

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Use Tax Act is amended by changing Sections  
5 3-5 and 3-10 as follows:

6 (35 ILCS 105/3-5)

7 Sec. 3-5. Exemptions. Use of the following tangible  
8 personal property is exempt from the tax imposed by this Act:

9 (1) Personal property purchased from a corporation,  
10 society, association, foundation, institution, or  
11 organization, other than a limited liability company, that is  
12 organized and operated as a not-for-profit service enterprise  
13 for the benefit of persons 65 years of age or older if the  
14 personal property was not purchased by the enterprise for the  
15 purpose of resale by the enterprise.

16 (2) Personal property purchased by a not-for-profit  
17 Illinois county fair association for use in conducting,  
18 operating, or promoting the county fair.

19 (3) Personal property purchased by a not-for-profit arts  
20 or cultural organization that establishes, by proof required  
21 by the Department by rule, that it has received an exemption  
22 under Section 501(c)(3) of the Internal Revenue Code and that  
23 is organized and operated primarily for the presentation or

1 support of arts or cultural programming, activities, or  
2 services. These organizations include, but are not limited to,  
3 music and dramatic arts organizations such as symphony  
4 orchestras and theatrical groups, arts and cultural service  
5 organizations, local arts councils, visual arts organizations,  
6 and media arts organizations. On and after July 1, 2001 (the  
7 effective date of Public Act 92-35), however, an entity  
8 otherwise eligible for this exemption shall not make tax-free  
9 purchases unless it has an active identification number issued  
10 by the Department.

11 (4) Except as otherwise provided in this Act, personal  
12 property purchased by a governmental body, by a corporation,  
13 society, association, foundation, or institution organized and  
14 operated exclusively for charitable, religious, or educational  
15 purposes, or by a not-for-profit corporation, society,  
16 association, foundation, institution, or organization that has  
17 no compensated officers or employees and that is organized and  
18 operated primarily for the recreation of persons 55 years of  
19 age or older. A limited liability company may qualify for the  
20 exemption under this paragraph only if the limited liability  
21 company is organized and operated exclusively for educational  
22 purposes. On and after July 1, 1987, however, no entity  
23 otherwise eligible for this exemption shall make tax-free  
24 purchases unless it has an active exemption identification  
25 number issued by the Department.

26 (5) Until July 1, 2003, a passenger car that is a

1 replacement vehicle to the extent that the purchase price of  
2 the car is subject to the Replacement Vehicle Tax.

3 (6) Until July 1, 2003 and beginning again on September 1,  
4 2004 through August 30, 2014, graphic arts machinery and  
5 equipment, including repair and replacement parts, both new  
6 and used, and including that manufactured on special order,  
7 certified by the purchaser to be used primarily for graphic  
8 arts production, and including machinery and equipment  
9 purchased for lease. Equipment includes chemicals or chemicals  
10 acting as catalysts but only if the chemicals or chemicals  
11 acting as catalysts effect a direct and immediate change upon  
12 a graphic arts product. Beginning on July 1, 2017, graphic  
13 arts machinery and equipment is included in the manufacturing  
14 and assembling machinery and equipment exemption under  
15 paragraph (18).

16 (7) Farm chemicals.

17 (8) Legal tender, currency, medallions, or gold or silver  
18 coinage issued by the State of Illinois, the government of the  
19 United States of America, or the government of any foreign  
20 country, and bullion.

21 (9) Personal property purchased from a teacher-sponsored  
22 student organization affiliated with an elementary or  
23 secondary school located in Illinois.

24 (10) A motor vehicle that is used for automobile renting,  
25 as defined in the Automobile Renting Occupation and Use Tax  
26 Act.

1           (11) Farm machinery and equipment, both new and used,  
2 including that manufactured on special order, certified by the  
3 purchaser to be used primarily for production agriculture or  
4 State or federal agricultural programs, including individual  
5 replacement parts for the machinery and equipment, including  
6 machinery and equipment purchased for lease, and including  
7 implements of husbandry defined in Section 1-130 of the  
8 Illinois Vehicle Code, farm machinery and agricultural  
9 chemical and fertilizer spreaders, and nurse wagons required  
10 to be registered under Section 3-809 of the Illinois Vehicle  
11 Code, but excluding other motor vehicles required to be  
12 registered under the Illinois Vehicle Code. Horticultural  
13 polyhouses or hoop houses used for propagating, growing, or  
14 overwintering plants shall be considered farm machinery and  
15 equipment under this item (11). Agricultural chemical tender  
16 tanks and dry boxes shall include units sold separately from a  
17 motor vehicle required to be licensed and units sold mounted  
18 on a motor vehicle required to be licensed if the selling price  
19 of the tender is separately stated.

20           Farm machinery and equipment shall include precision  
21 farming equipment that is installed or purchased to be  
22 installed on farm machinery and equipment, including, but not  
23 limited to, tractors, harvesters, sprayers, planters, seeders,  
24 or spreaders. Precision farming equipment includes, but is not  
25 limited to, soil testing sensors, computers, monitors,  
26 software, global positioning and mapping systems, and other

1 such equipment.

2 Farm machinery and equipment also includes computers,  
3 sensors, software, and related equipment used primarily in the  
4 computer-assisted operation of production agriculture  
5 facilities, equipment, and activities such as, but not limited  
6 to, the collection, monitoring, and correlation of animal and  
7 crop data for the purpose of formulating animal diets and  
8 agricultural chemicals.

9 Beginning on January 1, 2024, farm machinery and equipment  
10 also includes electrical power generation equipment used  
11 primarily for production agriculture.

12 This item (11) is exempt from the provisions of Section  
13 3-90.

14 (12) Until June 30, 2013, fuel and petroleum products sold  
15 to or used by an air common carrier, certified by the carrier  
16 to be used for consumption, shipment, or storage in the  
17 conduct of its business as an air common carrier, for a flight  
18 destined for or returning from a location or locations outside  
19 the United States without regard to previous or subsequent  
20 domestic stopovers.

21 Beginning July 1, 2013, fuel and petroleum products sold  
22 to or used by an air carrier, certified by the carrier to be  
23 used for consumption, shipment, or storage in the conduct of  
24 its business as an air common carrier, for a flight that (i) is  
25 engaged in foreign trade or is engaged in trade between the  
26 United States and any of its possessions and (ii) transports

1 at least one individual or package for hire from the city of  
2 origination to the city of final destination on the same  
3 aircraft, without regard to a change in the flight number of  
4 that aircraft.

5 (13) Proceeds of mandatory service charges separately  
6 stated on customers' bills for the purchase and consumption of  
7 food and beverages purchased at retail from a retailer, to the  
8 extent that the proceeds of the service charge are in fact  
9 turned over as tips or as a substitute for tips to the  
10 employees who participate directly in preparing, serving,  
11 hosting or cleaning up the food or beverage function with  
12 respect to which the service charge is imposed.

13 (14) Until July 1, 2003, oil field exploration, drilling,  
14 and production equipment, including (i) rigs and parts of  
15 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
16 pipe and tubular goods, including casing and drill strings,  
17 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
18 lines, (v) any individual replacement part for oil field  
19 exploration, drilling, and production equipment, and (vi)  
20 machinery and equipment purchased for lease; but excluding  
21 motor vehicles required to be registered under the Illinois  
22 Vehicle Code.

23 (15) Photoprocessing machinery and equipment, including  
24 repair and replacement parts, both new and used, including  
25 that manufactured on special order, certified by the purchaser  
26 to be used primarily for photoprocessing, and including

1 photoprocessing machinery and equipment purchased for lease.

