



Sen. Heather A. Steans

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10100HB0123sam002

LRB101 02887 CPF 72296 a

1 AMENDMENT TO HOUSE BILL 123

2 AMENDMENT NO. _____. Amend House Bill 123, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Tobacco Products Tax Act of 1995 is amended
6 by changing Section 10-5 as follows:

7 (35 ILCS 143/10-5)

8 Sec. 10-5. Definitions. For purposes of this Act:

9 "Business" means any trade, occupation, activity, or
10 enterprise engaged in, at any location whatsoever, for the
11 purpose of selling tobacco products.

12 "Cigarette" has the meaning ascribed to the term in Section
13 1 of the Cigarette Tax Act.

14 "Contraband little cigar" means:

15 (1) packages of little cigars containing 20 or 25
16 little cigars that do not bear a required tax stamp under

1 this Act;

2 (2) packages of little cigars containing 20 or 25
3 little cigars that bear a fraudulent, imitation, or
4 counterfeit tax stamp;

5 (3) packages of little cigars containing 20 or 25
6 little cigars that are improperly tax stamped, including
7 packages of little cigars that bear only a tax stamp of
8 another state or taxing jurisdiction; or

9 (4) packages of little cigars containing other than 20
10 or 25 little cigars in the possession of a distributor,
11 retailer or wholesaler, unless the distributor, retailer,
12 or wholesaler possesses, or produces within the time frame
13 provided in Section 10-27 or 10-28 of this Act, an invoice
14 from a stamping distributor, distributor, or wholesaler
15 showing that the tax on the packages has been or will be
16 paid.

17 "Correctional Industries program" means a program run by a
18 State penal institution in which residents of the penal
19 institution produce tobacco products for sale to persons
20 incarcerated in penal institutions or resident patients of a
21 State operated mental health facility.

22 "Department" means the Illinois Department of Revenue.

23 "Distributor" means any of the following:

24 (1) Any manufacturer or wholesaler in this State
25 engaged in the business of selling tobacco products who
26 sells, exchanges, or distributes tobacco products to

1 retailers or consumers in this State.

2 (2) Any manufacturer or wholesaler engaged in the
3 business of selling tobacco products from without this
4 State who sells, exchanges, distributes, ships, or
5 transports tobacco products to retailers or consumers
6 located in this State, so long as that manufacturer or
7 wholesaler has or maintains within this State, directly or
8 by subsidiary, an office, sales house, or other place of
9 business, or any agent or other representative operating
10 within this State under the authority of the person or
11 subsidiary, irrespective of whether the place of business
12 or agent or other representative is located here
13 permanently or temporarily.

14 (3) Any retailer who receives tobacco products on which
15 the tax has not been or will not be paid by another
16 distributor.

17 "Distributor" does not include any person, wherever
18 resident or located, who makes, manufactures, or fabricates
19 tobacco products as part of a Correctional Industries program
20 for sale to residents incarcerated in penal institutions or
21 resident patients of a State operated mental health facility.

22 "Electronic cigarette" means:

23 (1) any device that employs a battery or other
24 mechanism to heat a solution or substance to produce a
25 vapor or aerosol intended for inhalation;

26 (2) any cartridge or container of a solution or

1 substance intended to be used with or in the device or to
2 refill the device, except any cartridge or container of a
3 solution or substance that contains cannabis subject to tax
4 under the Compassionate Use of Medical Cannabis Program Act
5 or the Cannabis Cultivation Privilege Tax Law; or

6 (3) any solution or substance, whether or not it
7 contains nicotine, intended for use in the device, except
8 any solution or substance that contains cannabis subject to
9 tax under the Compassionate Use of Medical Cannabis Program
10 Act or the Cannabis Cultivation Privilege Tax Law. The
11 changes made to the definition of "electronic cigarette" by
12 this amendatory Act of the 101st General Assembly apply on
13 and after June 28, 2019, but no claim for credit or refund
14 is allowed on or after the effective date of this
15 amendatory Act of the 101st General Assembly for such taxes
16 paid during the period beginning June 28, 2019 and the
17 effective date of this amendatory Act of the 101st General
18 Assembly.

19 "Electronic cigarette" includes, but is not limited to, any
20 electronic nicotine delivery system, electronic cigar,
21 electronic cigarillo, electronic pipe, electronic hookah, vape
22 pen, or similar product or device, and any component or part
23 that can be used to build the product or device. "Electronic
24 cigarette" does not include: cigarettes, as defined in Section
25 1 of the Cigarette Tax Act; any product approved by the United
26 States Food and Drug Administration for sale as a tobacco

1 cessation product, a tobacco dependence product, or for other
2 medical purposes that is marketed and sold solely for that
3 approved purpose; any asthma inhaler prescribed by a physician
4 for that condition that is marketed and sold solely for that
5 approved purpose; or any therapeutic product approved for use
6 under the Compassionate Use of Medical Cannabis Program Act.

7 "Little cigar" means and includes any roll, made wholly or
8 in part of tobacco, where such roll has an integrated cellulose
9 acetate filter and weighs less than 4 pounds per thousand and
10 the wrapper or cover of which is made in whole or in part of
11 tobacco.

12 "Manufacturer" means any person, wherever resident or
13 located, who manufactures and sells tobacco products, except a
14 person who makes, manufactures, or fabricates tobacco products
15 as a part of a Correctional Industries program for sale to
16 persons incarcerated in penal institutions or resident
17 patients of a State operated mental health facility.

18 Beginning on January 1, 2013, "moist snuff" means any
19 finely cut, ground, or powdered tobacco that is not intended to
20 be smoked, but shall not include any finely cut, ground, or
21 powdered tobacco that is intended to be placed in the nasal
22 cavity.

23 "Person" means any natural individual, firm, partnership,
24 association, joint stock company, joint venture, limited
25 liability company, or public or private corporation, however
26 formed, or a receiver, executor, administrator, trustee,

1 conservator, or other representative appointed by order of any
2 court.

3 "Place of business" means and includes any place where
4 tobacco products are sold or where tobacco products are
5 manufactured, stored, or kept for the purpose of sale or
6 consumption, including any vessel, vehicle, airplane, train,
7 or vending machine.

8 "Retailer" means any person in this State engaged in the
9 business of selling tobacco products to consumers in this
10 State, regardless of quantity or number of sales.

11 "Sale" means any transfer, exchange, or barter in any
12 manner or by any means whatsoever for a consideration and
13 includes all sales made by persons.

14 "Stamp" or "stamps" mean the indicia required to be affixed
15 on a package of little cigars that evidence payment of the tax
16 on packages of little cigars containing 20 or 25 little cigars
17 under Section 10-10 of this Act. These stamps shall be the same
18 stamps used for cigarettes under the Cigarette Tax Act.

19 "Stamping distributor" means a distributor licensed under
20 this Act and also licensed as a distributor under the Cigarette
21 Tax Act or Cigarette Use Tax Act.

22 "Tobacco products" means any cigars, including little
23 cigars; cheroots; stogies; periques; granulated, plug cut,
24 crimp cut, ready rubbed, and other smoking tobacco; snuff
25 (including moist snuff) or snuff flour; cavendish; plug and
26 twist tobacco; fine-cut and other chewing tobaccos; shorts;

1 refuse scraps, clippings, cuttings, and sweeping of tobacco;
2 and other kinds and forms of tobacco, prepared in such manner
3 as to be suitable for chewing or smoking in a pipe or
4 otherwise, or both for chewing and smoking; but does not
5 include cigarettes as defined in Section 1 of the Cigarette Tax
6 Act or tobacco purchased for the manufacture of cigarettes by
7 cigarette distributors and manufacturers defined in the
8 Cigarette Tax Act and persons who make, manufacture, or
9 fabricate cigarettes as a part of a Correctional Industries
10 program for sale to residents incarcerated in penal
11 institutions or resident patients of a State operated mental
12 health facility.

13 Beginning on July 1, 2019, "tobacco products" also includes
14 electronic cigarettes.

15 "Wholesale price" means the established list price for
16 which a manufacturer sells tobacco products to a distributor,
17 before the allowance of any discount, trade allowance, rebate,
18 or other reduction. In the absence of such an established list
19 price, the manufacturer's invoice price at which the
20 manufacturer sells the tobacco product to unaffiliated
21 distributors, before any discounts, trade allowances, rebates,
22 or other reductions, shall be presumed to be the wholesale
23 price.

24 "Wholesaler" means any person, wherever resident or
25 located, engaged in the business of selling tobacco products to
26 others for the purpose of resale. "Wholesaler", when used in

1 this Act, does not include a person licensed as a distributor
2 under Section 10-20 of this Act unless expressly stated in this
3 Act.

4 (Source: P.A. 101-31, eff. 6-28-19; 101-593, eff. 12-4-19.)

5 Section 10. The Civic Center Code is amended by changing
6 Section 245-12 as follows:

7 (70 ILCS 200/245-12)

8 Sec. 245-12. Use and occupation taxes.

9 (a) The Authority may adopt a resolution that authorizes a
10 referendum on the question of whether the Authority shall be
11 authorized to impose a retailers' occupation tax, a service
12 occupation tax, and a use tax in one-quarter percent increments
13 at a rate not to exceed 1%. The Authority shall certify the
14 question to the proper election authorities who shall submit
15 the question to the voters of the metropolitan area at the next
16 regularly scheduled election in accordance with the general
17 election law. The question shall be in substantially the
18 following form:

19 "Shall the Salem Civic Center Authority be authorized to
20 impose a retailers' occupation tax, a service occupation
21 tax, and a use tax at the rate of (rate) for the sole
22 purpose of obtaining funds for the support, construction,
23 maintenance, or financing of a facility of the Authority?"

24 Votes shall be recorded as "yes" or "no".

1 If a majority of all votes cast on the proposition are in
2 favor of the proposition, the Authority is authorized to impose
3 the tax.

4 (b) The Authority shall impose the retailers' occupation
5 tax upon all persons engaged in the business of selling
6 tangible personal property at retail in the metropolitan area,
7 at the rate approved by referendum, on the gross receipts from
8 the sales made in the course of such business within the
9 metropolitan area. Beginning December 1, 2019 and through
10 December 31, 2020, this tax is not imposed on sales of aviation
11 fuel unless the tax revenue is expended for airport-related
12 purposes. If the Authority does not have an airport-related
13 purpose to which it dedicates aviation fuel tax revenue, then
14 aviation fuel is excluded from the tax. The Authority must
15 comply with the certification requirements for airport-related
16 purposes under Section 2-22 of the Retailers' Occupation Tax
17 Act. For purposes of this Section, "airport-related purposes"
18 has the meaning ascribed in Section 6z-20.2 of the State
19 Finance Act. Beginning January 1, 2021, this tax is not imposed
20 on sales of aviation fuel for so long as the revenue use
21 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
22 binding on the Authority.

23 The tax imposed under this Section and all civil penalties
24 that may be assessed as an incident thereof shall be collected
25 and enforced by the Department of Revenue. The Department has
26 full power to administer and enforce this Section; to collect

1 all taxes and penalties so collected in the manner provided in
2 this Section; and to determine all rights to credit memoranda
3 arising on account of the erroneous payment of tax or penalty
4 hereunder. In the administration of, and compliance with, this
5 Section, the Department and persons who are subject to this
6 Section shall (i) have the same rights, remedies, privileges,
7 immunities, powers and duties, (ii) be subject to the same
8 conditions, restrictions, limitations, penalties, exclusions,
9 exemptions, and definitions of terms, and (iii) employ the same
10 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
11 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in
12 respect to all provisions therein other than the State rate of
13 tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3 (except as to the
14 disposition of taxes and penalties collected and provisions
15 related to quarter monthly payments, and except that the
16 retailer's discount is not allowed for taxes paid on aviation
17 fuel that are subject to the revenue use requirements of 49
18 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c, 5d, 5e,
19 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12,
20 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
21 the Uniform Penalty and Interest Act, as fully as if those
22 provisions were set forth in this subsection.

23 Persons subject to any tax imposed under this subsection
24 may reimburse themselves for their seller's tax liability by
25 separately stating the tax as an additional charge, which
26 charge may be stated in combination, in a single amount, with

1 State taxes that sellers are required to collect, in accordance
2 with such bracket schedules as the Department may prescribe.

3 Whenever the Department determines that a refund should be
4 made under this subsection to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the warrant to be drawn for the
7 amount specified, and to the person named, in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of the tax fund referenced under paragraph (g) of
10 this Section or the Local Government Aviation Trust Fund, as
11 appropriate.

12 If a tax is imposed under this subsection (b), a tax shall
13 also be imposed at the same rate under subsections (c) and (d)
14 of this Section.

15 For the purpose of determining whether a tax authorized
16 under this Section is applicable, a retail sale, by a producer
17 of coal or other mineral mined in Illinois, is a sale at retail
18 at the place where the coal or other mineral mined in Illinois
19 is extracted from the earth. This paragraph does not apply to
20 coal or other mineral when it is delivered or shipped by the
21 seller to the purchaser at a point outside Illinois so that the
22 sale is exempt under the Federal Constitution as a sale in
23 interstate or foreign commerce.

24 Nothing in this Section shall be construed to authorize the
25 Authority to impose a tax upon the privilege of engaging in any
26 business which under the Constitution of the United States may

1 not be made the subject of taxation by this State.

2 (c) If a tax has been imposed under subsection (b), a
3 service occupation tax shall also be imposed at the same rate
4 upon all persons engaged, in the metropolitan area, in the
5 business of making sales of service, who, as an incident to
6 making those sales of service, transfer tangible personal
7 property within the metropolitan area as an incident to a sale
8 of service. The tax imposed under this subsection and all civil
9 penalties that may be assessed as an incident thereof shall be
10 collected and enforced by the Department of Revenue.

11 Beginning December 1, 2019 and through December 31, 2020,
12 this tax is not imposed on sales of aviation fuel unless the
13 tax revenue is expended for airport-related purposes. If the
14 Authority does not have an airport-related purpose to which it
15 dedicates aviation fuel tax revenue, then aviation fuel is
16 excluded from the tax. The Authority must comply with the
17 certification requirements for airport-related purposes under
18 Section 2-22 of the Retailers' Occupation Tax Act. Beginning
19 January 1, 2021, this tax is not imposed on sales of aviation
20 fuel for so long as the revenue use requirements of 49 U.S.C.
21 47107(b) and 49 U.S.C. 47133 are binding on the Authority.

22 The Department has full power to administer and enforce
23 this paragraph; to collect all taxes and penalties due
24 hereunder; to dispose of taxes and penalties so collected in
25 the manner hereinafter provided; and to determine all rights to
26 credit memoranda arising on account of the erroneous payment of

1 tax or penalty hereunder. In the administration of, and
2 compliance with this paragraph, the Department and persons who
3 are subject to this paragraph shall (i) have the same rights,
4 remedies, privileges, immunities, powers, and duties, (ii) be
5 subject to the same conditions, restrictions, limitations,
6 penalties, exclusions, exemptions, and definitions of terms,
7 and (iii) employ the same modes of procedure as are prescribed
8 in Sections 2 (except that the reference to State in the
9 definition of supplier maintaining a place of business in this
10 State shall mean the metropolitan area), 2a, 2b, 3 through 3-55
11 (in respect to all provisions therein other than the State rate
12 of tax), 4 (except that the reference to the State shall be to
13 the Authority), 5, 7, 8 (except that the jurisdiction to which
14 the tax shall be a debt to the extent indicated in that Section
15 8 shall be the Authority), 9 (except as to the disposition of
16 taxes and penalties collected, and except that the returned
17 merchandise credit for this tax may not be taken against any
18 State tax, and except that the retailer's discount is not
19 allowed for taxes paid on aviation fuel that are subject to the
20 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
21 47133), 11, 12 (except the reference therein to Section 2b of
22 the Retailers' Occupation Tax Act), 13 (except that any
23 reference to the State shall mean the Authority), 15, 16, 17,
24 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7
25 of the Uniform Penalty and Interest Act, as fully as if those
26 provisions were set forth herein.

1 Persons subject to any tax imposed under the authority
2 granted in this subsection may reimburse themselves for their
3 serviceman's tax liability by separately stating the tax as an
4 additional charge, which charge may be stated in combination,
5 in a single amount, with State tax that servicemen are
6 authorized to collect under the Service Use Tax Act, in
7 accordance with such bracket schedules as the Department may
8 prescribe.

9 Whenever the Department determines that a refund should be
10 made under this subsection to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the warrant to be drawn for the
13 amount specified, and to the person named, in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of the tax fund referenced under paragraph (g) of
16 this Section or the Local Government Aviation Trust Fund, as
17 appropriate.

18 Nothing in this paragraph shall be construed to authorize
19 the Authority to impose a tax upon the privilege of engaging in
20 any business which under the Constitution of the United States
21 may not be made the subject of taxation by the State.

22 (d) If a tax has been imposed under subsection (b), a use
23 tax shall also be imposed at the same rate upon the privilege
24 of using, in the metropolitan area, any item of tangible
25 personal property that is purchased outside the metropolitan
26 area at retail from a retailer, and that is titled or

1 registered at a location within the metropolitan area with an
2 agency of this State's government. "Selling price" is defined
3 as in the Use Tax Act. The tax shall be collected from persons
4 whose Illinois address for titling or registration purposes is
5 given as being in the metropolitan area. The tax shall be
6 collected by the Department of Revenue for the Authority. The
7 tax must be paid to the State, or an exemption determination
8 must be obtained from the Department of Revenue, before the
9 title or certificate of registration for the property may be
10 issued. The tax or proof of exemption may be transmitted to the
11 Department by way of the State agency with which, or the State
12 officer with whom, the tangible personal property must be
13 titled or registered if the Department and the State agency or
14 State officer determine that this procedure will expedite the
15 processing of applications for title or registration.

16 The Department has full power to administer and enforce
17 this paragraph; to collect all taxes, penalties and interest
18 due hereunder; to dispose of taxes, penalties and interest so
19 collected in the manner hereinafter provided; and to determine
20 all rights to credit memoranda or refunds arising on account of
21 the erroneous payment of tax, penalty or interest hereunder. In
22 the administration of, and compliance with, this subsection,
23 the Department and persons who are subject to this paragraph
24 shall (i) have the same rights, remedies, privileges,
25 immunities, powers, and duties, (ii) be subject to the same
26 conditions, restrictions, limitations, penalties, exclusions,

1 exemptions, and definitions of terms, and (iii) employ the same
2 modes of procedure as are prescribed in Sections 2 (except the
3 definition of "retailer maintaining a place of business in this
4 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
5 7, 8 (except that the jurisdiction to which the tax shall be a
6 debt to the extent indicated in that Section 8 shall be the
7 Authority), 9 (except provisions relating to quarter monthly
8 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
9 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
10 Interest Act, that are not inconsistent with this paragraph, as
11 fully as if those provisions were set forth herein.

12 Whenever the Department determines that a refund should be
13 made under this subsection to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the order to be drawn for the
16 amount specified, and to the person named, in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of the tax fund referenced under paragraph (g) of
19 this Section.

20 (e) A certificate of registration issued by the State
21 Department of Revenue to a retailer under the Retailers'
22 Occupation Tax Act or under the Service Occupation Tax Act
23 shall permit the registrant to engage in a business that is
24 taxed under the tax imposed under paragraphs (b), (c), or (d)
25 of this Section and no additional registration shall be
26 required. A certificate issued under the Use Tax Act or the

1 Service Use Tax Act shall be applicable with regard to any tax
2 imposed under paragraph (c) of this Section.

3 (f) The results of any election authorizing a proposition
4 to impose a tax under this Section or effecting a change in the
5 rate of tax shall be certified by the proper election
6 authorities and filed with the Illinois Department on or before
7 the first day of April. In addition, an ordinance imposing,
8 discontinuing, or effecting a change in the rate of tax under
9 this Section shall be adopted and a certified copy thereof
10 filed with the Department on or before the first day of April.
11 After proper receipt of such certifications, the Department
12 shall proceed to administer and enforce this Section as of the
13 first day of July next following such adoption and filing.

14 (g) Except as otherwise provided, the Department of Revenue
15 shall, upon collecting any taxes and penalties as provided in
16 this Section, pay the taxes and penalties over to the State
17 Treasurer as trustee for the Authority. The taxes and penalties
18 shall be held in a trust fund outside the State Treasury. Taxes
19 and penalties collected on aviation fuel sold on or after
20 December 1, 2019 and through December 31, 2020, shall be
21 immediately paid over by the Department to the State Treasurer,
22 ex officio, as trustee, for deposit into the Local Government
23 Aviation Trust Fund. The Department shall only pay moneys into
24 the Local Government Aviation Trust Fund under this Section for
25 so long as the revenue use requirements of 49 U.S.C. 47107(b)
26 and 49 U.S.C. 47133 are binding on the District. On or before

1 the 25th day of each calendar month, the Department of Revenue
2 shall prepare and certify to the Comptroller of the State of
3 Illinois the amount to be paid to the Authority, which shall be
4 the balance in the fund, less any amount determined by the
5 Department to be necessary for the payment of refunds and not
6 including taxes and penalties collected on aviation fuel sold
7 on or after December 1, 2019. Within 10 days after receipt by
8 the Comptroller of the certification of the amount to be paid
9 to the Authority, the Comptroller shall cause an order to be
10 drawn for payment for the amount in accordance with the
11 directions contained in the certification. Amounts received
12 from the tax imposed under this Section shall be used only for
13 the support, construction, maintenance, or financing of a
14 facility of the Authority.

15 (h) When certifying the amount of a monthly disbursement to
16 the Authority under this Section, the Department shall increase
17 or decrease the amounts by an amount necessary to offset any
18 miscalculation of previous disbursements. The offset amount
19 shall be the amount erroneously disbursed within the previous 6
20 months from the time a miscalculation is discovered.

21 (i) This Section may be cited as the Salem Civic Center Use
22 and Occupation Tax Law.

23 (j) Notwithstanding any other provision of law, no tax may
24 be imposed under this Section on the sale or use of cannabis,
25 as defined in Section 1-10 of the Cannabis Regulation and Tax
26 Act.

1 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19.)

2 Section 15. The Flood Prevention District Act is amended by
3 changing Section 25 as follows:

4 (70 ILCS 750/25)

5 Sec. 25. Flood prevention retailers' and service
6 occupation taxes.

7 (a) If the Board of Commissioners of a flood prevention
8 district determines that an emergency situation exists
9 regarding levee repair or flood prevention, and upon an
10 ordinance confirming the determination adopted by the
11 affirmative vote of a majority of the members of the county
12 board of the county in which the district is situated, the
13 county may impose a flood prevention retailers' occupation tax
14 upon all persons engaged in the business of selling tangible
15 personal property at retail within the territory of the
16 district to provide revenue to pay the costs of providing
17 emergency levee repair and flood prevention and to secure the
18 payment of bonds, notes, and other evidences of indebtedness
19 issued under this Act for a period not to exceed 25 years or as
20 required to repay the bonds, notes, and other evidences of
21 indebtedness issued under this Act. The tax rate shall be 0.25%
22 of the gross receipts from all taxable sales made in the course
23 of that business. Beginning December 1, 2019 and through
24 December 31, 2020, this tax is not imposed on sales of aviation

1 fuel unless the tax revenue is expended for airport-related
2 purposes. If the District does not have an airport-related
3 purpose to which it dedicates aviation fuel tax revenue, then
4 aviation fuel is excluded from the tax. The County must comply
5 with the certification requirements for airport-related
6 purposes under Section 2-22 of the Retailers' Occupation Tax
7 Act. The tax imposed under this Section and all civil penalties
8 that may be assessed as an incident thereof shall be collected
9 and enforced by the State Department of Revenue. The Department
10 shall have full power to administer and enforce this Section;
11 to collect all taxes and penalties so collected in the manner
12 hereinafter provided; and to determine all rights to credit
13 memoranda arising on account of the erroneous payment of tax or
14 penalty hereunder.

15 For purposes of this Act, "airport-related purposes" has
16 the meaning ascribed in Section 6z-20.2 of the State Finance
17 Act. Beginning January 1, 2021, this tax is not imposed on
18 sales of aviation fuel for so long as the revenue use
19 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
20 binding on the District.

21 In the administration of and compliance with this
22 subsection, the Department and persons who are subject to this
23 subsection (i) have the same rights, remedies, privileges,
24 immunities, powers, and duties, (ii) are subject to the same
25 conditions, restrictions, limitations, penalties, and
26 definitions of terms, and (iii) shall employ the same modes of

1 procedure as are set forth in Sections 1 through 1o, 2 through
2 2-70 (in respect to all provisions contained in those Sections
3 other than the State rate of tax), 2a through 2h, 3 (except as
4 to the disposition of taxes and penalties collected, and except
5 that the retailer's discount is not allowed for taxes paid on
6 aviation fuel that are subject to the revenue use requirements
7 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c,
8 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11,
9 11a, 12, and 13 of the Retailers' Occupation Tax Act and all
10 provisions of the Uniform Penalty and Interest Act as if those
11 provisions were set forth in this subsection.

12 Persons subject to any tax imposed under this Section may
13 reimburse themselves for their seller's tax liability
14 hereunder by separately stating the tax as an additional
15 charge, which charge may be stated in combination in a single
16 amount with State taxes that sellers are required to collect
17 under the Use Tax Act, under any bracket schedules the
18 Department may prescribe.

19 If a tax is imposed under this subsection (a), a tax shall
20 also be imposed under subsection (b) of this Section.

21 (b) If a tax has been imposed under subsection (a), a flood
22 prevention service occupation tax shall also be imposed upon
23 all persons engaged within the territory of the district in the
24 business of making sales of service, who, as an incident to
25 making the sales of service, transfer tangible personal
26 property, either in the form of tangible personal property or

1 in the form of real estate as an incident to a sale of service
2 to provide revenue to pay the costs of providing emergency
3 levee repair and flood prevention and to secure the payment of
4 bonds, notes, and other evidences of indebtedness issued under
5 this Act for a period not to exceed 25 years or as required to
6 repay the bonds, notes, and other evidences of indebtedness.
7 The tax rate shall be 0.25% of the selling price of all
8 tangible personal property transferred. Beginning December 1,
9 2019 and through December 31, 2020, this tax is not imposed on
10 sales of aviation fuel unless the tax revenue is expended for
11 airport-related purposes. If the District does not have an
12 airport-related purpose to which it dedicates aviation fuel tax
13 revenue, then aviation fuel is excluded from the tax. The
14 County must comply with the certification requirements for
15 airport-related purposes under Section 2-22 of the Retailers'
16 Occupation Tax Act. For purposes of this Act, "airport-related
17 purposes" has the meaning ascribed in Section 6z-20.2 of the
18 State Finance Act. Beginning January 1, 2021, this tax is not
19 imposed on sales of aviation fuel for so long as the revenue
20 use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
21 binding on the District.

22 The tax imposed under this subsection and all civil
23 penalties that may be assessed as an incident thereof shall be
24 collected and enforced by the State Department of Revenue. The
25 Department shall have full power to administer and enforce this
26 subsection; to collect all taxes and penalties due hereunder;

1 to dispose of taxes and penalties collected in the manner
2 hereinafter provided; and to determine all rights to credit
3 memoranda arising on account of the erroneous payment of tax or
4 penalty hereunder.

5 In the administration of and compliance with this
6 subsection, the Department and persons who are subject to this
7 subsection shall (i) have the same rights, remedies,
8 privileges, immunities, powers, and duties, (ii) be subject to
9 the same conditions, restrictions, limitations, penalties, and
10 definitions of terms, and (iii) employ the same modes of
11 procedure as are set forth in Sections 2 (except that the
12 reference to State in the definition of supplier maintaining a
13 place of business in this State means the district), 2a through
14 2d, 3 through 3-50 (in respect to all provisions contained in
15 those Sections other than the State rate of tax), 4 (except
16 that the reference to the State shall be to the district), 5,
17 7, 8 (except that the jurisdiction to which the tax is a debt
18 to the extent indicated in that Section 8 is the district), 9
19 (except as to the disposition of taxes and penalties collected,
20 and except that the retailer's discount is not allowed for
21 taxes paid on aviation fuel that are subject to the revenue use
22 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10,
23 11, 12 (except the reference therein to Section 2b of the
24 Retailers' Occupation Tax Act), 13 (except that any reference
25 to the State means the district), Section 15, 16, 17, 18, 19,
26 and 20 of the Service Occupation Tax Act and all provisions of

1 the Uniform Penalty and Interest Act, as fully as if those
2 provisions were set forth herein.

3 Persons subject to any tax imposed under the authority
4 granted in this subsection may reimburse themselves for their
5 serviceman's tax liability hereunder by separately stating the
6 tax as an additional charge, that charge may be stated in
7 combination in a single amount with State tax that servicemen
8 are authorized to collect under the Service Use Tax Act, under
9 any bracket schedules the Department may prescribe.

10 (c) The taxes imposed in subsections (a) and (b) may not be
11 imposed on personal property titled or registered with an
12 agency of the State or on personal property taxed at the 1%
13 rate under the Retailers' Occupation Tax Act and the Service
14 Occupation Tax Act.

