

Illinois Cannabis Law Overview

Effective January 1, 2020, small amounts of cannabis will be legal in Illinois for personal recreational use. Below are some commonly asked questions and answers regarding the new law.

This is **not** an all-inclusive list of violations and should not be considered legal advice. For such information please consult with your personal attorney.

To download our brochure that highlights these commonly asked questions, [click here](#).

Who can partake in the use of recreational cannabis?

Adults ages 21+. Individuals under 21 are not allowed to purchase, possess, use, process, transport, grow, or consume cannabis.

What are the limits on how much cannabis or cannabis product someone can possess?

Possession of Illinois residents is limited to:

- 30 grams of raw cannabis
- No more than 500 mg of THC cannabis-infused product; and
- 5 grams of concentrated cannabis product

Non-Illinois residents may possess:

- 15 grams of raw cannabis
- No more than 250 mg of THC in a cannabis infused product
- 2.5 grams of concentrated cannabis product

Where can I purchase cannabis?

Only from an authorized and licensed dispensary. **Private sales are illegal.**

Can I grow my own cannabis?

No. It is illegal to grow your own cannabis for recreational purposes.

Where is the *possession* of cannabis prohibited?

Possession of Cannabis is prohibited in the following locations:

- On a school bus or public transportation (exception: medical user);
- On the grounds of any preschool or primary or secondary school (exception: medical user);

- In any correctional facility;
- In a private residence that is used at any time to provide licensed child care or other similar social; service care on the premises;

Where is the use of cannabis prohibited?

The use of cannabis is prohibited in all public places. A ***“public place” means any place where a person could reasonably be expected to be observed by others.*** The law also prohibits smoking in close physical proximity to anyone under 21 who is not a registered medical cannabis patient.

Then where can I use cannabis?

Cannabis can only be used in a private residence or in an on-premise authorized dispensary. Cannabis cannot be used in close physical proximity to an individual under 21 years of age.

Can I use cannabis on my front porch?

The language of the statute is unclear on this point. **The Springfield Police Department has interpreted the law to allow the use of cannabis on the front porch of a private residence.** It should be noted, however, that some jurisdictions are interpreting the law differently and believe that using cannabis on front porches is prohibited. Future guidance from the legislature and/or the courts will be necessary to finally clarify the issue.

Can you possess cannabis while in a motor vehicle?

Cannabis may be ***possessed*** within a vehicle by either the ***driver and/or passengers*** but only in a sealed, odor-proof, child-resistant container that is reasonably inaccessible while the vehicle is moving. **Cannabis dispensaries must utilize these same containers.**

Can I be arrested for DUI for being under the influence of cannabis?

Yes, if you are impaired. If a driver has 5 nanograms of THC in the blood, there is a presumption of impairment.

Can a police officer search me or my car if they smell cannabis?

Yes. Under Illinois law, the smell of cannabis is still probable cause to conduct a search.

Can I use or possess cannabis in my private residence?

Yes, as long as the residence is not used as a daycare and/or you are not in the close proximity of someone under the age of 21.

The following exceptions should be noted:

- Cannabis is prohibited in **federally funded public housing**;
- **Landlords can prohibit the use and possession of cannabis in rental properties**; this is a landlord-tenant issue that may affect your lease. Consult with your landlord.
- Locations prohibited by the Smoke Free Illinois Act (hotels, restaurants, bars, etc.)

Can I transport cannabis across state lines?

No

Can my employer discipline or discharge me for using recreational cannabis?

Potentially. Consult with your employer about their work place rules regarding the use of cannabis.

Violators are subject to civil and criminal prosecution based on the specific violation.

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