2 (16) Until July 1, 2028, coal and aggregate exploration,  
3 mining, off-highway hauling, processing, maintenance, and  
4 reclamation equipment, including replacement parts and  
5 equipment, and including equipment purchased for lease, but  
6 excluding motor vehicles required to be registered under the  
7 Illinois Vehicle Code. The changes made to this Section by  
8 Public Act 97-767 apply on and after July 1, 2003, but no claim  
9 for credit or refund is allowed on or after August 16, 2013  
10 (the effective date of Public Act 98-456) for such taxes paid  
11 during the period beginning July 1, 2003 and ending on August  
12 16, 2013 (the effective date of Public Act 98-456).

13 (17) Until July 1, 2003, distillation machinery and  
14 equipment, sold as a unit or kit, assembled or installed by the  
15 retailer, certified by the user to be used only for the  
16 production of ethyl alcohol that will be used for consumption  
17 as motor fuel or as a component of motor fuel for the personal  
18 use of the user, and not subject to sale or resale.

19 (18) Manufacturing and assembling machinery and equipment  
20 used primarily in the process of manufacturing or assembling  
21 tangible personal property for wholesale or retail sale or  
22 lease, whether that sale or lease is made directly by the  
23 manufacturer or by some other person, whether the materials  
24 used in the process are owned by the manufacturer or some other  
25 person, or whether that sale or lease is made apart from or as  
26 an incident to the seller's engaging in the service occupation

1 of producing machines, tools, dies, jigs, patterns, gauges, or  
2 other similar items of no commercial value on special order  
3 for a particular purchaser. The exemption provided by this  
4 paragraph (18) includes production related tangible personal  
5 property, as defined in Section 3-50, purchased on or after  
6 July 1, 2019. The exemption provided by this paragraph (18)  
7 does not include machinery and equipment used in (i) the  
8 generation of electricity for wholesale or retail sale; (ii)  
9 the generation or treatment of natural or artificial gas for  
10 wholesale or retail sale that is delivered to customers  
11 through pipes, pipelines, or mains; or (iii) the treatment of  
12 water for wholesale or retail sale that is delivered to  
13 customers through pipes, pipelines, or mains. The provisions  
14 of Public Act 98-583 are declaratory of existing law as to the  
15 meaning and scope of this exemption. Beginning on July 1,  
16 2017, the exemption provided by this paragraph (18) includes,  
17 but is not limited to, graphic arts machinery and equipment,  
18 as defined in paragraph (6) of this Section.

19 (19) Personal property delivered to a purchaser or  
20 purchaser's donee inside Illinois when the purchase order for  
21 that personal property was received by a florist located  
22 outside Illinois who has a florist located inside Illinois  
23 deliver the personal property.

24 (20) Semen used for artificial insemination of livestock  
25 for direct agricultural production.

26 (21) Horses, or interests in horses, registered with and



1 meeting the requirements of any of the Arabian Horse Club  
2 Registry of America, Appaloosa Horse Club, American Quarter  
3 Horse Association, United States Trotting Association, or  
4 Jockey Club, as appropriate, used for purposes of breeding or  
5 racing for prizes. This item (21) is exempt from the  
6 provisions of Section 3-90, and the exemption provided for  
7 under this item (21) applies for all periods beginning May 30,  
8 1995, but no claim for credit or refund is allowed on or after  
9 January 1, 2008 for such taxes paid during the period  
10 beginning May 30, 2000 and ending on January 1, 2008.

11 (22) Computers and communications equipment utilized for  
12 any hospital purpose and equipment used in the diagnosis,  
13 analysis, or treatment of hospital patients purchased by a  
14 lessor who leases the equipment, under a lease of one year or  
15 longer executed or in effect at the time the lessor would  
16 otherwise be subject to the tax imposed by this Act, to a  
17 hospital that has been issued an active tax exemption  
18 identification number by the Department under Section 1g of  
19 the Retailers' Occupation Tax Act. If the equipment is leased  
20 in a manner that does not qualify for this exemption or is used  
21 in any other non-exempt manner, the lessor shall be liable for  
22 the tax imposed under this Act or the Service Use Tax Act, as  
23 the case may be, based on the fair market value of the property  
24 at the time the non-qualifying use occurs. No lessor shall  
25 collect or attempt to collect an amount (however designated)  
26 that purports to reimburse that lessor for the tax imposed by

1 this Act or the Service Use Tax Act, as the case may be, if the  
2 tax has not been paid by the lessor. If a lessor improperly  
3 collects any such amount from the lessee, the lessee shall  
4 have a legal right to claim a refund of that amount from the  
5 lessor. If, however, that amount is not refunded to the lessee  
6 for any reason, the lessor is liable to pay that amount to the  
7 Department.

8 (23) Personal property purchased by a lessor who leases  
9 the property, under a lease of one year or longer executed or  
10 in effect at the time the lessor would otherwise be subject to  
11 the tax imposed by this Act, to a governmental body that has  
12 been issued an active sales tax exemption identification  
13 number by the Department under Section 1g of the Retailers'  
14 Occupation Tax Act. If the property is leased in a manner that  
15 does not qualify for this exemption or used in any other  
16 non-exempt manner, the lessor shall be liable for the tax  
17 imposed under this Act or the Service Use Tax Act, as the case  
18 may be, based on the fair market value of the property at the  
19 time the non-qualifying use occurs. No lessor shall collect or  
20 attempt to collect an amount (however designated) that  
21 purports to reimburse that lessor for the tax imposed by this  
22 Act or the Service Use Tax Act, as the case may be, if the tax  
23 has not been paid by the lessor. If a lessor improperly  
24 collects any such amount from the lessee, the lessee shall  
25 have a legal right to claim a refund of that amount from the  
26 lessor. If, however, that amount is not refunded to the lessee

1 for any reason, the lessor is liable to pay that amount to the  
2 Department.

3 (24) Beginning with taxable years ending on or after  
4 December 31, 1995 and ending with taxable years ending on or  
5 before December 31, 2004, personal property that is donated  
6 for disaster relief to be used in a State or federally declared  
7 disaster area in Illinois or bordering Illinois by a  
8 manufacturer or retailer that is registered in this State to a  
9 corporation, society, association, foundation, or institution  
10 that has been issued a sales tax exemption identification  
11 number by the Department that assists victims of the disaster  
12 who reside within the declared disaster area.

13 (25) Beginning with taxable years ending on or after  
14 December 31, 1995 and ending with taxable years ending on or  
15 before December 31, 2004, personal property that is used in  
16 the performance of infrastructure repairs in this State,  
17 including, but not limited to, municipal roads and streets,  
18 access roads, bridges, sidewalks, waste disposal systems,  
19 water and sewer line extensions, water distribution and  
20 purification facilities, storm water drainage and retention  
21 facilities, and sewage treatment facilities, resulting from a  
22 State or federally declared disaster in Illinois or bordering  
23 Illinois when such repairs are initiated on facilities located  
24 in the declared disaster area within 6 months after the  
25 disaster.

26 (26) Beginning July 1, 1999, game or game birds purchased

1 at a "game breeding and hunting preserve area" as that term is  
2 used in the Wildlife Code. This paragraph is exempt from the  
3 provisions of Section 3-90.

4 (27) A motor vehicle, as that term is defined in Section  
5 1-146 of the Illinois Vehicle Code, that is donated to a  
6 corporation, limited liability company, society, association,  
7 foundation, or institution that is determined by the  
8 Department to be organized and operated exclusively for  
9 educational purposes. For purposes of this exemption, "a  
10 corporation, limited liability company, society, association,  
11 foundation, or institution organized and operated exclusively  
12 for educational purposes" means all tax-supported public  
13 schools, private schools that offer systematic instruction in  
14 useful branches of learning by methods common to public  
15 schools and that compare favorably in their scope and  
16 intensity with the course of study presented in tax-supported  
17 schools, and vocational or technical schools or institutes  
18 organized and operated exclusively to provide a course of  
19 study of not less than 6 weeks duration and designed to prepare  
20 individuals to follow a trade or to pursue a manual,  
21 technical, mechanical, industrial, business, or commercial  
22 occupation.

