Summary of the September 16, 2019 Public Meeting
IC Peoria Campus Student Center
6:00 p.m. to 8:00 p.m.

1. Attendance: 50
   a. 19 individuals made public comments:
      15 in favor
      3 opposed
      1 undecided

2. General Comments:
   a. Good move for Illinois.
   b. Peoria Public Schools need the revenue.
   c. The City should allow sales. Everyone around us will do it.
   d. Gambling boat revenue in East Peoria prompted development.
   e. Good treatment for medical issues. Concerned with where public housing residents can use.
   f. Opposes recreational marijuana. This will tell children it is ok to use drugs. May lead to increased homelessness.
   g. Concerns with public health. Use in apartments may filter into other apartments.
   h. Will help improve the City.
   i. The City needs the tax money.
   j. Allowing sales is a “no brainer” for the City.
   k. Adds revenue and treats medical conditions.
   l. City should regulate smartly and prohibit “shady” places from popping up all over town.
   m. Sees decrease in patients needing medication, but has also seen families broken up in foster care. Wishes age was increased to 25 for use.
   n. Violent crimes decreased 19% around dispensary neighborhoods.
   o. Benefits to patients. Suggests a wedding venue where food can have cannabis in it.
   p. Cannabis has a lot of uses.
   q. Cannabis will solve a lot of problems. Must keep out of hands of children.
   r. Peoria could be a hub for this new industry.
   s. Concerned with health implications and advertising toward children.

3. Questions posed by the audience.

   a. Can a bar also be a dispensary?
      i. Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which must be limited to containers that are no larger than 100 milliliters. Section 15-70 (d).
b. **Can public housing residents legally use cannabis in their residences?**

i. On December 29, 2014, HUD issued a memo “use of Marijuana in Multifamily Properties” that expounds on the use of medical marijuana in HUD subsidized properties. The purpose of the memo was to confirm to PHAs, owners and operators that even if states had decriminalized marijuana or permitted the use of medical marijuana, under federal law it is still illegal. In HUD’s opinion, federal law is still controlling.

ii. Any discussion of marijuana in subsidized housing must therefore look at federal marijuana laws. While there are many federal laws that attempt to regulate the use of marijuana, there are two significant laws applicable to federally subsidized housing unit:

1. **The Controlled Substances Act (CSA)**, 21 U.S.C. Section 801 *et. seq.*; The CSA, signed into law by Richard Nixon, is the federal drug policy under which the manufacture, importation, possession, use and distribution of certain substances is regulated. Pursuant to the CSA, marijuana is an illegal controlled substance.

2. **The Quality Housing and Work Responsibility Act of 1998 (QHWRA)**, 42 U.S.C. Section 13662. Among other things, the QHWRA removed disincentives for residents to work and become self-sufficient and provided rental protection for low-income residents. Section 577 of QHWRA also extended standards on denying admission and terminating tenancies for illegal drug use from PHAs to all owners and operators of other federally subsidized projects.

iii. As it pertains to prospective tenants the federal law is relatively clear: Current marijuana users cannot be admitted to federally assisted housing pursuant to Section 577 of the QHWRA. As stated in the HUD’s December 29, 2014 memo, “owners of federally assisted housing are required by QHWRA to deny admission to any household with a member who the owner determines is, at the time of application for admission, illegally using a controlled substance as that term is defined in the CSA.” Marijuana is a controlled substance under the CSA and therefore owners and operators of federally assisted projects must deny admission at the time of application to any household with a member who the owner determines is using marijuana.
iv. The federal law, however, is not so clear when it comes to existing tenants. Under the QHWRA, owners must develop policies which “allow the termination of tenancy” for any household with a member:

1. who is illegally using a controlled substance, or

2. whose illegal use (or pattern of illegal use) of a controlled substance interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

v. I have reached out to legal counsel for the Peoria Housing Authority to determine what actions, if any, PHA will be taking in regards to the new law.

vi. Notably, Rep. Eleanor Holmes Norton introduced HR 2338 into Congress in April of 2019. The bill, entitled “Marijuana in Federally Assisted Housing Parity Act” specifies that (1) an individual may not be denied occupancy of federally assisted housing on the basis of using marijuana in compliance with state law, and (2) the Department of Housing and Urban Development may not prohibit or discourage the use of marijuana in federally assisted housing if such use is in compliance with state law. The only two co-sponsors of the bill (Rep. Jan Schakowsky and Rep. Bobby Bush, are both from Illinois). The bill was referred to the House Committee on Financial Services on 4/18/19 and no further action has been reported since.

c. Can the City prohibit use in residential areas?

i. The City has the ability to restrict the sale of cannabis in residential areas. However, no unit of local government may unreasonably prohibit the use of cannabis authorized by the Act. The Act prohibits use in public places. Section 10-35(a)(3)(F). As used in this Section, "public place" means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "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. Therefore, the Act prohibits the use in public places (which could mean a park within a residential area) but not within the individual residences.
d. Can the City access R3 funding if the sale of cannabis is prohibited by the City?

i. The new law does not appear to have a prohibition on grant eligibility if a community opts-out of recreational cannabis sales. Currently, the only limitation in the law for eligibility (see 30 ILCS 105/6z-7(c)) states that expenditures will be subject to appropriation. It is not clear if any forthcoming administrative regulations could limit grant eligibility.

e. Can the City increase the legal age for use to 25?

i. The Act states the age for use is 21.

f. What are the advertising restrictions?

i. “Advertise” means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

ii. No cannabis business establishment nor any entity or person shall engage in advertising that contains any statement or illustration that is:
   1. False or misleading;
   2. Promotes the overconsumption of cannabis;
   3. Displays cannabis;
   4. Shows someone under 21 consuming cannabis;
   5. Makes health or medicinal claims about cannabis;
   6. Includes the image of the cannabis leaf or bud; or
   7. Includes any image that is likely to appeal to minors.

iii. No cannabis business establishment nor any person or entity shall place or maintain or cause to be placed or maintained an advertisement in any form:
   1. Within 1,000 feet of school grounds, playgrounds, hospitals, health care facilities, recreation centers, child care centers; public parks, public libraries; or game arcades that admit persons under the age of 21;
   2. On or in a public transportation vehicle or on a public transportation shelter; or
   3. On or in publicly-owned or publicly-operated property.