seed of the plant produced solely for the production or manufacture of any material described in subparagraphs (A) through (D).

“Licensed premises” means the premises or location licensed or required to be licensed under this Code. The term “licensed premises” includes: (1) the building where the licensed premises is located; (2) all grounds, areas and facilities on, in or immediately adjacent to the licensed premises used by, or held out for use by, the licensee or their agent or employee, including, but not limited to, the licensed premises’ parking facility; and (3) all vehicles used by the licensee or their agent or employee to conduct the activity licensed or required to be licensed under this chapter.

"Minor" means a person under the age of 21.

“Permitted seller” means: (1) any establishment holding a consumption on premises-incidental activity license, tavern license, caterer’s liquor license, special event liquor license, Outdoor Entertainment Venue liquor license, Lakefront Venue license, Riverwalk Venue liquor license, Navy Pier consumption on premises – incidental activity license, Sports Plaza license under Chapter 4-160, or special club license issued under Chapter 4-388; or (2) any establishment holding a package goods license.

“Prohibited cannabinoid hemp product” means any intermediate or final product manufactured or derived from hemp, other than cannabis and industrial hemp, that: (1) contains cannabinoids in any form, including any synthetic or manufactured cannabinoid, intended for human consumption through any means of administration, such as inhalation or ingestion; and (2) is capable of producing a psychoactive or other intoxicating effect in a person who consumes it. “Prohibited cannabinoid hemp product” shall not include hemp beverages, hemp additives, products containing hemp intended for topical use, or any products containing hemp intended for animals.

The terms “adulterated”, “contaminated”, “misbranded”, and “unwholesome” shall have the respective meanings ascribed in Section 4-8-010.

(b) *Application.* This section applies to hemp additives, hemp beverages, and prohibited cannabinoid products for sale at retail. Nothing in this section shall apply to the preparation, manufacture, bottling, packing, distribution, storage, or sale at wholesale of any hemp additives, hemp beverages, prohibited cannabinoid products, or any other product containing cannabis or hemp by any establishment holding (a) a manufactured food manufacturer registration issued by the Illinois Department of Public Health; (b) a hemp processor registration issued by the Illinois Department of Agriculture; or (c) a license to manufacture or distribute beer, wine, or spirits.

(c) *Prohibited cannabinoid hemp products.*

(1) No licensee, or their agent or employee, shall possess, sell, offer for sale, give away, barter, exchange, or otherwise furnish on the licensed premises any prohibited cannabinoid hemp product, or engage in an act of concealment of any prohibited cannabinoid hemp product on any licensed premises; provided, however, that this section shall not apply to any cannabis business establishment.

(2) There shall be a rebuttable presumption that any goods, products, or merchandise is a prohibited cannabinoid hemp product if such good, product, or merchandise claims on its packaging, or the person selling or holding out for sale such good, product, or merchandise claims, that the good, product or merchandise is: (1) a prohibited cannabinoid hemp product; or (2) containing or being intended to produce or simulate the psychoactive or other intoxicating effects of hemp, cannabis, or any derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers of hemp or cannabis. Such presumption may be rebutted by submitting clear and convincing evidence that such goods, products, or merchandise do not contain the above compounds or are not intended to produce the above-described effects prepared by a "cannabis testing facility", as defined by the Cannabis Regulation and Tax Act or a duly licensed third-party testing facility that is accredited by a private laboratory accrediting organization.

(d) *Hemp Beverages and Hemp Additives.* Notwithstanding subsection (c), and subject to Sections 4-4-331 and 8-16-064, a permitted seller may sell hemp beverages and hemp additives subject to and in accordance with this subsection.

(1) *Minors.*

(A) No person shall: (i) sell, offer for sale, give away, or otherwise furnish any hemp beverage or hemp additive, with or without remuneration, in any amount, to any minor; or (ii) permit any hemp beverage or hemp additive to be sold, offered for sale, given away, bartered, exchanged, or otherwise furnished, with or without remuneration, in any amount, to any minor. Nothing in this subsection shall be construed to prohibit the furnishing or consumption of any product containing cannabis or hemp in compliance with the Compassionate Use of Medical Cannabis Program Act ("Act"), codified at 410 ILCS 130/1 et seq., to the extent the Act applies to such products.