23 (28) Beginning January 1, 2000, personal property,  
24 including food, purchased through fundraising events for the  
25 benefit of a public or private elementary or secondary school,  
26 a group of those schools, or one or more school districts if

1 the events are sponsored by an entity recognized by the school  
2 district that consists primarily of volunteers and includes  
3 parents and teachers of the school children. This paragraph  
4 does not apply to fundraising events (i) for the benefit of  
5 private home instruction or (ii) for which the fundraising  
6 entity purchases the personal property sold at the events from  
7 another individual or entity that sold the property for the  
8 purpose of resale by the fundraising entity and that profits  
9 from the sale to the fundraising entity. This paragraph is  
10 exempt from the provisions of Section 3-90.

11 (29) Beginning January 1, 2000 and through December 31,  
12 2001, new or used automatic vending machines that prepare and  
13 serve hot food and beverages, including coffee, soup, and  
14 other items, and replacement parts for these machines.  
15 Beginning January 1, 2002 and through June 30, 2003, machines  
16 and parts for machines used in commercial, coin-operated  
17 amusement and vending business if a use or occupation tax is  
18 paid on the gross receipts derived from the use of the  
19 commercial, coin-operated amusement and vending machines. This  
20 paragraph is exempt from the provisions of Section 3-90.

21 (30) Beginning January 1, 2001 and through June 30, 2016,  
22 food for human consumption that is to be consumed off the  
23 premises where it is sold (other than alcoholic beverages,  
24 soft drinks, and food that has been prepared for immediate  
25 consumption) and prescription and nonprescription medicines,  
26 drugs, medical appliances, and insulin, urine testing

1 materials, syringes, and needles used by diabetics, for human  
2 use, when purchased for use by a person receiving medical  
3 assistance under Article V of the Illinois Public Aid Code who  
4 resides in a licensed long-term care facility, as defined in  
5 the Nursing Home Care Act, or in a licensed facility as defined  
6 in the ID/DD Community Care Act, the MC/DD Act, or the  
7 Specialized Mental Health Rehabilitation Act of 2013.

8 (31) Beginning on August 2, 2001 (the effective date of  
9 Public Act 92-227), computers and communications equipment  
10 utilized for any hospital purpose and equipment used in the  
11 diagnosis, analysis, or treatment of hospital patients  
12 purchased by a lessor who leases the equipment, under a lease  
13 of one year or longer executed or in effect at the time the  
14 lessor would otherwise be subject to the tax imposed by this  
15 Act, to a hospital that has been issued an active tax exemption  
16 identification number by the Department under Section 1g of  
17 the Retailers' Occupation Tax Act. If the equipment is leased  
18 in a manner that does not qualify for this exemption or is used  
19 in any other nonexempt manner, the lessor shall be liable for  
20 the tax imposed under this Act or the Service Use Tax Act, as  
21 the case may be, based on the fair market value of the property  
22 at the time the nonqualifying use occurs. No lessor shall  
23 collect or attempt to collect an amount (however designated)  
24 that purports to reimburse that lessor for the tax imposed by  
25 this Act or the Service Use Tax Act, as the case may be, if the  
26 tax has not been paid by the lessor. If a lessor improperly

1 collects any such amount from the lessee, the lessee shall  
2 have a legal right to claim a refund of that amount from the  
3 lessor. If, however, that amount is not refunded to the lessee  
4 for any reason, the lessor is liable to pay that amount to the  
5 Department. This paragraph is exempt from the provisions of  
6 Section 3-90.

7 (32) Beginning on August 2, 2001 (the effective date of  
8 Public Act 92-227), personal property purchased by a lessor  
9 who leases the property, under a lease of one year or longer  
10 executed or in effect at the time the lessor would otherwise be  
11 subject to the tax imposed by this Act, to a governmental body  
12 that has been issued an active sales tax exemption  
13 identification number by the Department under Section 1g of  
14 the Retailers' Occupation Tax Act. If the property is leased  
15 in a manner that does not qualify for this exemption or used in  
16 any other nonexempt manner, the lessor shall be liable for the  
17 tax imposed under this Act or the Service Use Tax Act, as the  
18 case may be, based on the fair market value of the property at  
19 the time the nonqualifying use occurs. No lessor shall collect  
20 or attempt to collect an amount (however designated) that  
21 purports to reimburse that lessor for the tax imposed by this  
22 Act or the Service Use Tax Act, as the case may be, if the tax  
23 has not been paid by the lessor. If a lessor improperly  
24 collects any such amount from the lessee, the lessee shall  
25 have a legal right to claim a refund of that amount from the  
26 lessor. If, however, that amount is not refunded to the lessee

1 for any reason, the lessor is liable to pay that amount to the  
2 Department. This paragraph is exempt from the provisions of  
3 Section 3-90.

4 (33) On and after July 1, 2003 and through June 30, 2004,  
5 the use in this State of motor vehicles of the second division  
6 with a gross vehicle weight in excess of 8,000 pounds and that  
7 are subject to the commercial distribution fee imposed under  
8 Section 3-815.1 of the Illinois Vehicle Code. Beginning on  
9 July 1, 2004 and through June 30, 2005, the use in this State  
10 of motor vehicles of the second division: (i) with a gross  
11 vehicle weight rating in excess of 8,000 pounds; (ii) that are  
12 subject to the commercial distribution fee imposed under  
13 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that  
14 are primarily used for commercial purposes. Through June 30,  
15 2005, this exemption applies to repair and replacement parts  
16 added after the initial purchase of such a motor vehicle if  
17 that motor vehicle is used in a manner that would qualify for  
18 the rolling stock exemption otherwise provided for in this  
19 Act. For purposes of this paragraph, the term "used for  
20 commercial purposes" means the transportation of persons or  
21 property in furtherance of any commercial or industrial  
22 enterprise, whether for-hire or not.

23 (34) Beginning January 1, 2008, tangible personal property  
24 used in the construction or maintenance of a community water  
25 supply, as defined under Section 3.145 of the Environmental  
26 Protection Act, that is operated by a not-for-profit



1 corporation that holds a valid water supply permit issued  
2 under Title IV of the Environmental Protection Act. This  
3 paragraph is exempt from the provisions of Section 3-90.

4 (35) Beginning January 1, 2010 and continuing through  
5 December 31, 2029, materials, parts, equipment, components,  
6 and furnishings incorporated into or upon an aircraft as part  
7 of the modification, refurbishment, completion, replacement,  
8 repair, or maintenance of the aircraft. This exemption  
9 includes consumable supplies used in the modification,  
10 refurbishment, completion, replacement, repair, and  
11 maintenance of aircraft. However, until January 1, 2024, this  
12 exemption excludes any materials, parts, equipment,  
13 components, and consumable supplies used in the modification,  
14 replacement, repair, and maintenance of aircraft engines or  
15 power plants, whether such engines or power plants are  
16 installed or uninstalled upon any such aircraft. "Consumable  
17 supplies" include, but are not limited to, adhesive, tape,  
18 sandpaper, general purpose lubricants, cleaning solution,  
19 latex gloves, and protective films.

20 Beginning January 1, 2010 and continuing through December  
21 31, 2023, this exemption applies only to the use of qualifying  
22 tangible personal property by persons who modify, refurbish,  
23 complete, repair, replace, or maintain aircraft and who (i)  
24 hold an Air Agency Certificate and are empowered to operate an  
25 approved repair station by the Federal Aviation  
26 Administration, (ii) have a Class IV Rating, and (iii) conduct

1 operations in accordance with Part 145 of the Federal Aviation  
2 Regulations. From January 1, 2024 through December 31, 2029,  
3 this exemption applies only to the use of qualifying tangible  
4 personal property by: (A) persons who modify, refurbish,  
5 complete, repair, replace, or maintain aircraft and who (i)  
6 hold an Air Agency Certificate and are empowered to operate an  
7 approved repair station by the Federal Aviation  
8 Administration, (ii) have a Class IV Rating, and (iii) conduct  
9 operations in accordance with Part 145 of the Federal Aviation  
10 Regulations; and (B) persons who engage in the modification,  
11 replacement, repair, and maintenance of aircraft engines or  
12 power plants without regard to whether or not those persons  
13 meet the qualifications of item (A).