15 (d) Nothing in this Section shall be construed to authorize
16 the district to impose a tax upon the privilege of engaging in
17 any business that under the Constitution of the United States
18 may not be made the subject of taxation by the State.

19 (e) The certificate of registration that is issued by the
20 Department to a retailer under the Retailers' Occupation Tax
21 Act or a serviceman under the Service Occupation Tax Act
22 permits the retailer or serviceman to engage in a business that
23 is taxable without registering separately with the Department
24 under an ordinance or resolution under this Section.

25 (f) Except as otherwise provided, the Department shall
26 immediately pay over to the State Treasurer, ex officio, as

1 trustee, all taxes and penalties collected under this Section
2 to be deposited into the Flood Prevention Occupation Tax Fund,
3 which shall be an unappropriated trust fund held outside the
4 State treasury. Taxes and penalties collected on aviation fuel
5 sold on or after December 1, 2019 and through December 31,
6 2020, shall be immediately paid over by the Department to the
7 State Treasurer, ex officio, as trustee, for deposit into the
8 Local Government Aviation Trust Fund. The Department shall only
9 pay moneys into the Local Government Aviation Trust Fund under
10 this Act for so long as the revenue use requirements of 49
11 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
12 District.

13 On or before the 25th day of each calendar month, the
14 Department shall prepare and certify to the Comptroller the
15 disbursement of stated sums of money to the counties from which
16 retailers or servicemen have paid taxes or penalties to the
17 Department during the second preceding calendar month. The
18 amount to be paid to each county is equal to the amount (not
19 including credit memoranda and not including taxes and
20 penalties collected on aviation fuel sold on or after December
21 1, 2019 and through December 31, 2020) collected from the
22 county under this Section during the second preceding calendar
23 month by the Department, (i) less 2% of that amount (except the
24 amount collected on aviation fuel sold on or after December 1,
25 2019 and through December 31, 2020), which shall be deposited
26 into the Tax Compliance and Administration Fund and shall be

1 used by the Department in administering and enforcing the
2 provisions of this Section on behalf of the county, (ii) plus
3 an amount that the Department determines is necessary to offset
4 any amounts that were erroneously paid to a different taxing
5 body; (iii) less an amount equal to the amount of refunds made
6 during the second preceding calendar month by the Department on
7 behalf of the county; and (iv) less any amount that the
8 Department determines is necessary to offset any amounts that
9 were payable to a different taxing body but were erroneously
10 paid to the county. When certifying the amount of a monthly
11 disbursement to a county under this Section, the Department
12 shall increase or decrease the amounts by an amount necessary
13 to offset any miscalculation of previous disbursements within
14 the previous 6 months from the time a miscalculation is
15 discovered.

16 Within 10 days after receipt by the Comptroller from the
17 Department of the disbursement certification to the counties
18 provided for in this Section, the Comptroller shall cause the
19 orders to be drawn for the respective amounts in accordance
20 with directions contained in the certification.

21 If the Department determines that a refund should be made
22 under this Section to a claimant instead of issuing a credit
23 memorandum, then the Department shall notify the Comptroller,
24 who shall cause the order to be drawn for the amount specified
25 and to the person named in the notification from the
26 Department. The refund shall be paid by the Treasurer out of

1 the Flood Prevention Occupation Tax Fund or the Local
2 Government Aviation Trust Fund, as appropriate.

3 (g) If a county imposes a tax under this Section, then the
4 county board shall, by ordinance, discontinue the tax upon the
5 payment of all indebtedness of the flood prevention district.
6 The tax shall not be discontinued until all indebtedness of the
7 District has been paid.

8 (h) Any ordinance imposing the tax under this Section, or
9 any ordinance that discontinues the tax, must be certified by
10 the county clerk and filed with the Illinois Department of
11 Revenue either (i) on or before the first day of April,
12 whereupon the Department shall proceed to administer and
13 enforce the tax or change in the rate as of the first day of
14 July next following the filing; or (ii) on or before the first
15 day of October, whereupon the Department shall proceed to
16 administer and enforce the tax or change in the rate as of the
17 first day of January next following the filing.

18 (j) County Flood Prevention Occupation Tax Fund. All
19 proceeds received by a county from a tax distribution under
20 this Section must be maintained in a special fund known as the
21 [name of county] flood prevention occupation tax fund. The
22 county shall, at the direction of the flood prevention
23 district, use moneys in the fund to pay the costs of providing
24 emergency levee repair and flood prevention and to pay bonds,
25 notes, and other evidences of indebtedness issued under this
26 Act.

1 (k) This Section may be cited as the Flood Prevention
2 Occupation Tax Law.

3 (l) Notwithstanding any other provision of law, no tax may
4 be imposed under this Section on the sale or use of cannabis,
5 as defined in Section 1-10 of the Cannabis Regulation and Tax
6 Act.

7 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19;
8 101-604, eff. 12-13-19.)

9 Section 20. The Metro-East Park and Recreation District Act
10 is amended by changing Section 30 as follows:

11 (70 ILCS 1605/30)

12 Sec. 30. Taxes.

13 (a) The board shall impose a tax upon all persons engaged
14 in the business of selling tangible personal property, other
15 than personal property titled or registered with an agency of
16 this State's government, at retail in the District on the gross
17 receipts from the sales made in the course of business. This
18 tax shall be imposed only at the rate of one-tenth of one per
19 cent.

20 This additional tax may not be imposed on tangible personal
21 property taxed at the 1% rate under the Retailers' Occupation
22 Tax Act. Beginning December 1, 2019 and through December 31,
23 2020, this tax is not imposed on sales of aviation fuel unless
24 the tax revenue is expended for airport-related purposes. If

1 the District does not have an airport-related purpose to which
2 it dedicates aviation fuel tax revenue, then aviation fuel
3 shall be excluded from tax. The board must comply with the
4 certification requirements for airport-related purposes under
5 Section 2-22 of the Retailers' Occupation Tax Act. For purposes
6 of this Act, "airport-related purposes" has the meaning
7 ascribed in Section 6z-20.2 of the State Finance Act. Beginning
8 January 1, 2021, this tax is not imposed on sales of aviation
9 fuel for so long as the revenue use requirements of 49 U.S.C.
10 47107(b) and 49 U.S.C. 47133 are binding on the District. The
11 tax imposed by the Board under this Section and all civil
12 penalties that may be assessed as an incident of the tax shall
13 be collected and enforced by the Department of Revenue. The
14 certificate of registration that is issued by the Department to
15 a retailer under the Retailers' Occupation Tax Act shall permit
16 the retailer to engage in a business that is taxable without
17 registering separately with the Department under an ordinance
18 or resolution under this Section. The Department has full power
19 to administer and enforce this Section, to collect all taxes
20 and penalties due under this Section, to dispose of taxes and
21 penalties so collected in the manner provided in this Section,
22 and to determine all rights to credit memoranda arising on
23 account of the erroneous payment of a tax or penalty under this
24 Section. In the administration of and compliance with this
25 Section, the Department and persons who are subject to this
26 Section shall (i) have the same rights, remedies, privileges,

1 immunities, powers, and duties, (ii) be subject to the same
2 conditions, restrictions, limitations, penalties, and
3 definitions of terms, and (iii) employ the same modes of
4 procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e,
5 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all
6 provisions contained in those Sections other than the State
7 rate of tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3 (except
8 provisions relating to transaction returns and quarter monthly
9 payments, and except that the retailer's discount is not
10 allowed for taxes paid on aviation fuel that are subject to the
11 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
12 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6,
13 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the
14 Retailers' Occupation Tax Act and the Uniform Penalty and
15 Interest Act as if those provisions were set forth in this
16 Section.

17 Persons subject to any tax imposed under the authority
18 granted in this Section may reimburse themselves for their
19 sellers' tax liability by separately stating the tax as an
20 additional charge, which charge may be stated in combination,
21 in a single amount, with State tax which sellers are required
22 to collect under the Use Tax Act, pursuant to such bracketed
23 schedules as the Department may prescribe.

24 Whenever the Department determines that a refund should be
25 made under this Section to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the order to be drawn for the
2 amount specified and to the person named in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of the State Metro-East Park and Recreation
5 District Fund or the Local Government Aviation Trust Fund, as
6 appropriate.

7 (b) If a tax has been imposed under subsection (a), a
8 service occupation tax shall also be imposed at the same rate
9 upon all persons engaged, in the District, in the business of
10 making sales of service, who, as an incident to making those
11 sales of service, transfer tangible personal property within
12 the District as an incident to a sale of service. This tax may
13 not be imposed on tangible personal property taxed at the 1%
14 rate under the Service Occupation Tax Act. Beginning December
15 1, 2019 and through December 31, 2020, this tax may not be
16 imposed on sales of aviation fuel unless the tax revenue is
17 expended for airport-related purposes. If the District does not
18 have an airport-related purpose to which it dedicates aviation
19 fuel tax revenue, then aviation fuel shall be excluded from
20 tax. The board must comply with the certification requirements
21 for airport-related purposes under Section 2-22 of the
22 Retailers' Occupation Tax Act. For purposes of this Act,
23 "airport-related purposes" has the meaning ascribed in Section
24 6z-20.2 of the State Finance Act. Beginning January 1, 2021,
25 this tax is not imposed on sales of aviation fuel for so long
26 as the revenue use requirements of 49 U.S.C. 47107(b) and 49

1 U.S.C. 47133 are binding on the District. The tax imposed under
2 this subsection and all civil penalties that may be assessed as
3 an incident thereof shall be collected and enforced by the
4 Department of Revenue. The Department has full power to
5 administer and enforce this subsection; to collect all taxes
6 and penalties due hereunder; to dispose of taxes and penalties
7 so collected in the manner hereinafter provided; and to
8 determine all rights to credit memoranda arising on account of
9 the erroneous payment of tax or penalty hereunder. In the
10 administration of, and compliance with this subsection, the
11 Department and persons who are subject to this paragraph shall
12 (i) have the same rights, remedies, privileges, immunities,
13 powers, and duties, (ii) be subject to the same conditions,
14 restrictions, limitations, penalties, exclusions, exemptions,
15 and definitions of terms, and (iii) employ the same modes of
16 procedure as are prescribed in Sections 2 (except that the
17 reference to State in the definition of supplier maintaining a
18 place of business in this State shall mean the District), 2a,
19 2b, 2c, 3 through 3-50 (in respect to all provisions therein
20 other than the State rate of tax), 4 (except that the reference
21 to the State shall be to the District), 5, 7, 8 (except that
22 the jurisdiction to which the tax shall be a debt to the extent
23 indicated in that Section 8 shall be the District), 9 (except
24 as to the disposition of taxes and penalties collected, and
25 except that the retailer's discount is not allowed for taxes
26 paid on aviation fuel that are subject to the revenue use

1 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10,
2 11, 12 (except the reference therein to Section 2b of the
3 Retailers' Occupation Tax Act), 13 (except that any reference
4 to the State shall mean the District), Sections 15, 16, 17, 18,
5 19 and 20 of the Service Occupation Tax Act and the Uniform
6 Penalty and Interest Act, as fully as if those provisions were
7 set forth herein.

8 Persons subject to any tax imposed under the authority
9 granted in this subsection may reimburse themselves for their
10 serviceman's tax liability by separately stating the tax as an
11 additional charge, which charge may be stated in combination,
12 in a single amount, with State tax that servicemen are
13 authorized to collect under the Service Use Tax Act, in
14 accordance with such bracket schedules as the Department may
15 prescribe.

16 Whenever the Department determines that a refund should be
17 made under this subsection to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the warrant to be drawn for the
20 amount specified, and to the person named, in the notification
21 from the Department. The refund shall be paid by the State
22 Treasurer out of the State Metro-East Park and Recreation
23 District Fund or the Local Government Aviation Trust Fund, as
24 appropriate.

25 Nothing in this subsection shall be construed to authorize
26 the board to impose a tax upon the privilege of engaging in any

1 business which under the Constitution of the United States may
2 not be made the subject of taxation by the State.

3 (c) Except as otherwise provided in this paragraph, the
4 Department shall immediately pay over to the State Treasurer,
5 ex officio, as trustee, all taxes and penalties collected under
6 this Section to be deposited into the State Metro-East Park and
7 Recreation District Fund, which shall be an unappropriated
8 trust fund held outside of the State treasury. Taxes and
9 penalties collected on aviation fuel sold on or after December
10 1, 2019 and through December 31, 2020, shall be immediately
11 paid over by the Department to the State Treasurer, ex officio,
12 as trustee, for deposit into the Local Government Aviation
13 Trust Fund. The Department shall only pay moneys into the Local
14 Government Aviation Trust Fund under this Act for so long as
15 the revenue use requirements of 49 U.S.C. 47107(b) and 49
16 U.S.C. 47133 are binding on the District.

17 As soon as possible after the first day of each month,
18 beginning January 1, 2011, upon certification of the Department
19 of Revenue, the Comptroller shall order transferred, and the
20 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
21 local sales tax increment, as defined in the Innovation
22 Development and Economy Act, collected under this Section
23 during the second preceding calendar month for sales within a
24 STAR bond district. The Department shall make this
25 certification only if the Metro East Park and Recreation
26 District imposes a tax on real property as provided in the

1 definition of "local sales taxes" under the Innovation
2 Development and Economy Act.

3 After the monthly transfer to the STAR Bonds Revenue Fund,
4 on or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 disbursement of stated sums of money pursuant to Section 35 of
7 this Act to the District from which retailers have paid taxes
8 or penalties to the Department during the second preceding
9 calendar month. The amount to be paid to the District shall be
10 the amount (not including credit memoranda and not including
11 taxes and penalties collected on aviation fuel sold on or after
12 December 1, 2019 and through December 31, 2020) collected under
13 this Section during the second preceding calendar month by the
14 Department plus an amount the Department determines is
15 necessary to offset any amounts that were erroneously paid to a
16 different taxing body, and not including (i) an amount equal to
17 the amount of refunds made during the second preceding calendar
18 month by the Department on behalf of the District, (ii) any
19 amount that the Department determines is necessary to offset
20 any amounts that were payable to a different taxing body but
21 were erroneously paid to the District, (iii) any amounts that
22 are transferred to the STAR Bonds Revenue Fund, and (iv) 1.5%
23 of the remainder, which the Department shall transfer into the
24 Tax Compliance and Administration Fund. The Department, at the
25 time of each monthly disbursement to the District, shall
26 prepare and certify to the State Comptroller the amount to be

1 transferred into the Tax Compliance and Administration Fund
2 under this subsection. Within 10 days after receipt by the
3 Comptroller of the disbursement certification to the District
4 and the Tax Compliance and Administration Fund provided for in
5 this Section to be given to the Comptroller by the Department,
6 the Comptroller shall cause the orders to be drawn for the
7 respective amounts in accordance with directions contained in
8 the certification.

9 (d) For the purpose of determining whether a tax authorized
10 under this Section is applicable, a retail sale by a producer
11 of coal or another mineral mined in Illinois is a sale at
12 retail at the place where the coal or other mineral mined in
13 Illinois is extracted from the earth. This paragraph does not
14 apply to coal or another mineral when it is delivered or
15 shipped by the seller to the purchaser at a point outside
16 Illinois so that the sale is exempt under the United States
17 Constitution as a sale in interstate or foreign commerce.

18 (e) Nothing in this Section shall be construed to authorize
19 the board to impose a tax upon the privilege of engaging in any
20 business that under the Constitution of the United States may
21 not be made the subject of taxation by this State.

22 (f) An ordinance imposing a tax under this Section or an
23 ordinance extending the imposition of a tax to an additional
24 county or counties shall be certified by the board and filed
25 with the Department of Revenue either (i) on or before the
26 first day of April, whereupon the Department shall proceed to

1 administer and enforce the tax as of the first day of July next
2 following the filing; or (ii) on or before the first day of
3 October, whereupon the Department shall proceed to administer
4 and enforce the tax as of the first day of January next
5 following the filing.

6 (g) When certifying the amount of a monthly disbursement to
7 the District under this Section, the Department shall increase
8 or decrease the amounts by an amount necessary to offset any
9 misallocation of previous disbursements. The offset amount
10 shall be the amount erroneously disbursed within the previous 6
11 months from the time a misallocation is discovered.

12 (h) Notwithstanding any other provision of law, no tax may
13 be imposed under this Section on the sale or use of cannabis,
14 as defined in Section 1-10 of the Cannabis Regulation and Tax
15 Act.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
17 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
18 7-12-19; 101-604, eff. 12-13-19.)

19 Section 25. The Local Mass Transit District Act is amended
20 by changing Section 5.01 as follows:

21 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

22 Sec. 5.01. Metro East Mass Transit District; use and
23 occupation taxes.

24 (a) The Board of Trustees of any Metro East Mass Transit

1 District may, by ordinance adopted with the concurrence of
2 two-thirds of the then trustees, impose throughout the District
3 any or all of the taxes and fees provided in this Section.
4 Except as otherwise provided, all taxes and fees imposed under
5 this Section shall be used only for public mass transportation
6 systems, and the amount used to provide mass transit service to
7 unserved areas of the District shall be in the same proportion
8 to the total proceeds as the number of persons residing in the
9 unserved areas is to the total population of the District.
10 Except as otherwise provided in this Act, taxes imposed under
11 this Section and civil penalties imposed incident thereto shall
12 be collected and enforced by the State Department of Revenue.
13 The Department shall have the power to administer and enforce
14 the taxes and to determine all rights for refunds for erroneous
15 payments of the taxes.

16 (b) The Board may impose a Metro East Mass Transit District
17 Retailers' Occupation Tax upon all persons engaged in the
18 business of selling tangible personal property at retail in the
19 district at a rate of 1/4 of 1%, or as authorized under
20 subsection (d-5) of this Section, of the gross receipts from
21 the sales made in the course of such business within the
22 district, except that the rate of tax imposed under this
23 Section on sales of aviation fuel on or after December 1, 2019
24 shall be 0.25% in Madison County unless the Metro-East Mass
25 Transit District in Madison County has an "airport-related
26 purpose" and any additional amount authorized under subsection

1 (d-5) is expended for airport-related purposes. If there is no
2 airport-related purpose to which aviation fuel tax revenue is
3 dedicated, then aviation fuel is excluded from any additional
4 amount authorized under subsection (d-5). The rate in St. Clair
5 County shall be 0.25% unless the Metro-East Mass Transit
6 District in St. Clair County has an "airport-related purpose"
7 and the additional 0.50% of the 0.75% tax on aviation fuel
8 imposed in that County is expended for airport-related
9 purposes. If there is no airport-related purpose to which
10 aviation fuel tax revenue is dedicated, then aviation fuel is
11 excluded from the additional 0.50% of the 0.75% tax.

12 The Board must comply with the certification requirements
13 for airport-related purposes under Section 2-22 of the
14 Retailers' Occupation Tax Act. For purposes of this Section,
15 "airport-related purposes" has the meaning ascribed in Section
16 6z-20.2 of the State Finance Act. This exclusion for aviation
17 fuel only applies for so long as the revenue use requirements
18 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
19 District.

20 The tax imposed under this Section and all civil penalties
21 that may be assessed as an incident thereof shall be collected
22 and enforced by the State Department of Revenue. The Department
23 shall have full power to administer and enforce this Section;
24 to collect all taxes and penalties so collected in the manner
25 hereinafter provided; and to determine all rights to credit
26 memoranda arising on account of the erroneous payment of tax or

1 penalty hereunder. In the administration of, and compliance
2 with, this Section, the Department and persons who are subject
3 to this Section shall have the same rights, remedies,
4 privileges, immunities, powers and duties, and be subject to
5 the same conditions, restrictions, limitations, penalties,
6 exclusions, exemptions and definitions of terms and employ the
7 same modes of procedure, as are prescribed in Sections 1, 1a,
8 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
9 provisions therein other than the State rate of tax), 2c, 3
10 (except as to the disposition of taxes and penalties collected,
11 and except that the retailer's discount is not allowed for
12 taxes paid on aviation fuel that are subject to the revenue use
13 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5,
14 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
15 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation
16 Tax Act and Section 3-7 of the Uniform Penalty and Interest
17 Act, as fully as if those provisions were set forth herein.

18 Persons subject to any tax imposed under the Section may
19 reimburse themselves for their seller's tax liability
20 hereunder by separately stating the tax as an additional
21 charge, which charge may be stated in combination, in a single
22 amount, with State taxes that sellers are required to collect
23 under the Use Tax Act, in accordance with such bracket
24 schedules as the Department may prescribe.

25 Whenever the Department determines that a refund should be
26 made under this Section to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the warrant to be drawn for the
3 amount specified, and to the person named, in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the Metro East Mass Transit District tax fund
6 established under paragraph (h) of this Section or the Local
7 Government Aviation Trust Fund, as appropriate.

8 If a tax is imposed under this subsection (b), a tax shall
9 also be imposed under subsections (c) and (d) of this Section.

10 For the purpose of determining whether a tax authorized
11 under this Section is applicable, a retail sale, by a producer
12 of coal or other mineral mined in Illinois, is a sale at retail
13 at the place where the coal or other mineral mined in Illinois
14 is extracted from the earth. This paragraph does not apply to
15 coal or other mineral when it is delivered or shipped by the
16 seller to the purchaser at a point outside Illinois so that the
17 sale is exempt under the Federal Constitution as a sale in
18 interstate or foreign commerce.

19 No tax shall be imposed or collected under this subsection
20 on the sale of a motor vehicle in this State to a resident of
21 another state if that motor vehicle will not be titled in this
22 State.

23 Nothing in this Section shall be construed to authorize the
24 Metro East Mass Transit District to impose a tax upon the
25 privilege of engaging in any business which under the
26 Constitution of the United States may not be made the subject

1 of taxation by this State.

2 (c) If a tax has been imposed under subsection (b), a Metro
3 East Mass Transit District Service Occupation Tax shall also be
4 imposed upon all persons engaged, in the district, in the
5 business of making sales of service, who, as an incident to
6 making those sales of service, transfer tangible personal
7 property within the District, either in the form of tangible
8 personal property or in the form of real estate as an incident
9 to a sale of service. The tax rate shall be 1/4%, or as
10 authorized under subsection (d-5) of this Section, of the
11 selling price of tangible personal property so transferred
12 within the district, except that the rate of tax imposed in
13 these Counties under this Section on sales of aviation fuel on
14 or after December 1, 2019 shall be 0.25% in Madison County
15 unless the Metro-East Mass Transit District in Madison County
16 has an "airport-related purpose" and any additional amount
17 authorized under subsection (d-5) is expended for
18 airport-related purposes. If there is no airport-related
19 purpose to which aviation fuel tax revenue is dedicated, then
20 aviation fuel is excluded from any additional amount authorized
21 under subsection (d-5). The rate in St. Clair County shall be
22 0.25% unless the Metro-East Mass Transit District in St. Clair
23 County has an "airport-related purpose" and the additional
24 0.50% of the 0.75% tax on aviation fuel is expended for
25 airport-related purposes. If there is no airport-related
26 purpose to which aviation fuel tax revenue is dedicated, then

1 aviation fuel is excluded from the additional 0.50% of the
2 0.75% tax.

3 The Board must comply with the certification requirements
4 for airport-related purposes under Section 2-22 of the
5 Retailers' Occupation Tax Act. For purposes of this Section,
6 "airport-related purposes" has the meaning ascribed in Section
7 6z-20.2 of the State Finance Act. This exclusion for aviation
8 fuel only applies for so long as the revenue use requirements
9 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
10 District.

11 The tax imposed under this paragraph and all civil
12 penalties that may be assessed as an incident thereof shall be
13 collected and enforced by the State Department of Revenue. The
14 Department shall have full power to administer and enforce this
15 paragraph; to collect all taxes and penalties due hereunder; to
16 dispose of taxes and penalties so collected in the manner
17 hereinafter provided; and to determine all rights to credit
18 memoranda arising on account of the erroneous payment of tax or
19 penalty hereunder. In the administration of, and compliance
20 with this paragraph, the Department and persons who are subject
21 to this paragraph shall have the same rights, remedies,
22 privileges, immunities, powers and duties, and be subject to
23 the same conditions, restrictions, limitations, penalties,
24 exclusions, exemptions and definitions of terms and employ the
25 same modes of procedure as are prescribed in Sections 1a-1, 2
26 (except that the reference to State in the definition of

1 supplier maintaining a place of business in this State shall
2 mean the Authority), 2a, 3 through 3-50 (in respect to all
3 provisions therein other than the State rate of tax), 4 (except
4 that the reference to the State shall be to the Authority), 5,
5 7, 8 (except that the jurisdiction to which the tax shall be a
6 debt to the extent indicated in that Section 8 shall be the
7 District), 9 (except as to the disposition of taxes and
8 penalties collected, and except that the returned merchandise
9 credit for this tax may not be taken against any State tax, and
10 except that the retailer's discount is not allowed for taxes
11 paid on aviation fuel that are subject to the revenue use
12 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10,
13 11, 12 (except the reference therein to Section 2b of the
14 Retailers' Occupation Tax Act), 13 (except that any reference
15 to the State shall mean the District), the first paragraph of
16 Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax
17 Act and Section 3-7 of the Uniform Penalty and Interest Act, as
18 fully as if those provisions were set forth herein.

19 Persons subject to any tax imposed under the authority
20 granted in this paragraph may reimburse themselves for their
21 serviceman's tax liability hereunder by separately stating the
22 tax as an additional charge, which charge may be stated in
23 combination, in a single amount, with State tax that servicemen
24 are authorized to collect under the Service Use Tax Act, in
25 accordance with such bracket schedules as the Department may
26 prescribe.

1 Whenever the Department determines that a refund should be
2 made under this paragraph to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the warrant to be drawn for the
5 amount specified, and to the person named, in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the Metro East Mass Transit District tax fund
8 established under paragraph (h) of this Section or the Local
9 Government Aviation Trust Fund, as appropriate.

10 Nothing in this paragraph shall be construed to authorize
11 the District to impose a tax upon the privilege of engaging in
12 any business which under the Constitution of the United States
13 may not be made the subject of taxation by the State.

14 (d) If a tax has been imposed under subsection (b), a Metro
15 East Mass Transit District Use Tax shall also be imposed upon
16 the privilege of using, in the district, any item of tangible
17 personal property that is purchased outside the district at
18 retail from a retailer, and that is titled or registered with
19 an agency of this State's government, at a rate of 1/4%, or as
20 authorized under subsection (d-5) of this Section, of the
21 selling price of the tangible personal property within the
22 District, as "selling price" is defined in the Use Tax Act. The
23 tax shall be collected from persons whose Illinois address for
24 titling or registration purposes is given as being in the
25 District. The tax shall be collected by the Department of
26 Revenue for the Metro East Mass Transit District. The tax must

1 be paid to the State, or an exemption determination must be
2 obtained from the Department of Revenue, before the title or
3 certificate of registration for the property may be issued. The
4 tax or proof of exemption may be transmitted to the Department
5 by way of the State agency with which, or the State officer
6 with whom, the tangible personal property must be titled or
7 registered if the Department and the State agency or State
8 officer determine that this procedure will expedite the
9 processing of applications for title or registration.

10 The Department shall have full power to administer and
11 enforce this paragraph; to collect all taxes, penalties and
12 interest due hereunder; to dispose of taxes, penalties and
13 interest so collected in the manner hereinafter provided; and
14 to determine all rights to credit memoranda or refunds arising
15 on account of the erroneous payment of tax, penalty or interest
16 hereunder. In the administration of, and compliance with, this
17 paragraph, the Department and persons who are subject to this
18 paragraph shall have the same rights, remedies, privileges,
19 immunities, powers and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties, exclusions,
21 exemptions and definitions of terms and employ the same modes
22 of procedure, as are prescribed in Sections 2 (except the
23 definition of "retailer maintaining a place of business in this
24 State"), 3 through 3-80 (except provisions pertaining to the
25 State rate of tax, and except provisions concerning collection
26 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,

1 19 (except the portions pertaining to claims by retailers and
2 except the last paragraph concerning refunds), 20, 21 and 22 of
3 the Use Tax Act and Section 3-7 of the Uniform Penalty and
4 Interest Act, that are not inconsistent with this paragraph, as
5 fully as if those provisions were set forth herein.

6 Whenever the Department determines that a refund should be
7 made under this paragraph to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the order to be drawn for the
10 amount specified, and to the person named, in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of the Metro East Mass Transit District tax fund
13 established under paragraph (h) of this Section.

14 (d-5) (A) The county board of any county participating in
15 the Metro East Mass Transit District may authorize, by
16 ordinance, a referendum on the question of whether the tax
17 rates for the Metro East Mass Transit District Retailers'
18 Occupation Tax, the Metro East Mass Transit District Service
19 Occupation Tax, and the Metro East Mass Transit District Use
20 Tax for the District should be increased from 0.25% to 0.75%.
21 Upon adopting the ordinance, the county board shall certify the
22 proposition to the proper election officials who shall submit
23 the proposition to the voters of the District at the next
24 election, in accordance with the general election law.

25 The proposition shall be in substantially the following
26 form:

1 Shall the tax rates for the Metro East Mass Transit
2 District Retailers' Occupation Tax, the Metro East Mass
3 Transit District Service Occupation Tax, and the Metro East
4 Mass Transit District Use Tax be increased from 0.25% to
5 0.75%?