(B) Any permitted seller may engage, employ, or permit a minor to work on the licensed premises, if the minor has no duties relating to the sale, dispensing, service, or delivery of any hemp beverage or hemp additive on the premises. A permitted seller who engages, employs, or permits a minor to work pursuant to this subsection shall not assign or permit that person to perform any duties or acts relating to the sale, dispensing, service, or delivery of any hemp beverage or hemp additive on the premises. A permitted seller who engages, employs, or permits minors to work as allowed in this subsection shall be responsible for ensuring that such person does not consume, obtain, or possess any hemp beverage or hemp additive on the licensed premises.

(C) It shall be unlawful for any minor to misrepresent their identity or age, or to use any false or altered identification, for the purpose of purchasing hemp beverages or hemp additives. It shall be unlawful for any person to give any minor any identification card not duly issued to such individual, for the purpose of enabling that individual to buy hemp beverages or hemp additives.

(2) *Labelling Requirements.*

(A) Each hemp beverage or hemp additive shall conspicuously disclose the concentration of tetrahydrocannabinols (including tetrahydrocannabinolic acid) therein, expressed in milligrams. Such labels shall be at least one-fourth of an inch in height.

(B) Each pre-packaged hemp beverage or hemp additive shall be labeled with a Quick Response Code (QR Code) linking to an analysis of the concentration of tetrahydrocannabinols

(including tetrahydrocannabinolic acid) therein, expressed in milligrams, for the applicable batch of hemp beverages or hemp additives.

(C) No hemp beverage or hemp additive may be labeled, marketed, or otherwise held out for sale in such a manner as to appeal or be attractive to minors. There shall be a rebuttable presumption that any labeling or marketing including cartoons or caricatures of any variety violate this provision.

(D) It shall be unlawful for any person to sell, offer for sale, give away, or otherwise furnish any hemp beverage or hemp additive that resembles a branded beverage that, by virtue of the packaging, or that by its ordinary and customary use, is likely to mislead the consumer as to the tetrahydrocannabinol (including tetrahydrocannabinolic acid) content of the hemp beverage or hemp additive. The Commissioner is authorized to publish rules for implementation of this subsection, including identifying specific products and categories of products falling within the prohibition.

(3) *Required Postings.* Any permitted seller who sells, offers for sale, gives away, or otherwise furnishes any hemp beverages or hemp additives under this section shall display, in a location clearly visible to the public from the point of transaction, that shall include the following warnings:

WARNING

IT IS A VIOLATION OF THE LAW FOR ANY CANNABINOID HEMP PRODUCT TO BE SOLD TO ANY PERSON UNDER THE AGE OF 21. ANY PERSON WHO VIOLATES THIS LAW IS SUBJECT TO A FINE AND POSSIBLE IMPRISONMENT.

and

WARNING

WARNING: Hemp-derived intoxicating cannabinoid products (example: delta-8-THC) are not tested for safety by federal, Illinois, or Chicago authorities and may impair cognition and cause other side effects.

(4) *Display of Hemp Beverages and Hemp Additives.* It shall be unlawful for any permitted seller to display any hemp beverage or hemp additive except behind a retail sales counter; or in an area that is otherwise inaccessible to minors.

(5) *Prohibited acts.*

(A) No person shall sell, offer for sale, give away, offer for sale, or otherwise furnishes any hemp beverage or hemp additive that: (i) exceeds any applicable limitations on the maximum lawful content or concentration of tetrahydrocannabinols (including tetrahydrocannabinolic acid); (ii) is adulterated, contaminated, misbranded, or unwholesome; or (iii) is pre-packaged in cans or bottles, unless such cans or bottles list, by Quick Response Code (QR Code) or otherwise, an analysis of the concentration of tetrahydrocannabinol (including tetrahydrocannabinolic acid) and any testing required under this section.

(B) No person shall: (i) sell any hemp beverages or hemp additives using a self-service display or vending machine; (ii) engage in advertising that contains any statement or illustration that is false or misleading; promotes overconsumption of hemp beverages, hemp additives, or

cannabis; depicts the actual consumption of hemp beverages, hemp additives, or cannabis; depicts a minor consuming hemp beverages, hemp additives, or cannabis; makes any health, medicinal, or therapeutic claims about hemp, hemp beverages, or hemp additives; or includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that is designed in any manner to be appealing to or encourage consumption by minors; or (iii) operate as an adult entertainment cabaret, as defined by Section 16-16-040 of this Code.

(C) No person shall give away, barter, exchange, distribute, furnish, or in any way dispense free of charge or at nominal cost any hemp beverage, hemp beverage sample, hemp additive, or hemp additive sample on any public street, alley or sidewalk, or in any public park, public ground or playground, or in any building or other area open to the public; provided, however, nothing in this subsection shall prohibit the sale of hemp beverages or hemp additives by a permitted seller at any Outdoor Event Venue or outdoor special event.