14 The exemption does not include aircraft operated by a  
15 commercial air carrier providing scheduled passenger air  
16 service pursuant to authority issued under Part 121 or Part  
17 129 of the Federal Aviation Regulations. The changes made to  
18 this paragraph (35) by Public Act 98-534 are declarative of  
19 existing law. It is the intent of the General Assembly that the  
20 exemption under this paragraph (35) applies continuously from  
21 January 1, 2010 through December 31, 2024; however, no claim  
22 for credit or refund is allowed for taxes paid as a result of  
23 the disallowance of this exemption on or after January 1, 2015  
24 and prior to February 5, 2020 (the effective date of Public Act  
25 101-629).

26 (36) Tangible personal property purchased by a

1 public-facilities corporation, as described in Section  
2 11-65-10 of the Illinois Municipal Code, for purposes of  
3 constructing or furnishing a municipal convention hall, but  
4 only if the legal title to the municipal convention hall is  
5 transferred to the municipality without any further  
6 consideration by or on behalf of the municipality at the time  
7 of the completion of the municipal convention hall or upon the  
8 retirement or redemption of any bonds or other debt  
9 instruments issued by the public-facilities corporation in  
10 connection with the development of the municipal convention  
11 hall. This exemption includes existing public-facilities  
12 corporations as provided in Section 11-65-25 of the Illinois  
13 Municipal Code. This paragraph is exempt from the provisions  
14 of Section 3-90.

15 (37) Beginning January 1, 2017 and through December 31,  
16 2026, menstrual pads, tampons, and menstrual cups.

17 (38) Merchandise that is subject to the Rental Purchase  
18 Agreement Occupation and Use Tax. The purchaser must certify  
19 that the item is purchased to be rented subject to a  
20 rental-purchase ~~rental-purchase~~ agreement, as defined in the  
21 Rental-Purchase ~~Rental-Purchase~~ Agreement Act, and provide  
22 proof of registration under the Rental Purchase Agreement  
23 Occupation and Use Tax Act. This paragraph is exempt from the  
24 provisions of Section 3-90.

25 (39) Tangible personal property purchased by a purchaser  
26 who is exempt from the tax imposed by this Act by operation of

1 federal law. This paragraph is exempt from the provisions of  
2 Section 3-90.

3 (40) Qualified tangible personal property used in the  
4 construction or operation of a data center that has been  
5 granted a certificate of exemption by the Department of  
6 Commerce and Economic Opportunity, whether that tangible  
7 personal property is purchased by the owner, operator, or  
8 tenant of the data center or by a contractor or subcontractor  
9 of the owner, operator, or tenant. Data centers that would  
10 have qualified for a certificate of exemption prior to January  
11 1, 2020 had Public Act 101-31 been in effect may apply for and  
12 obtain an exemption for subsequent purchases of computer  
13 equipment or enabling software purchased or leased to upgrade,  
14 supplement, or replace computer equipment or enabling software  
15 purchased or leased in the original investment that would have  
16 qualified.

17 The Department of Commerce and Economic Opportunity shall  
18 grant a certificate of exemption under this item (40) to  
19 qualified data centers as defined by Section 605-1025 of the  
20 Department of Commerce and Economic Opportunity Law of the  
21 Civil Administrative Code of Illinois.

22 For the purposes of this item (40):

23 "Data center" means a building or a series of  
24 buildings rehabilitated or constructed to house working  
25 servers in one physical location or multiple sites within  
26 the State of Illinois.

1           "Qualified tangible personal property" means:  
2           electrical systems and equipment; climate control and  
3           chilling equipment and systems; mechanical systems and  
4           equipment; monitoring and secure systems; emergency  
5           generators; hardware; computers; servers; data storage  
6           devices; network connectivity equipment; racks; cabinets;  
7           telecommunications cabling infrastructure; raised floor  
8           systems; peripheral components or systems; software;  
9           mechanical, electrical, or plumbing systems; battery  
10          systems; cooling systems and towers; temperature control  
11          systems; other cabling; and other data center  
12          infrastructure equipment and systems necessary to operate  
13          qualified tangible personal property, including fixtures;  
14          and component parts of any of the foregoing, including  
15          installation, maintenance, repair, refurbishment, and  
16          replacement of qualified tangible personal property to  
17          generate, transform, transmit, distribute, or manage  
18          electricity necessary to operate qualified tangible  
19          personal property; and all other tangible personal  
20          property that is essential to the operations of a computer  
21          data center. The term "qualified tangible personal  
22          property" also includes building materials physically  
23          incorporated into ~~in to~~ the qualifying data center. To  
24          document the exemption allowed under this Section, the  
25          retailer must obtain from the purchaser a copy of the  
26          certificate of eligibility issued by the Department of

1 Commerce and Economic Opportunity.

2 This item (40) is exempt from the provisions of Section  
3 3-90.

4 (41) Beginning July 1, 2022, breast pumps, breast pump  
5 collection and storage supplies, and breast pump kits. This  
6 item (41) is exempt from the provisions of Section 3-90. As  
7 used in this item (41):

8 "Breast pump" means an electrically controlled or  
9 manually controlled pump device designed or marketed to be  
10 used to express milk from a human breast during lactation,  
11 including the pump device and any battery, AC adapter, or  
12 other power supply unit that is used to power the pump  
13 device and is packaged and sold with the pump device at the  
14 time of sale.

15 "Breast pump collection and storage supplies" means  
16 items of tangible personal property designed or marketed  
17 to be used in conjunction with a breast pump to collect  
18 milk expressed from a human breast and to store collected  
19 milk until it is ready for consumption.

20 "Breast pump collection and storage supplies"  
21 includes, but is not limited to: breast shields and breast  
22 shield connectors; breast pump tubes and tubing adapters;  
23 breast pump valves and membranes; backflow protectors and  
24 backflow protector adaptors; bottles and bottle caps  
25 specific to the operation of the breast pump; and breast  
26 milk storage bags.

1 "Breast pump collection and storage supplies" does not  
2 include: (1) bottles and bottle caps not specific to the  
3 operation of the breast pump; (2) breast pump travel bags  
4 and other similar carrying accessories, including ice  
5 packs, labels, and other similar products; (3) breast pump  
6 cleaning supplies; (4) nursing bras, bra pads, breast  
7 shells, and other similar products; and (5) creams,  
8 ointments, and other similar products that relieve  
9 breastfeeding-related symptoms or conditions of the  
10 breasts or nipples, unless sold as part of a breast pump  
11 kit that is pre-packaged by the breast pump manufacturer  
12 or distributor.

13 "Breast pump kit" means a kit that: (1) contains no  
14 more than a breast pump, breast pump collection and  
15 storage supplies, a rechargeable battery for operating the  
16 breast pump, a breastmilk cooler, bottle stands, ice  
17 packs, and a breast pump carrying case; and (2) is  
18 pre-packaged as a breast pump kit by the breast pump  
19 manufacturer or distributor.

20 (42) Tangible personal property sold by or on behalf of  
21 the State Treasurer pursuant to the Revised Uniform Unclaimed  
22 Property Act. This item (42) is exempt from the provisions of  
23 Section 3-90.