6 (B) Two thousand five hundred electors of any Metro East
7 Mass Transit District may petition the Chief Judge of the
8 Circuit Court, or any judge of that Circuit designated by the
9 Chief Judge, in which that District is located to cause to be
10 submitted to a vote of the electors the question whether the
11 tax rates for the Metro East Mass Transit District Retailers'
12 Occupation Tax, the Metro East Mass Transit District Service
13 Occupation Tax, and the Metro East Mass Transit District Use
14 Tax for the District should be increased from 0.25% to 0.75%.

15 Upon submission of such petition the court shall set a date
16 not less than 10 nor more than 30 days thereafter for a hearing
17 on the sufficiency thereof. Notice of the filing of such
18 petition and of such date shall be given in writing to the
19 District and the County Clerk at least 7 days before the date
20 of such hearing.

21 If such petition is found sufficient, the court shall enter
22 an order to submit that proposition at the next election, in
23 accordance with general election law.

24 The form of the petition shall be in substantially the
25 following form: To the Circuit Court of the County of (name of
26 county):

1 We, the undersigned electors of the (name of transit
2 district), respectfully petition your honor to submit to a
3 vote of the electors of (name of transit district) the
4 following proposition:

5 Shall the tax rates for the Metro East Mass Transit
6 District Retailers' Occupation Tax, the Metro East Mass
7 Transit District Service Occupation Tax, and the Metro East
8 Mass Transit District Use Tax be increased from 0.25% to
9 0.75%?

10 Name	Address, with Street and Number.
11
12

13 (C) The votes shall be recorded as "YES" or "NO". If a
14 majority of all votes cast on the proposition are for the
15 increase in the tax rates, the Metro East Mass Transit District
16 shall begin imposing the increased rates in the District, and
17 the Department of Revenue shall begin collecting the increased
18 amounts, as provided under this Section. An ordinance imposing
19 or discontinuing a tax hereunder or effecting a change in the
20 rate thereof shall be adopted and a certified copy thereof
21 filed with the Department on or before the first day of
22 October, whereupon the Department shall proceed to administer
23 and enforce this Section as of the first day of January next
24 following the adoption and filing, or on or before the first
25 day of April, whereupon the Department shall proceed to
26 administer and enforce this Section as of the first day of July

1 next following the adoption and filing.

2 (D) If the voters have approved a referendum under this
3 subsection, before November 1, 1994, to increase the tax rate
4 under this subsection, the Metro East Mass Transit District
5 Board of Trustees may adopt by a majority vote an ordinance at
6 any time before January 1, 1995 that excludes from the rate
7 increase tangible personal property that is titled or
8 registered with an agency of this State's government. The
9 ordinance excluding titled or registered tangible personal
10 property from the rate increase must be filed with the
11 Department at least 15 days before its effective date. At any
12 time after adopting an ordinance excluding from the rate
13 increase tangible personal property that is titled or
14 registered with an agency of this State's government, the Metro
15 East Mass Transit District Board of Trustees may adopt an
16 ordinance applying the rate increase to that tangible personal
17 property. The ordinance shall be adopted, and a certified copy
18 of that ordinance shall be filed with the Department, on or
19 before October 1, whereupon the Department shall proceed to
20 administer and enforce the rate increase against tangible
21 personal property titled or registered with an agency of this
22 State's government as of the following January 1. After
23 December 31, 1995, any reimposed rate increase in effect under
24 this subsection shall no longer apply to tangible personal
25 property titled or registered with an agency of this State's
26 government. Beginning January 1, 1996, the Board of Trustees of

1 any Metro East Mass Transit District may never reimpose a
2 previously excluded tax rate increase on tangible personal
3 property titled or registered with an agency of this State's
4 government. After July 1, 2004, if the voters have approved a
5 referendum under this subsection to increase the tax rate under
6 this subsection, the Metro East Mass Transit District Board of
7 Trustees may adopt by a majority vote an ordinance that
8 excludes from the rate increase tangible personal property that
9 is titled or registered with an agency of this State's
10 government. The ordinance excluding titled or registered
11 tangible personal property from the rate increase shall be
12 adopted, and a certified copy of that ordinance shall be filed
13 with the Department on or before October 1, whereupon the
14 Department shall administer and enforce this exclusion from the
15 rate increase as of the following January 1, or on or before
16 April 1, whereupon the Department shall administer and enforce
17 this exclusion from the rate increase as of the following July
18 1. The Board of Trustees of any Metro East Mass Transit
19 District may never reimpose a previously excluded tax rate
20 increase on tangible personal property titled or registered
21 with an agency of this State's government.

22 (d-6) If the Board of Trustees of any Metro East Mass
23 Transit District has imposed a rate increase under subsection
24 (d-5) and filed an ordinance with the Department of Revenue
25 excluding titled property from the higher rate, then that Board
26 may, by ordinance adopted with the concurrence of two-thirds of

1 the then trustees, impose throughout the District a fee. The
2 fee on the excluded property shall not exceed \$20 per retail
3 transaction or an amount equal to the amount of tax excluded,
4 whichever is less, on tangible personal property that is titled
5 or registered with an agency of this State's government.
6 Beginning July 1, 2004, the fee shall apply only to titled
7 property that is subject to either the Metro East Mass Transit
8 District Retailers' Occupation Tax or the Metro East Mass
9 Transit District Service Occupation Tax. No fee shall be
10 imposed or collected under this subsection on the sale of a
11 motor vehicle in this State to a resident of another state if
12 that motor vehicle will not be titled in this State.

13 (d-7) Until June 30, 2004, if a fee has been imposed under
14 subsection (d-6), a fee shall also be imposed upon the
15 privilege of using, in the district, any item of tangible
16 personal property that is titled or registered with any agency
17 of this State's government, in an amount equal to the amount of
18 the fee imposed under subsection (d-6).

19 (d-7.1) Beginning July 1, 2004, any fee imposed by the
20 Board of Trustees of any Metro East Mass Transit District under
21 subsection (d-6) and all civil penalties that may be assessed
22 as an incident of the fees shall be collected and enforced by
23 the State Department of Revenue. Reference to "taxes" in this
24 Section shall be construed to apply to the administration,
25 payment, and remittance of all fees under this Section. For
26 purposes of any fee imposed under subsection (d-6), 4% of the

1 fee, penalty, and interest received by the Department in the
2 first 12 months that the fee is collected and enforced by the
3 Department and 2% of the fee, penalty, and interest following
4 the first 12 months (except the amount collected on aviation
5 fuel sold on or after December 1, 2019) shall be deposited into
6 the Tax Compliance and Administration Fund and shall be used by
7 the Department, subject to appropriation, to cover the costs of
8 the Department. No retailers' discount shall apply to any fee
9 imposed under subsection (d-6).

10 (d-8) No item of titled property shall be subject to both
11 the higher rate approved by referendum, as authorized under
12 subsection (d-5), and any fee imposed under subsection (d-6) or
13 (d-7).

14 (d-9) (Blank).

15 (d-10) (Blank).

16 (e) A certificate of registration issued by the State
17 Department of Revenue to a retailer under the Retailers'
18 Occupation Tax Act or under the Service Occupation Tax Act
19 shall permit the registrant to engage in a business that is
20 taxed under the tax imposed under paragraphs (b), (c) or (d) of
21 this Section and no additional registration shall be required
22 under the tax. A certificate issued under the Use Tax Act or
23 the Service Use Tax Act shall be applicable with regard to any
24 tax imposed under paragraph (c) of this Section.

25 (f) (Blank).

26 (g) Any ordinance imposing or discontinuing any tax under

1 this Section shall be adopted and a certified copy thereof
2 filed with the Department on or before June 1, whereupon the
3 Department of Revenue shall proceed to administer and enforce
4 this Section on behalf of the Metro East Mass Transit District
5 as of September 1 next following such adoption and filing.
6 Beginning January 1, 1992, an ordinance or resolution imposing
7 or discontinuing the tax hereunder shall be adopted and a
8 certified copy thereof filed with the Department on or before
9 the first day of July, whereupon the Department shall proceed
10 to administer and enforce this Section as of the first day of
11 October next following such adoption and filing. Beginning
12 January 1, 1993, except as provided in subsection (d-5) of this
13 Section, an ordinance or resolution imposing or discontinuing
14 the tax hereunder shall be adopted and a certified copy thereof
15 filed with the Department on or before the first day of
16 October, whereupon the Department shall proceed to administer
17 and enforce this Section as of the first day of January next
18 following such adoption and filing, or, beginning January 1,
19 2004, on or before the first day of April, whereupon the
20 Department shall proceed to administer and enforce this Section
21 as of the first day of July next following the adoption and
22 filing.

23 (h) Except as provided in subsection (d-7.1), the State
24 Department of Revenue shall, upon collecting any taxes as
25 provided in this Section, pay the taxes over to the State
26 Treasurer as trustee for the District. The taxes shall be held

1 in a trust fund outside the State Treasury. If an
2 airport-related purpose has been certified, taxes and
3 penalties collected in St. Clair County on aviation fuel sold
4 on or after December 1, 2019 from the 0.50% of the 0.75% rate
5 shall be immediately paid over by the Department to the State
6 Treasurer, ex officio, as trustee, for deposit into the Local
7 Government Aviation Trust Fund. The Department shall only pay
8 moneys into the Local Government Aviation Trust Fund under this
9 Act for so long as the revenue use requirements of 49 U.S.C.
10 47107(b) and 49 U.S.C. 47133 are binding on the District.

11 As soon as possible after the first day of each month,
12 beginning January 1, 2011, upon certification of the Department
13 of Revenue, the Comptroller shall order transferred, and the
14 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
15 local sales tax increment, as defined in the Innovation
16 Development and Economy Act, collected under this Section
17 during the second preceding calendar month for sales within a
18 STAR bond district. The Department shall make this
19 certification only if the local mass transit district imposes a
20 tax on real property as provided in the definition of "local
21 sales taxes" under the Innovation Development and Economy Act.

22 After the monthly transfer to the STAR Bonds Revenue Fund,
23 on or before the 25th day of each calendar month, the State
24 Department of Revenue shall prepare and certify to the
25 Comptroller of the State of Illinois the amount to be paid to
26 the District, which shall be the amount (not including credit

1 memoranda and not including taxes and penalties collected on
2 aviation fuel sold on or after December 1, 2019 that are
3 deposited into the Local Government Aviation Trust Fund)
4 collected under this Section during the second preceding
5 calendar month by the Department plus an amount the Department
6 determines is necessary to offset any amounts that were
7 erroneously paid to a different taxing body, and not including
8 any amount equal to the amount of refunds made during the
9 second preceding calendar month by the Department on behalf of
10 the District, and not including any amount that the Department
11 determines is necessary to offset any amounts that were payable
12 to a different taxing body but were erroneously paid to the
13 District, and less any amounts that are transferred to the STAR
14 Bonds Revenue Fund, less 1.5% of the remainder, which the
15 Department shall transfer into the Tax Compliance and
16 Administration Fund. The Department, at the time of each
17 monthly disbursement to the District, shall prepare and certify
18 to the State Comptroller the amount to be transferred into the
19 Tax Compliance and Administration Fund under this subsection.
20 Within 10 days after receipt by the Comptroller of the
21 certification of the amount to be paid to the District and the
22 Tax Compliance and Administration Fund, the Comptroller shall
23 cause an order to be drawn for payment for the amount in
24 accordance with the direction in the certification.

25 (i) Notwithstanding any other provision of law, no tax may
26 be imposed under this Section on the sale or use of cannabis,

1 as defined in Section 1-10 of the Cannabis Regulation and Tax
2 Act.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
4 101-10, eff. 6-5-19; 101-604, eff. 12-13-19.)

5 Section 30. The Regional Transportation Authority Act is
6 amended by changing Section 4.03 as follows:

7 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

8 Sec. 4.03. Taxes.

9 (a) In order to carry out any of the powers or purposes of
10 the Authority, the Board may by ordinance adopted with the
11 concurrence of 12 of the then Directors, impose throughout the
12 metropolitan region any or all of the taxes provided in this
13 Section. Except as otherwise provided in this Act, taxes
14 imposed under this Section and civil penalties imposed incident
15 thereto shall be collected and enforced by the State Department
16 of Revenue. The Department shall have the power to administer
17 and enforce the taxes and to determine all rights for refunds
18 for erroneous payments of the taxes. Nothing in Public Act
19 95-708 is intended to invalidate any taxes currently imposed by
20 the Authority. The increased vote requirements to impose a tax
21 shall only apply to actions taken after January 1, 2008 (the
22 effective date of Public Act 95-708).

23 (b) The Board may impose a public transportation tax upon
24 all persons engaged in the metropolitan region in the business

1 of selling at retail motor fuel for operation of motor vehicles
2 upon public highways. The tax shall be at a rate not to exceed
3 5% of the gross receipts from the sales of motor fuel in the
4 course of the business. As used in this Act, the term "motor
5 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
6 The Board may provide for details of the tax. The provisions of
7 any tax shall conform, as closely as may be practicable, to the
8 provisions of the Municipal Retailers Occupation Tax Act,
9 including without limitation, conformity to penalties with
10 respect to the tax imposed and as to the powers of the State
11 Department of Revenue to promulgate and enforce rules and
12 regulations relating to the administration and enforcement of
13 the provisions of the tax imposed, except that reference in the
14 Act to any municipality shall refer to the Authority and the
15 tax shall be imposed only with regard to receipts from sales of
16 motor fuel in the metropolitan region, at rates as limited by
17 this Section.

18 (c) In connection with the tax imposed under paragraph (b)
19 of this Section, the Board may impose a tax upon the privilege
20 of using in the metropolitan region motor fuel for the
21 operation of a motor vehicle upon public highways, the tax to
22 be at a rate not in excess of the rate of tax imposed under
23 paragraph (b) of this Section. The Board may provide for
24 details of the tax.

25 (d) The Board may impose a motor vehicle parking tax upon
26 the privilege of parking motor vehicles at off-street parking

1 facilities in the metropolitan region at which a fee is
2 charged, and may provide for reasonable classifications in and
3 exemptions to the tax, for administration and enforcement
4 thereof and for civil penalties and refunds thereunder and may
5 provide criminal penalties thereunder, the maximum penalties
6 not to exceed the maximum criminal penalties provided in the
7 Retailers' Occupation Tax Act. The Authority may collect and
8 enforce the tax itself or by contract with any unit of local
9 government. The State Department of Revenue shall have no
10 responsibility for the collection and enforcement unless the
11 Department agrees with the Authority to undertake the
12 collection and enforcement. As used in this paragraph, the term
13 "parking facility" means a parking area or structure having
14 parking spaces for more than 2 vehicles at which motor vehicles
15 are permitted to park in return for an hourly, daily, or other
16 periodic fee, whether publicly or privately owned, but does not
17 include parking spaces on a public street, the use of which is
18 regulated by parking meters.

19 (e) The Board may impose a Regional Transportation
20 Authority Retailers' Occupation Tax upon all persons engaged in
21 the business of selling tangible personal property at retail in
22 the metropolitan region. In Cook County, the tax rate shall be
23 1.25% of the gross receipts from sales of tangible personal
24 property taxed at the 1% rate under the Retailers' Occupation
25 Tax Act, and 1% of the gross receipts from other taxable sales
26 made in the course of that business. In DuPage, Kane, Lake,

1 McHenry, and Will counties, the tax rate shall be 0.75% of the
2 gross receipts from all taxable sales made in the course of
3 that business. The rate of tax imposed in DuPage, Kane, Lake,
4 McHenry, and Will counties under this Section on sales of
5 aviation fuel on or after December 1, 2019 shall, however, be
6 0.25% unless the Regional Transportation Authority in DuPage,
7 Kane, Lake, McHenry, and Will counties has an "airport-related
8 purpose" and the additional 0.50% of the 0.75% tax on aviation
9 fuel is expended for airport-related purposes. If there is no
10 airport-related purpose to which aviation fuel tax revenue is
11 dedicated, then aviation fuel is excluded from the additional
12 0.50% of the 0.75% tax. The tax imposed under this Section and
13 all civil penalties that may be assessed as an incident thereof
14 shall be collected and enforced by the State Department of
15 Revenue. The Department shall have full power to administer and
16 enforce this Section; to collect all taxes and penalties so
17 collected in the manner hereinafter provided; and to determine
18 all rights to credit memoranda arising on account of the
19 erroneous payment of tax or penalty hereunder. In the
20 administration of, and compliance with this Section, the
21 Department and persons who are subject to this Section shall
22 have the same rights, remedies, privileges, immunities,
23 powers, and duties, and be subject to the same conditions,
24 restrictions, limitations, penalties, exclusions, exemptions,
25 and definitions of terms, and employ the same modes of
26 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,

1 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
2 therein other than the State rate of tax), 2c, 3 (except as to
3 the disposition of taxes and penalties collected, and except
4 that the retailer's discount is not allowed for taxes paid on
5 aviation fuel that are subject to the revenue use requirements
6 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c,
7 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
8 10, 11, 12, and 13 of the Retailers' Occupation Tax Act and
9 Section 3-7 of the Uniform Penalty and Interest Act, as fully
10 as if those provisions were set forth herein.

11 The Board and DuPage, Kane, Lake, McHenry, and Will
12 counties must comply with the certification requirements for
13 airport-related purposes under Section 2-22 of the Retailers'
14 Occupation Tax Act. For purposes of this Section,
15 "airport-related purposes" has the meaning ascribed in Section
16 6z-20.2 of the State Finance Act. This exclusion for aviation
17 fuel only applies for so long as the revenue use requirements
18 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
19 Authority.

20 Persons subject to any tax imposed under the authority
21 granted in this Section may reimburse themselves for their
22 seller's tax liability hereunder by separately stating the tax
23 as an additional charge, which charge may be stated in
24 combination in a single amount with State taxes that sellers
25 are required to collect under the Use Tax Act, under any
26 bracket schedules the Department may prescribe.

1 Whenever the Department determines that a refund should be
2 made under this Section to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the warrant to be drawn for the
5 amount specified, and to the person named, in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the Regional Transportation Authority tax fund
8 established under paragraph (n) of this Section or the Local
9 Government Aviation Trust Fund, as appropriate.

10 If a tax is imposed under this subsection (e), a tax shall
11 also be imposed under subsections (f) and (g) of this Section.

12 For the purpose of determining whether a tax authorized
13 under this Section is applicable, a retail sale by a producer
14 of coal or other mineral mined in Illinois, is a sale at retail
15 at the place where the coal or other mineral mined in Illinois
16 is extracted from the earth. This paragraph does not apply to
17 coal or other mineral when it is delivered or shipped by the
18 seller to the purchaser at a point outside Illinois so that the
19 sale is exempt under the Federal Constitution as a sale in
20 interstate or foreign commerce.

21 No tax shall be imposed or collected under this subsection
22 on the sale of a motor vehicle in this State to a resident of
23 another state if that motor vehicle will not be titled in this
24 State.

25 Nothing in this Section shall be construed to authorize the
26 Regional Transportation Authority to impose a tax upon the

1 privilege of engaging in any business that under the
2 Constitution of the United States may not be made the subject
3 of taxation by this State.

4 (f) If a tax has been imposed under paragraph (e), a
5 Regional Transportation Authority Service Occupation Tax shall
6 also be imposed upon all persons engaged, in the metropolitan
7 region in the business of making sales of service, who as an
8 incident to making the sales of service, transfer tangible
9 personal property within the metropolitan region, either in the
10 form of tangible personal property or in the form of real
11 estate as an incident to a sale of service. In Cook County, the
12 tax rate shall be: (1) 1.25% of the serviceman's cost price of
13 food prepared for immediate consumption and transferred
14 incident to a sale of service subject to the service occupation
15 tax by an entity licensed under the Hospital Licensing Act, the
16 Nursing Home Care Act, the Specialized Mental Health
17 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
18 the MC/DD Act that is located in the metropolitan region; (2)
19 1.25% of the selling price of tangible personal property taxed
20 at the 1% rate under the Service Occupation Tax Act; and (3) 1%
21 of the selling price from other taxable sales of tangible
22 personal property transferred. In DuPage, Kane, Lake, McHenry,
23 and Will counties, the rate shall be 0.75% of the selling price
24 of all tangible personal property transferred. The rate of tax
25 imposed in DuPage, Kane, Lake, McHenry, and Will counties under
26 this Section on sales of aviation fuel on or after December 1,

1 2019 shall, however, be 0.25% unless the Regional
2 Transportation Authority in DuPage, Kane, Lake, McHenry, and
3 Will counties has an "airport-related purpose" and the
4 additional 0.50% of the 0.75% tax on aviation fuel is expended
5 for airport-related purposes. If there is no airport-related
6 purpose to which aviation fuel tax revenue is dedicated, then
7 aviation fuel is excluded from the additional 0.5% of the 0.75%
8 tax.

9 The Board and DuPage, Kane, Lake, McHenry, and Will
10 counties must comply with the certification requirements for
11 airport-related purposes under Section 2-22 of the Retailers'
12 Occupation Tax Act. For purposes of this Section,
13 "airport-related purposes" has the meaning ascribed in Section
14 6z-20.2 of the State Finance Act. This exclusion for aviation
15 fuel only applies for so long as the revenue use requirements
16 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
17 Authority.

18 The tax imposed under this paragraph and all civil
19 penalties that may be assessed as an incident thereof shall be
20 collected and enforced by the State Department of Revenue. The
21 Department shall have full power to administer and enforce this
22 paragraph; to collect all taxes and penalties due hereunder; to
23 dispose of taxes and penalties collected in the manner
24 hereinafter provided; and to determine all rights to credit
25 memoranda arising on account of the erroneous payment of tax or
26 penalty hereunder. In the administration of and compliance with

1 this paragraph, the Department and persons who are subject to
2 this paragraph shall have the same rights, remedies,
3 privileges, immunities, powers, and duties, and be subject to
4 the same conditions, restrictions, limitations, penalties,
5 exclusions, exemptions, and definitions of terms, and employ
6 the same modes of procedure, as are prescribed in Sections
7 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions
8 therein other than the State rate of tax), 4 (except that the
9 reference to the State shall be to the Authority), 5, 7, 8
10 (except that the jurisdiction to which the tax shall be a debt
11 to the extent indicated in that Section 8 shall be the
12 Authority), 9 (except as to the disposition of taxes and
13 penalties collected, and except that the returned merchandise
14 credit for this tax may not be taken against any State tax, and
15 except that the retailer's discount is not allowed for taxes
16 paid on aviation fuel that are subject to the revenue use
17 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10,
18 11, 12 (except the reference therein to Section 2b of the
19 Retailers' Occupation Tax Act), 13 (except that any reference
20 to the State shall mean the Authority), the first paragraph of
21 Section 15, 16, 17, 18, 19, and 20 of the Service Occupation
22 Tax Act and Section 3-7 of the Uniform Penalty and Interest
23 Act, as fully as if those provisions were set forth herein.

24 Persons subject to any tax imposed under the authority
25 granted in this paragraph may reimburse themselves for their
26 serviceman's tax liability hereunder by separately stating the

1 tax as an additional charge, that charge may be stated in
2 combination in a single amount with State tax that servicemen
3 are authorized to collect under the Service Use Tax Act, under
4 any bracket schedules the Department may prescribe.

5 Whenever the Department determines that a refund should be
6 made under this paragraph to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the warrant to be drawn for the
9 amount specified, and to the person named in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the Regional Transportation Authority tax fund
12 established under paragraph (n) of this Section or the Local
13 Government Aviation Trust Fund, as appropriate.

14 Nothing in this paragraph shall be construed to authorize
15 the Authority to impose a tax upon the privilege of engaging in
16 any business that under the Constitution of the United States
17 may not be made the subject of taxation by the State.

18 (g) If a tax has been imposed under paragraph (e), a tax
19 shall also be imposed upon the privilege of using in the
20 metropolitan region, any item of tangible personal property
21 that is purchased outside the metropolitan region at retail
22 from a retailer, and that is titled or registered with an
23 agency of this State's government. In Cook County, the tax rate
24 shall be 1% of the selling price of the tangible personal
25 property, as "selling price" is defined in the Use Tax Act. In
26 DuPage, Kane, Lake, McHenry, and Will counties, the tax rate

1 shall be 0.75% of the selling price of the tangible personal
2 property, as "selling price" is defined in the Use Tax Act. The
3 tax shall be collected from persons whose Illinois address for
4 titling or registration purposes is given as being in the
5 metropolitan region. The tax shall be collected by the
6 Department of Revenue for the Regional Transportation
7 Authority. The tax must be paid to the State, or an exemption
8 determination must be obtained from the Department of Revenue,
9 before the title or certificate of registration for the
10 property may be issued. The tax or proof of exemption may be
11 transmitted to the Department by way of the State agency with
12 which, or the State officer with whom, the tangible personal
13 property must be titled or registered if the Department and the
14 State agency or State officer determine that this procedure
15 will expedite the processing of applications for title or
16 registration.

17 The Department shall have full power to administer and
18 enforce this paragraph; to collect all taxes, penalties, and
19 interest due hereunder; to dispose of taxes, penalties, and
20 interest collected in the manner hereinafter provided; and to
21 determine all rights to credit memoranda or refunds arising on
22 account of the erroneous payment of tax, penalty, or interest
23 hereunder. In the administration of and compliance with this
24 paragraph, the Department and persons who are subject to this
25 paragraph shall have the same rights, remedies, privileges,
26 immunities, powers, and duties, and be subject to the same

1 conditions, restrictions, limitations, penalties, exclusions,
2 exemptions, and definitions of terms and employ the same modes
3 of procedure, as are prescribed in Sections 2 (except the
4 definition of "retailer maintaining a place of business in this
5 State"), 3 through 3-80 (except provisions pertaining to the
6 State rate of tax, and except provisions concerning collection
7 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
8 19 (except the portions pertaining to claims by retailers and
9 except the last paragraph concerning refunds), 20, 21, and 22
10 of the Use Tax Act, and are not inconsistent with this
11 paragraph, as fully as if those provisions were set forth
12 herein.

13 Whenever the Department determines that a refund should be
14 made under this paragraph to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified, and to the person named in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the Regional Transportation Authority tax fund
20 established under paragraph (n) of this Section.

21 (h) The Authority may impose a replacement vehicle tax of
22 \$50 on any passenger car as defined in Section 1-157 of the
23 Illinois Vehicle Code purchased within the metropolitan region
24 by or on behalf of an insurance company to replace a passenger
25 car of an insured person in settlement of a total loss claim.
26 The tax imposed may not become effective before the first day

1 of the month following the passage of the ordinance imposing
2 the tax and receipt of a certified copy of the ordinance by the
3 Department of Revenue. The Department of Revenue shall collect
4 the tax for the Authority in accordance with Sections 3-2002
5 and 3-2003 of the Illinois Vehicle Code.

6 The Department shall immediately pay over to the State
7 Treasurer, ex officio, as trustee, all taxes collected
8 hereunder.

9 As soon as possible after the first day of each month,
10 beginning January 1, 2011, upon certification of the Department
11 of Revenue, the Comptroller shall order transferred, and the
12 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
13 local sales tax increment, as defined in the Innovation
14 Development and Economy Act, collected under this Section
15 during the second preceding calendar month for sales within a
16 STAR bond district.

17 After the monthly transfer to the STAR Bonds Revenue Fund,
18 on or before the 25th day of each calendar month, the
19 Department shall prepare and certify to the Comptroller the
20 disbursement of stated sums of money to the Authority. The
21 amount to be paid to the Authority shall be the amount
22 collected hereunder during the second preceding calendar month
23 by the Department, less any amount determined by the Department
24 to be necessary for the payment of refunds, and less any
25 amounts that are transferred to the STAR Bonds Revenue Fund.
26 Within 10 days after receipt by the Comptroller of the

1 disbursement certification to the Authority provided for in
2 this Section to be given to the Comptroller by the Department,
3 the Comptroller shall cause the orders to be drawn for that
4 amount in accordance with the directions contained in the
5 certification.

6 (i) The Board may not impose any other taxes except as it
7 may from time to time be authorized by law to impose.

8 (j) A certificate of registration issued by the State
9 Department of Revenue to a retailer under the Retailers'
10 Occupation Tax Act or under the Service Occupation Tax Act
11 shall permit the registrant to engage in a business that is
12 taxed under the tax imposed under paragraphs (b), (e), (f) or
13 (g) of this Section and no additional registration shall be
14 required under the tax. A certificate issued under the Use Tax
15 Act or the Service Use Tax Act shall be applicable with regard
16 to any tax imposed under paragraph (c) of this Section.

17 (k) The provisions of any tax imposed under paragraph (c)
18 of this Section shall conform as closely as may be practicable
19 to the provisions of the Use Tax Act, including without
20 limitation conformity as to penalties with respect to the tax
21 imposed and as to the powers of the State Department of Revenue
22 to promulgate and enforce rules and regulations relating to the
23 administration and enforcement of the provisions of the tax
24 imposed. The taxes shall be imposed only on use within the
25 metropolitan region and at rates as provided in the paragraph.