(D) No person shall give away, barter, exchange, distribute, furnish, or in any way dispense on any public street, alley or sidewalk, or in any public park, public ground or playground, or in any building or other area open to the public any coupon or other price reduction instrument for any free or nominally priced hemp beverage, hemp beverage sample, hemp additive, or hemp additive sample; provided, however, that this provision shall not apply to coupons or price reduction instruments included in newspapers, magazines or other publications or received by a person through the mail or on-line.

(6) Recordkeeping and Sales Data.

(A) At the time of applicable transaction, each permitted seller shall keep a written record in English of all the purchases of hemp beverages or hemp additives. Such record shall set forth: (i) the name and address of the place of business of the person from whom the hemp beverages or hemp additives were purchased, (ii) the date of the transaction, (iii) the seller's invoice number, (iv) the prices per unit, and (v) a description, including the amounts or quantities, of the hemp beverages or hemp additives purchased. The records required under this subsection, and all hemp beverages or hemp additives purchased, received or kept for sale by every permitted seller, shall be open for inspection, at all reasonable times, by the Commissioner or the Commissioner of Public Health, or their respective designees or by any duly authorized member of the Department of Police, the Department, or the Department of Public Health.

(B) Each permitted seller who sells, offers for sale, gives away, or otherwise furnishes hemp beverages or hemp additives under this section shall keep sales data, by product, on the percentage, dollar value, and number of units sold for each of all hemp beverages and hemp additives. Such records shall be open for inspection, at all reasonable times, by the Commissioner or the Comptroller or the Commissioner of Public Health or their respective designees or by any duly authorized member of the Department of Police, the Department, the Department of Finance, or the Department of Public Health.

(e) Penalties.

(1) Except as otherwise provided in this subsection, any person who violates any of the requirements of this section or any rule or regulation promulgated hereunder shall be punished by a fine of not less than \$1,000 nor more than \$2,500 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(2) Any person who violates subsections (c), (d)(1), (d)(2)(C), or (d)(3) of this section, or any rule or regulation promulgated thereunder, shall be punished by a fine of not less than \$2,000 nor more than \$5,000 for the first offense, and a fine of not less than \$5,000 nor more than \$10,000, or incarceration for a term of not less than 90 days nor more than 180 days, or both, for the second and any subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense.

(3) In addition to any other applicable penalty, if any person offers for sale any prohibited cannabinoid hemp product, or if any person who is not a permitted seller offers for sale any hemp beverages or hemp additives, the Chicago Police Department and the Department shall have the authority: (1) to issue notices of violation, in accordance with Section 2-14-074, to such person found in possession of such prohibited cannabinoid hemp products, hemp beverages, or hemp additives; and (2) to seize and store all such prohibited cannabinoid hemp products, hemp beverages, or hemp additives. After issuing a notice of violation, the Commissioner shall institute an action with the Mayor's License Discipline Commission or the Department of Administrative Hearings, which shall appoint an administrative law officer who shall conduct the hearing. If the Mayor's License Discipline Commission or the administrative law officer determines that a violation has occurred, in addition to any other penalty imposed under this section, (1) the respondent shall be liable for a \$1,000 fine for each gram of prohibited cannabinoid hemp product offered for sale in violation of this section, and (2) all prohibited cannabinoid hemp products, hemp beverages, or hemp additives that were offered for sale in violation of this section shall be forfeited to the City. If the Mayor's License Discipline Commission or the administrative law officer determines that a violation has not occurred, all prohibited cannabinoid hemp products, hemp beverages, or hemp additives that were seized pursuant to this section shall be returned to the respondent.

(f) *Revocation of Licenses – Required When.* In addition to any other penalty provided by law, if a person commits or has committed any combination of three or more violations within any 24-month period of subsections (c), (d)(1), (d)(2)(C), or (d)(3) of this section, the Commissioner shall revoke any applicable licenses issued under this Code. For purposes of this section: (A) multiple offenses occurring on the same date shall be deemed a single violation while offenses occurring on separate dates shall be deemed separate violations; and (B) a "violation" may include a finding of liability or a finding sustaining the offense or offenses charged in the same or in any contemporaneous proceeding or evidence of any previously resolved final disposition against the licensee on a charge brought pursuant to one of the Code provisions listed above including but not limited to any finding of liability after adjudication on the merits, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge. A person subject to revocation pursuant to this subsection shall be entitled to the process described in Section 4-4-280, with the condition that any revocation hearing shall be limited to the issue of whether the person's record and the resolution of any pending charges in the same or contemporaneous proceedings, if applicable, accurately reflect the existence of a sufficient number of violations to support the revocation decision. Such person shall not be permitted to challenge the previously resolved violations themselves, nor any underlying facts asserted or determined therein.