24 (43) Beginning on January 1, 2024, tangible personal  
25 property purchased by an active duty member of the armed  
26 forces of the United States who presents valid military

1 identification and purchases the property using a form of  
2 payment where the federal government is the payor. The member  
3 of the armed forces must complete, at the point of sale, a form  
4 prescribed by the Department of Revenue documenting that the  
5 transaction is eligible for the exemption under this  
6 paragraph. Retailers must keep the form as documentation of  
7 the exemption in their records for a period of not less than 6  
8 years. "Armed forces of the United States" means the United  
9 States Army, Navy, Air Force, Marine Corps, or Coast Guard.  
10 This paragraph is exempt from the provisions of Section 3-90.

11 (44) Beginning on January 1, 2026, as further defined in  
12 Section 3-10, food for human consumption that is to be  
13 consumed off the premises where it is sold (other than  
14 alcoholic beverages, food consisting of or infused with adult  
15 use cannabis, soft drinks, candy, and food that has been  
16 prepared for immediate consumption). This item (44) is exempt  
17 from the provisions of Section 3-90.

18 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
19 Section 70-5, eff. 4-19-22; 102-700, Article 75, Section 75-5,  
20 eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
21 Section 5-5, eff. 6-7-23; 103-9, Article 15, Section 15-5,  
22 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
23 revised 12-12-23.)

24 (35 ILCS 105/3-10)

25 Sec. 3-10. Rate of tax. Unless otherwise provided in this



1 Section, the tax imposed by this Act is at the rate of 6.25% of  
2 either the selling price or the fair market value, if any, of  
3 the tangible personal property. In all cases where property  
4 functionally used or consumed is the same as the property that  
5 was purchased at retail, then the tax is imposed on the selling  
6 price of the property. In all cases where property  
7 functionally used or consumed is a by-product or waste product  
8 that has been refined, manufactured, or produced from property  
9 purchased at retail, then the tax is imposed on the lower of  
10 the fair market value, if any, of the specific property so used  
11 in this State or on the selling price of the property purchased  
12 at retail. For purposes of this Section "fair market value"  
13 means the price at which property would change hands between a  
14 willing buyer and a willing seller, neither being under any  
15 compulsion to buy or sell and both having reasonable knowledge  
16 of the relevant facts. The fair market value shall be  
17 established by Illinois sales by the taxpayer of the same  
18 property as that functionally used or consumed, or if there  
19 are no such sales by the taxpayer, then comparable sales or  
20 purchases of property of like kind and character in Illinois.

21 Beginning on July 1, 2000 and through December 31, 2000,  
22 with respect to motor fuel, as defined in Section 1.1 of the  
23 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
24 the Use Tax Act, the tax is imposed at the rate of 1.25%.

25 Beginning on August 6, 2010 through August 15, 2010, and  
26 beginning again on August 5, 2022 through August 14, 2022,

1 with respect to sales tax holiday items as defined in Section  
2 3-6 of this Act, the tax is imposed at the rate of 1.25%.

3 With respect to gasohol, the tax imposed by this Act  
4 applies to (i) 70% of the proceeds of sales made on or after  
5 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
6 proceeds of sales made on or after July 1, 2003 and on or  
7 before July 1, 2017, (iii) 100% of the proceeds of sales made  
8 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of  
9 the proceeds of sales made on or after January 1, 2024 and on  
10 or before December 31, 2028, and (v) 100% of the proceeds of  
11 sales made after December 31, 2028. If, at any time, however,  
12 the tax under this Act on sales of gasohol is imposed at the  
13 rate of 1.25%, then the tax imposed by this Act applies to 100%  
14 of the proceeds of sales of gasohol made during that time.

15 With respect to mid-range ethanol blends, the tax imposed  
16 by this Act applies to (i) 80% of the proceeds of sales made on  
17 or after January 1, 2024 and on or before December 31, 2028 and  
18 (ii) 100% of the proceeds of sales made thereafter. If, at any  
19 time, however, the tax under this Act on sales of mid-range  
20 ethanol blends is imposed at the rate of 1.25%, then the tax  
21 imposed by this Act applies to 100% of the proceeds of sales of  
22 mid-range ethanol blends made during that time.

23 With respect to majority blended ethanol fuel, the tax  
24 imposed by this Act does not apply to the proceeds of sales  
25 made on or after July 1, 2003 and on or before December 31,  
26 2028 but applies to 100% of the proceeds of sales made

1 thereafter.

2 With respect to biodiesel blends with no less than 1% and  
3 no more than 10% biodiesel, the tax imposed by this Act applies  
4 to (i) 80% of the proceeds of sales made on or after July 1,  
5 2003 and on or before December 31, 2018 and (ii) 100% of the  
6 proceeds of sales made after December 31, 2018 and before  
7 January 1, 2024. On and after January 1, 2024 and on or before  
8 December 31, 2030, the taxation of biodiesel, renewable  
9 diesel, and biodiesel blends shall be as provided in Section  
10 3-5.1. If, at any time, however, the tax under this Act on  
11 sales of biodiesel blends with no less than 1% and no more than  
12 10% biodiesel is imposed at the rate of 1.25%, then the tax  
13 imposed by this Act applies to 100% of the proceeds of sales of  
14 biodiesel blends with no less than 1% and no more than 10%  
15 biodiesel made during that time.

16 With respect to biodiesel and biodiesel blends with more  
17 than 10% but no more than 99% biodiesel, the tax imposed by  
18 this Act does not apply to the proceeds of sales made on or  
19 after July 1, 2003 and on or before December 31, 2023. On and  
20 after January 1, 2024 and on or before December 31, 2030, the  
21 taxation of biodiesel, renewable diesel, and biodiesel blends  
22 shall be as provided in Section 3-5.1.

23 Until July 1, 2022 and ~~from beginning again on~~ July 1, 2023  
24 through December 31, 2025, with respect to food for human  
25 consumption that is to be consumed off the premises where it is  
26 sold (other than alcoholic beverages, food consisting of or

1 infused with adult use cannabis, soft drinks, and food that  
2 has been prepared for immediate consumption), the tax is  
3 imposed at the rate of 1%. Beginning on July 1, 2022 and until  
4 July 1, 2023, with respect to food for human consumption that  
5 is to be consumed off the premises where it is sold (other than  
6 alcoholic beverages, food consisting of or infused with adult  
7 use cannabis, soft drinks, and food that has been prepared for  
8 immediate consumption), the tax is imposed at the rate of 0%.  
9 On and after January 1, 2026, food for human consumption that  
10 is to be consumed off the premises where it is sold (other than  
11 alcoholic beverages, food consisting of or infused with adult  
12 use cannabis, soft drinks, candy, and food that has been  
13 prepared for immediate consumption) is exempt from the tax  
14 imposed by this Act.

15 With respect to prescription and nonprescription  
16 medicines, drugs, medical appliances, products classified as  
17 Class III medical devices by the United States Food and Drug  
18 Administration that are used for cancer treatment pursuant to  
19 a prescription, as well as any accessories and components  
20 related to those devices, modifications to a motor vehicle for  
21 the purpose of rendering it usable by a person with a  
22 disability, and insulin, blood sugar testing materials,  
23 syringes, and needles used by human diabetics, the tax is  
24 imposed at the rate of 1%. For the purposes of this Section,  
25 until September 1, 2009: the term "soft drinks" means any  
26 complete, finished, ready-to-use, non-alcoholic drink, whether

1 carbonated or not, including, but not limited to, soda water,  
2 cola, fruit juice, vegetable juice, carbonated water, and all  
3 other preparations commonly known as soft drinks of whatever  
4 kind or description that are contained in any closed or sealed  
5 bottle, can, carton, or container, regardless of size; but  
6 "soft drinks" does not include coffee, tea, non-carbonated  
7 water, infant formula, milk or milk products as defined in the  
8 Grade A Pasteurized Milk and Milk Products Act, or drinks  
9 containing 50% or more natural fruit or vegetable juice.