26 (l) The Board in imposing any tax as provided in paragraphs

1 (b) and (c) of this Section, shall, after seeking the advice of
2 the State Department of Revenue, provide means for retailers,
3 users or purchasers of motor fuel for purposes other than those
4 with regard to which the taxes may be imposed as provided in
5 those paragraphs to receive refunds of taxes improperly paid,
6 which provisions may be at variance with the refund provisions
7 as applicable under the Municipal Retailers Occupation Tax Act.
8 The State Department of Revenue may provide for certificates of
9 registration for users or purchasers of motor fuel for purposes
10 other than those with regard to which taxes may be imposed as
11 provided in paragraphs (b) and (c) of this Section to
12 facilitate the reporting and nontaxability of the exempt sales
13 or uses.

14 (m) Any ordinance imposing or discontinuing any tax under
15 this Section shall be adopted and a certified copy thereof
16 filed with the Department on or before June 1, whereupon the
17 Department of Revenue shall proceed to administer and enforce
18 this Section on behalf of the Regional Transportation Authority
19 as of September 1 next following such adoption and filing.
20 Beginning January 1, 1992, an ordinance or resolution imposing
21 or discontinuing the tax hereunder shall be adopted and a
22 certified copy thereof filed with the Department on or before
23 the first day of July, whereupon the Department shall proceed
24 to administer and enforce this Section as of the first day of
25 October next following such adoption and filing. Beginning
26 January 1, 1993, an ordinance or resolution imposing,

1 increasing, decreasing, or discontinuing the tax hereunder
2 shall be adopted and a certified copy thereof filed with the
3 Department, whereupon the Department shall proceed to
4 administer and enforce this Section as of the first day of the
5 first month to occur not less than 60 days following such
6 adoption and filing. Any ordinance or resolution of the
7 Authority imposing a tax under this Section and in effect on
8 August 1, 2007 shall remain in full force and effect and shall
9 be administered by the Department of Revenue under the terms
10 and conditions and rates of tax established by such ordinance
11 or resolution until the Department begins administering and
12 enforcing an increased tax under this Section as authorized by
13 Public Act 95-708. The tax rates authorized by Public Act
14 95-708 are effective only if imposed by ordinance of the
15 Authority.

16 (n) Except as otherwise provided in this subsection (n),
17 the State Department of Revenue shall, upon collecting any
18 taxes as provided in this Section, pay the taxes over to the
19 State Treasurer as trustee for the Authority. The taxes shall
20 be held in a trust fund outside the State Treasury. If an
21 airport-related purpose has been certified, taxes and
22 penalties collected in DuPage, Kane, Lake, McHenry and Will
23 counties on aviation fuel sold on or after December 1, 2019
24 from the 0.50% of the 0.75% rate shall be immediately paid over
25 by the Department to the State Treasurer, ex officio, as
26 trustee, for deposit into the Local Government Aviation Trust

1 Fund. The Department shall only pay moneys into the Local
2 Government Aviation Trust Fund under this Act for so long as
3 the revenue use requirements of 49 U.S.C. 47107(b) and 49
4 U.S.C. 47133 are binding on the Authority. On or before the
5 25th day of each calendar month, the State Department of
6 Revenue shall prepare and certify to the Comptroller of the
7 State of Illinois and to the Authority (i) the amount of taxes
8 collected in each county other than Cook County in the
9 metropolitan region, (not including, if an airport-related
10 purpose has been certified, the taxes and penalties collected
11 from the 0.50% of the 0.75% rate on aviation fuel sold on or
12 after December 1, 2019 that are deposited into the Local
13 Government Aviation Trust Fund) (ii) the amount of taxes
14 collected within the City of Chicago, and (iii) the amount
15 collected in that portion of Cook County outside of Chicago,
16 each amount less the amount necessary for the payment of
17 refunds to taxpayers located in those areas described in items
18 (i), (ii), and (iii), and less 1.5% of the remainder, which
19 shall be transferred from the trust fund into the Tax
20 Compliance and Administration Fund. The Department, at the time
21 of each monthly disbursement to the Authority, shall prepare
22 and certify to the State Comptroller the amount to be
23 transferred into the Tax Compliance and Administration Fund
24 under this subsection. Within 10 days after receipt by the
25 Comptroller of the certification of the amounts, the
26 Comptroller shall cause an order to be drawn for the transfer

1 of the amount certified into the Tax Compliance and
2 Administration Fund and the payment of two-thirds of the
3 amounts certified in item (i) of this subsection to the
4 Authority and one-third of the amounts certified in item (i) of
5 this subsection to the respective counties other than Cook
6 County and the amount certified in items (ii) and (iii) of this
7 subsection to the Authority.

8 In addition to the disbursement required by the preceding
9 paragraph, an allocation shall be made in July 1991 and each
10 year thereafter to the Regional Transportation Authority. The
11 allocation shall be made in an amount equal to the average
12 monthly distribution during the preceding calendar year
13 (excluding the 2 months of lowest receipts) and the allocation
14 shall include the amount of average monthly distribution from
15 the Regional Transportation Authority Occupation and Use Tax
16 Replacement Fund. The distribution made in July 1992 and each
17 year thereafter under this paragraph and the preceding
18 paragraph shall be reduced by the amount allocated and
19 disbursed under this paragraph in the preceding calendar year.
20 The Department of Revenue shall prepare and certify to the
21 Comptroller for disbursement the allocations made in
22 accordance with this paragraph.

23 (o) Failure to adopt a budget ordinance or otherwise to
24 comply with Section 4.01 of this Act or to adopt a Five-year
25 Capital Program or otherwise to comply with paragraph (b) of
26 Section 2.01 of this Act shall not affect the validity of any

1 tax imposed by the Authority otherwise in conformity with law.

2 (p) At no time shall a public transportation tax or motor
3 vehicle parking tax authorized under paragraphs (b), (c), and
4 (d) of this Section be in effect at the same time as any
5 retailers' occupation, use or service occupation tax
6 authorized under paragraphs (e), (f), and (g) of this Section
7 is in effect.

8 Any taxes imposed under the authority provided in
9 paragraphs (b), (c), and (d) shall remain in effect only until
10 the time as any tax authorized by paragraph (e), (f), or (g) of
11 this Section are imposed and becomes effective. Once any tax
12 authorized by paragraph (e), (f), or (g) is imposed the Board
13 may not reimpose taxes as authorized in paragraphs (b), (c),
14 and (d) of the Section unless any tax authorized by paragraph
15 (e), (f), or (g) of this Section becomes ineffective by means
16 other than an ordinance of the Board.

17 (q) Any existing rights, remedies and obligations
18 (including enforcement by the Regional Transportation
19 Authority) arising under any tax imposed under paragraph (b),
20 (c), or (d) of this Section shall not be affected by the
21 imposition of a tax under paragraph (e), (f), or (g) of this
22 Section.

23 (r) Notwithstanding any other provision of law, no tax may
24 be imposed under this Section on the sale or use of cannabis,
25 as defined in Section 1-10 of the Cannabis Regulation and Tax
26 Act.

1 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
2 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
3 7-12-19; 101-604, eff. 12-13-19.)

4 Section 35. The Water Commission Act of 1985 is amended by
5 changing Section 4 as follows:

6 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

7 Sec. 4. Taxes.

8 (a) The board of commissioners of any county water
9 commission may, by ordinance, impose throughout the territory
10 of the commission any or all of the taxes provided in this
11 Section for its corporate purposes. However, no county water
12 commission may impose any such tax unless the commission
13 certifies the proposition of imposing the tax to the proper
14 election officials, who shall submit the proposition to the
15 voters residing in the territory at an election in accordance
16 with the general election law, and the proposition has been
17 approved by a majority of those voting on the proposition.

18 The proposition shall be in the form provided in Section 5
19 or shall be substantially in the following form:

20 -----

21 Shall the (insert corporate

22 name of county water commission) YES

23 impose (state type of tax or -----

24 taxes to be imposed) at the NO

1 rate of 1/4%?

2 -----

3 Taxes imposed under this Section and civil penalties
4 imposed incident thereto shall be collected and enforced by the
5 State Department of Revenue. The Department shall have the
6 power to administer and enforce the taxes and to determine all
7 rights for refunds for erroneous payments of the taxes.

8 (b) The board of commissioners may impose a County Water
9 Commission Retailers' Occupation Tax upon all persons engaged
10 in the business of selling tangible personal property at retail
11 in the territory of the commission at a rate of 1/4% of the
12 gross receipts from the sales made in the course of such
13 business within the territory. Beginning January 1, 2021, this
14 tax is not imposed on sales of aviation fuel for so long as the
15 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
16 47133 are binding on the District.

17 The tax imposed under this paragraph and all civil
18 penalties that may be assessed as an incident thereof shall be
19 collected and enforced by the State Department of Revenue. The
20 Department shall have full power to administer and enforce this
21 paragraph; to collect all taxes and penalties due hereunder; to
22 dispose of taxes and penalties so collected in the manner
23 hereinafter provided; and to determine all rights to credit
24 memoranda arising on account of the erroneous payment of tax or
25 penalty hereunder. In the administration of, and compliance
26 with, this paragraph, the Department and persons who are

1 subject to this paragraph shall have the same rights, remedies,
2 privileges, immunities, powers and duties, and be subject to
3 the same conditions, restrictions, limitations, penalties,
4 exclusions, exemptions and definitions of terms, and employ the
5 same modes of procedure, as are prescribed in Sections 1, 1a,
6 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
7 provisions therein other than the State rate of tax except that
8 tangible personal property taxed at the 1% rate under the
9 Retailers' Occupation Tax Act shall not be subject to tax
10 hereunder), 2c, 3 (except as to the disposition of taxes and
11 penalties collected, and except that the retailer's discount is
12 not allowed for taxes paid on aviation fuel sold on or after
13 December 1, 2019 and through December 31, 2020), 4, 5, 5a, 5b,
14 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,
15 9, 10, 11, 12, and 13 of the Retailers' Occupation Tax Act and
16 Section 3-7 of the Uniform Penalty and Interest Act, as fully
17 as if those provisions were set forth herein.

18 Persons subject to any tax imposed under the authority
19 granted in this paragraph may reimburse themselves for their
20 seller's tax liability hereunder by separately stating the tax
21 as an additional charge, which charge may be stated in
22 combination, in a single amount, with State taxes that sellers
23 are required to collect under the Use Tax Act and under
24 subsection (e) of Section 4.03 of the Regional Transportation
25 Authority Act, in accordance with such bracket schedules as the
26 Department may prescribe.

1 Whenever the Department determines that a refund should be
2 made under this paragraph to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the warrant to be drawn for the
5 amount specified, and to the person named, in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of a county water commission tax fund established
8 under subsection (g) of this Section.

9 For the purpose of determining whether a tax authorized
10 under this paragraph is applicable, a retail sale by a producer
11 of coal or other mineral mined in Illinois is a sale at retail
12 at the place where the coal or other mineral mined in Illinois
13 is extracted from the earth. This paragraph does not apply to
14 coal or other mineral when it is delivered or shipped by the
15 seller to the purchaser at a point outside Illinois so that the
16 sale is exempt under the Federal Constitution as a sale in
17 interstate or foreign commerce.

18 If a tax is imposed under this subsection (b), a tax shall
19 also be imposed under subsections (c) and (d) of this Section.

20 No tax shall be imposed or collected under this subsection
21 on the sale of a motor vehicle in this State to a resident of
22 another state if that motor vehicle will not be titled in this
23 State.

24 Nothing in this paragraph shall be construed to authorize a
25 county water commission to impose a tax upon the privilege of
26 engaging in any business which under the Constitution of the

1 United States may not be made the subject of taxation by this
2 State.

3 (c) If a tax has been imposed under subsection (b), a
4 County Water Commission Service Occupation Tax shall also be
5 imposed upon all persons engaged, in the territory of the
6 commission, in the business of making sales of service, who, as
7 an incident to making the sales of service, transfer tangible
8 personal property within the territory. The tax rate shall be
9 1/4% of the selling price of tangible personal property so
10 transferred within the territory. Beginning January 1, 2021,
11 this tax is not imposed on sales of aviation fuel for so long
12 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
13 U.S.C. 47133 are binding on the District.

14 The tax imposed under this paragraph and all civil
15 penalties that may be assessed as an incident thereof shall be
16 collected and enforced by the State Department of Revenue. The
17 Department shall have full power to administer and enforce this
18 paragraph; to collect all taxes and penalties due hereunder; to
19 dispose of taxes and penalties so collected in the manner
20 hereinafter provided; and to determine all rights to credit
21 memoranda arising on account of the erroneous payment of tax or
22 penalty hereunder. In the administration of, and compliance
23 with, this paragraph, the Department and persons who are
24 subject to this paragraph shall have the same rights, remedies,
25 privileges, immunities, powers and duties, and be subject to
26 the same conditions, restrictions, limitations, penalties,

1 exclusions, exemptions and definitions of terms, and employ the
2 same modes of procedure, as are prescribed in Sections 1a-1, 2
3 (except that the reference to State in the definition of
4 supplier maintaining a place of business in this State shall
5 mean the territory of the commission), 2a, 3 through 3-50 (in
6 respect to all provisions therein other than the State rate of
7 tax except that tangible personal property taxed at the 1% rate
8 under the Service Occupation Tax Act shall not be subject to
9 tax hereunder), 4 (except that the reference to the State shall
10 be to the territory of the commission), 5, 7, 8 (except that
11 the jurisdiction to which the tax shall be a debt to the extent
12 indicated in that Section 8 shall be the commission), 9 (except
13 as to the disposition of taxes and penalties collected and
14 except that the returned merchandise credit for this tax may
15 not be taken against any State tax, and except that the
16 retailer's discount is not allowed for taxes paid on aviation
17 fuel sold on or after December 1, 2019 and through December 31,
18 2020), 10, 11, 12 (except the reference therein to Section 2b
19 of the Retailers' Occupation Tax Act), 13 (except that any
20 reference to the State shall mean the territory of the
21 commission), the first paragraph of Section 15, 15.5, 16, 17,
22 18, 19, and 20 of the Service Occupation Tax Act as fully as if
23 those provisions were set forth herein.

24 Persons subject to any tax imposed under the authority
25 granted in this paragraph may reimburse themselves for their
26 serviceman's tax liability hereunder by separately stating the

1 tax as an additional charge, which charge may be stated in
2 combination, in a single amount, with State tax that servicemen
3 are authorized to collect under the Service Use Tax Act, and
4 any tax for which servicemen may be liable under subsection (f)
5 of Section 4.03 of the Regional Transportation Authority Act,
6 in accordance with such bracket schedules as the Department may
7 prescribe.

8 Whenever the Department determines that a refund should be
9 made under this paragraph to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the warrant to be drawn for the
12 amount specified, and to the person named, in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of a county water commission tax fund established
15 under subsection (g) of this Section.

16 Nothing in this paragraph shall be construed to authorize a
17 county water commission to impose a tax upon the privilege of
18 engaging in any business which under the Constitution of the
19 United States may not be made the subject of taxation by the
20 State.

21 (d) If a tax has been imposed under subsection (b), a tax
22 shall also be imposed upon the privilege of using, in the
23 territory of the commission, any item of tangible personal
24 property that is purchased outside the territory at retail from
25 a retailer, and that is titled or registered with an agency of
26 this State's government, at a rate of 1/4% of the selling price

1 of the tangible personal property within the territory, as
2 "selling price" is defined in the Use Tax Act. The tax shall be
3 collected from persons whose Illinois address for titling or
4 registration purposes is given as being in the territory. The
5 tax shall be collected by the Department of Revenue for a
6 county water commission. The tax must be paid to the State, or
7 an exemption determination must be obtained from the Department
8 of Revenue, before the title or certificate of registration for
9 the property may be issued. The tax or proof of exemption may
10 be transmitted to the Department by way of the State agency
11 with which, or the State officer with whom, the tangible
12 personal property must be titled or registered if the
13 Department and the State agency or State officer determine that
14 this procedure will expedite the processing of applications for
15 title or registration.

16 The Department shall have full power to administer and
17 enforce this paragraph; to collect all taxes, penalties, and
18 interest due hereunder; to dispose of taxes, penalties, and
19 interest so collected in the manner hereinafter provided; and
20 to determine all rights to credit memoranda or refunds arising
21 on account of the erroneous payment of tax, penalty, or
22 interest hereunder. In the administration of and compliance
23 with this paragraph, the Department and persons who are subject
24 to this paragraph shall have the same rights, remedies,
25 privileges, immunities, powers, and duties, and be subject to
26 the same conditions, restrictions, limitations, penalties,

1 exclusions, exemptions, and definitions of terms and employ the
2 same modes of procedure, as are prescribed in Sections 2
3 (except the definition of "retailer maintaining a place of
4 business in this State"), 3 through 3-80 (except provisions
5 pertaining to the State rate of tax, and except provisions
6 concerning collection or refunding of the tax by retailers), 4,
7 11, 12, 12a, 14, 15, 19 (except the portions pertaining to
8 claims by retailers and except the last paragraph concerning
9 refunds), 20, 21, and 22 of the Use Tax Act and Section 3-7 of
10 the Uniform Penalty and Interest Act that are not inconsistent
11 with this paragraph, as fully as if those provisions were set
12 forth herein.

13 Whenever the Department determines that a refund should be
14 made under this paragraph to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified, and to the person named, in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of a county water commission tax fund established
20 under subsection (g) of this Section.

21 (e) A certificate of registration issued by the State
22 Department of Revenue to a retailer under the Retailers'
23 Occupation Tax Act or under the Service Occupation Tax Act
24 shall permit the registrant to engage in a business that is
25 taxed under the tax imposed under subsection (b), (c), or (d)
26 of this Section and no additional registration shall be

1 required under the tax. A certificate issued under the Use Tax
2 Act or the Service Use Tax Act shall be applicable with regard
3 to any tax imposed under subsection (c) of this Section.

4 (f) Any ordinance imposing or discontinuing any tax under
5 this Section shall be adopted and a certified copy thereof
6 filed with the Department on or before June 1, whereupon the
7 Department of Revenue shall proceed to administer and enforce
8 this Section on behalf of the county water commission as of
9 September 1 next following the adoption and filing. Beginning
10 January 1, 1992, an ordinance or resolution imposing or
11 discontinuing the tax hereunder shall be adopted and a
12 certified copy thereof filed with the Department on or before
13 the first day of July, whereupon the Department shall proceed
14 to administer and enforce this Section as of the first day of
15 October next following such adoption and filing. Beginning
16 January 1, 1993, an ordinance or resolution imposing or
17 discontinuing the tax hereunder shall be adopted and a
18 certified copy thereof filed with the Department on or before
19 the first day of October, whereupon the Department shall
20 proceed to administer and enforce this Section as of the first
21 day of January next following such adoption and filing.

22 (g) The State Department of Revenue shall, upon collecting
23 any taxes as provided in this Section, pay the taxes over to
24 the State Treasurer as trustee for the commission. The taxes
25 shall be held in a trust fund outside the State Treasury.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the State
10 Department of Revenue shall prepare and certify to the
11 Comptroller of the State of Illinois the amount to be paid to
12 the commission, which shall be the amount (not including credit
13 memoranda) collected under this Section during the second
14 preceding calendar month by the Department plus an amount the
15 Department determines is necessary to offset any amounts that
16 were erroneously paid to a different taxing body, and not
17 including any amount equal to the amount of refunds made during
18 the second preceding calendar month by the Department on behalf
19 of the commission, and not including any amount that the
20 Department determines is necessary to offset any amounts that
21 were payable to a different taxing body but were erroneously
22 paid to the commission, and less any amounts that are
23 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
24 remainder, which shall be transferred into the Tax Compliance
25 and Administration Fund. The Department, at the time of each
26 monthly disbursement to the commission, shall prepare and

1 certify to the State Comptroller the amount to be transferred
2 into the Tax Compliance and Administration Fund under this
3 subsection. Within 10 days after receipt by the Comptroller of
4 the certification of the amount to be paid to the commission
5 and the Tax Compliance and Administration Fund, the Comptroller
6 shall cause an order to be drawn for the payment for the amount
7 in accordance with the direction in the certification.

8 (h) Beginning June 1, 2016, any tax imposed pursuant to
9 this Section may no longer be imposed or collected, unless a
10 continuation of the tax is approved by the voters at a
11 referendum as set forth in this Section.

12 (i) Notwithstanding any other provision of law, no tax may
13 be imposed under this Section on the sale or use of cannabis,
14 as defined in Section 1-10 of the Cannabis Regulation and Tax
15 Act.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
17 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
18 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

19 Section 40. The Compassionate Use of Medical Cannabis
20 Program Act is amended by changing Sections 55, 60, 62, 70, 75,
21 100, and 145 as follows:

22 (410 ILCS 130/55)

23 Sec. 55. Registration of qualifying patients and
24 designated caregivers.

1 (a) The Department of Public Health shall issue registry
2 identification cards to qualifying patients and designated
3 caregivers who submit a completed application, and at minimum,
4 the following, in accordance with Department of Public Health
5 rules:

6 (1) A written certification, on a form developed by the
7 Department of Public Health consistent with Section 36 and
8 issued by a certifying health care professional, within 90
9 days immediately preceding the date of an application and
10 submitted by the qualifying patient or his or her
11 designated caregiver;

12 (2) upon the execution of applicable privacy waivers,
13 the patient's medical documentation related to his or her
14 debilitating condition and any other information that may
15 be reasonably required by the Department of Public Health
16 to confirm that the certifying health care professional and
17 patient have a bona fide health care professional-patient
18 relationship, that the qualifying patient is in the
19 certifying health care professional's care for his or her
20 debilitating medical condition, and to substantiate the
21 patient's diagnosis;

22 (3) the application or renewal fee as set by rule;

23 (4) the name, address, date of birth, and social
24 security number of the qualifying patient, except that if
25 the applicant is homeless no address is required;

26 (5) the name, address, and telephone number of the

1 qualifying patient's certifying health care professional;

2 (6) the name, address, and date of birth of the
3 designated caregiver, if any, chosen by the qualifying
4 patient;

5 (7) (blank) ~~the name of the registered medical cannabis~~
6 ~~dispensing organization the qualifying patient designates;~~

7 (8) signed statements from the patient and designated
8 caregiver asserting that they will not divert medical
9 cannabis; and

10 (9) (blank).

11 (b) Notwithstanding any other provision of this Act, a
12 person provided a written certification for a debilitating
13 medical condition who has submitted a completed online
14 application to the Department of Public Health shall receive a
15 provisional registration and be entitled to purchase medical
16 cannabis from a ~~specified~~ licensed dispensing organization for
17 a period of 90 days or until his or her application has been
18 denied or he or she receives a registry identification card,
19 whichever is earlier. However, a person may obtain an
20 additional provisional registration after the expiration of 90
21 days after the date of application if the Department of Public
22 Health does not provide the individual with a registry
23 identification card or deny the individual's application
24 within those 90 days.

25 The provisional registration may not be extended if the
26 individual does not respond to the Department of Public

1 Health's request for additional information or corrections to
2 required application documentation.

3 In order for a person to receive medical cannabis under
4 this subsection, a person must present his or her provisional
5 registration along with a valid driver's license or State
6 identification card to the licensed dispensing organization
7 ~~specified in his or her application.~~ The dispensing
8 organization shall verify the person's provisional
9 registration through the Department of Public Health's online
10 verification system.

11 Upon verification of the provided documents, the
12 dispensing organization shall dispense no more than 2.5 ounces
13 of medical cannabis during a 14-day period to the person for a
14 period of 90 days, until his or her application has been
15 denied, or until he or she receives a registry identification
16 card from the Department of Public Health, whichever is
17 earlier.

18 Persons with provisional registrations must keep their
19 provisional registration in his or her possession at all times
20 when transporting or engaging in the medical use of cannabis.

21 (c) No person or business shall charge a fee for assistance
22 in the preparation, compilation, or submission of an
23 application to the Compassionate Use of Medical Cannabis
24 Program or the Opioid Alternative Pilot Program. A violation of
25 this subsection is a Class C misdemeanor, for which restitution
26 to the applicant and a fine of up to \$1,500 may be imposed. All

1 fines shall be deposited into the Compassionate Use of Medical
2 Cannabis Fund after restitution has been made to the applicant.
3 The Department of Public Health shall refer individuals making
4 complaints against a person or business under this Section to
5 the Illinois State Police, who shall enforce violations of this
6 provision. All application forms issued by the Department shall
7 state that no person or business may charge a fee for
8 assistance in the preparation, compilation, or submission of an
9 application to the Compassionate Use of Medical Cannabis
10 Program or the Opioid Alternative Pilot Program.

11 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

12 (410 ILCS 130/60)

13 Sec. 60. Issuance of registry identification cards.

14 (a) Except as provided in subsection (b), the Department of
15 Public Health shall:

16 (1) verify the information contained in an application
17 or renewal for a registry identification card submitted
18 under this Act, and approve or deny an application or
19 renewal, within 90 days of receiving a completed
20 application or renewal application and all supporting
21 documentation specified in Section 55;

22 (2) issue registry identification cards to a
23 qualifying patient and his or her designated caregiver, if
24 any, within 15 business days of approving the application
25 or renewal;

1 (3) (blank) ~~enter the registry identification number~~
2 ~~of the registered dispensing organization the patient~~
3 ~~designates into the verification system;~~ and

4 (4) allow for an electronic application process, and
5 provide a confirmation by electronic or other methods that
6 an application has been submitted.

7 Notwithstanding any other provision of this Act, the
8 Department of Public Health shall adopt rules for qualifying
9 patients and applicants with life-long debilitating medical
10 conditions, who may be charged annual renewal fees. The
11 Department of Public Health shall not require patients and
12 applicants with life-long debilitating medical conditions to
13 apply to renew registry identification cards.

14 (b) The Department of Public Health may not issue a
15 registry identification card to a qualifying patient who is
16 under 18 years of age, unless that patient suffers from
17 seizures, including those characteristic of epilepsy, or as
18 provided by administrative rule. The Department of Public
19 Health shall adopt rules for the issuance of a registry
20 identification card for qualifying patients who are under 18
21 years of age and suffering from seizures, including those
22 characteristic of epilepsy. The Department of Public Health may
23 adopt rules to allow other individuals under 18 years of age to
24 become registered qualifying patients under this Act with the
25 consent of a parent or legal guardian. Registered qualifying
26 patients under 18 years of age shall be prohibited from

1 consuming forms of cannabis other than medical cannabis infused
2 products and purchasing any usable cannabis.

3 (c) A veteran who has received treatment at a VA hospital
4 is deemed to have a bona fide health care professional-patient
5 relationship with a VA certifying health care professional if
6 the patient has been seen for his or her debilitating medical
7 condition at the VA hospital in accordance with VA hospital
8 protocols. All reasonable inferences regarding the existence
9 of a bona fide health care professional-patient relationship
10 shall be drawn in favor of an applicant who is a veteran and
11 has undergone treatment at a VA hospital.

12 (c-10) An individual who submits an application as someone
13 who is terminally ill shall have all fees waived. The
14 Department of Public Health shall within 30 days after this
15 amendatory Act of the 99th General Assembly adopt emergency
16 rules to expedite approval for terminally ill individuals.
17 These rules shall include, but not be limited to, rules that
18 provide that applications by individuals with terminal
19 illnesses shall be approved or denied within 14 days of their
20 submission.

21 (d) No later than 6 months after the effective date of this
22 amendatory Act of the 101st General Assembly, the Secretary of
23 State shall remove all existing notations on driving records
24 that the person is a registered qualifying patient or his or
25 her caregiver under this Act.

26 (e) Upon the approval of the registration and issuance of a

1 registry card under this Section, the Department of Public
2 Health shall electronically forward the registered qualifying
3 patient's identification card information to the Prescription
4 Monitoring Program established under the Illinois Controlled
5 Substances Act and certify that the individual is permitted to
6 engage in the medical use of cannabis. For the purposes of
7 patient care, the Prescription Monitoring Program shall make a
8 notation on the person's prescription record stating that the
9 person is a registered qualifying patient who is entitled to
10 the lawful medical use of cannabis. If the person no longer
11 holds a valid registry card, the Department of Public Health
12 shall notify the Prescription Monitoring Program and
13 Department of Human Services to remove the notation from the
14 person's record. The Department of Human Services and the
15 Prescription Monitoring Program shall establish a system by
16 which the information may be shared electronically. This
17 confidential list may not be combined or linked in any manner
18 with any other list or database except as provided in this
19 Section.

20 (f) (Blank).

21 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
22 101-593, eff. 12-4-19.)

23 (410 ILCS 130/62)

24 Sec. 62. Opioid Alternative Pilot Program.

25 (a) The Department of Public Health shall establish the

1 Opioid Alternative Pilot Program. Licensed dispensing
2 organizations shall allow persons with a written certification
3 from a certifying health care professional under Section 36 to
4 purchase medical cannabis upon enrollment in the Opioid
5 Alternative Pilot Program. The Department of Public Health
6 shall adopt rules or establish procedures allowing qualified
7 veterans to participate in the Opioid Alternative Pilot
8 Program. For a person to receive medical cannabis under this
9 Section, the person must present the written certification
10 along with a valid driver's license or state identification
11 card to the licensed dispensing organization ~~specified in his~~
12 ~~or her application~~. The dispensing organization shall verify
13 the person's status as an Opioid Alternative Pilot Program
14 participant through the Department of Public Health's online
15 verification system.

