



Rep. Bob Morgan

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10100SB2023ham002

LRB101 09588 AWJ 61511 a

1 AMENDMENT TO SENATE BILL 2023

2 AMENDMENT NO. _____. Amend Senate Bill 2023, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 65, immediately below line 20, by inserting the
5 following:

6 "Section 33. If and only if House Bill 1438 of the 101st
7 General Assembly becomes law, then the Counties Code is amended
8 by changing Section 5-1006.8 as follows:

9 (55 ILCS 5/5-1006.8)

10 Sec. 5-1006.8. County Cannabis Retailers' Occupation Tax
11 Law.

12 (a) This Section may be referred to as the County Cannabis
13 Retailers' Occupation Tax Law. On and after January 1, 2020,
14 the corporate authorities of any county may, by ordinance,
15 impose a tax upon all persons engaged in the business of
16 selling cannabis, other than cannabis purchased under the

1 Compassionate Use of Medical Cannabis Pilot Program Act, at
2 retail in the county on the gross receipts from these sales
3 made in the course of that business. If imposed, the tax shall
4 be imposed only in 0.25% increments. The tax rate may not
5 exceed: (i) 3.75% of the gross receipts of sales made in
6 unincorporated areas of the county; and (ii) 3% ~~0.75%~~ of the
7 gross receipts of sales made in a municipality located in the
8 county ~~a non home rule county;~~ and ~~(iii) 3% of gross sales~~
9 ~~receipts made in a municipality located in a home rule county.~~

10 The tax imposed under this Section and all civil penalties that
11 may be assessed as an incident of the tax shall be collected
12 and enforced by the Department of Revenue. The Department of
13 Revenue shall have full power to administer and enforce this
14 Section; to collect all taxes and penalties due hereunder; to
15 dispose of taxes and penalties so collected in the manner
16 hereinafter provided; and to determine all rights to credit
17 memoranda arising on account of the erroneous payment of tax or
18 penalty under this Section. In the administration of and
19 compliance with this Section, the Department of Revenue and
20 persons who are subject to this Section shall have the same
21 rights, remedies, privileges, immunities, powers and duties,
22 and be subject to the same conditions, restrictions,
23 limitations, penalties, and definitions of terms, and employ
24 the same modes of procedure, as are described in Sections 1,
25 1a, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect
26 to all provisions therein other than the State rate of tax),

1 2c, 3 (except as to the disposition of taxes and penalties
2 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,
3 5l, 6, 6a, 6bb, 6c, 6d, 8, 8, 9, 10, 11, 12, and 13 of the
4 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
5 Penalty and Interest Act as fully as if those provisions were
6 set forth in this Section.

7 (b) Persons subject to any tax imposed under the authority
8 granted in this Section may reimburse themselves for their
9 seller's tax liability hereunder by separately stating that tax
10 as an additional charge, which charge may be stated in
11 combination, in a single amount, with any State tax that
12 sellers are required to collect.

13 (c) Whenever the Department of Revenue determines that a
14 refund should be made under this Section to a claimant instead
15 of issuing a credit memorandum, the Department of Revenue shall
16 notify the State Comptroller, who shall cause the order to be
17 drawn for the amount specified and to the person named in the
18 notification from the Department of Revenue.

19 (d) The Department of Revenue shall immediately pay over to
20 the State Treasurer, ex officio, as trustee, all taxes and
21 penalties collected hereunder for deposit into the Local
22 Cannabis Consumer Excise Tax Trust Fund.

23 (e) On or before the 25th day of each calendar month, the
24 Department of Revenue shall prepare and certify to the
25 Comptroller the amount of money to be disbursed from the Local
26 Cannabis Consumer Excise Tax Trust Fund to counties from which

1 retailers have paid taxes or penalties under this Section
2 during the second preceding calendar month. The amount to be
3 paid to each county shall be the amount (not including credit
4 memoranda) collected under this Section from sales made in the
5 county during the second preceding calendar month, plus an
6 amount the Department of Revenue determines is necessary to
7 offset any amounts that were erroneously paid to a different
8 taxing body, and not including an amount equal to the amount of
9 refunds made during the second preceding calendar month by the
10 Department on behalf of such county, and not including any
11 amount that the Department determines is necessary to offset
12 any amounts that were payable to a different taxing body but
13 were erroneously paid to the county, less 1.5% of the
14 remainder, which the Department shall transfer into the Tax
15 Compliance and Administration Fund. The Department, at the time
16 of each monthly disbursement to the counties, shall prepare and
17 certify the State Comptroller the amount to be transferred into
18 the Tax Compliance and Administration Fund under this Section.
19 Within 10 days after receipt by the Comptroller of the
20 disbursement certification to the counties and the Tax
21 Compliance and Administration Fund provided for in this Section
22 to be given to the Comptroller by the Department, the
23 Comptroller shall cause the orders to be drawn for the
24 respective amounts in accordance with the directions contained
25 in the certification.

26 (f) An ordinance or resolution imposing or discontinuing a

1 tax under this Section or effecting a change in the rate
2 thereof shall be adopted and a certified copy thereof filed
3 with the Department on or before the first day of June,
4 whereupon the Department shall proceed to administer and
5 enforce this Section as of the first day of September next
6 following the adoption and filing.

7 (Source: 10100HB1438sam002.)"; and

8 on page 206, line 22, by replacing "law." with "law, except
9 that Section 33, if it becomes law, takes effect upon becoming
10 law or on the date House Bill 1438 of the 101st General
11 Assembly takes effect, whichever is later.".