(g) *Enforcement and Inspections.*

(1) In addition to the Department, the Chicago Police Department and the Department of Public Health are authorized to enforce this section.

(2) The Commissioner of Public Health is hereby authorized to inspect and examine, from time to time, any licensed premises where hemp beverages or hemp additives are sold, offered for sale, given away, or otherwise furnished. Such inspection shall be conducted with a view toward determining whether the permitted seller is in compliance with the applicable provisions of this Code and of the laws of the State of Illinois, if any, pertaining to: (i) the sale of hemp beverages or hemp additives, and (ii) the adulteration of, and handling and sale of, hemp beverages or hemp additives.

(3) Each permitted seller who sells hemp beverages or hemp additives, and their agents and employees, shall present valid government-issued identification when an authorized City investigator has identified themselves and requested such identification. Permitted sellers, and their agents and employees, shall be prohibited from closing and locking safe doors and other doors, including but not limited to doors to closets and storerooms, when an authorized City investigator has identified themselves and announced their intention to inspect the premises for compliance with the requirements of this Code. Permitted sellers, and their agents and employees, shall immediately stop selling hemp beverages or hemp additives when an authorized City investigator has identified themselves and announced their intention to inspect the premises for compliance with the requirements of this Code. Within thirty minutes of the arrival of any authorized City investigator charged with responsibility for inspecting the licensed premises, the permitted seller shall have a person available on site to open any locked safe or door where hemp beverages or hemp additives may be kept.

(4) Upon demand by the Commissioner of Public Health or the Commissioner, all permitted sellers under this chapter shall furnish to the Department of Public Health or the Department, for inspection and analysis by or under the direction of such relevant Commissioner, samples of all hemp beverages or hemp additives sold or offered for sale by the permitted seller. The Department of Public Health and the Department are authorized to have any samples furnished under this section tested by an approved cannabis testing facility, as described at 410 ILCS 705/50-5 of the Cannabis Regulation and Tax Act, or a duly licensed third-party testing facility that is accredited by a private laboratory accrediting organization for testing of hemp beverages or hemp additives. The City may bring a civil action to recover the costs of such testing from a permitted seller if a sample is found to contain, by amount or type, any substance in violation of this section. Nothing in this subsection shall be construed to impair any cause of action or legal remedy.

(h) *Rulemaking.* The Commissioner of Business Affairs and Consumer Protection and the Commissioner of Public Health are hereby authorized to promulgate rules necessary or appropriate to implement and enforce this section.

SECTION 2. Chapter 4-60 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

(Omitted text is unaffected by this ordinance)

4-60-010 Definitions.

(Omitted text is unaffected by this ordinance)

"Consumption on premises – incidental activity license" means a city license for the: (1) retail sale of alcoholic liquor for consumption on the premises at a fixed place of business where the sale of alcoholic liquor is incidental or secondary to the primary activity of such place of

business, including but not limited to restaurants, hotels, theaters providing live stage performances, bowling alleys and not-for-profit clubs; or (2) retail sale of alcoholic liquor from an airport pushcart in accordance with Section 4-60-077; or (3) service and sale of alcoholic liquor from an outdoor/ non-fixed seating/mobile pushcart on Navy Pier in accordance with Section 460-071(a)(2); or (4) service and sale of alcoholic liquor in a Lakefront Venue in accordance with Section 4-60-073; or (5) service and sale of alcoholic liquor in a Riverwalk Venue in accordance with Section 4-60-074. The holder of a consumption on premises – incidental activity license within the meaning of this item (1) of this definition may sell package goods in the licensed premises if such sales are incidental or secondary to the primary activity of such business. The holder of a consumption on premises – incidental activity license may sell hemp beverages and hemp additives, each as defined in Section 4-4-340 where the sale of hemp beverages and hemp additives is incidental or secondary to the sale of alcoholic liquor.