16 (b) The Opioid Alternative Pilot Program shall be limited
17 to participation by Illinois residents age 21 and older.

18 (c) The Department of Financial and Professional
19 Regulation shall specify that all licensed dispensing
20 organizations participating in the Opioid Alternative Pilot
21 Program use the Illinois Cannabis Tracking System. The
22 Department of Public Health shall establish and maintain the
23 Illinois Cannabis Tracking System. The Illinois Cannabis
24 Tracking System shall be used to collect information about all
25 persons participating in the Opioid Alternative Pilot Program
26 and shall be used to track the sale of medical cannabis for

1 verification purposes.

2 Each dispensing organization shall retain a copy of the
3 Opioid Alternative Pilot Program certification and other
4 identifying information as required by the Department of
5 Financial and Professional Regulation, the Department of
6 Public Health, and the Illinois State Police in the Illinois
7 Cannabis Tracking System.

8 The Illinois Cannabis Tracking System shall be accessible
9 to the Department of Financial and Professional Regulation,
10 Department of Public Health, Department of Agriculture, and the
11 Illinois State Police.

12 The Department of Financial and Professional Regulation in
13 collaboration with the Department of Public Health shall
14 specify the data requirements for the Opioid Alternative Pilot
15 Program by licensed dispensing organizations; including, but
16 not limited to, the participant's full legal name, address, and
17 date of birth, date on which the Opioid Alternative Pilot
18 Program certification was issued, length of the participation
19 in the Program, including the start and end date to purchase
20 medical cannabis, name of the issuing physician, copy of the
21 participant's current driver's license or State identification
22 card, and phone number.

23 The Illinois Cannabis Tracking System shall provide
24 verification of a person's participation in the Opioid
25 Alternative Pilot Program for law enforcement at any time and
26 on any day.

1 (d) The certification for Opioid Alternative Pilot Program
2 participant must be issued by a certifying health care
3 professional who is licensed to practice in Illinois under the
4 Medical Practice Act of 1987, the Nurse Practice Act, or the
5 Physician Assistant Practice Act of 1987 and who is in good
6 standing and holds a controlled substances license under
7 Article III of the Illinois Controlled Substances Act.

8 The certification for an Opioid Alternative Pilot Program
9 participant shall be written within 90 days before the
10 participant submits his or her certification to the dispensing
11 organization.

12 The written certification uploaded to the Illinois
13 Cannabis Tracking System shall be accessible to the Department
14 of Public Health.

15 (e) Upon verification of the individual's valid
16 certification and enrollment in the Illinois Cannabis Tracking
17 System, the dispensing organization may dispense the medical
18 cannabis, in amounts not exceeding 2.5 ounces of medical
19 cannabis per 14-day period to the participant ~~at the~~
20 ~~participant's specified dispensary~~ for no more than 90 days.

21 An Opioid Alternative Pilot Program participant shall not
22 be registered as a medical cannabis cardholder. The dispensing
23 organization shall verify that the person is not an active
24 registered qualifying patient prior to enrollment in the Opioid
25 Alternative Pilot Program and each time medical cannabis is
26 dispensed.

1 Upon receipt of a written certification under the Opioid
2 Alternative Pilot Program, the Department of Public Health
3 shall electronically forward the patient's identification
4 information to the Prescription Monitoring Program established
5 under the Illinois Controlled Substances Act and certify that
6 the individual is permitted to engage in the medical use of
7 cannabis. For the purposes of patient care, the Prescription
8 Monitoring Program shall make a notation on the person's
9 prescription record stating that the person has a written
10 certification under the Opioid Alternative Pilot Program and is
11 a patient who is entitled to the lawful medical use of
12 cannabis. If the person is no longer authorized to engage in
13 the medical use of cannabis, the Department of Public Health
14 shall notify the Prescription Monitoring Program and
15 Department of Human Services to remove the notation from the
16 person's record. The Department of Human Services and the
17 Prescription Monitoring Program shall establish a system by
18 which the information may be shared electronically. This
19 confidential list may not be combined or linked in any manner
20 with any other list or database except as provided in this
21 Section.

22 (f) An Opioid Alternative Pilot Program participant shall
23 not be considered a qualifying patient with a debilitating
24 medical condition under this Act and shall be provided access
25 to medical cannabis solely for the duration of the
26 participant's certification. Nothing in this Section shall be

1 construed to limit or prohibit an Opioid Alternative Pilot
2 Program participant who has a debilitating medical condition
3 from applying to the Compassionate Use of Medical Cannabis
4 Program.

5 (g) A person with a provisional registration under Section
6 55 shall not be considered an Opioid Alternative Pilot Program
7 participant.

8 (h) The Department of Financial and Professional
9 Regulation and the Department of Public Health shall submit
10 emergency rulemaking to implement the changes made by this
11 amendatory Act of the 100th General Assembly by December 1,
12 2018. The Department of Financial and Professional Regulation,
13 the Department of Agriculture, the Department of Human
14 Services, the Department of Public Health, and the Illinois
15 State Police shall utilize emergency purchase authority for 12
16 months after the effective date of this amendatory Act of the
17 100th General Assembly for the purpose of implementing the
18 changes made by this amendatory Act of the 100th General
19 Assembly.

20 (i) Dispensing organizations are not authorized to
21 dispense medical cannabis to Opioid Alternative Pilot Program
22 participants until administrative rules are approved by the
23 Joint Committee on Administrative Rules and go into effect.

24 (j) The provisions of this Section are inoperative on and
25 after July 1, 2020.

26 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

1 (410 ILCS 130/70)

2 Sec. 70. Registry identification cards.

3 (a) A registered qualifying patient or designated
4 caregiver must keep their registry identification card in his
5 or her possession at all times when engaging in the medical use
6 of cannabis.

7 (b) Registry identification cards shall contain the
8 following:

9 (1) the name of the cardholder;

10 (2) a designation of whether the cardholder is a
11 designated caregiver or qualifying patient;

12 (3) the date of issuance and expiration date of the
13 registry identification card;

14 (4) a random alphanumeric identification number that
15 is unique to the cardholder;

16 (5) if the cardholder is a designated caregiver, the
17 random alphanumeric identification number of the
18 registered qualifying patient the designated caregiver is
19 receiving the registry identification card to assist; and

20 (6) a photograph of the cardholder, if required by
21 Department of Public Health rules.

22 (c) To maintain a valid registration identification card, a
23 registered qualifying patient and caregiver must annually
24 resubmit, at least 45 days prior to the expiration date stated
25 on the registry identification card, a completed renewal

1 application, renewal fee, and accompanying documentation as
2 described in Department of Public Health rules. The Department
3 of Public Health shall send a notification to a registered
4 qualifying patient or registered designated caregiver 90 days
5 prior to the expiration of the registered qualifying patient's
6 or registered designated caregiver's identification card. If
7 the Department of Public Health fails to grant or deny a
8 renewal application received in accordance with this Section,
9 then the renewal is deemed granted and the registered
10 qualifying patient or registered designated caregiver may
11 continue to use the expired identification card until the
12 Department of Public Health denies the renewal or issues a new
13 identification card.

14 (d) Except as otherwise provided in this Section, the
15 expiration date is 3 years after the date of issuance.

16 (e) The Department of Public Health may electronically
17 store in the card any or all of the information listed in
18 subsection (b), along with the address and date of birth of the
19 cardholder ~~and the qualifying patient's designated dispensary~~
20 ~~organization~~, to allow it to be read by law enforcement agents.

21 (Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16.)

22 (410 ILCS 130/75)

23 Sec. 75. Notifications to Department of Public Health and
24 responses; civil penalty.

25 (a) The following notifications and Department of Public

1 Health responses are required:

2 (1) A registered qualifying patient shall notify the
3 Department of Public Health of any change in his or her
4 name or address, or if the registered qualifying patient
5 ceases to have his or her debilitating medical condition,
6 within 10 days of the change.

7 (2) A registered designated caregiver shall notify the
8 Department of Public Health of any change in his or her
9 name or address, or if the designated caregiver becomes
10 aware the registered qualifying patient passed away,
11 within 10 days of the change.

12 (3) Before a registered qualifying patient changes his
13 or her designated caregiver, the qualifying patient must
14 notify the Department of Public Health.

15 (4) If a cardholder loses his or her registry
16 identification card, he or she shall notify the Department
17 within 10 days of becoming aware the card has been lost.

18 (b) When a cardholder notifies the Department of Public
19 Health of items listed in subsection (a), but remains eligible
20 under this Act, the Department of Public Health shall issue the
21 cardholder a new registry identification card with a new random
22 alphanumeric identification number within 15 business days of
23 receiving the updated information and a fee as specified in
24 Department of Public Health rules. If the person notifying the
25 Department of Public Health is a registered qualifying patient,
26 the Department shall also issue his or her registered

1 designated caregiver, if any, a new registry identification
2 card within 15 business days of receiving the updated
3 information.

4 (c) If a registered qualifying patient ceases to be a
5 registered qualifying patient or changes his or her registered
6 designated caregiver, the Department of Public Health shall
7 promptly notify the designated caregiver. The registered
8 designated caregiver's protections under this Act as to that
9 qualifying patient shall expire 15 days after notification by
10 the Department.

11 (d) A cardholder who fails to make a notification to the
12 Department of Public Health that is required by this Section is
13 subject to a civil infraction, punishable by a penalty of no
14 more than \$150.

15 (e) (Blank) ~~A registered qualifying patient shall notify~~
16 ~~the Department of Public Health of any change to his or her~~
17 ~~designated registered dispensing organization. The Department~~
18 ~~of Public Health shall provide for immediate changes of a~~
19 ~~registered qualifying patient's designated registered~~
20 ~~dispensing organization. Registered dispensing organizations~~
21 ~~must comply with all requirements of this Act.~~

22 (f) If the registered qualifying patient's ~~certifying~~
23 certifying health care professional notifies the Department in
24 writing that either the registered qualifying patient has
25 ceased to suffer from a debilitating medical condition, that
26 the bona fide health care professional-patient relationship

1 has terminated, or that continued use of medical cannabis would
2 result in contraindication with the patient's other
3 medication, the card shall become null and void. However, the
4 registered qualifying patient shall have 15 days to destroy his
5 or her remaining medical cannabis and related paraphernalia.

6 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
7 revised 12-9-19.)

8 (410 ILCS 130/100)

9 Sec. 100. Cultivation center agent identification card.

10 (a) The Department of Agriculture shall:

11 (1) verify the information contained in an application
12 or renewal for a cultivation center identification card
13 submitted under this Act, and approve or deny an
14 application or renewal, within 30 days of receiving a
15 completed application or renewal application and all
16 supporting documentation required by rule;

17 (2) issue a cultivation center agent identification
18 card to a qualifying agent within 15 business days of
19 approving the application or renewal;

20 (3) enter the registry identification number of the
21 cultivation center where the agent works; and

22 (4) allow for an electronic application process, and
23 provide a confirmation by electronic or other methods that
24 an application has been submitted.

25 (b) A cultivation center agent must keep his or her

1 identification card visible at all times when on the property
2 of a cultivation center and during the transportation of
3 medical cannabis to a registered dispensary organization.

4 (c) The cultivation center agent identification cards
5 shall contain the following:

6 (1) the name of the cardholder;

7 (2) the date of issuance and expiration date of
8 cultivation center agent identification cards;

9 (3) a random 10 digit alphanumeric identification
10 number containing at least 4 numbers and at least 4
11 letters; that is unique to the holder; and

12 (4) a photograph of the cardholder.

13 (d) The cultivation center agent identification cards
14 shall be immediately returned to the cultivation center upon
15 termination of employment.

16 (e) Any card lost by a cultivation center agent shall be
17 reported to the State Police and the Department of Agriculture
18 immediately upon discovery of the loss.

19 (f) An applicant shall be denied a cultivation center agent
20 identification card if he or she has been convicted of an
21 excluded offense.

22 (g) An agent may begin employment at a cultivation center
23 while the agent's identification card application is pending.
24 Upon approval, the Department shall issue the agent's
25 identification card to the cultivation center agent applicant.
26 If denied, the cultivation center and the applicant shall be

1 notified and the applicant must cease all activity at the
2 cultivation center immediately.

3 (Source: P.A. 98-122, eff. 1-1-14.)

4 (410 ILCS 130/145)

5 Sec. 145. Confidentiality.

6 (a) The following information received and records kept by
7 the Department of Public Health, Department of Financial and
8 Professional Regulation, Department of Agriculture, or
9 Department of State Police for purposes of administering this
10 Act are subject to all applicable federal privacy laws,
11 confidential, and exempt from the Freedom of Information Act,
12 and not subject to disclosure to any individual or public or
13 private entity, except as necessary for authorized employees of
14 those authorized agencies to perform official duties under this
15 Act and the following information received and records kept by
16 Department of Public Health, Department of Agriculture,
17 Department of Financial and Professional Regulation, and
18 Department of State Police, excluding any existing or
19 non-existing Illinois or national criminal history record
20 information as defined in subsection (d), may be disclosed to
21 each other upon request:

22 (1) Applications and renewals, their contents, and
23 supporting information submitted by qualifying patients
24 and designated caregivers, including information regarding
25 their designated caregivers and certifying health care

1 professionals.

2 (2) Applications and renewals, their contents, and
3 supporting information submitted by or on behalf of
4 cultivation centers and dispensing organizations in
5 compliance with this Act, including their physical
6 addresses. This does not preclude the release of ownership
7 information of cannabis business establishment licenses or
8 information submitted with an application required to be
9 disclosed pursuant to subsection (c) or pursuant to the
10 Cannabis Regulation and Tax Act.

11 (3) The individual names and other information
12 identifying persons to whom the Department of Public Health
13 has issued registry identification cards.

14 (4) Any dispensing information required to be kept
15 under Section 135, Section 150, or Department of Public
16 Health, Department of Agriculture, or Department of
17 Financial and Professional Regulation rules shall identify
18 cardholders and registered cultivation centers by their
19 registry identification numbers and medical cannabis
20 dispensing organizations by their registration number and
21 not contain names or other personally identifying
22 information.

23 (5) All medical records provided to the Department of
24 Public Health in connection with an application for a
25 registry card.

26 (b) Nothing in this Section precludes the following:

1 (1) Department of Agriculture, Department of Financial
2 and Professional Regulation, or Public Health employees
3 may notify law enforcement about falsified or fraudulent
4 information submitted to the Departments if the employee
5 who suspects that falsified or fraudulent information has
6 been submitted conferred with his or her supervisor and
7 both agree that circumstances exist that warrant
8 reporting.

9 (2) If the employee conferred with his or her
10 supervisor and both agree that circumstances exist that
11 warrant reporting, Department of Public Health employees
12 may notify the Department of Financial and Professional
13 Regulation if there is reasonable cause to believe a
14 certifying health care professional:

15 (A) issued a written certification without a bona
16 fide health care professional-patient relationship
17 under this Act;

18 (B) issued a written certification to a person who
19 was not under the certifying health care
20 professional's care for the debilitating medical
21 condition; or

22 (C) failed to abide by the acceptable and
23 prevailing standard of care when evaluating a
24 patient's medical condition.

25 (3) The Department of Public Health, Department of
26 Agriculture, and Department of Financial and Professional

1 Regulation may notify State or local law enforcement about
2 apparent criminal violations of this Act if the employee
3 who suspects the offense has conferred with his or her
4 supervisor and both agree that circumstances exist that
5 warrant reporting.

6 (4) Medical cannabis cultivation center agents and
7 medical cannabis dispensing organizations may notify the
8 Department of Public Health, Department of Financial and
9 Professional Regulation, or Department of Agriculture of a
10 suspected violation or attempted violation of this Act or
11 the rules issued under it.

12 (5) Each Department may verify registry identification
13 cards under Section 150.

14 (6) The submission of the report to the General
15 Assembly under Section 160.

16 (c) Each State department responsible for licensure under
17 this Act shall publish on the department's website the
18 ownership information and address of each cannabis business
19 establishment licensed under the department's jurisdiction.
20 The ownership information shall include, but is not limited to,
21 the name of the person or entity holding each cannabis business
22 establishment license and any person or entity exercising
23 control of the cannabis business establishment. ~~It is a Class B~~
24 ~~misdemeanor with a \$1,000 fine for any person, including an~~
25 ~~employee or official of the Department of Public Health,~~
26 ~~Department of Financial and Professional Regulation, or~~

1 ~~Department of Agriculture or another State agency or local~~
2 ~~government, to breach the confidentiality of information~~
3 ~~obtained under this Act.~~

4 (d) The Department of Public Health, the Department of
5 Agriculture, the Department of State Police, and the Department
6 of Financial and Professional Regulation shall not share or
7 disclose any existing or non-existing Illinois or national
8 criminal history record information. For the purposes of this
9 Section, "any existing or non-existing Illinois or national
10 criminal history record information" means any Illinois or
11 national criminal history record information, including but
12 not limited to the lack of or non-existence of these records.

13 (Source: P.A. 101-363, eff. 8-9-19.)

14 Section 45. The Cannabis Regulation and Tax Act is amended
15 by changing Sections 1-10, 15-15, 15-40, 15-50, 20-35, 20-50,
16 25-35, 30-35, 35-30, 40-30, 55-20, 55-21, 55-28, 55-30, 55-35,
17 55-85, 60-10, and 65-10 and by adding Article 18 as follows:

18 (410 ILCS 705/1-10)

19 Sec. 1-10. Definitions. In this Act:

20 "Adult Use Cultivation Center License" means a license
21 issued by the Department of Agriculture that permits a person
22 to act as a cultivation center under this Act and any
23 administrative rule made in furtherance of this Act.

24 "Adult Use Dispensing Organization License" means a

1 license issued by the Department of Financial and Professional
2 Regulation that permits a person to act as a dispensing
3 organization under this Act and any administrative rule made in
4 furtherance of this Act.

5 "Advertise" means to engage in promotional activities
6 including, but not limited to: newspaper, radio, Internet and
7 electronic media, and television advertising; the distribution
8 of fliers and circulars; billboard advertising; and the display
9 of window and interior signs. "Advertise" does not mean
10 exterior signage displaying only the name of the licensed
11 cannabis business establishment.

12 "BLS Region" means a region in Illinois used by the United
13 States Bureau of Labor Statistics to gather and categorize
14 certain employment and wage data. The 17 such regions in
15 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
16 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
17 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
18 Rockford, St. Louis, Springfield, Northwest Illinois
19 nonmetropolitan area, West Central Illinois nonmetropolitan
20 area, East Central Illinois nonmetropolitan area, and South
21 Illinois nonmetropolitan area.

22 "Cannabis" means marijuana, hashish, and other substances
23 that are identified as including any parts of the plant
24 Cannabis sativa and including derivatives or subspecies, such
25 as indica, of all strains of cannabis, whether growing or not;
26 the seeds thereof, the resin extracted from any part of the

1 plant; and any compound, manufacture, salt, derivative,
2 mixture, or preparation of the plant, its seeds, or resin,
3 including tetrahydrocannabinol (THC) and all other naturally
4 produced cannabinol derivatives, whether produced directly or
5 indirectly by extraction; however, "cannabis" does not include
6 the mature stalks of the plant, fiber produced from the stalks,
7 oil or cake made from the seeds of the plant, any other
8 compound, manufacture, salt, derivative, mixture, or
9 preparation of the mature stalks (except the resin extracted
10 from it), fiber, oil or cake, or the sterilized seed of the
11 plant that is incapable of germination. "Cannabis" does not
12 include industrial hemp as defined and authorized under the
13 Industrial Hemp Act. "Cannabis" also means cannabis flower,
14 concentrate, and cannabis-infused products.

15 "Cannabis business establishment" means a cultivation
16 center, craft grower, processing organization, infuser
17 organization, dispensing organization, or transporting
18 organization.

19 "Cannabis concentrate" means a product derived from
20 cannabis that is produced by extracting cannabinoids,
21 including tetrahydrocannabinol (THC), from the plant through
22 the use of propylene glycol, glycerin, butter, olive oil or
23 other typical cooking fats; water, ice, or dry ice; or butane,
24 propane, CO₂, ethanol, or isopropanol and with the intended use
25 of smoking or making a cannabis-infused product. The use of any
26 other solvent is expressly prohibited unless and until it is

1 approved by the Department of Agriculture.

2 "Cannabis container" means a sealed or resealable,
3 traceable, container, or package used for the purpose of
4 containment of cannabis or cannabis-infused product during
5 transportation.

6 "Cannabis flower" means marijuana, hashish, and other
7 substances that are identified as including any parts of the
8 plant Cannabis sativa and including derivatives or subspecies,
9 such as indica, of all strains of cannabis; including raw kief,
10 leaves, and buds, but not resin that has been extracted from
11 any part of such plant; nor any compound, manufacture, salt,
12 derivative, mixture, or preparation of such plant, its seeds,
13 or resin.

14 "Cannabis-infused product" means a beverage, food, oil,
15 ointment, tincture, topical formulation, or another product
16 containing cannabis or cannabis concentrate that is not
17 intended to be smoked.

18 "Cannabis paraphernalia" means equipment, products, or
19 materials intended to be used for planting, propagating,
20 cultivating, growing, harvesting, manufacturing, producing,
21 processing, preparing, testing, analyzing, packaging,
22 repackaging, storing, containing, concealing, ingesting, or
23 otherwise introducing cannabis into the human body.

24 "Cannabis plant monitoring system" or "plant monitoring
25 system" means a system that includes, but is not limited to,
26 testing and data collection established and maintained by the

1 cultivation center, craft grower, or processing organization
2 and that is available to the Department of Revenue, the
3 Department of Agriculture, the Department of Financial and
4 Professional Regulation, and the Department of State Police for
5 the purposes of documenting each cannabis plant and monitoring
6 plant development throughout the life cycle of a cannabis plant
7 cultivated for the intended use by a customer from seed
8 planting to final packaging.

9 "Cannabis testing facility" means an entity registered by
10 the Department of Agriculture to test cannabis for potency and
11 contaminants.

12 "Clone" means a plant section from a female cannabis plant
13 not yet rootbound, growing in a water solution or other
14 propagation matrix, that is capable of developing into a new
15 plant.

16 "Community College Cannabis Vocational Training Pilot
17 Program faculty participant" means a person who is 21 years of
18 age or older, licensed by the Department of Agriculture, and is
19 employed or contracted by an Illinois community college to
20 provide student instruction using cannabis plants at an
21 Illinois Community College.

22 "Community College Cannabis Vocational Training Pilot
23 Program faculty participant Agent Identification Card" means a
24 document issued by the Department of Agriculture that
25 identifies a person as Community College Cannabis Vocational
26 Training Pilot Program faculty participant.

1 "Conditional Adult Use Dispensing Organization License"
2 means a license awarded to top-scoring applicants for an Adult
3 Use Dispensing Organization License that reserves the right to
4 an Adult Use Dispensing Organization License if the applicant
5 meets certain conditions described in this Act, but does not
6 entitle the recipient to begin purchasing or selling cannabis
7 or cannabis-infused products.

8 "Conditional Adult Use Cultivation Center License" means a
9 license awarded to top-scoring applicants for an Adult Use
10 Cultivation Center License that reserves the right to an Adult
11 Use Cultivation Center License if the applicant meets certain
12 conditions as determined by the Department of Agriculture by
13 rule, but does not entitle the recipient to begin growing,
14 processing, or selling cannabis or cannabis-infused products.

15 "Craft grower" means a facility operated by an organization
16 or business that is licensed by the Department of Agriculture
17 to cultivate, dry, cure, and package cannabis and perform other
18 necessary activities to make cannabis available for sale at a
19 dispensing organization or use at a processing organization. A
20 craft grower may contain up to 5,000 square feet of canopy
21 space on its premises for plants in the flowering state. The
22 Department of Agriculture may authorize an increase or decrease
23 of flowering stage cultivation space in increments of 3,000
24 square feet by rule based on market need, craft grower
25 capacity, and the licensee's history of compliance or
26 noncompliance, with a maximum space of 14,000 square feet for

1 cultivating plants in the flowering stage, which must be
2 cultivated in all stages of growth in an enclosed and secure
3 area. A craft grower may share premises with a processing
4 organization or a dispensing organization, or both, provided
5 each licensee stores currency and cannabis or cannabis-infused
6 products in a separate secured vault to which the other
7 licensee does not have access or all licensees sharing a vault
8 share more than 50% of the same ownership.

9 "Craft grower agent" means a principal officer, board
10 member, employee, or other agent of a craft grower who is 21
11 years of age or older.

12 "Craft Grower Agent Identification Card" means a document
13 issued by the Department of Agriculture that identifies a
14 person as a craft grower agent.

15 "Cultivation center" means a facility operated by an
16 organization or business that is licensed by the Department of
17 Agriculture to cultivate, process, transport (unless otherwise
18 limited by this Act), and perform other necessary activities to
19 provide cannabis and cannabis-infused products to cannabis
20 business establishments.

21 "Cultivation center agent" means a principal officer,
22 board member, employee, or other agent of a cultivation center
23 who is 21 years of age or older.

24 "Cultivation Center Agent Identification Card" means a
25 document issued by the Department of Agriculture that
26 identifies a person as a cultivation center agent.

1 "Currency" means currency and coin of the United States.

2 "Dispensary" means a facility operated by a dispensing
3 organization at which activities licensed by this Act may
4 occur.

5 "Dispensing organization" means a facility operated by an
6 organization or business that is licensed by the Department of
7 Financial and Professional Regulation to acquire cannabis from
8 a cultivation center, craft grower, processing organization,
9 or another dispensary for the purpose of selling or dispensing
10 cannabis, cannabis-infused products, cannabis seeds,
11 paraphernalia, or related supplies under this Act to purchasers
12 or to qualified registered medical cannabis patients and
13 caregivers. As used in this Act, "dispensing organization"
14 includes a registered medical cannabis organization as defined
15 in the Compassionate Use of Medical Cannabis Program Act or its
16 successor Act that has obtained an Early Approval Adult Use
17 Dispensing Organization License.

18 "Dispensing organization agent" means a principal officer,
19 employee, or agent of a dispensing organization who is 21 years
20 of age or older.

21 "Dispensing organization agent identification card" means
22 a document issued by the Department of Financial and
23 Professional Regulation that identifies a person as a
24 dispensing organization agent.

25 "Disproportionately Impacted Area" means a census tract or
26 comparable geographic area that satisfies the following

1 criteria as determined by the Department of Commerce and
2 Economic Opportunity, that:

3 (1) meets at least one of the following criteria:

4 (A) the area has a poverty rate of at least 20%
5 according to the latest federal decennial census; or

6 (B) 75% or more of the children in the area
7 participate in the federal free lunch program
8 according to reported statistics from the State Board
9 of Education; or

10 (C) at least 20% of the households in the area
11 receive assistance under the Supplemental Nutrition
12 Assistance Program; or

13 (D) the area has an average unemployment rate, as
14 determined by the Illinois Department of Employment
15 Security, that is more than 120% of the national
16 unemployment average, as determined by the United
17 States Department of Labor, for a period of at least 2
18 consecutive calendar years preceding the date of the
19 application; and

20 (2) has high rates of arrest, conviction, and
21 incarceration related to the sale, possession, use,
22 cultivation, manufacture, or transport of cannabis.

23 "Early Approval Adult Use Cultivation Center License"
24 means a license that permits a medical cannabis cultivation
25 center licensed under the Compassionate Use of Medical Cannabis
26 Program Act as of the effective date of this Act to begin

1 cultivating, infusing, packaging, transporting (unless
2 otherwise provided in this Act), processing and selling
3 cannabis or cannabis-infused product to cannabis business
4 establishments for resale to purchasers as permitted by this
5 Act as of January 1, 2020.

6 "Early Approval Adult Use Dispensing Organization License"
7 means a license that permits a medical cannabis dispensing
8 organization licensed under the Compassionate Use of Medical
9 Cannabis Program Act as of the effective date of this Act to
10 begin selling cannabis or cannabis-infused product to
11 purchasers as permitted by this Act as of January 1, 2020.

12 "Early Approval Adult Use Dispensing Organization at a
13 secondary site" means a license that permits a medical cannabis
14 dispensing organization licensed under the Compassionate Use
15 of Medical Cannabis Program Act as of the effective date of
16 this Act to begin selling cannabis or cannabis-infused product
17 to purchasers as permitted by this Act on January 1, 2020 at a
18 different dispensary location from its existing registered
19 medical dispensary location.

20 "Enclosed, locked facility" means a room, greenhouse,
21 building, or other enclosed area equipped with locks or other
22 security devices that permit access only by cannabis business
23 establishment agents working for the licensed cannabis
24 business establishment or acting pursuant to this Act to
25 cultivate, process, store, or distribute cannabis.