10 Notwithstanding any other provisions of this Act,  
11 beginning September 1, 2009, "soft drinks" means non-alcoholic  
12 beverages that contain natural or artificial sweeteners. "Soft  
13 drinks" does not include beverages that contain milk or milk  
14 products, soy, rice or similar milk substitutes, or greater  
15 than 50% of vegetable or fruit juice by volume.

16 Until August 1, 2009, and notwithstanding any other  
17 provisions of this Act, "food for human consumption that is to  
18 be consumed off the premises where it is sold" includes all  
19 food sold through a vending machine, except soft drinks and  
20 food products that are dispensed hot from a vending machine,  
21 regardless of the location of the vending machine. Beginning  
22 August 1, 2009, and notwithstanding any other provisions of  
23 this Act, "food for human consumption that is to be consumed  
24 off the premises where it is sold" includes all food sold  
25 through a vending machine, except soft drinks, candy, and food  
26 products that are dispensed hot from a vending machine,

1 regardless of the location of the vending machine.

2 Notwithstanding any other provisions of this Act,  
3 beginning September 1, 2009, "food for human consumption that  
4 is to be consumed off the premises where it is sold" does not  
5 include candy. For purposes of this Section, "candy" means a  
6 preparation of sugar, honey, or other natural or artificial  
7 sweeteners in combination with chocolate, fruits, nuts or  
8 other ingredients or flavorings in the form of bars, drops, or  
9 pieces. "Candy" does not include any preparation that contains  
10 flour or requires refrigeration.

11 Notwithstanding any other provisions of this Act,  
12 beginning September 1, 2009, "nonprescription medicines and  
13 drugs" does not include grooming and hygiene products. For  
14 purposes of this Section, "grooming and hygiene products"  
15 includes, but is not limited to, soaps and cleaning solutions,  
16 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
17 lotions and screens, unless those products are available by  
18 prescription only, regardless of whether the products meet the  
19 definition of "over-the-counter-drugs". For the purposes of  
20 this paragraph, "over-the-counter-drug" means a drug for human  
21 use that contains a label that identifies the product as a drug  
22 as required by 21 CFR 201.66. The "over-the-counter-drug"  
23 label includes:

24 (A) a "Drug Facts" panel; or

25 (B) a statement of the "active ingredient(s)" with a  
26 list of those ingredients contained in the compound,

1 substance or preparation.

2 Beginning on January 1, 2014 (the effective date of Public  
3 Act 98-122), "prescription and nonprescription medicines and  
4 drugs" includes medical cannabis purchased from a registered  
5 dispensing organization under the Compassionate Use of Medical  
6 Cannabis Program Act.

7 As used in this Section, "adult use cannabis" means  
8 cannabis subject to tax under the Cannabis Cultivation  
9 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
10 and does not include cannabis subject to tax under the  
11 Compassionate Use of Medical Cannabis Program Act.

12 If the property that is purchased at retail from a  
13 retailer is acquired outside Illinois and used outside  
14 Illinois before being brought to Illinois for use here and is  
15 taxable under this Act, the "selling price" on which the tax is  
16 computed shall be reduced by an amount that represents a  
17 reasonable allowance for depreciation for the period of prior  
18 out-of-state use.

19 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,  
20 Section 20-5, eff. 4-19-22; 102-700, Article 60, Section  
21 60-15, eff. 4-19-22; 102-700, Article 65, Section 65-5, eff.  
22 4-19-22; 103-9, eff. 6-7-23; 103-154 eff. 6-30-23.)

23 Section 10. The Service Use Tax Act is amended by changing  
24 Sections 3-5 and 3-10 as follows:

1 (35 ILCS 110/3-5)

2 Sec. 3-5. Exemptions. Use of the following tangible  
3 personal property is exempt from the tax imposed by this Act:

4 (1) Personal property purchased from a corporation,  
5 society, association, foundation, institution, or  
6 organization, other than a limited liability company, that is  
7 organized and operated as a not-for-profit service enterprise  
8 for the benefit of persons 65 years of age or older if the  
9 personal property was not purchased by the enterprise for the  
10 purpose of resale by the enterprise.

11 (2) Personal property purchased by a non-profit Illinois  
12 county fair association for use in conducting, operating, or  
13 promoting the county fair.

14 (3) Personal property purchased by a not-for-profit arts  
15 or cultural organization that establishes, by proof required  
16 by the Department by rule, that it has received an exemption  
17 under Section 501(c)(3) of the Internal Revenue Code and that  
18 is organized and operated primarily for the presentation or  
19 support of arts or cultural programming, activities, or  
20 services. These organizations include, but are not limited to,  
21 music and dramatic arts organizations such as symphony  
22 orchestras and theatrical groups, arts and cultural service  
23 organizations, local arts councils, visual arts organizations,  
24 and media arts organizations. On and after July 1, 2001 (the  
25 effective date of Public Act 92-35), however, an entity  
26 otherwise eligible for this exemption shall not make tax-free



1 purchases unless it has an active identification number issued  
2 by the Department.

3 (4) Legal tender, currency, medallions, or gold or silver  
4 coinage issued by the State of Illinois, the government of the  
5 United States of America, or the government of any foreign  
6 country, and bullion.

7 (5) Until July 1, 2003 and beginning again on September 1,  
8 2004 through August 30, 2014, graphic arts machinery and  
9 equipment, including repair and replacement parts, both new  
10 and used, and including that manufactured on special order or  
11 purchased for lease, certified by the purchaser to be used  
12 primarily for graphic arts production. Equipment includes  
13 chemicals or chemicals acting as catalysts but only if the  
14 chemicals or chemicals acting as catalysts effect a direct and  
15 immediate change upon a graphic arts product. Beginning on  
16 July 1, 2017, graphic arts machinery and equipment is included  
17 in the manufacturing and assembling machinery and equipment  
18 exemption under Section 2 of this Act.

19 (6) Personal property purchased from a teacher-sponsored  
20 student organization affiliated with an elementary or  
21 secondary school located in Illinois.

22 (7) Farm machinery and equipment, both new and used,  
23 including that manufactured on special order, certified by the  
24 purchaser to be used primarily for production agriculture or  
25 State or federal agricultural programs, including individual  
26 replacement parts for the machinery and equipment, including

1 machinery and equipment purchased for lease, and including  
2 implements of husbandry defined in Section 1-130 of the  
3 Illinois Vehicle Code, farm machinery and agricultural  
4 chemical and fertilizer spreaders, and nurse wagons required  
5 to be registered under Section 3-809 of the Illinois Vehicle  
6 Code, but excluding other motor vehicles required to be  
7 registered under the Illinois Vehicle Code. Horticultural  
8 polyhouses or hoop houses used for propagating, growing, or  
9 overwintering plants shall be considered farm machinery and  
10 equipment under this item (7). Agricultural chemical tender  
11 tanks and dry boxes shall include units sold separately from a  
12 motor vehicle required to be licensed and units sold mounted  
13 on a motor vehicle required to be licensed if the selling price  
14 of the tender is separately stated.

15 Farm machinery and equipment shall include precision  
16 farming equipment that is installed or purchased to be  
17 installed on farm machinery and equipment, including, but not  
18 limited to, tractors, harvesters, sprayers, planters, seeders,  
19 or spreaders. Precision farming equipment includes, but is not  
20 limited to, soil testing sensors, computers, monitors,  
21 software, global positioning and mapping systems, and other  
22 such equipment.

23 Farm machinery and equipment also includes computers,  
24 sensors, software, and related equipment used primarily in the  
25 computer-assisted operation of production agriculture  
26 facilities, equipment, and activities such as, but not limited

1 to, the collection, monitoring, and correlation of animal and  
2 crop data for the purpose of formulating animal diets and  
3 agricultural chemicals.

4 Beginning on January 1, 2024, farm machinery and equipment  
5 also includes electrical power generation equipment used  
6 primarily for production agriculture.