(Omitted text is unaffected by this ordinance)

"Package goods license" means a city license for the retail sale of alcoholic liquor enclosed in the original bottle, jug, can, keg, cask or other receptacle or container, corked, capped or sealed and labeled by a manufacturer of alcoholic liquor, to contain and convey any alcoholic liquor. The holder of a package goods license may sell hemp beverages and hemp additives, each as defined in Section 4-4-340, where the sale of hemp beverages and hemp additives is incidental or secondary to the sale of alcoholic liquor.

(Omitted text is unaffected by this ordinance)

"Tavern license" means a city license for the retail sale of alcoholic liquor in an enclosed place of business kept, used, maintained, advertised and held out to the public as a place that primarily serves alcoholic liquor for consumption on the premises and in which providing entertainment or the serving of food is only incidental or secondary to the sale of alcoholic beverages for immediate consumption. The holder of a tavern license may sell package goods in the licensed premises if such sales are incidental to the sale of alcoholic liquor for consumption on the premises as the principal activity. The holder of a tavern license may sell hemp beverages and hemp additives, each as defined in Section 4-4-340, where the sale of hemp beverages and hemp additives is incidental or secondary to the sale of alcoholic liquor. Places of business within the tavern license classification include, but are not limited to, cocktail lounges, saloons and bars.

(Omitted text is unaffected by this ordinance)

4-60-100 Health, sanitation and inspection requirements.

(Omitted text is unaffected by this ordinance)

(c) ~~[Reserved.]~~ Any person licensed under this chapter who sells any hemp beverage or hemp additive, each as defined by Section 4-4-340, shall:

(i) not serve any hemp beverage or hemp additive in violation of 4-4-340;

(ii) have coils and other equipment used in drawing draught beer, wine, or hemp beverages cleaned every time a hemp beverage is added or removed from service in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible;

(iii) display a sign on, over or near each tap or faucet showing the trademark, brand or name of the hemp beverage;

(iv) for any hemp beverage sold on tap, display to the public, in a menu or on a sign, an analysis of the concentration of tetrahydrocannabinol (including tetrahydrocannabinolic acid) and testing results required under Section 4-4-340, or a Quick Response Code (QR Code) linking to such concentration and testing results; and

(v) for any pre-packaged hemp beverage or hemp additive that is sold to the consumer in a can or bottle, only sell cans or bottles that list, by Quick Response Code (QR Code) or otherwise, an analysis of the concentration of tetrahydrocannabinol (including tetrahydrocannabinolic acid) and testing results required under Section 4-4-340.

(Omitted text is unaffected by this ordinance)

4-60-140 Prohibited activities.

(Omitted text is unaffected by this ordinance)

(m) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of a licensee to sell, give, offer or expose for sale, or deliver any hemp beverages or hemp additives in violation of Section 4-4-340.

(Omitted text is unaffected by this ordinance)

SECTION 3. Chapter 8-16 of the Municipal Code of Chicago is hereby amended by inserting a new Section 8-16-064, as follows:

8-16-064 Cannabinoid hemp product offenses involving minors.

(a) Definitions. For the purposes of this section:

"Cannabis" has the meaning ascribed to that term in Section 1-10 of the Cannabis Regulation and Tax Act, codified at 410 ILCS 705/1-10.

"Cannabinoid hemp product" means any intermediate or final product derived from hemp, other than cannabis and industrial hemp, that: (1) contains cannabinoids in any form, including any synthetic or manufactured cannabinoid, intended for human consumption through any means of administration, such as inhalation or ingestion; and (2) is capable of producing a psychoactive or other intoxicating effect in a person who consumes it.

"Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinol concentration (including tetrahydrocannabinolic acid) of not more than 0.3 percent in the plant on a dry weight basis. "Hemp" shall not include cannabis or industrial hemp.

"Hemp additive" means a liquid or solid containing hemp or any substance manufactured or derived from hemp intended and marketed to be added to a beverage or other liquid, for human consumption, that: (1) is a liquid or any powder or crystalline substance; (2) contains not more

than 10 milligrams of tetrahydrocannabinols (including tetrahydrocannabinolic acid) per serving size, as determined by the Commissioner of Business Affairs and Consumer Protection, by rule, under Section 4-4-340; and (3) meets the requirements of Section 4-4-340(d).

“Hemp beverage” means a liquid containing hemp or any substance manufactured or derived from hemp, intended and marketed as a beverage for human consumption that: (1) contains not more than 10 milligrams of tetrahydrocannabinols (including tetrahydrocannabinolic acid) per twelve fluid ounces; and (2) does not contain alcohol or nicotine.