26 "Enclosed, locked space" means a closet, room, greenhouse,

1 building or other enclosed area equipped with locks or other
2 security devices that permit access only by authorized
3 individuals under this Act. "Enclosed, locked space" may
4 include:

5 (1) a space within a residential building that (i) is
6 the primary residence of the individual cultivating 5 or
7 fewer cannabis plants that are more than 5 inches tall and
8 (ii) includes sleeping quarters and indoor plumbing. The
9 space must only be accessible by a key or code that is
10 different from any key or code that can be used to access
11 the residential building from the exterior; or

12 (2) a structure, such as a shed or greenhouse, that
13 lies on the same plot of land as a residential building
14 that (i) includes sleeping quarters and indoor plumbing and
15 (ii) is used as a primary residence by the person
16 cultivating 5 or fewer cannabis plants that are more than 5
17 inches tall, such as a shed or greenhouse. The structure
18 must remain locked when it is unoccupied by people.

19 "Financial institution" has the same meaning as "financial
20 organization" as defined in Section 1501 of the Illinois Income
21 Tax Act, and also includes the holding companies, subsidiaries,
22 and affiliates of such financial organizations.

23 "Flowering stage" means the stage of cultivation where and
24 when a cannabis plant is cultivated to produce plant material
25 for cannabis products. This includes mature plants as follows:

26 (1) if greater than 2 stigmas are visible at each

1 internode of the plant; or

2 (2) if the cannabis plant is in an area that has been
3 intentionally deprived of light for a period of time
4 intended to produce flower buds and induce maturation, from
5 the moment the light deprivation began through the
6 remainder of the marijuana plant growth cycle.

7 "Individual" means a natural person.

8 "Infuser organization" or "infuser" means a facility
9 operated by an organization or business that is licensed by the
10 Department of Agriculture to directly incorporate cannabis or
11 cannabis concentrate into a product formulation to produce a
12 cannabis-infused product.

13 "Kief" means the resinous crystal-like trichomes that are
14 found on cannabis and that are accumulated, resulting in a
15 higher concentration of cannabinoids, untreated by heat or
16 pressure, or extracted using a solvent.

17 "Labor peace agreement" means an agreement between a
18 cannabis business establishment and any labor organization
19 recognized under the National Labor Relations Act, referred to
20 in this Act as a bona fide labor organization, that prohibits
21 labor organizations and members from engaging in picketing,
22 work stoppages, boycotts, and any other economic interference
23 with the cannabis business establishment. This agreement means
24 that the cannabis business establishment has agreed not to
25 disrupt efforts by the bona fide labor organization to
26 communicate with, and attempt to organize and represent, the

1 cannabis business establishment's employees. The agreement
2 shall provide a bona fide labor organization access at
3 reasonable times to areas in which the cannabis business
4 establishment's employees work, for the purpose of meeting with
5 employees to discuss their right to representation, employment
6 rights under State law, and terms and conditions of employment.
7 This type of agreement shall not mandate a particular method of
8 election or certification of the bona fide labor organization.

9 "Limited access area" means a room or other area under the
10 control of a cannabis dispensing organization licensed under
11 this Act and upon the licensed premises where cannabis sales
12 occur with access limited to purchasers, dispensing
13 organization owners and other dispensing organization agents,
14 or service professionals conducting business with the
15 dispensing organization, or, if sales to registered qualifying
16 patients, caregivers, provisional patients, and Opioid
17 Alternative Pilot Program participants licensed pursuant to
18 the Compassionate Use of Medical Cannabis Program Act are also
19 permitted at the dispensary, registered qualifying patients,
20 caregivers, provisional patients, and Opioid Alternative Pilot
21 Program participants.

22 "Member of an impacted family" means an individual who has
23 a parent, legal guardian, child, spouse, or dependent, or was a
24 dependent of an individual who, prior to the effective date of
25 this Act, was arrested for, convicted of, or adjudicated
26 delinquent for any offense that is eligible for expungement

1 under this Act.

2 "Mother plant" means a cannabis plant that is cultivated or
3 maintained for the purpose of generating clones, and that will
4 not be used to produce plant material for sale to an infuser or
5 dispensing organization.

6 "Ordinary public view" means within the sight line with
7 normal visual range of a person, unassisted by visual aids,
8 from a public street or sidewalk adjacent to real property, or
9 from within an adjacent property.

10 "Ownership and control" means ownership of at least 51% of
11 the business, including corporate stock if a corporation, and
12 control over the management and day-to-day operations of the
13 business and an interest in the capital, assets, and profits
14 and losses of the business proportionate to percentage of
15 ownership.

16 "Person" means a natural individual, firm, partnership,
17 association, joint stock company, joint venture, public or
18 private corporation, limited liability company, or a receiver,
19 executor, trustee, guardian, or other representative appointed
20 by order of any court.

21 "Possession limit" means the amount of cannabis under
22 Section 10-10 that may be possessed at any one time by a person
23 21 years of age or older or who is a registered qualifying
24 medical cannabis patient or caregiver under the Compassionate
25 Use of Medical Cannabis Program Act.

26 "Principal officer" includes a cannabis business

1 establishment applicant or licensed cannabis business
2 establishment's board member, owner with more than 1% interest
3 of the total cannabis business establishment or more than 5%
4 interest of the total cannabis business establishment of a
5 publicly traded company, president, vice president, secretary,
6 treasurer, partner, officer, member, manager member, or person
7 with a profit sharing, financial interest, or revenue sharing
8 arrangement. The definition includes a person with authority to
9 control the cannabis business establishment, a person who
10 assumes responsibility for the debts of the cannabis business
11 establishment and who is further defined in this Act.

12 "Primary residence" means a dwelling where a person usually
13 stays or stays more often than other locations. It may be
14 determined by, without limitation, presence, tax filings;
15 address on an Illinois driver's license, an Illinois
16 Identification Card, or an Illinois Person with a Disability
17 Identification Card; or voter registration. No person may have
18 more than one primary residence.

19 "Processing organization" or "processor" means a facility
20 operated by an organization or business that is licensed by the
21 Department of Agriculture to either extract constituent
22 chemicals or compounds to produce cannabis concentrate or
23 incorporate cannabis or cannabis concentrate into a product
24 formulation to produce a cannabis product.

25 "Processing organization agent" means a principal officer,
26 board member, employee, or agent of a processing organization.

1 "Processing organization agent identification card" means
2 a document issued by the Department of Agriculture that
3 identifies a person as a processing organization agent.

4 "Purchaser" means a person 21 years of age or older who
5 acquires cannabis for a valuable consideration. "Purchaser"
6 does not include a cardholder under the Compassionate Use of
7 Medical Cannabis Program Act.

8 "Qualified Social Equity Applicant" means a Social Equity
9 Applicant who has been awarded a conditional license under this
10 Act to operate a cannabis business establishment.

11 "Resided" means an individual's primary residence was
12 located within the relevant geographic area as established by 2
13 of the following:

14 (1) a signed lease agreement that includes the
15 applicant's name;

16 (2) a property deed that includes the applicant's name;

17 (3) school records;

18 (4) a voter registration card;

19 (5) an Illinois driver's license, an Illinois
20 Identification Card, or an Illinois Person with a
21 Disability Identification Card;

22 (6) a paycheck stub;

23 (7) a utility bill;

24 (8) tax records; or

25 (9) any other proof of residency or other information
26 necessary to establish residence as provided by rule.

1 "Smoking" means the inhalation of smoke caused by the
2 combustion of cannabis.

3 "Social Equity Applicant" means an applicant that is an
4 Illinois resident that meets one of the following criteria:

5 (1) an applicant with at least 51% ownership and
6 control by one or more individuals who have resided for at
7 least 5 of the preceding 10 years in a Disproportionately
8 Impacted Area;

9 (2) an applicant with at least 51% ownership and
10 control by one or more individuals who:

11 (i) have been arrested for, convicted of, or
12 adjudicated delinquent for any offense that is
13 eligible for expungement under this Act; or

14 (ii) is a member of an impacted family;

15 (3) for applicants with a minimum of 10 full-time
16 employees, an applicant with at least 51% of current
17 employees who:

18 (i) currently reside in a Disproportionately
19 Impacted Area; or

20 (ii) have been arrested for, convicted of, or
21 adjudicated delinquent for any offense that is
22 eligible for expungement under this Act or member of an
23 impacted family.

24 Nothing in this Act shall be construed to preempt or limit
25 the duties of any employer under the Job Opportunities for
26 Qualified Applicants Act. Nothing in this Act shall permit an

1 employer to require an employee to disclose sealed or expunged
2 offenses, unless otherwise required by law.

3 "Special district" means a unit of local government other
4 than a county, municipality, or school district.

5 "Tincture" means a cannabis-infused solution, typically
6 comprised of alcohol, glycerin, or vegetable oils, derived
7 either directly from the cannabis plant or from a processed
8 cannabis extract. A tincture is not an alcoholic liquor as
9 defined in the Liquor Control Act of 1934. A tincture shall
10 include a calibrated dropper or other similar device capable of
11 accurately measuring servings.

12 "Transporting organization" or "transporter" means an
13 organization or business that is licensed by the Department of
14 Agriculture to transport cannabis or cannabis-infused product
15 on behalf of a cannabis business establishment or a community
16 college licensed under the Community College Cannabis
17 Vocational Training Pilot Program.

18 "Transporting organization agent" means a principal
19 officer, board member, employee, or agent of a transporting
20 organization.

21 "Transporting organization agent identification card"
22 means a document issued by the Department of Agriculture that
23 identifies a person as a transporting organization agent.

24 "Unit of local government" means any county, city, village,
25 or incorporated town.

26 "Vegetative stage" means the stage of cultivation in which

1 a cannabis plant is propagated to produce additional cannabis
2 plants or reach a sufficient size for production. This includes
3 seedlings, clones, mothers, and other immature cannabis plants
4 as follows:

5 (1) if the cannabis plant is in an area that has not
6 been intentionally deprived of light for a period of time
7 intended to produce flower buds and induce maturation, it
8 has no more than 2 stigmas visible at each internode of the
9 cannabis plant; or

10 (2) any cannabis plant that is cultivated solely for
11 the purpose of propagating clones and is never used to
12 produce cannabis.

13 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

14 (410 ILCS 705/15-15)

15 Sec. 15-15. Early Approval Adult Use Dispensing
16 Organization License.

17 (a) Any medical cannabis dispensing organization holding a
18 valid registration under the Compassionate Use of Medical
19 Cannabis Program Act as of the effective date of this Act may,
20 within 60 days of the effective date of this Act, apply to the
21 Department for an Early Approval Adult Use Dispensing
22 Organization License to serve purchasers at any medical
23 cannabis dispensing location in operation on the effective date
24 of this Act, pursuant to this Section.

25 (b) A medical cannabis dispensing organization seeking

1 issuance of an Early Approval Adult Use Dispensing Organization
2 License to serve purchasers at any medical cannabis dispensing
3 location in operation as of the effective date of this Act
4 shall submit an application on forms provided by the
5 Department. The application must be submitted by the same
6 person or entity that holds the medical cannabis dispensing
7 organization registration and include the following:

8 (1) Payment of a nonrefundable fee of \$30,000 to be
9 deposited into the Cannabis Regulation Fund;

10 (2) Proof of registration as a medical cannabis
11 dispensing organization that is in good standing;

12 (3) Certification that the applicant will comply with
13 the requirements contained in the Compassionate Use of
14 Medical Cannabis Program Act except as provided in this
15 Act;

16 (4) The legal name of the dispensing organization;

17 (5) The physical address of the dispensing
18 organization;

19 (6) The name, address, social security number, and date
20 of birth of each principal officer and board member of the
21 dispensing organization, each of whom must be at least 21
22 years of age;

23 (7) A nonrefundable Cannabis Business Development Fee
24 equal to 3% of the dispensing organization's total sales
25 between June 1, 2018 to June 1, 2019, or \$100,000,
26 whichever is less, to be deposited into the Cannabis

1 Business Development Fund; and

2 (8) Identification of one of the following Social
3 Equity Inclusion Plans to be completed by March 31, 2021:

4 (A) Make a contribution of 3% of total sales from
5 June 1, 2018 to June 1, 2019, or \$100,000, whichever is
6 less, to the Cannabis Business Development Fund. This
7 is in addition to the fee required by item (7) of this
8 subsection (b);

9 (B) Make a grant of 3% of total sales from June 1,
10 2018 to June 1, 2019, or \$100,000, whichever is less,
11 to a cannabis industry training or education program at
12 an Illinois community college as defined in the Public
13 Community College Act;

14 (C) Make a donation of \$100,000 or more to a
15 program that provides job training services to persons
16 recently incarcerated or that operates in a
17 Disproportionately Impacted Area;

18 (D) Participate as a host in a cannabis business
19 establishment incubator program approved by the
20 Department of Commerce and Economic Opportunity, and
21 in which an Early Approval Adult Use Dispensing
22 Organization License holder agrees to provide a loan of
23 at least \$100,000 and mentorship to incubate, for at
24 least a year, a Social Equity Applicant intending to
25 seek a license or a licensee that qualifies as a Social
26 Equity Applicant. As used in this Section, "incubate"

1 means providing direct financial assistance and
2 training necessary to engage in licensed cannabis
3 industry activity similar to that of the host licensee.
4 The Early Approval Adult Use Dispensing Organization
5 License holder or the same entity holding any other
6 licenses issued pursuant to this Act shall not take an
7 ownership stake of greater than 10% in any business
8 receiving incubation services to comply with this
9 subsection. If an Early Approval Adult Use Dispensing
10 Organization License holder fails to find a business to
11 incubate to comply with this subsection before its
12 Early Approval Adult Use Dispensing Organization
13 License expires, it may opt to meet the requirement of
14 this subsection by completing another item from this
15 subsection; or

16 (E) Participate in a sponsorship program for at
17 least 2 years approved by the Department of Commerce
18 and Economic Opportunity in which an Early Approval
19 Adult Use Dispensing Organization License holder
20 agrees to provide an interest-free loan of at least
21 \$200,000 to a Social Equity Applicant. The sponsor
22 shall not take an ownership stake in any cannabis
23 business establishment receiving sponsorship services
24 to comply with this subsection.

25 (c) The license fee required by paragraph (1) of subsection
26 (b) of this Section shall be in addition to any license fee

1 required for the renewal of a registered medical cannabis
2 dispensing organization license.

3 (d) Applicants must submit all required information,
4 including the requirements in subsection (b) of this Section,
5 to the Department. Failure by an applicant to submit all
6 required information may result in the application being
7 disqualified.

8 (e) If the Department receives an application that fails to
9 provide the required elements contained in subsection (b), the
10 Department shall issue a deficiency notice to the applicant.
11 The applicant shall have 10 calendar days from the date of the
12 deficiency notice to submit complete information. Applications
13 that are still incomplete after this opportunity to cure may be
14 disqualified.

15 (f) If an applicant meets all the requirements of
16 subsection (b) of this Section, the Department shall issue the
17 Early Approval Adult Use Dispensing Organization License
18 within 14 days of receiving a completed application unless:

19 (1) The licensee or a principal officer is delinquent
20 in filing any required tax returns or paying any amounts
21 owed to the State of Illinois;

22 (2) The Secretary of Financial and Professional
23 Regulation determines there is reason, based on documented
24 compliance violations, the licensee is not entitled to an
25 Early Approval Adult Use Dispensing Organization License;
26 or

1 (3) Any principal officer fails to register and remain
2 in compliance with this Act or the Compassionate Use of
3 Medical Cannabis Program Act.

4 (g) A registered medical cannabis dispensing organization
5 that obtains an Early Approval Adult Use Dispensing
6 Organization License may begin selling cannabis,
7 cannabis-infused products, paraphernalia, and related items to
8 purchasers under the rules of this Act no sooner than January
9 1, 2020.

10 (h) A dispensing organization holding a medical cannabis
11 dispensing organization license issued under the Compassionate
12 Use of Medical Cannabis Program Act must maintain an adequate
13 supply of cannabis and cannabis-infused products for purchase
14 by qualifying patients, caregivers, provisional patients, and
15 Opioid Alternative Pilot Program participants. For the
16 purposes of this subsection, "adequate supply" means a monthly
17 inventory level that is comparable in type and quantity to
18 those medical cannabis products provided to patients and
19 caregivers on an average monthly basis for the 6 months before
20 the effective date of this Act.

21 (i) If there is a shortage of cannabis or cannabis-infused
22 products, a dispensing organization holding both a dispensing
23 organization license under the Compassionate Use of Medical
24 Cannabis Program Act and this Act shall prioritize serving
25 qualifying patients, caregivers, provisional patients, and
26 Opioid Alternative Pilot Program participants before serving

1 purchasers.

2 (j) Notwithstanding any law or rule to the contrary, a
3 person that holds a medical cannabis dispensing organization
4 license issued under the Compassionate Use of Medical Cannabis
5 Program Act and an Early Approval Adult Use Dispensing
6 Organization License may permit purchasers into a limited
7 access area as that term is defined in administrative rules
8 made under the authority in the Compassionate Use of Medical
9 Cannabis Program Act.

10 (k) An Early Approval Adult Use Dispensing Organization
11 License is valid until March 31, 2021. A dispensing
12 organization that obtains an Early Approval Adult Use
13 Dispensing Organization License shall receive written or
14 electronic notice 90 days before the expiration of the license
15 that the license will expire, and that informs the license
16 holder that it may apply to renew its Early Approval Adult Use
17 Dispensing Organization License on forms provided by the
18 Department. The Department shall renew the Early Approval Adult
19 Use Dispensing Organization License within 60 days of the
20 renewal application being deemed complete if:

21 (1) the dispensing organization submits an application
22 and the required nonrefundable renewal fee of \$30,000, to
23 be deposited into the Cannabis Regulation Fund;

24 (2) the Department has not suspended or permanently
25 revoked the Early Approval Adult Use Dispensing
26 Organization License or a medical cannabis dispensing

1 organization license on the same premises for violations of
2 this Act, the Compassionate Use of Medical Cannabis Program
3 Act, or rules adopted pursuant to those Acts;

4 (3) the dispensing organization has completed a Social
5 Equity Inclusion Plan as provided by parts (A), (B), and
6 (C) of paragraph (8) of subsection (b) of this Section or
7 has made substantial progress toward completing a Social
8 Equity Inclusion Plan as provided by parts (D) and (E) of
9 paragraph (8) of subsection (b) of this Section; and

10 (4) the dispensing organization is in compliance with
11 this Act and rules.

12 (1) The Early Approval Adult Use Dispensing Organization
13 License renewed pursuant to subsection (k) of this Section
14 shall expire March 31, 2022. The Early Approval Adult Use
15 Dispensing Organization Licensee shall receive written or
16 electronic notice 90 days before the expiration of the license
17 that the license will expire, and that informs the license
18 holder that it may apply for an Adult Use Dispensing
19 Organization License on forms provided by the Department. The
20 Department shall grant an Adult Use Dispensing Organization
21 License within 60 days of an application being deemed complete
22 if the applicant has met all of the criteria in Section 15-36.

23 (m) If a dispensing organization fails to submit an
24 application for renewal of an Early Approval Adult Use
25 Dispensing Organization License or for an Adult Use Dispensing
26 Organization License before the expiration dates provided in

1 subsections (k) and (l) of this Section, the dispensing
2 organization shall cease serving purchasers and cease all
3 operations until it receives a renewal or an Adult Use
4 Dispensing Organization License, as the case may be.

5 (n) A dispensing organization agent who holds a valid
6 dispensing organization agent identification card issued under
7 the Compassionate Use of Medical Cannabis Program Act and is an
8 officer, director, manager, or employee of the dispensing
9 organization licensed under this Section may engage in all
10 activities authorized by this Article to be performed by a
11 dispensing organization agent.

12 (o) If the Department suspends, permanently revokes, or
13 otherwise disciplines the Early Approval Adult Use Dispensing
14 Organization License of a dispensing organization that also
15 holds a medical cannabis dispensing organization license
16 issued under the Compassionate Use of Medical Cannabis Program
17 Act, the Department may consider the suspension, permanent
18 revocation, or other discipline of the medical cannabis
19 dispensing organization license.

20 (p) All fees collected pursuant to this Section shall be
21 deposited into the Cannabis Regulation Fund, unless otherwise
22 specified.

23 (q) Notwithstanding any limitation set forth in
24 subsections (a) and (b) of this Section, any medical cannabis
25 dispensing organization holding a valid registration on June
26 25, 2019 under the Compassionate Use of Medical Cannabis

1 Program Act that has been awarded an Early Approval Adult Use
2 Dispensing Organization License may apply to the Department to
3 change its location. The new location must be located within
4 the same medical district and BLS Region as the location of the
5 existing registered medical cannabis dispensary associated
6 with the Early Approval Adult Use Dispensing Organization
7 License. The Early Approval Adult Use Dispensing Organization
8 may only apply to relocate under this subsection (q) if one of
9 the following conditions applies:

10 (1) The registered medical cannabis dispensing
11 organization is located in a unit of local government that
12 has restricted the sale of adult use cannabis pursuant to
13 paragraph (5) of Section 55-25 or Section 55-28.

14 (2) The unit of local government in which the Early
15 Approval Adult Use Dispensing Organization is located
16 requests, pursuant to local zoning approval and local
17 authority, that the State allow the Early Approval Adult
18 Use Dispensing Organization to move to a different location
19 within the same unit of local government due to local
20 zoning concerns or the inability of the Early Approval
21 Adult Use Dispensing Organization to service both medical
22 cannabis patients and adult use customers in an orderly and
23 safe manner.

24 (r) A holder of an Early Approval Adult Use Dispensing
25 Organization License applying to change locations under
26 subsection (q) of this Section shall submit the following to

1 the Department:

2 (1) A copy of the unit of local government's ordinance,
3 resolution, or other official document demonstrating that
4 the Early Approval Adult Use Dispensing Organization meets
5 the requirements of either paragraph (1) or (2) of
6 subsection (g).

7 (2) Proof of registration as a medical cannabis
8 dispensing organization that is in good standing.

9 (3) Submission of the application by the same person or
10 entity that holds the medical cannabis dispensing
11 organization registration.

12 (4) The legal name of the medical cannabis dispensing
13 organization.

14 (5) The physical address of the medical cannabis
15 dispensing organization and the proposed physical address
16 of the proposed new site.

17 (6) A copy of the current local zoning ordinance
18 provisions relevant to dispensary operations and
19 documentation of the approval or the conditional approval
20 of the status of a request for zoning approval from the
21 local zoning office that the proposed dispensary location
22 is in compliance with the local zoning rules.

23 (7) A plot plan of the dispensary drawn to scale. The
24 applicant shall submit general specifications of the
25 building exterior and interior layout.

26 (8) A statement that the medical cannabis dispensing

1 organization agrees to respond to the Department's
2 supplemental requests for information.

3 (9) For the building or land to be used as the proposed
4 dispensary:

5 (A) if the property is not owned by the applicant,
6 a written statement from the property owner and
7 landlord, if any, certifying consent that the
8 applicant may operate a dispensary on the premises; or

9 (B) if the property is owned by the applicant,
10 confirmation of ownership and a copy of the proposed
11 operating bylaws.

12 (10) A copy of the proposed business plan that complies
13 with the requirements of this Act, including, at a minimum,
14 the following:

15 (A) a description of services to be offered; and

16 (B) a description of the process of dispensing
17 cannabis.

18 (11) A copy of the proposed security plan that complies
19 with the requirements of this Article, including:

20 (A) a description of the delivery process by which
21 cannabis will be received from a transporting
22 organization, including receipt of manifests and
23 protocols that will be used to avoid diversion, theft,
24 or loss at the dispensary acceptance point;

25 (B) the process or controls that will be
26 implemented to monitor the dispensary, secure the

1 premises, agents, patients, and currency, and prevent
2 the diversion, theft, or loss of cannabis; and

3 (C) the process to ensure that access to the
4 restricted access areas is restricted to registered
5 agents, service professionals, transporting
6 organization agents, Department inspectors, and
7 security personnel.

8 (12) A proposed inventory control plan that complies
9 with this Section.

10 (13) The name, address, social security number, and
11 date of birth of each principal officer and board member of
12 the medical cannabis dispensing organization. Each of
13 those individuals must be at least 21 years of age.

14 (s) The Department shall approve any application provided
15 under subsection (q) of this Section upon receipt by the
16 Department of the materials that meet the requirements outlined
17 under subsection (r).

18 (t) An Early Approval Adult Use Dispensing Organization
19 License that has been approved for relocation pursuant to
20 subsection (q) of this Section may begin selling cannabis and
21 cannabis-infused products to purchasers at the approved
22 location and shall be subject to the renewal process under
23 subsections (k) and (l) of this Section.

24 (u) Relocation of an Early Approval Adult Use Dispensing
25 Organization License under subsection (q) shall not occur prior
26 to awarding the Conditional Adult Use Dispensing Organization

1 Licenses under Section 15-25.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

3 (410 ILCS 705/15-40)

4 Sec. 15-40. Dispensing organization agent identification
5 card; agent training.

6 (a) The Department shall:

7 (1) verify the information contained in an application
8 or renewal for a dispensing organization agent
9 identification card submitted under this Article, and
10 approve or deny an application or renewal, within 30 days
11 of receiving a completed application or renewal
12 application and all supporting documentation required by
13 rule;

14 (2) issue a dispensing organization agent
15 identification card to a qualifying agent within 15
16 business days of approving the application or renewal;

17 (3) enter the registry identification number of the
18 dispensing organization where the agent works;

19 (4) within one year from the effective date of this
20 Act, allow for an electronic application process and
21 provide a confirmation by electronic or other methods that
22 an application has been submitted; and

23 (5) collect a \$100 nonrefundable fee from the applicant
24 to be deposited into the Cannabis Regulation Fund.

25 (b) A dispensing organization agent must keep his or her

1 identification card visible at all times when in the
2 dispensary.

3 (c) The dispensing organization agent identification cards
4 shall contain the following:

5 (1) the name of the cardholder;

6 (2) the date of issuance and expiration date of the
7 dispensing organization agent identification cards;

8 (3) a random 10-digit alphanumeric identification
9 number containing at least 4 numbers and at least 4 letters
10 that is unique to the cardholder; and

11 (4) a photograph of the cardholder.

12 (d) The dispensing organization agent identification cards
13 shall be immediately returned to the dispensing organization
14 upon termination of employment.

15 (e) The Department shall not issue an agent identification
16 card if the applicant is delinquent in filing any required tax
17 returns or paying any amounts owed to the State of Illinois.

18 (f) Any card lost by a dispensing organization agent shall
19 be reported to the Department of State Police and the
20 Department immediately upon discovery of the loss.

21 (g) An applicant shall be denied a dispensing organization
22 agent identification card renewal if he or she fails to
23 complete the training provided for in this Section.

24 (h) A dispensing organization agent shall only be required
25 to hold one card for the same employer regardless of what type
26 of dispensing organization license the employer holds.

1 (i) Cannabis retail sales training requirements.

2 (1) Within 90 days of September 1, 2019, or 90 days of
3 employment, whichever is later, all owners, managers,
4 employees, and agents involved in the handling or sale of
5 cannabis or cannabis-infused product employed by an adult
6 use dispensing organization or medical cannabis dispensing
7 organization as defined in Section 10 of the Compassionate
8 Use of Medical Cannabis Program Act shall attend and
9 successfully complete a Responsible Vendor Program.

10 (2) Each owner, manager, employee, and agent of an
11 adult use dispensing organization or medical cannabis
12 dispensing organization shall successfully complete the
13 program annually.

14 (3) Responsible Vendor Program Training modules shall
15 include at least 2 hours of instruction time approved by
16 the Department including:

17 (i) Health and safety concerns of cannabis use,
18 including the responsible use of cannabis, its
19 physical effects, onset of physiological effects,
20 recognizing signs of impairment, and appropriate
21 responses in the event of overconsumption.

22 (ii) Training on laws and regulations on driving
23 while under the influence and operating a watercraft or
24 snowmobile while under the influence.

25 (iii) Sales to minors prohibition. Training shall
26 cover all relevant Illinois laws and rules.

1 (iv) Quantity limitations on sales to purchasers.
2 Training shall cover all relevant Illinois laws and
3 rules.

4 (v) Acceptable forms of identification. Training
5 shall include:

6 (I) How to check identification; and

7 (II) Common mistakes made in verification;

8 (vi) Safe storage of cannabis;

9 (vii) Compliance with all inventory tracking
10 system regulations;

11 (viii) Waste handling, management, and disposal;

12 (ix) Health and safety standards;

13 (x) Maintenance of records;

14 (xi) Security and surveillance requirements;

15 (xii) Permitting inspections by State and local
16 licensing and enforcement authorities;

17 (xiii) Privacy issues;

18 (xiv) Packaging and labeling requirement for sales
19 to purchasers; and

20 (xv) Other areas as determined by rule.

21 (j) Blank.

22 (k) Upon the successful completion of the Responsible
23 Vendor Program, the provider shall deliver proof of completion
24 either through mail or electronic communication to the
25 dispensing organization, which shall retain a copy of the
26 certificate.