7 This item (7) is exempt from the provisions of Section  
8 3-75.

9 (8) Until June 30, 2013, fuel and petroleum products sold  
10 to or used by an air common carrier, certified by the carrier  
11 to be used for consumption, shipment, or storage in the  
12 conduct of its business as an air common carrier, for a flight  
13 destined for or returning from a location or locations outside  
14 the United States without regard to previous or subsequent  
15 domestic stopovers.

16 Beginning July 1, 2013, fuel and petroleum products sold  
17 to or used by an air carrier, certified by the carrier to be  
18 used for consumption, shipment, or storage in the conduct of  
19 its business as an air common carrier, for a flight that (i) is  
20 engaged in foreign trade or is engaged in trade between the  
21 United States and any of its possessions and (ii) transports  
22 at least one individual or package for hire from the city of  
23 origination to the city of final destination on the same  
24 aircraft, without regard to a change in the flight number of  
25 that aircraft.

26 (9) Proceeds of mandatory service charges separately

1 stated on customers' bills for the purchase and consumption of  
2 food and beverages acquired as an incident to the purchase of a  
3 service from a serviceman, to the extent that the proceeds of  
4 the service charge are in fact turned over as tips or as a  
5 substitute for tips to the employees who participate directly  
6 in preparing, serving, hosting or cleaning up the food or  
7 beverage function with respect to which the service charge is  
8 imposed.

9 (10) Until July 1, 2003, oil field exploration, drilling,  
10 and production equipment, including (i) rigs and parts of  
11 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
12 pipe and tubular goods, including casing and drill strings,  
13 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
14 lines, (v) any individual replacement part for oil field  
15 exploration, drilling, and production equipment, and (vi)  
16 machinery and equipment purchased for lease; but excluding  
17 motor vehicles required to be registered under the Illinois  
18 Vehicle Code.

19 (11) Proceeds from the sale of photoprocessing machinery  
20 and equipment, including repair and replacement parts, both  
21 new and used, including that manufactured on special order,  
22 certified by the purchaser to be used primarily for  
23 photoprocessing, and including photoprocessing machinery and  
24 equipment purchased for lease.

25 (12) Until July 1, 2028, coal and aggregate exploration,  
26 mining, off-highway hauling, processing, maintenance, and

1 reclamation equipment, including replacement parts and  
2 equipment, and including equipment purchased for lease, but  
3 excluding motor vehicles required to be registered under the  
4 Illinois Vehicle Code. The changes made to this Section by  
5 Public Act 97-767 apply on and after July 1, 2003, but no claim  
6 for credit or refund is allowed on or after August 16, 2013  
7 (the effective date of Public Act 98-456) for such taxes paid  
8 during the period beginning July 1, 2003 and ending on August  
9 16, 2013 (the effective date of Public Act 98-456).

10 (13) Semen used for artificial insemination of livestock  
11 for direct agricultural production.

12 (14) Horses, or interests in horses, registered with and  
13 meeting the requirements of any of the Arabian Horse Club  
14 Registry of America, Appaloosa Horse Club, American Quarter  
15 Horse Association, United States Trotting Association, or  
16 Jockey Club, as appropriate, used for purposes of breeding or  
17 racing for prizes. This item (14) is exempt from the  
18 provisions of Section 3-75, and the exemption provided for  
19 under this item (14) applies for all periods beginning May 30,  
20 1995, but no claim for credit or refund is allowed on or after  
21 January 1, 2008 (the effective date of Public Act 95-88) for  
22 such taxes paid during the period beginning May 30, 2000 and  
23 ending on January 1, 2008 (the effective date of Public Act  
24 95-88).

25 (15) Computers and communications equipment utilized for  
26 any hospital purpose and equipment used in the diagnosis,

1 analysis, or treatment of hospital patients purchased by a  
2 lessor who leases the equipment, under a lease of one year or  
3 longer executed or in effect at the time the lessor would  
4 otherwise be subject to the tax imposed by this Act, to a  
5 hospital that has been issued an active tax exemption  
6 identification number by the Department under Section 1g of  
7 the Retailers' Occupation Tax Act. If the equipment is leased  
8 in a manner that does not qualify for this exemption or is used  
9 in any other non-exempt manner, the lessor shall be liable for  
10 the tax imposed under this Act or the Use Tax Act, as the case  
11 may be, based on the fair market value of the property at the  
12 time the non-qualifying use occurs. No lessor shall collect or  
13 attempt to collect an amount (however designated) that  
14 purports to reimburse that lessor for the tax imposed by this  
15 Act or the Use Tax Act, as the case may be, if the tax has not  
16 been paid by the lessor. If a lessor improperly collects any  
17 such amount from the lessee, the lessee shall have a legal  
18 right to claim a refund of that amount from the lessor. If,  
19 however, that amount is not refunded to the lessee for any  
20 reason, the lessor is liable to pay that amount to the  
21 Department.

22 (16) Personal property purchased by a lessor who leases  
23 the property, under a lease of one year or longer executed or  
24 in effect at the time the lessor would otherwise be subject to  
25 the tax imposed by this Act, to a governmental body that has  
26 been issued an active tax exemption identification number by

1 the Department under Section 1g of the Retailers' Occupation  
2 Tax Act. If the property is leased in a manner that does not  
3 qualify for this exemption or is used in any other non-exempt  
4 manner, the lessor shall be liable for the tax imposed under  
5 this Act or the Use Tax Act, as the case may be, based on the  
6 fair market value of the property at the time the  
7 non-qualifying use occurs. No lessor shall collect or attempt  
8 to collect an amount (however designated) that purports to  
9 reimburse that lessor for the tax imposed by this Act or the  
10 Use Tax Act, as the case may be, if the tax has not been paid  
11 by the lessor. If a lessor improperly collects any such amount  
12 from the lessee, the lessee shall have a legal right to claim a  
13 refund of that amount from the lessor. If, however, that  
14 amount is not refunded to the lessee for any reason, the lessor  
15 is liable to pay that amount to the Department.

16 (17) Beginning with taxable years ending on or after  
17 December 31, 1995 and ending with taxable years ending on or  
18 before December 31, 2004, personal property that is donated  
19 for disaster relief to be used in a State or federally declared  
20 disaster area in Illinois or bordering Illinois by a  
21 manufacturer or retailer that is registered in this State to a  
22 corporation, society, association, foundation, or institution  
23 that has been issued a sales tax exemption identification  
24 number by the Department that assists victims of the disaster  
25 who reside within the declared disaster area.

26 (18) Beginning with taxable years ending on or after

1 December 31, 1995 and ending with taxable years ending on or  
2 before December 31, 2004, personal property that is used in  
3 the performance of infrastructure repairs in this State,  
4 including, but not limited to, municipal roads and streets,  
5 access roads, bridges, sidewalks, waste disposal systems,  
6 water and sewer line extensions, water distribution and  
7 purification facilities, storm water drainage and retention  
8 facilities, and sewage treatment facilities, resulting from a  
9 State or federally declared disaster in Illinois or bordering  
10 Illinois when such repairs are initiated on facilities located  
11 in the declared disaster area within 6 months after the  
12 disaster.

13 (19) Beginning July 1, 1999, game or game birds purchased  
14 at a "game breeding and hunting preserve area" as that term is  
15 used in the Wildlife Code. This paragraph is exempt from the  
16 provisions of Section 3-75.

17 (20) A motor vehicle, as that term is defined in Section  
18 1-146 of the Illinois Vehicle Code, that is donated to a  
19 corporation, limited liability company, society, association,  
20 foundation, or institution that is determined by the  
21 Department to be organized and operated exclusively for  
22 educational purposes. For purposes of this exemption, "a  
23 corporation, limited liability company, society, association,  
24 foundation, or institution organized and operated exclusively  
25 for educational purposes" means all tax-supported public  
26 schools, private schools that offer systematic instruction in



1 useful branches of learning by methods common to public  
2 schools and that compare favorably in their scope and  
3 intensity with the course of study presented in tax-supported  
4 schools, and vocational or technical schools or institutes  
5 organized and operated exclusively to provide a course of  
6 study of not less than 6 weeks duration and designed to prepare  
7 individuals to follow a trade or to pursue a manual,  
8 technical, mechanical, industrial, business, or commercial  
9 occupation.

