

TITLE 11: PEACE AND SAFETY
CHAPTER 6: ILLEGAL SUBSTANCES AND PARAPHERNALIA

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11-6-1: DEFINITIONS

- Cannabis** Includes marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.
- Cannabis-Infused Products** A beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.
- Controlled Substance** "Controlled Substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act" (720 ILCS 570/102) as if that definition were incorporated herein.
- Deliver Or Delivery** The actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
- Drug Paraphernalia** "Drug Paraphernalia" means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act and cannabis paraphernalia as defined in Section 1-10 of the Cannabis Regulation and Tax Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act.

Manufacture

The production, preparation, propagation, compounding, conversion or processing of a product containing a synthetic cannabinoid or a synthetic stimulant, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of such products or labeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of such products as an incident to lawful research, teaching, or chemical analysis and not for sale.

Public Place

Any place where a person could reasonably be expected to be observed by others and includes all parts of buildings owned in whole or in part, or leased by the State or a unit of local government. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care or other similar social service care on the premises.

Product(S) Containing A Synthetic Cannabinoid Or A Synthetic Stimulant

Any product containing a synthetic cannabinoid or a synthetic stimulant, as those terms are defined herein such as, but not limited to, the following examples of brand names or identifiers: Spice, Chronic Spice, Spice Gold, Spice Silver, K2, K2 Sky, K2 Solid Sex, K2 Orisha, K2 Amazonian Shelter, K2 Thai Dream, K3, K3 Legal, Stinger, Red X Dawn, Spike 99, Spicylicious, Zohai, Serenity, Genie, Yucatan Fire, Earthquake, Mystery, Black Mamba, Mr. Nice Guy, Skunk, Pulse, Ivory Wave, Pure Ivory, Purple Wave, Vanilla Sky, Bliss, Meow, Zoom, Sextacy, Molly's Plant Food, Purple Monkey Plant Food, Buzz Grow, 4MMC, m-Cat and Energy 1.

Synthetic Cannabinoid

Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, such as:

- JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)
- JWH-015(2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone)
- JWH-018 (1-pentyl-3-(1-naphthoyl)indole)
- JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole)
- JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone)
- JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- JWH-09(4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone)
- JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)
- JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- JWH-200(1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone)
- JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)methanone)
- JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole)
- JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole)
- JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole)
- HU-210((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)

- HU-211((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)
- HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol)
- HU-331((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione)
- CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol)
- CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues
- WIN 55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-nepthalenylmethanone)
- RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone)
- RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone)

Synthetic Stimulant

Any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as:

- 3-Fluoromethcathinone
- Fluoromethcathinone
- 3,4-Methylenedioxy methcathinone (other name: methylone, MDMC)
- 3,4-Methylenedioxy pyrovalerone (other name: MDPV)
- 4-Methylmethcathinon (other names: mephedrone, 4-MMC)
- 4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC)
- 4-Ethylmethcathinone (other name: 4-EMC)
- Beta-keto-N-methylbenzodioxolypropylamine (other names: butylone, bk-MBDB)
- Naphthylpyrovalerone (other names: naphyrone, NRG-1)
- Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:
 1. In the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
 2. At the 3-position with an alkyl substituent;
 3. At the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;
 4. Or by inclusion of the nitrogen atom in a cyclic structure.

11-6-2: ILLEGAL CONTROL OF CANNABIS

- A. It shall be unlawful for any person 21 years or older and a resident of the State of Illinois to possess more than 30 grams of raw cannabis, cannabis-infused product or products containing a total of more than 500 milligrams of tetrahydrocannabinol (THC), or 5 grams of cannabis product in concentrated form.

- B. It shall be unlawful for any person 21 years or older and a non-resident of the State of Illinois to possess more than 15 grams of raw cannabis, cannabis-infused product or products containing a total of more than 250 milligrams of tetrahydrocannabinol (THC), or 2.5 grams of cannabis product in concentrated form.
- C. It shall be unlawful for any person to engage in the following acts:
1. Possessing cannabis:
 - a. In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - b. On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - c. In a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or
 - d. In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
 2. Consume cannabis:
 - a. On a school bus;
 - b. On the grounds of any preschool, primary, or secondary school unless authorized in the medical cannabis program;
 - c. In any motor vehicle;
 - d. In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
 - e. In any public place or knowingly in close physical proximity to anyone under 21 year of age;
 - f. In any public place where a person could reasonably be expected to be observed by others; or
 - g. In any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82/1 et seq.), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.

11-6-3: SYNTHETIC CANNABINOIDS AND SYNTHETIC STIMULANTS

- A. Sale or Delivery. It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid or a synthetic stimulant.
- B. Possession. It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid or a synthetic stimulant with the intent of using the product for ingestion, consumption, inhaling, or intravenous use. In determining intent under this subsection, a trier of fact may take into consideration, among other things: the proximity of the product to drug paraphernalia; the presence of the product on or within drug paraphernalia; the proximity of the

product to a different controlled substance; and whether or not the individual in possession of the product is exhibiting physical effects commonly associated with being under the influence of a controlled substance.

- C. Use. It shall be unlawful for any person to be under the influence of a synthetic cannabinoid or a synthetic stimulant.
- D. Manufacture. It shall be unlawful for any person to manufacture, or assemble the ingredients with the intent to manufacture, a synthetic cannabinoid or a synthetic stimulant. In determining intent under this subsection, a trier of fact may take into consideration, among other things: the proximity of the product or ingredients to drug paraphernalia; the presence of the product or ingredients on or within drug paraphernalia; the proximity of the product or ingredients to a different controlled substance. (Ord. 12-3232-02, eff. 1/9/12)

11-6-4: UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA

A person commits the offense of unlawful possession of drug paraphernalia when he or she:

- A. Knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing a controlled substance into the human body, or in preparing a controlled substance for that use. This subsection (A) does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
- B. Is a person under twenty-one (21) years of age who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing a controlled substance for that use, except to the extent permitted by the Compassionate Use of Medical Cannabis Program Act.

11-6-4-1: SALE OR DELIVERY - PUBLIC NUISANCE

A person commits a public nuisance when he or she:

- A. Keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia.
- B. Is 18 years of age or older and sells or delivers for any commercial consideration any item of drug paraphernalia to a person under 18 years of age.
- C. Sells or delivers for a commercial consideration any item of drug paraphernalia to a woman he or she knows to be pregnant.
- D. Any store, place or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance.

The Village may commence an action in the circuit court to abate the public nuisance as described in this subsection (D). Upon being satisfied by affidavits or other sworn evidence that an alleged nuisance exists, the court may, without bond, enter a temporary restraining order to enjoin any defendant from maintaining the nuisance and may, without bond, enter a preliminary injunction restraining any defendant from removing or interfering with any property used in connection with the public nuisance.

11-6-4-2: EXEMPTIONS

The provisions of this Section 11-6-4 shall not apply to the exemptions as listed in 720 ILCS 600/4 of the Illinois Compiled Statutes.

11-6-5:

PENALTY

Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine/Penalty Schedule of the Code described in Title 1, Chapter 17.