1 (1) The license of a dispensing organization or medical
2 cannabis dispensing organization whose owners, managers,
3 employees, or agents fail to comply with this Section may be
4 suspended or permanently revoked under Section 15-145 or may
5 face other disciplinary action.

6 (m) The regulation of dispensing organization and medical
7 cannabis dispensing employer and employee training is an
8 exclusive function of the State, and regulation by a unit of
9 local government, including a home rule unit, is prohibited.
10 This subsection (m) is a denial and limitation of home rule
11 powers and functions under subsection (h) of Section 6 of
12 Article VII of the Illinois Constitution.

13 (n) Persons seeking Department approval to offer the
14 training required by paragraph (3) of subsection (i) may apply
15 for such approval between August 1 and August 15 of each
16 odd-numbered year in a manner prescribed by the Department.

17 (o) Persons seeking Department approval to offer the
18 training required by paragraph (3) of subsection (i) shall
19 submit a nonrefundable application fee of \$2,000 to be
20 deposited into the Cannabis Regulation Fund or a fee as may be
21 set by rule. Any changes made to the training module shall be
22 approved by the Department.

23 (p) The Department shall not unreasonably deny approval of
24 a training module that meets all the requirements of paragraph
25 (3) of subsection (i). A denial of approval shall include a
26 detailed description of the reasons for the denial.

1 (q) Any person approved to provide the training required by
2 paragraph (3) of subsection (i) shall submit an application for
3 re-approval between August 1 and August 15 of each odd-numbered
4 year and include a nonrefundable application fee of \$2,000 to
5 be deposited into the Cannabis Regulation Fund or a fee as may
6 be set by rule.

7 (r) All persons applying to become or renewing their
8 registrations to be agents, including agents-in-charge and
9 principal officers, shall disclose any disciplinary action
10 taken against them that may have occurred in Illinois, another
11 state, or another country in relation to their employment at a
12 cannabis business establishment or at any cannabis cultivation
13 center, processor, infuser, dispensary, or other cannabis
14 business establishment.

15 (s) An agent may begin employment at a dispensing
16 organization while the agent's identification card application
17 is pending. Upon approval, the Department shall issue the
18 agent's identification card to the dispensing organization
19 agent applicant. If denied, the dispensing organization and the
20 applicant shall be notified and the applicant must cease all
21 activity at the dispensing organization immediately.

22 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

23 (410 ILCS 705/15-50)

24 Sec. 15-50. Disclosure of ownership and control.

25 (a) Each dispensing organization applicant and licensee

1 shall file and maintain a Table of Organization, Ownership and
2 Control with the Department. The Table of Organization,
3 Ownership and Control shall contain the information required by
4 this Section in sufficient detail to identify all owners,
5 directors, and principal officers, and the title of each
6 principal officer or business entity that, through direct or
7 indirect means, manages, owns, or controls the applicant or
8 licensee.

9 (b) The Table of Organization, Ownership and Control shall
10 identify the following information:

11 (1) The management structure, ownership, and control
12 of the applicant or license holder including the name of
13 each principal officer or business entity, the office or
14 position held, and the percentage ownership interest, if
15 any. If the business entity has a parent company, the name
16 of each owner, board member, and officer of the parent
17 company and his or her percentage ownership interest in the
18 parent company and the dispensing organization.

19 (2) If the applicant or licensee is a business entity
20 with publicly traded stock, the identification of
21 ownership shall be provided as required in subsection (c).

22 (3) The identity, including the name and address, of
23 every person or entity having a financial or voting
24 interest of 5% or more in the dispensing organization for
25 which the license is sought, whether the person or entity
26 is a trust, corporation, partnership, limited liability

1 company, or sole proprietorship.

2 (c) If a business entity identified in subsection (b) is a
3 publicly traded company, the following information shall be
4 provided in the Table of Organization, Ownership and Control:

5 (1) The name and percentage of ownership interest of
6 each individual or business entity with ownership of more
7 than 5% of the voting shares of the entity, to the extent
8 such information is known or contained in 13D or 13G
9 Securities and Exchange Commission filings.

10 (2) To the extent known, the names and percentage of
11 interest of ownership of persons who are relatives of one
12 another and who together exercise control over or own more
13 than 10% of the voting shares of the entity.

14 (d) A dispensing organization with a parent company or
15 companies, or partially owned or controlled by another entity
16 must disclose to the Department the relationship and all
17 owners, board members, officers, or individuals with control or
18 management of those entities. A dispensing organization shall
19 not shield its ownership or control from the Department.

20 (e) All principal officers must submit a complete online
21 application with the Department within 14 days of the
22 dispensing organization being licensed by the Department or
23 within 14 days of Department notice of approval as a new
24 principal officer.

25 (f) A principal officer may not allow his or her
26 registration to expire.

1 (g) A dispensing organization separating with a principal
2 officer must do so under this Act. The principal officer must
3 communicate the separation to the Department within 5 business
4 days.

5 (h) A principal officer not in compliance with the
6 requirements of this Act shall be removed from his or her
7 position with the dispensing organization or shall otherwise
8 terminate his or her affiliation. Failure to do so may subject
9 the dispensing organization to discipline, suspension, or
10 revocation of its license by the Department.

11 (i) It is the responsibility of the dispensing organization
12 and its principal officers to promptly notify the Department of
13 any change of the principal place of business address, hours of
14 operation, change in ownership or control, or a change of the
15 dispensing organization's primary or secondary contact
16 information. Any changes must be made to the Department in
17 writing.

18 (Source: P.A. 101-27, eff. 6-25-19.)

19 (410 ILCS 705/Art. 18 heading new)

20 Article 18.

21 Tied Applicants

22 (410 ILCS 705/18-1 new)

23 Sec. 18-1. Definitions. In this Article:

24 "Applicant" means the Proposed Dispensing Organization

1 Name as stated on a license application for a Conditional Adult
2 Use Dispensing Organization License issued under subsection
3 (a) of Section 15-25.

4 "Application points" means the number of points an
5 applicant receives at the conclusion of the scoring process.

6 "BLS Region" means a region in Illinois used by the United
7 States Bureau of Labor Statistics to gather and categorize
8 certain employment and wage data. The regions in Illinois are:
9 Bloomington, Cape Girardeau, Carbondale-Marion,
10 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
11 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
12 Rockford, St. Louis, Springfield, Northwest Illinois
13 nonmetropolitan area, West Central Illinois nonmetropolitan
14 area, East Central Illinois nonmetropolitan area, and South
15 Illinois nonmetropolitan area.

16 "By lot" means a randomized method of choosing between 2 or
17 more eligible applicants.

18 "Department" means the Department of Financial and
19 Professional Regulation.

20 "Dispensing Organization License" means any Early Approval
21 Adult Use Dispensing Organization License, Conditional Adult
22 Use Dispensing Organization License, or Adult Use Dispensing
23 Organization Licenses.

24 "Eligible applicant" means a tied applicant that is
25 eligible to participate in the process by which a remaining
26 available license is distributed by lot.

1 "License" means a Conditional Adult Use Dispensing
2 Organization Licenses issued under subsection (a) of Section
3 15-25.

4 "Principal officer" includes a cannabis business
5 establishment applicant or licensed cannabis business
6 establishment's board member, an owner with more than 1%
7 interest of the total cannabis business establishment or more
8 than 5% interest of the total cannabis business establishment
9 of a publicly traded company, a president, a vice president, a
10 secretary, a treasurer, a partner, an officer, a member, a
11 manager member, or a person with a profit sharing, financial
12 interest, or revenue sharing arrangement. "Principal officer"
13 includes a person with authority to control the cannabis
14 business establishment who assumes responsibility for the
15 debts of the cannabis business establishment and who meets the
16 definition of "principal officer" as that term is defined under
17 Section 1-10.

18 "Remaining available license" means a license in a BLS
19 Region that has not been awarded by the Department at the
20 conclusion of the scoring process period. There may be more
21 than one remaining available license in a BLS Region. For
22 example, if 4 licenses are available in a BLS Region and the 5
23 highest-scoring applicants receive scores of 245, 240, 235,
24 235, and 235 points, the applicants receiving 245 and 240
25 application points will be awarded licenses and the 3
26 applicants receiving 235 points may become eligible

1 applicants. Likewise, if one license is available in a BLS
2 Region and there are 5 applicants with the highest score, all 5
3 applicants may become eligible applicants.

4 "Scoring process period" is the period of time between the
5 conclusion of the submission period for a license application
6 and when the Department publishes the following information:

7 (1) the names of applicants that have been awarded
8 licenses based on their receiving the highest number of
9 application points; and

10 (2) the names of tied applicants that may become
11 eligible applicants.

12 "Tied applicant" means an applicant for a Conditional Adult
13 Use Dispensing Organization License issued under subsection
14 (a) of Section 15-25 that has received the same number of
15 application points as one or more other applicants in the same
16 BLS Region and would have been awarded a license but for the
17 one or more other applicants that received the same number of
18 application points.

19 (410 ILCS 705/18-5 new)

20 Sec. 18-5. Method of distribution of licenses; tied
21 applicants in a BLS Region.

22 (a) A tied applicant may qualify as an eligible applicant,
23 subject to the following:

24 (1) A tied applicant is prohibited from becoming an
25 eligible applicant if a principal officer of the tied

1 applicant is a principal officer of more tied applicants
2 than the number of remaining available licenses. For
3 example, if an individual is a principal officer of 4 tied
4 applicants and there are 2 remaining available licenses, no
5 more than 2 of those tied applicants may become eligible
6 applicants.

7 (2) A tied applicant is prohibited from becoming an
8 eligible applicant if a principal officer of a tied
9 applicant resigns after the conclusion of the scoring
10 process period.

11 (3) A tied applicant is prohibited from becoming an
12 eligible applicant if, after the conclusion of the
13 declination period identified pursuant to subsection (b),
14 a principal officer of the applicant is a principal officer
15 of more tied applicants than the number of remaining
16 available licenses.

17 (b) A tied applicant may decline to become an eligible
18 applicant by informing the Department within 5 business days of
19 the conclusion of the scoring process. The declination must be
20 submitted on forms approved by the Department.

21 (c) If at the conclusion of the scoring process period
22 there are 2 or more eligible applicants, the Department may
23 distribute the remaining available licenses by lot, subject to
24 the following:

25 (1) The Department shall publish a list of eligible
26 applicants at least 5 business days before the day the

1 remaining available licenses are distributed.

2 (2) The drawing by lot for all remaining available
3 licenses shall occur on the same day.

4 (3) For each BLS Region, the Department shall draw a
5 number of eligible applicants equal to 5 times the number
6 of remaining eligible applicants.

7 (4) Within each BLS Region, the first eligible
8 applicant drawn shall have the first right to a remaining
9 available license. The second eligible applicant drawn
10 shall have the second right to a remaining available
11 license. The same pattern shall continue for each
12 subsequent eligible applicant drawn.

13 (5) The process for distributing remaining available
14 licenses shall be recorded by the Department in a format at
15 its discretion.

16 (6) If upon being selected for a remaining available
17 license the eligible applicant has a principal officer that
18 is a principal officer in more than 10 Early Approval Adult
19 Use Dispensing Organization Licenses, Early Approval Adult
20 Use Dispensing Organization Licenses at secondary sites,
21 Conditional Adult Use Dispensing Organization Licenses, or
22 Adult Use Dispensing Organization Licenses, the licensees
23 and the eligible applicant listing principal officer must
24 choose which license to abandon pursuant to subsection (d)
25 of Section 15-36 and notify the Department in writing
26 within 5 business days. If the eligible applicant or

1 licensees do not notify the Department as required, the
2 Department shall refuse to issue all remaining available
3 licenses obtained by lot in all BLS Regions to the eligible
4 applicant.

5 (7) All remaining available licenses that are
6 abandoned shall be distributed to the next eligible
7 applicant drawn by lot. If there are no additional eligible
8 applicants, the license shall be awarded to the applicant
9 receiving the next highest number of application points in
10 the BLS Region.

11 (410 ILCS 705/20-35)

12 Sec. 20-35. Cultivation center agent identification card.

13 (a) The Department of Agriculture shall:

14 (1) establish by rule the information required in an
15 initial application or renewal application for an agent
16 identification card submitted under this Act and the
17 nonrefundable fee to accompany the initial application or
18 renewal application;

19 (2) verify the information contained in an initial
20 application or renewal application for an agent
21 identification card submitted under this Act, and approve
22 or deny an application within 30 days of receiving a
23 completed initial application or renewal application and
24 all supporting documentation required by rule;

25 (3) issue an agent identification card to a qualifying

1 agent within 15 business days of approving the initial
2 application or renewal application;

3 (4) enter the license number of the cultivation center
4 where the agent works; and

5 (5) allow for an electronic initial application and
6 renewal application process, and provide a confirmation by
7 electronic or other methods that an application has been
8 submitted. The Department of Agriculture may by rule
9 require prospective agents to file their applications by
10 electronic means and provide notices to the agents by
11 electronic means.

12 (b) An agent must keep his or her identification card
13 visible at all times when on the property of the cultivation
14 center at which the agent is employed.

15 (c) The agent identification cards shall contain the
16 following:

17 (1) the name of the cardholder;

18 (2) the date of issuance and expiration date of the
19 identification card;

20 (3) a random 10-digit alphanumeric identification
21 number containing at least 4 numbers and at least 4 letters
22 that is unique to the holder;

23 (4) a photograph of the cardholder; and

24 (5) the legal name of the cultivation center employing
25 the agent.

26 (d) An agent identification card shall be immediately

1 returned to the cultivation center of the agent upon
2 termination of his or her employment.

3 (e) Any agent identification card lost by a cultivation
4 center agent shall be reported to the Department of State
5 Police and the Department of Agriculture immediately upon
6 discovery of the loss.

7 (f) The Department of Agriculture shall not issue an agent
8 identification card if the applicant is delinquent in filing
9 any required tax returns or paying any amounts owed to the
10 State of Illinois.

11 (g) An agent may begin employment at a cultivation center
12 while the agent's identification card application is pending.
13 Upon approval, the Department shall issue the agent's
14 identification card to the cultivation center agent applicant.
15 If denied, the cultivation center and the applicant shall be
16 notified and the applicant must cease all activity at the
17 cultivation center immediately.

18 (Source: P.A. 101-27, eff. 6-25-19.)

19 (410 ILCS 705/20-50)

20 Sec. 20-50. Cultivator taxes; returns.

21 (a) A tax is imposed upon the privilege of cultivating and
22 processing adult use cannabis at the rate of 7% of the gross
23 receipts from the sale of cannabis by a cultivator to a
24 dispensing organization. The sale of any adult use product that
25 contains any amount of cannabis or any derivative thereof is

1 subject to the tax under this Section on the full selling price
2 of the product. The proceeds from this tax shall be deposited
3 into the Cannabis Regulation Fund. This tax shall be paid by
4 the cultivator who makes the first sale and is not the
5 responsibility of a dispensing organization, qualifying
6 patient, or purchaser.

7 (b) In the administration of and compliance with this
8 Section, the Department of Revenue and persons who are subject
9 to this Section: (i) have the same rights, remedies,
10 privileges, immunities, powers, and duties, (ii) are subject to
11 the same conditions, restrictions, limitations, penalties, and
12 definitions of terms, and (iii) shall employ the same modes of
13 procedure as are set forth in the Cannabis Cultivation
14 Privilege Tax Law and the Uniform Penalty and Interest Act as
15 if those provisions were set forth in this Section.

16 (c) The tax imposed under this Act shall be in addition to
17 all other occupation or privilege taxes imposed by the State of
18 Illinois or by any municipal corporation or political
19 subdivision thereof.

20 (d) Notwithstanding any other provision of law, no special
21 district may levy a tax upon the cultivation and processing of
22 adult use cannabis.

23 (Source: P.A. 101-27, eff. 6-25-19.)

24 (410 ILCS 705/25-35)

25 (Section scheduled to be repealed on July 1, 2026)

1 Sec. 25-35. Community College Cannabis Vocational Training
2 Pilot Program faculty participant agent identification card.

3 (a) The Department shall:

4 (1) establish by rule the information required in an
5 initial application or renewal application for an agent
6 identification card submitted under this Article and the
7 nonrefundable fee to accompany the initial application or
8 renewal application;

9 (2) verify the information contained in an initial
10 application or renewal application for an agent
11 identification card submitted under this Article, and
12 approve or deny an application within 30 days of receiving
13 a completed initial application or renewal application and
14 all supporting documentation required by rule;

15 (3) issue an agent identification card to a qualifying
16 agent within 15 business days of approving the initial
17 application or renewal application;

18 (4) enter the license number of the community college
19 where the agent works; and

20 (5) allow for an electronic initial application and
21 renewal application process, and provide a confirmation by
22 electronic or other methods that an application has been
23 submitted. Each Department may by rule require prospective
24 agents to file their applications by electronic means and
25 to provide notices to the agents by electronic means.

26 (b) An agent must keep his or her identification card

1 visible at all times when in the enclosed, locked facility, or
2 facilities for which he or she is an agent.

3 (c) The agent identification cards shall contain the
4 following:

5 (1) the name of the cardholder;

6 (2) the date of issuance and expiration date of the
7 identification card;

8 (3) a random 10-digit alphanumeric identification
9 number containing at least 4 numbers and at least 4 letters
10 that is unique to the holder;

11 (4) a photograph of the cardholder; and

12 (5) the legal name of the community college employing
13 the agent.

14 (d) An agent identification card shall be immediately
15 returned to the community college of the agent upon termination
16 of his or her employment.

17 (e) Any agent identification card lost shall be reported to
18 the Department of State Police and the Department of
19 Agriculture immediately upon discovery of the loss.

20 (f) An agent may begin employment at a Community College
21 Cannabis Vocational Training Pilot Program while the agent's
22 identification card application is pending. Upon approval, the
23 Department shall issue the agent's identification card to the
24 Community College Cannabis Vocational Training Pilot Program
25 participant agent applicant. If denied, the Community College
26 Cannabis Vocational Training Pilot Program and the participant

1 applicant shall be notified and the applicant must cease all
2 activity at the cultivation center immediately.

3 (Source: P.A. 101-27, eff. 6-25-19.)

4 (410 ILCS 705/30-35)

5 Sec. 30-35. Craft grower agent identification card.

6 (a) The Department of Agriculture shall:

7 (1) establish by rule the information required in an
8 initial application or renewal application for an agent
9 identification card submitted under this Act and the
10 nonrefundable fee to accompany the initial application or
11 renewal application;

12 (2) verify the information contained in an initial
13 application or renewal application for an agent
14 identification card submitted under this Act and approve or
15 deny an application within 30 days of receiving a completed
16 initial application or renewal application and all
17 supporting documentation required by rule;

18 (3) issue an agent identification card to a qualifying
19 agent within 15 business days of approving the initial
20 application or renewal application;

21 (4) enter the license number of the craft grower where
22 the agent works; and

23 (5) allow for an electronic initial application and
24 renewal application process, and provide a confirmation by
25 electronic or other methods that an application has been

1 submitted. The Department of Agriculture may by rule
2 require prospective agents to file their applications by
3 electronic means and provide notices to the agents by
4 electronic means.

5 (b) An agent must keep his or her identification card
6 visible at all times when on the property of a cannabis
7 business establishment, including the craft grower
8 organization for which he or she is an agent.

9 (c) The agent identification cards shall contain the
10 following:

11 (1) the name of the cardholder;

12 (2) the date of issuance and expiration date of the
13 identification card;

14 (3) a random 10-digit alphanumeric identification
15 number containing at least 4 numbers and at least 4 letters
16 that is unique to the holder;

17 (4) a photograph of the cardholder; and

18 (5) the legal name of the craft grower organization
19 employing the agent.

20 (d) An agent identification card shall be immediately
21 returned to the cannabis business establishment of the agent
22 upon termination of his or her employment.

23 (e) Any agent identification card lost by a craft grower
24 agent shall be reported to the Department of State Police and
25 the Department of Agriculture immediately upon discovery of the
26 loss.

1 (f) An agent may begin employment at a craft grower
2 organization while the agent's identification card application
3 is pending. Upon approval, the Department shall issue the
4 agent's identification card to the craft grower organization
5 agent applicant. If denied, the craft grower organization and
6 the applicant shall be notified and the applicant must cease
7 all activity at the craft grower organization immediately.

8 (Source: P.A. 101-27, eff. 6-25-19.)

9 (410 ILCS 705/35-30)

10 Sec. 35-30. Infuser agent identification card.

11 (a) The Department of Agriculture shall:

12 (1) establish by rule the information required in an
13 initial application or renewal application for an agent
14 identification card submitted under this Act and the
15 nonrefundable fee to accompany the initial application or
16 renewal application;

17 (2) verify the information contained in an initial
18 application or renewal application for an agent
19 identification card submitted under this Act, and approve
20 or deny an application within 30 days of receiving a
21 completed initial application or renewal application and
22 all supporting documentation required by rule;

23 (3) issue an agent identification card to a qualifying
24 agent within 15 business days of approving the initial
25 application or renewal application;

1 (4) enter the license number of the infuser where the
2 agent works; and

3 (5) allow for an electronic initial application and
4 renewal application process, and provide a confirmation by
5 electronic or other methods that an application has been
6 submitted. The Department of Agriculture may by rule
7 require prospective agents to file their applications by
8 electronic means and provide notices to the agents by
9 electronic means.

10 (b) An agent must keep his or her identification card
11 visible at all times when on the property of a cannabis
12 business establishment including the cannabis business
13 establishment for which he or she is an agent.

14 (c) The agent identification cards shall contain the
15 following:

16 (1) the name of the cardholder;

17 (2) the date of issuance and expiration date of the
18 identification card;

19 (3) a random 10-digit alphanumeric identification
20 number containing at least 4 numbers and at least 4 letters
21 that is unique to the holder;

22 (4) a photograph of the cardholder; and

23 (5) the legal name of the infuser organization
24 employing the agent.

25 (d) An agent identification card shall be immediately
26 returned to the infuser organization of the agent upon

1 termination of his or her employment.

2 (e) Any agent identification card lost by a transporting
3 agent shall be reported to the Department of State Police and
4 the Department of Agriculture immediately upon discovery of the
5 loss.

6 (f) An agent may begin employment at an infuser
7 organization while the agent's identification card application
8 is pending. Upon approval, the Department shall issue the
9 agent's identification card to the infuser organization agent
10 applicant. If denied, the infuser organization and the
11 applicant shall be notified and the applicant must cease all
12 activity at the infuser organization immediately.

13 (Source: P.A. 101-27, eff. 6-25-19.)

14 (410 ILCS 705/40-30)

15 Sec. 40-30. Transporting agent identification card.

16 (a) The Department of Agriculture shall:

17 (1) establish by rule the information required in an
18 initial application or renewal application for an agent
19 identification card submitted under this Act and the
20 nonrefundable fee to accompany the initial application or
21 renewal application;

22 (2) verify the information contained in an initial
23 application or renewal application for an agent
24 identification card submitted under this Act and approve or
25 deny an application within 30 days of receiving a completed

1 initial application or renewal application and all
2 supporting documentation required by rule;

3 (3) issue an agent identification card to a qualifying
4 agent within 15 business days of approving the initial
5 application or renewal application;

6 (4) enter the license number of the transporting
7 organization where the agent works; and

8 (5) allow for an electronic initial application and
9 renewal application process, and provide a confirmation by
10 electronic or other methods that an application has been
11 submitted. The Department of Agriculture may by rule
12 require prospective agents to file their applications by
13 electronic means and provide notices to the agents by
14 electronic means.

15 (b) An agent must keep his or her identification card
16 visible at all times when on the property of a cannabis
17 business establishment, including the cannabis business
18 establishment for which he or she is an agent.

19 (c) The agent identification cards shall contain the
20 following:

21 (1) the name of the cardholder;

22 (2) the date of issuance and expiration date of the
23 identification card;

24 (3) a random 10-digit alphanumeric identification
25 number containing at least 4 numbers and at least 4 letters
26 that is unique to the holder;

1 (4) a photograph of the cardholder; and

2 (5) the legal name of the transporting organization
3 employing the agent.

4 (d) An agent identification card shall be immediately
5 returned to the transporting organization of the agent upon
6 termination of his or her employment.

7 (e) Any agent identification card lost by a transporting
8 agent shall be reported to the Department of State Police and
9 the Department of Agriculture immediately upon discovery of the
10 loss.

11 (f) An application for an agent identification card shall
12 be denied if the applicant is delinquent in filing any required
13 tax returns or paying any amounts owed to the State of
14 Illinois.

15 (g) An agent may begin employment at a transporting
16 organization while the agent's identification card application
17 is pending. Upon approval, the Department shall issue the
18 agent's identification card to the transporting agent
19 applicant. If denied, the transporting organization and the
20 applicant shall be notified and the applicant must cease all
21 activity at the transporting organization immediately.

22 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

23 (410 ILCS 705/55-20)

24 Sec. 55-20. Advertising and promotions.

25 (a) No cannabis business establishment nor any other person

1 or entity shall engage in advertising that contains any
2 statement or illustration that:

3 (1) is false or misleading;

4 (2) promotes overconsumption of cannabis or cannabis
5 products;

6 (3) depicts the actual consumption of cannabis or
7 cannabis products;

8 (4) depicts a person under 21 years of age consuming
9 cannabis;

10 (5) makes any health, medicinal, or therapeutic claims
11 about cannabis or cannabis-infused products;

12 (6) includes the image of a cannabis leaf or bud; or

13 (7) includes any image designed or likely to appeal to
14 minors, including cartoons, toys, animals, or children, or
15 any other likeness to images, characters, or phrases that
16 is designed in any manner to be appealing to or encourage
17 consumption by persons under 21 years of age.

18 (b) No cannabis business establishment nor any other person
19 or entity shall place or maintain, or cause to be placed or
20 maintained, an advertisement of cannabis or a cannabis-infused
21 product in any form or through any medium:

22 (1) within 1,000 feet of the perimeter of school
23 grounds, a playground, a recreation center or facility, a
24 child care center, a public park or public library, or a
25 game arcade to which admission is not restricted to persons
26 21 years of age or older;

1 (2) on or in a public transit vehicle or public transit
2 shelter;

3 (3) on or in publicly owned or publicly operated
4 property; or

5 (4) that contains information that:

6 (A) is false or misleading;

7 (B) promotes excessive consumption;

8 (C) depicts a person under 21 years of age
9 consuming cannabis;

10 (D) includes the image of a cannabis leaf; or

11 (E) includes any image designed or likely to appeal
12 to minors, including cartoons, toys, animals, or
13 children, or any other likeness to images, characters,
14 or phrases that are popularly used to advertise to
15 children, or any imitation of candy packaging or
16 labeling, or that promotes consumption of cannabis.

17 (c) Subsections (a) and (b) do not apply to an educational
18 message.

19 (d) Sales promotions. No cannabis business establishment
20 nor any other person or entity may encourage the sale of
21 cannabis or cannabis products by giving away cannabis or
22 cannabis products, by conducting games or competitions related
23 to the consumption of cannabis or cannabis products, or by
24 providing promotional materials or activities of a manner or
25 type that would be appealing to children.

26 (b-5) Paragraphs (1), (2), and (3) of subsection (b) do not

1 apply if the cannabis business establishment is advertising via
2 marketing directed toward an application on an
3 Internet-capable electronic device, including, but not limited
4 to, a cellular telephone, and the application:

5 (1) is limited to installation and use on an
6 Internet-capable electronic device by an individual who is
7 21 years of age or older; and

8 (2) includes a permanent mechanism to opt out of using
9 or installing the application, including, but not limited
10 to, deleting the application.

11 (b-10) Paragraphs (1), (2), and (3) of subsection (b) do
12 not apply to a newspaper, as defined in Section 5 of the Notice
13 by Publication Act. A cannabis business establishment shall not
14 advertise in a newspaper if more than 30 percent of the
15 newspaper's readership is reasonably expected to be under the
16 age of 21.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/55-21)

19 Sec. 55-21. Cannabis product packaging and labeling.

20 (a) Each cannabis product produced for sale shall be
21 registered with the Department of Agriculture on forms provided
22 by the Department of Agriculture. Each product registration
23 shall include a label and the required registration fee at the
24 rate established by the Department of Agriculture for a
25 comparable medical cannabis product, or as established by rule.

1 The registration fee is for the name of the product offered for
2 sale and one fee shall be sufficient for all package sizes.

3 (b) All harvested cannabis intended for distribution to a
4 cannabis enterprise must be packaged in a sealed, labeled
5 container.

6 (c) At point of sale, any ~~Any~~ product containing cannabis
7 shall be packaged in a sealed or resealable, odor-proof, and
8 child-resistant cannabis container consistent with current
9 standards, including the Consumer Product Safety Commission
10 standards referenced by the Poison Prevention Act.

11 (d) All cannabis-infused products shall be individually
12 wrapped or packaged at the original point of preparation. The
13 packaging of the cannabis-infused product shall conform to the
14 labeling requirements of the Illinois Food, Drug and Cosmetic
15 Act, in addition to the other requirements set forth in this
16 Section.