“Industrial hemp” means hemp: (A) grown for the use of the stalk of the plant, fiber produced from such a stalk, or any other non-cannabinoid derivative, mixture, preparation, or manufacture of such a stalk; (B) grown for the use of the whole grain, oil, cake, nut, hull, or any other noncannabinoid compound, derivative, mixture, preparation, or manufacture of the seeds of such plant; (C) grown for purposes of producing microgreens or other edible hemp leaf products intended for human consumption that are harvested from an immature hemp plant that is grown from seeds that do not exceed the threshold for total tetrahydrocannabinol concentration specified in paragraph (1)(C)(i) of the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act of 2026, Pub. L. No. 119-37 (2025); (D) that is a plant that does not enter the stream of commerce and is intended to support hemp research at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or an independent research institute; or (E) grown for the use of a viable seed of the plant produced solely for the production or manufacture of any material described in subparagraphs (A) through (D).

"Minor" means a person under the age of 21.

(b) *Minors.* No person shall: (1) sell, give away, barter, exchange, or otherwise furnish any hemp beverage, hemp additive, or cannabinoid hemp product, with or without remuneration, in any amount or in any form, to any minor; or (2) permit any hemp beverage, hemp additive, or cannabinoid hemp product to be sold or given, with or without remuneration, in any amount or in any form to any minor.

(c) *Enforcement.* In addition to the Chicago Police Department, the Department of Business Affairs and Consumer Protection and the Department of Public Health are authorized to enforce this section.

(d) *Rebuttable Presumption.* There shall be a rebuttable presumption that any goods, products, or merchandise is a “cannabinoid hemp product” if such good, product, or merchandise claims on its packaging, or the person selling or holding out for sale such good, product, or merchandise claims, that the good, product, or merchandise is: (1) a cannabinoid hemp product; or (2) containing or being intended to produce or simulate the psychoactive or other intoxicating effects of hemp, cannabis, or any derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers of hemp or cannabis. Such presumption may be rebutted by submitting clear and convincing evidence that such goods, products, or merchandise do not contain the above compounds or are not intended to produce the above-described effects prepared by a "cannabis testing facility", as defined by the Cannabis Regulation and Tax Act or a duly licensed third-party testing facility that is accredited by a private laboratory accrediting organization.

(e) *Fines.* Any person who violates this section shall be punished by a fine of not less than \$2,000 nor more than \$5,000 for the first offense, and a fine of not less than \$5,000 nor more than \$10,000, or incarceration for a term of not less than 90 days nor more than 180 days, or both, for

the second and any subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense.

(f) *Confiscation.* In addition to any other applicable penalty, if any person offers for sale cannabinoid hemp products, hemp beverages, or hemp additives in violation of this section, the Chicago Police Department and the Department of Business Affairs and Consumer Protection shall have the authority: (1) to issue notices of violation, in accordance with Section 2-14-074, to such licensed or unlicensed person found in possession of such cannabinoid hemp products, hemp beverages, or hemp additives; and (2) to seize and store all such cannabinoid hemp products, hemp beverages or hemp additives. After issuing a notice of violation, the Commissioner of Business Affairs and Consumer Protection shall institute an action with the Mayor's License Discipline Commission or the Department of Administrative Hearings, which shall appoint an administrative law officer who shall conduct the hearing. If the Mayor's License Discipline Commission or the administrative law officer determines that a violation has occurred, in addition to any other penalty imposed under this section, (1) the respondent shall be liable for a \$1,000 fine for each gram of cannabinoid hemp products, hemp beverages, or hemp additives offered for sale in violation of this section, and (2) all cannabinoid hemp products, hemp beverages, or hemp additives that were offered for sale in violation of this section shall be forfeited to the City. If the Mayor's License Discipline Commission or the administrative law officer determines that a violation has not occurred, all cannabinoid hemp products, hemp beverages, or hemp additives that were seized pursuant to this section shall be returned to the respondent.

(g) *Medical cannabis.* Nothing in this section shall be construed to prohibit the furnishing or consumption of any product containing cannabis or hemp in compliance with the Compassionate Use of Medical Cannabis Program Act ("Act"), codified at 410 ILCS 130/ 1 et. seq., to the extent the Act applies to such products.

SECTION 4. Section 4-4-333 of the Municipal Code of Chicago is hereby deleted in its entirety.

SECTION 5. Following passage and publication: (1) Sections 3 and 4 of this ordinance take effect 10 days after passage and publication; and (2) Sections 1 and 2 of this ordinance take effect on April 1, 2026.