17 (e) Each cannabis product shall be labeled before sale and
18 each label shall be securely affixed to the package and shall
19 state in legible English and any languages required by the
20 Department of Agriculture:

21 (1) the name and post office box of the registered
22 cultivation center or craft grower where the item was
23 manufactured;

24 (2) the common or usual name of the item and the
25 registered name of the cannabis product that was registered
26 with the Department of Agriculture under subsection (a);

1 (3) a unique serial number that will match the product
2 with a cultivation center or craft grower batch and lot
3 number to facilitate any warnings or recalls the Department
4 of Agriculture, cultivation center, or craft grower deems
5 appropriate;

6 (4) the date of final testing and packaging, if
7 sampled, and the identification of the independent testing
8 laboratory;

9 (5) the date of harvest and "use by" date;

10 (6) the quantity (in ounces or grams) of cannabis
11 contained in the product;

12 (7) a pass/fail rating based on the laboratory's
13 microbiological, mycotoxins, and pesticide and solvent
14 residue analyses, if sampled;

15 (8) content list.

16 (A) A list of the following, including the minimum
17 and maximum percentage content by weight for
18 subdivisions (e) (8) (A) (i) through (iv):

19 (i) delta-9-tetrahydrocannabinol (THC);

20 (ii) tetrahydrocannabinolic acid (THCA);

21 (iii) cannabidiol (CBD);

22 (iv) cannabidiolic acid (CBDA); and

23 (v) all other ingredients of the item,
24 including any colors, artificial flavors, and
25 preservatives, listed in descending order by
26 predominance of weight shown with common or usual

1 names.

2 (B) The acceptable tolerances for the minimum
3 percentage printed on the label for any of subdivisions
4 (e) (8) (A) (i) through (iv) shall not be below 85% or
5 above 115% of the labeled amount.

6 (f) Packaging must not contain information that:

7 (1) is false or misleading;

8 (2) promotes excessive consumption;

9 (3) depicts a person under 21 years of age consuming
10 cannabis;

11 (4) includes the image of a cannabis leaf;

12 (5) includes any image designed or likely to appeal to
13 minors, including cartoons, toys, animals, or children, or
14 any other likeness to images, characters, or phrases that
15 are popularly used to advertise to children, or any
16 packaging or labeling that bears reasonable resemblance to
17 any product available for consumption as a commercially
18 available candy, or that promotes consumption of cannabis;

19 (6) contains any seal, flag, crest, coat of arms, or
20 other insignia likely to mislead the purchaser to believe
21 that the product has been endorsed, made, or used by the
22 State of Illinois or any of its representatives except
23 where authorized by this Act.

24 (g) Cannabis products produced by concentrating or
25 extracting ingredients from the cannabis plant shall contain
26 the following information, where applicable:

1 (1) If solvents were used to create the concentrate or
2 extract, a statement that discloses the type of extraction
3 method, including any solvents or gases used to create the
4 concentrate or extract; and

5 (2) Any other chemicals or compounds used to produce or
6 were added to the concentrate or extract.

7 (h) All cannabis products must contain warning statements
8 established for purchasers, of a size that is legible and
9 readily visible to a consumer inspecting a package, which may
10 not be covered or obscured in any way. The Department of Public
11 Health shall define and update appropriate health warnings for
12 packages including specific labeling or warning requirements
13 for specific cannabis products.

14 (i) Unless modified by rule to strengthen or respond to new
15 evidence and science, the following warnings shall apply to all
16 cannabis products unless modified by rule: "This product
17 contains cannabis and is intended for use by adults 21 and
18 over. Its use can impair cognition and may be habit forming.
19 This product should not be used by pregnant or breastfeeding
20 women. It is unlawful to sell or provide this item to any
21 individual, and it may not be transported outside the State of
22 Illinois. It is illegal to operate a motor vehicle while under
23 the influence of cannabis. Possession or use of this product
24 may carry significant legal penalties in some jurisdictions and
25 under federal law."

26 (j) Warnings for each of the following product types must

1 be present on labels when offered for sale to a purchaser:

2 (1) Cannabis that may be smoked must contain a
3 statement that "Smoking is hazardous to your health."

4 (2) Cannabis-infused products (other than those
5 intended for topical application) must contain a statement
6 "CAUTION: This product contains cannabis, and intoxication
7 following use may be delayed 2 or more hours. This product
8 was produced in a facility that cultivates cannabis, and
9 that may also process common food allergens."

10 (3) Cannabis-infused products intended for topical
11 application must contain a statement "DO NOT EAT" in bold,
12 capital letters.

13 (k) Each cannabis-infused product intended for consumption
14 must be individually packaged, must include the total milligram
15 content of THC and CBD, and may not include more than a total
16 of 100 milligrams of THC per package. A package may contain
17 multiple servings of 10 milligrams of THC, indicated by
18 scoring, wrapping, or by other indicators designating
19 individual serving sizes. The Department of Agriculture may
20 change the total amount of THC allowed for each package, or the
21 total amount of THC allowed for each serving size, by rule.

22 (l) No individual other than the purchaser may alter or
23 destroy any labeling affixed to the primary packaging of
24 cannabis or cannabis-infused products.

25 (m) For each commercial weighing and measuring device used
26 at a facility, the cultivation center or craft grower must:

1 (1) Ensure that the commercial device is licensed under
2 the Weights and Measures Act and the associated
3 administrative rules (8 Ill. Adm. Code 600);

4 (2) Maintain documentation of the licensure of the
5 commercial device; and

6 (3) Provide a copy of the license of the commercial
7 device to the Department of Agriculture for review upon
8 request.

9 (n) It is the responsibility of the Department to ensure
10 that packaging and labeling requirements, including product
11 warnings, are enforced at all times for products provided to
12 purchasers. Product registration requirements and container
13 requirements may be modified by rule by the Department of
14 Agriculture.

15 (o) Labeling, including warning labels, may be modified by
16 rule by the Department of Agriculture.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/55-28)

19 Sec. 55-28. Restricted cannabis zones.

20 (a) As used in this Section:

21 "Legal voter" means a person:

22 (1) who is duly registered to vote in a municipality
23 with a population of over 500,000;

24 (2) whose name appears on a poll list compiled by the
25 city board of election commissioners since the last

1 preceding election, regardless of whether the election was
2 a primary, general, or special election;

3 (3) who, at the relevant time, is a resident of the
4 address at which he or she is registered to vote; and

5 (4) whose address, at the relevant time, is located in
6 the precinct where such person seeks to file a notice of
7 intent to initiate a petition process, circulate a
8 petition, or sign a petition under this Section.

9 As used in the definition of "legal voter", "relevant time"
10 means any time that:

11 (i) a notice of intent is filed, pursuant to subsection
12 (c) of this Section, to initiate the petition process under
13 this Section;

14 (ii) the petition is circulated for signature in the
15 applicable precinct; or

16 (iii) the petition is signed by registered voters in
17 the applicable precinct.

18 "Petition" means the petition described in this Section.

19 "Precinct" means the smallest constituent territory within
20 a municipality with a population of over 500,000 in which
21 electors vote as a unit at the same polling place in any
22 election governed by the Election Code.

23 "Restricted cannabis zone" means a precinct within which
24 home cultivation, one or more types of cannabis business
25 establishments, or both has been prohibited pursuant to an
26 ordinance initiated by a petition under this Section.

1 (b) The legal voters of any precinct within a municipality
2 with a population of over 500,000 may petition their local
3 alderman, using a petition form made available online by the
4 city clerk, to introduce an ordinance establishing the precinct
5 as a restricted zone. Such petition shall specify whether it
6 seeks an ordinance to prohibit, within the precinct: (i) home
7 cultivation; (ii) one or more types of cannabis business
8 establishments; or (iii) home cultivation and one or more types
9 of cannabis business establishments.

10 Upon receiving a petition containing the signatures of at
11 least 25% of the registered voters of the precinct, and
12 concluding that the petition is legally sufficient following
13 the posting and review process in subsection (c) of this
14 Section, the city clerk shall notify the local alderman of the
15 ward in which the precinct is located. Upon being notified,
16 that alderman, following an assessment of relevant factors
17 within the precinct, including but not limited to, its
18 geography, density and character, the prevalence of
19 residentially zoned property, current licensed cannabis
20 business establishments in the precinct, the current amount of
21 home cultivation in the precinct, and the prevailing viewpoint
22 with regard to the issue raised in the petition, may introduce
23 an ordinance to the municipality's governing body creating a
24 restricted cannabis zone in that precinct.

25 (c) A person seeking to initiate the petition process
26 described in this Section shall first submit to the city clerk

1 notice of intent to do so, on a form made available online by
2 the city clerk. That notice shall include a description of the
3 potentially affected area and the scope of the restriction
4 sought. The city clerk shall publicly post the submitted notice
5 online.

6 To be legally sufficient, a petition must contain the
7 requisite number of valid signatures and all such signatures
8 must be obtained within 90 days of the date that the city clerk
9 publicly posts the notice of intent. Upon receipt, the city
10 clerk shall post the petition on the municipality's website for
11 a 30-day comment period. The city clerk is authorized to take
12 all necessary and appropriate steps to verify the legal
13 sufficiency of a submitted petition. Following the petition
14 review and comment period, the city clerk shall publicly post
15 online the status of the petition as accepted or rejected, and
16 if rejected, the reasons therefor. If the city clerk rejects a
17 petition as legally insufficient, a minimum of 12 months must
18 elapse from the time the city clerk posts the rejection notice
19 before a new notice of intent for that same precinct may be
20 submitted.

21 (c-5) Within 3 days after receiving an application for
22 zoning approval to locate a cannabis business establishment
23 within a municipality with a population of over 500,000, the
24 municipality shall post a public notice of the filing on its
25 website and notify the alderman of the ward in which the
26 proposed cannabis business establishment is to be located of

1 the filing. No action shall be taken on the zoning application
2 for 7 business days following the notice of the filing for
3 zoning approval.

4 If a notice of intent to initiate the petition process to
5 prohibit the type of cannabis business establishment proposed
6 in the precinct of the proposed cannabis business establishment
7 is filed prior to the filing of the application or within the
8 7-day period after the filing of the application, the
9 municipality shall not approve the application for at least 90
10 days after the city clerk publicly posts the notice of intent
11 to initiate the petition process. If a petition is filed within
12 the 90-day petition-gathering period described in subsection
13 (c), the municipality shall not approve the application for an
14 additional 90 days after the city clerk's receipt of the
15 petition; provided that if the city clerk rejects a petition as
16 legally insufficient, the municipality may approve the
17 application prior to the end of the 90 days. If a petition is
18 not submitted within the 90-day petition-gathering period
19 described in subsection (c), the municipality may approve the
20 application unless the approval is otherwise stayed pursuant to
21 this subsection by a separate notice of intent to initiate the
22 petition process filed timely within the 7-day period.

23 If no legally sufficient petition is timely filed, a
24 minimum of 12 months must elapse before a new notice of intent
25 for that same precinct may be submitted.

26 (c-10) Notwithstanding any other provision of law, if, at

1 the time the clerk posts the notice of intent or within the
2 90-day petition-gathering period under subsection (c), a
3 disaster proclamation issued by the Governor under Section 7 of
4 the Illinois Emergency Management Agency Act is in effect and
5 the municipality is within the disaster area, the municipality
6 may pass an ordinance suspending the petition-gathering period
7 for the duration of the disaster proclamation. On the day after
8 the expiration of the disaster proclamation, the
9 petition-gathering period shall continue at the point at which
10 it was suspended. Any such delay shall suspend action on the
11 application under subsection (c).

12 (d) Notwithstanding any law to the contrary, the
13 municipality may enact an ordinance creating a restricted
14 cannabis zone. The ordinance shall:

15 (1) identify the applicable precinct boundaries as of
16 the date of the petition;

17 (2) state whether the ordinance prohibits within the
18 defined boundaries of the precinct, and in what
19 combination: (A) one or more types of cannabis business
20 establishments; or (B) home cultivation;

21 (3) be in effect for 4 years, unless repealed earlier;
22 and

23 (4) once in effect, be subject to renewal by ordinance
24 at the expiration of the 4-year period without the need for
25 another supporting petition.

26 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

1 (410 ILCS 705/55-30)

2 Sec. 55-30. Confidentiality.

3 (a) Information provided by the cannabis business
4 establishment licensees or applicants to the Department of
5 Agriculture, the Department of Public Health, the Department of
6 Financial and Professional Regulation, the Department of
7 Commerce and Economic Opportunity, or other agency shall be
8 limited to information necessary for the purposes of
9 administering this Act. The information is subject to the
10 provisions and limitations contained in the Freedom of
11 Information Act and may be disclosed in accordance with Section
12 55-65.

13 (b) The following information received and records kept by
14 the Department of Agriculture, the Department of Public Health,
15 the Department of State Police, and the Department of Financial
16 and Professional Regulation for purposes of administering this
17 Article are subject to all applicable federal privacy laws, are
18 confidential and exempt from disclosure under the Freedom of
19 Information Act, except as provided in this Act, and not
20 subject to disclosure to any individual or public or private
21 entity, except to the Department of Financial and Professional
22 Regulation, the Department of Agriculture, the Department of
23 Public Health, and the Department of State Police as necessary
24 to perform official duties under this Article and to the
25 Attorney General as necessary to enforce the provisions of this

1 Act. The following information received and kept by the
2 Department of Financial and Professional Regulation or the
3 Department of Agriculture may be disclosed to the Department of
4 Public Health, the Department of Agriculture, the Department of
5 Revenue, the Department of State Police, or the Attorney
6 General upon proper request:

7 (1) Applications and renewals, their contents, and
8 supporting information submitted by or on behalf of
9 dispensing organizations, cultivation centers, craft
10 growers, infuser organizations, Community College Cannabis
11 Vocational Program licensees, or transporters in
12 compliance with this Article, including their physical
13 addresses; however, this does not preclude the release of
14 ownership information of cannabis business establishment
15 licenses, or information submitted with an application
16 required to be disclosed pursuant to subsection (f);

17 (2) Any plans, procedures, policies, or other records
18 relating to dispensing organization security; and

19 (3) Information otherwise exempt from disclosure by
20 State or federal law.

21 Illinois or national criminal history record information,
22 or the nonexistence or lack of such information, may not be
23 disclosed by the Department of Financial and Professional
24 Regulation or the Department of Agriculture, except as
25 necessary to the Attorney General to enforce this Act.

26 (c) The name and address of a dispensing organization

1 licensed under this Act shall be subject to disclosure under
2 the Freedom of Information Act. The name and cannabis business
3 establishment address of the person or entity holding each
4 cannabis business establishment license shall be subject to
5 disclosure.

6 (d) All information collected by the Department of
7 Financial and Professional Regulation in the course of an
8 examination, inspection, or investigation of a licensee or
9 applicant, including, but not limited to, any complaint against
10 a licensee or applicant filed with the Department and
11 information collected to investigate any such complaint, shall
12 be maintained for the confidential use of the Department and
13 shall not be disclosed, except as otherwise provided in this
14 Act. A formal complaint against a licensee by the Department or
15 any disciplinary order issued by the Department against a
16 licensee or applicant shall be a public record, except as
17 otherwise provided by law. Complaints from consumers or members
18 of the general public received regarding a specific, named
19 licensee or complaints regarding conduct by unlicensed
20 entities shall be subject to disclosure under the Freedom of
21 Information Act.

22 (e) The Department of Agriculture, the Department of State
23 Police, and the Department of Financial and Professional
24 Regulation shall not share or disclose any Illinois or national
25 criminal history record information, or the nonexistence or
26 lack of such information, to any person or entity not expressly

1 authorized by this Act.

2 (f) Each Department responsible for licensure under this
3 Act shall publish on the Department's website ~~a list of the~~
4 ownership information and address of each cannabis business
5 establishment licensee ~~licensees~~ under the Department's
6 jurisdiction. The ownership information published shall
7 include current versions of the following documents submitted
8 by cannabis business establishments that received a license
9 under the Department's jurisdiction: (i) Tables of
10 Organization, Ownership and Control as provided under Section
11 15-50; (ii) the identity of every person having a financial or
12 voting interest of 5% or greater in a cultivation center
13 operation as provided under paragraph (17) of subsection (a) of
14 Section 20-15; (iii) the identity of every person having a
15 financial or voting interest of 5% or greater in a craft grower
16 operation as provided under paragraph (17) of subsection (a) of
17 Section 30-10; and (iv) the identity of every person having a
18 financial or voting interest of 5% or greater in an infuser
19 operation as provided under paragraph (16) of subsection (a) of
20 Section 35-10. The list shall include, but is not limited to:
21 ~~the name of the person or entity holding each cannabis business~~
22 ~~establishment license; and the address at which the entity is~~
23 ~~operating under this Act. This list shall be published and~~
24 ~~updated monthly.~~

25 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

1 (410 ILCS 705/55-35)

2 Sec. 55-35. Administrative rulemaking.

3 (a) No later than 180 days after the effective date of this
4 Act, the Department of Agriculture, the Department of State
5 Police, the Department of Financial and Professional
6 Regulation, the Department of Revenue, the Department of
7 Commerce and Economic Opportunity, and the Treasurer's Office
8 shall adopt permanent rules in accordance with their
9 responsibilities under this Act. The Department of
10 Agriculture, the Department of State Police, the Department of
11 Financial and Professional Regulation, the Department of
12 Revenue, and the Department of Commerce and Economic
13 Opportunity may adopt rules necessary to regulate personal
14 cannabis use through the use of emergency rulemaking in
15 accordance with subsection (gg) of Section 5-45 of the Illinois
16 Administrative Procedure Act. The General Assembly finds that
17 the adoption of rules to regulate cannabis use is deemed an
18 emergency and necessary for the public interest, safety, and
19 welfare.

20 (b) The Department of Agriculture rules may address, but
21 are not limited to, the following matters related to
22 cultivation centers, craft growers, infuser organizations, and
23 transporting organizations with the goal of ensuring a fair and
24 competitive marketplace and protecting against diversion and
25 theft, without imposing an undue burden on the cultivation
26 centers, craft growers, infuser organizations, or transporting

1 organizations:

2 (1) oversight requirements for cultivation centers,
3 craft growers, infuser organizations, and transporting
4 organizations;

5 (2) recordkeeping requirements for cultivation
6 centers, craft growers, infuser organizations, and
7 transporting organizations;

8 (3) security requirements for cultivation centers,
9 craft growers, infuser organizations, and transporting
10 organizations, which shall include that each cultivation
11 center, craft grower, infuser organization, and
12 transporting organization location must be protected by a
13 fully operational security alarm system;

14 (4) standards for enclosed, locked facilities under
15 this Act;

16 (5) procedures for suspending or revoking the
17 identification cards of agents of cultivation centers,
18 craft growers, infuser organizations, and transporting
19 organizations that commit violations of this Act or the
20 rules adopted under this Section;

21 (6) rules concerning the intrastate transportation of
22 cannabis from a cultivation center, craft grower, infuser
23 organization, and transporting organization to a
24 dispensing organization;

25 (7) standards concerning the testing, quality,
26 cultivation, and processing of cannabis; ~~and~~

1 (8) any other matters under oversight by the Department
2 of Agriculture as are necessary for the fair, impartial,
3 stringent, and comprehensive administration of this Act;
4 and -

5 (9) standards for distribution and sale to other
6 licensed business establishments, including percentage
7 requirements for distribution and sale to other business
8 establishments with common ownership.

9 (c) The Department of Financial and Professional
10 Regulation rules may address, but are not limited to, the
11 following matters related to dispensing organizations, with
12 the goal of ensuring a fair and competitive marketplace and
13 protecting against diversion and theft, without imposing an
14 undue burden on the dispensing organizations:

15 (1) oversight requirements for dispensing
16 organizations;

17 (2) recordkeeping requirements for dispensing
18 organizations;

19 (3) security requirements for dispensing
20 organizations, which shall include that each dispensing
21 organization location must be protected by a fully
22 operational security alarm system;

23 (4) procedures for suspending or revoking the licenses
24 of dispensing organization agents that commit violations
25 of this Act or the rules adopted under this Act;

26 (5) any other matters under oversight by the Department

1 of Financial and Professional Regulation that are
2 necessary for the fair, impartial, stringent, and
3 comprehensive administration of this Act; ~~+~~

4 (6) standards for distribution and sale to other
5 cannabis business establishments, including percentage
6 requirements for distribution and sale to other cannabis
7 business establishments with common ownership.

8 (d) The Department of Revenue rules may address, but are
9 not limited to, the following matters related to the payment of
10 taxes by cannabis business establishments:

11 (1) recording of sales;

12 (2) documentation of taxable income and expenses;

13 (3) transfer of funds for the payment of taxes; or

14 (4) any other matter under the oversight of the
15 Department of Revenue.

16 (e) The Department of Commerce and Economic Opportunity
17 rules may address, but are not limited to, a loan program or
18 grant program to assist Social Equity Applicants access the
19 capital needed to start a cannabis business establishment. The
20 names of recipients and the amounts of any moneys received
21 through a loan program or grant program shall be a public
22 record.

23 (f) The Department of State Police rules may address
24 enforcement of its authority under this Act. The Department of
25 State Police shall not make rules that infringe on the
26 exclusive authority of the Department of Financial and

1 Professional Regulation or the Department of Agriculture over
2 licensees under this Act.

3 (g) The Department of Human Services shall develop and
4 disseminate:

5 (1) educational information about the health risks
6 associated with the use of cannabis; and

7 (2) one or more public education campaigns in
8 coordination with local health departments and community
9 organizations, including one or more prevention campaigns
10 directed at children, adolescents, parents, and pregnant
11 or breastfeeding women, to inform them of the potential
12 health risks associated with intentional or unintentional
13 cannabis use.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (410 ILCS 705/55-85)

16 Sec. 55-85. Medical cannabis.

17 (a) Nothing in this Act shall be construed to limit any
18 privileges or rights of a medical cannabis patient including
19 minor patients, primary caregiver, medical cannabis
20 cultivation center, or medical cannabis dispensing
21 organization under the Compassionate Use of Medical Cannabis
22 Program Act, and where there is conflict between this Act and
23 the Compassionate Use of Medical Cannabis Program Act as they
24 relate to medical cannabis patients, the Compassionate Use of
25 Medical Cannabis Program Act shall prevail. Where there is

1 conflict between this Act and the Compassionate Use of Medical
2 Cannabis Program Act as they relate to cannabis business
3 establishments, this Act shall prevail.

4 (b) Dispensary locations that obtain an Early Approval
5 Adult Use Dispensary Organization License or an Adult Use
6 Dispensary Organization License in accordance with this Act at
7 the same location as a medical cannabis dispensing organization
8 registered under the Compassionate Use of Medical Cannabis
9 Program Act shall maintain an inventory of medical cannabis and
10 medical cannabis products on a monthly basis that is
11 substantially similar in variety and quantity to the products
12 offered at the dispensary during the 6-month period immediately
13 before the effective date of this Act.

14 (c) Beginning June 30, 2020, the Department of Agriculture
15 shall make a quarterly determination whether inventory
16 requirements established for dispensaries in subsection (b)
17 should be adjusted due to changing patient need.

18 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

19 (410 ILCS 705/60-10)

20 Sec. 60-10. Tax imposed.

21 (a) Beginning September 1, 2019, a tax is imposed upon the
22 privilege of cultivating cannabis at the rate of 7% of the
23 gross receipts from the first sale of cannabis by a cultivator.
24 The sale of any product that contains any amount of cannabis or
25 any derivative thereof is subject to the tax under this Section

1 on the full selling price of the product. The Department may
2 determine the selling price of the cannabis when the seller and
3 purchaser are affiliated persons, when the sale and purchase of
4 cannabis is not an arm's length transaction, or when cannabis
5 is transferred by a craft grower to the craft grower's
6 dispensing organization or infuser or processing organization
7 and a value is not established for the cannabis. The value
8 determined by the Department shall be commensurate with the
9 actual price received for products of like quality, character,
10 and use in the area. If there are no sales of cannabis of like
11 quality, character, and use in the same area, then the
12 Department shall establish a reasonable value based on sales of
13 products of like quality, character, and use in other areas of
14 the State, taking into consideration any other relevant
15 factors.

16 (b) The Cannabis Cultivation Privilege Tax imposed under
17 this Article is solely the responsibility of the cultivator who
18 makes the first sale and is not the responsibility of a
19 subsequent purchaser, a dispensing organization, or an
20 infuser. Persons subject to the tax imposed under this Article
21 may, however, reimburse themselves for their tax liability
22 hereunder by separately stating reimbursement for their tax
23 liability as an additional charge.

24 (c) The tax imposed under this Article shall be in addition
25 to all other occupation, privilege, or excise taxes imposed by
26 the State of Illinois or by any unit of local government.

1 (d) Notwithstanding any other provision of law, no special
2 district may levy a tax upon the cultivation of cannabis.

3 (Source: P.A. 101-27, eff. 6-25-19.)

4 (410 ILCS 705/65-10)

5 Sec. 65-10. Tax imposed.

6 (a) Beginning January 1, 2020, a tax is imposed upon
7 purchasers for the privilege of using cannabis at the following
8 rates:

9 (1) Any cannabis, other than a cannabis-infused
10 product, with an adjusted delta-9-tetrahydrocannabinol
11 level at or below 35% shall be taxed at a rate of 10% of the
12 purchase price;

13 (2) Any cannabis, other than a cannabis-infused
14 product, with an adjusted delta-9-tetrahydrocannabinol
15 level above 35% shall be taxed at a rate of 25% of the
16 purchase price; and

17 (3) A cannabis-infused product shall be taxed at a rate
18 of 20% of the purchase price.

19 (b) The purchase of any product that contains any amount of
20 cannabis or any derivative thereof is subject to the tax under
21 subsection (a) of this Section on the full purchase price of
22 the product.

23 (c) The tax imposed under this Section is not imposed on
24 cannabis that is subject to tax under the Compassionate Use of
25 Medical Cannabis Program Act. The tax imposed by this Section

1 is not imposed with respect to any transaction in interstate
2 commerce, to the extent the transaction may not, under the
3 Constitution and statutes of the United States, be made the
4 subject of taxation by this State.

5 (d) The tax imposed under this Article shall be in addition
6 to all other occupation, privilege, or excise taxes imposed by
7 the State of Illinois or by any municipal corporation or
8 political subdivision thereof.

9 (e) The tax imposed under this Article shall not be imposed
10 on any purchase by a purchaser if the cannabis retailer is
11 prohibited by federal or State Constitution, treaty,
12 convention, statute, or court decision from collecting the tax
13 from the purchaser.

14 (f) Notwithstanding any other provision of law, no special
15 district may levy a tax upon purchasers for the use of
16 cannabis.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 Section 50. The Illinois Vehicle Code is amended by
19 changing Sections 11-502.1 and 11-502.15 as follows:

20 (625 ILCS 5/11-502.1)

21 Sec. 11-502.1. Possession of medical cannabis in a motor
22 vehicle.

23 (a) No driver, who is a medical cannabis cardholder, may
24 use medical cannabis within the passenger area of any motor

1 vehicle upon a highway in this State.

2 (b) No driver, who is a medical cannabis cardholder, a
3 medical cannabis designated caregiver, medical cannabis
4 cultivation center agent, or dispensing organization agent may
5 possess medical cannabis within any area of any motor vehicle
6 upon a highway in this State except in a secured, sealed or
7 resealable, odor-proof, and child-resistant medical cannabis
8 container that is inaccessible.

9 (c) No passenger, who is a medical cannabis card holder, a
10 medical cannabis designated caregiver, or medical cannabis
11 dispensing organization agent may possess medical cannabis
12 within any passenger area of any motor vehicle upon a highway
13 in this State except in a secured, sealed or resealable,
14 odor-proof, and child-resistant medical cannabis container
15 that is inaccessible.

16 (d) Any person who violates subsections (a) through (c) of
17 this Section:

18 (1) commits a Class A misdemeanor;

19 (2) shall be subject to revocation of his or her
20 medical cannabis card for a period of 2 years from the end
21 of the sentence imposed; and

22 (3) ~~(4)~~ shall be subject to revocation of his or her
23 status as a medical cannabis caregiver, medical cannabis
24 cultivation center agent, or medical cannabis dispensing
25 organization agent for a period of 2 years from the end of
26 the sentence imposed.

1 (Source: P.A. 101-27, eff. 6-25-19; revised 8-6-19.)

2 (625 ILCS 5/11-502.15)

3 Sec. 11-502.15. Possession of adult use cannabis in a motor
4 vehicle.

5 (a) No driver may use cannabis within the passenger area of
6 any motor vehicle upon a highway in this State.

7 (b) No driver may possess cannabis within any area of any
8 motor vehicle upon a highway in this State except in a secured,
9 sealed or resealable, odor-proof, child-resistant cannabis
10 container that is inaccessible.

11 (c) No passenger may possess cannabis within any passenger
12 area of any motor vehicle upon a highway in this State except
13 in a secured, sealed or resealable, odor-proof,
14 child-resistant cannabis container that is inaccessible.

15 (d) Any person who knowingly violates subsection (a), (b),
16 or (c) of this Section commits a Class A misdemeanor.

17 (Source: P.A. 101-27, eff. 6-25-19.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."