10 (21) Beginning January 1, 2000, personal property,  
11 including food, purchased through fundraising events for the  
12 benefit of a public or private elementary or secondary school,  
13 a group of those schools, or one or more school districts if  
14 the events are sponsored by an entity recognized by the school  
15 district that consists primarily of volunteers and includes  
16 parents and teachers of the school children. This paragraph  
17 does not apply to fundraising events (i) for the benefit of  
18 private home instruction or (ii) for which the fundraising  
19 entity purchases the personal property sold at the events from  
20 another individual or entity that sold the property for the  
21 purpose of resale by the fundraising entity and that profits  
22 from the sale to the fundraising entity. This paragraph is  
23 exempt from the provisions of Section 3-75.

24 (22) Beginning January 1, 2000 and through December 31,  
25 2001, new or used automatic vending machines that prepare and  
26 serve hot food and beverages, including coffee, soup, and

1 other items, and replacement parts for these machines.  
2 Beginning January 1, 2002 and through June 30, 2003, machines  
3 and parts for machines used in commercial, coin-operated  
4 amusement and vending business if a use or occupation tax is  
5 paid on the gross receipts derived from the use of the  
6 commercial, coin-operated amusement and vending machines. This  
7 paragraph is exempt from the provisions of Section 3-75.

8 (23) Beginning August 23, 2001 and through June 30, 2016,  
9 food for human consumption that is to be consumed off the  
10 premises where it is sold (other than alcoholic beverages,  
11 soft drinks, and food that has been prepared for immediate  
12 consumption) and prescription and nonprescription medicines,  
13 drugs, medical appliances, and insulin, urine testing  
14 materials, syringes, and needles used by diabetics, for human  
15 use, when purchased for use by a person receiving medical  
16 assistance under Article V of the Illinois Public Aid Code who  
17 resides in a licensed long-term care facility, as defined in  
18 the Nursing Home Care Act, or in a licensed facility as defined  
19 in the ID/DD Community Care Act, the MC/DD Act, or the  
20 Specialized Mental Health Rehabilitation Act of 2013.

21 (24) Beginning on August 2, 2001 (the effective date of  
22 Public Act 92-227), computers and communications equipment  
23 utilized for any hospital purpose and equipment used in the  
24 diagnosis, analysis, or treatment of hospital patients  
25 purchased by a lessor who leases the equipment, under a lease  
26 of one year or longer executed or in effect at the time the

1 lessor would otherwise be subject to the tax imposed by this  
2 Act, to a hospital that has been issued an active tax exemption  
3 identification number by the Department under Section 1g of  
4 the Retailers' Occupation Tax Act. If the equipment is leased  
5 in a manner that does not qualify for this exemption or is used  
6 in any other nonexempt manner, the lessor shall be liable for  
7 the tax imposed under this Act or the Use Tax Act, as the case  
8 may be, based on the fair market value of the property at the  
9 time the nonqualifying use occurs. No lessor shall collect or  
10 attempt to collect an amount (however designated) that  
11 purports to reimburse that lessor for the tax imposed by this  
12 Act or the Use Tax Act, as the case may be, if the tax has not  
13 been paid by the lessor. If a lessor improperly collects any  
14 such amount from the lessee, the lessee shall have a legal  
15 right to claim a refund of that amount from the lessor. If,  
16 however, that amount is not refunded to the lessee for any  
17 reason, the lessor is liable to pay that amount to the  
18 Department. This paragraph is exempt from the provisions of  
19 Section 3-75.

20 (25) Beginning on August 2, 2001 (the effective date of  
21 Public Act 92-227), personal property purchased by a lessor  
22 who leases the property, under a lease of one year or longer  
23 executed or in effect at the time the lessor would otherwise be  
24 subject to the tax imposed by this Act, to a governmental body  
25 that has been issued an active tax exemption identification  
26 number by the Department under Section 1g of the Retailers'

1 Occupation Tax Act. If the property is leased in a manner that  
2 does not qualify for this exemption or is used in any other  
3 nonexempt manner, the lessor shall be liable for the tax  
4 imposed under this Act or the Use Tax Act, as the case may be,  
5 based on the fair market value of the property at the time the  
6 nonqualifying use occurs. No lessor shall collect or attempt  
7 to collect an amount (however designated) that purports to  
8 reimburse that lessor for the tax imposed by this Act or the  
9 Use Tax Act, as the case may be, if the tax has not been paid  
10 by the lessor. If a lessor improperly collects any such amount  
11 from the lessee, the lessee shall have a legal right to claim a  
12 refund of that amount from the lessor. If, however, that  
13 amount is not refunded to the lessee for any reason, the lessor  
14 is liable to pay that amount to the Department. This paragraph  
15 is exempt from the provisions of Section 3-75.

16 (26) Beginning January 1, 2008, tangible personal property  
17 used in the construction or maintenance of a community water  
18 supply, as defined under Section 3.145 of the Environmental  
19 Protection Act, that is operated by a not-for-profit  
20 corporation that holds a valid water supply permit issued  
21 under Title IV of the Environmental Protection Act. This  
22 paragraph is exempt from the provisions of Section 3-75.

23 (27) Beginning January 1, 2010 and continuing through  
24 December 31, 2029, materials, parts, equipment, components,  
25 and furnishings incorporated into or upon an aircraft as part  
26 of the modification, refurbishment, completion, replacement,

1 repair, or maintenance of the aircraft. This exemption  
2 includes consumable supplies used in the modification,  
3 refurbishment, completion, replacement, repair, and  
4 maintenance of aircraft. However, until January 1, 2024, this  
5 exemption excludes any materials, parts, equipment,  
6 components, and consumable supplies used in the modification,  
7 replacement, repair, and maintenance of aircraft engines or  
8 power plants, whether such engines or power plants are  
9 installed or uninstalled upon any such aircraft. "Consumable  
10 supplies" include, but are not limited to, adhesive, tape,  
11 sandpaper, general purpose lubricants, cleaning solution,  
12 latex gloves, and protective films.

13 Beginning January 1, 2010 and continuing through December  
14 31, 2023, this exemption applies only to the use of qualifying  
15 tangible personal property transferred incident to the  
16 modification, refurbishment, completion, replacement, repair,  
17 or maintenance of aircraft by persons who (i) hold an Air  
18 Agency Certificate and are empowered to operate an approved  
19 repair station by the Federal Aviation Administration, (ii)  
20 have a Class IV Rating, and (iii) conduct operations in  
21 accordance with Part 145 of the Federal Aviation Regulations.  
22 From January 1, 2024 through December 31, 2029, this exemption  
23 applies only to the use of qualifying tangible personal  
24 property by: (A) persons who modify, refurbish, complete,  
25 repair, replace, or maintain aircraft and who (i) hold an Air  
26 Agency Certificate and are empowered to operate an approved

1 repair station by the Federal Aviation Administration, (ii)  
2 have a Class IV Rating, and (iii) conduct operations in  
3 accordance with Part 145 of the Federal Aviation Regulations;  
4 and (B) persons who engage in the modification, replacement,  
5 repair, and maintenance of aircraft engines or power plants  
6 without regard to whether or not those persons meet the  
7 qualifications of item (A).

8 The exemption does not include aircraft operated by a  
9 commercial air carrier providing scheduled passenger air  
10 service pursuant to authority issued under Part 121 or Part  
11 129 of the Federal Aviation Regulations. The changes made to  
12 this paragraph (27) by Public Act 98-534 are declarative of  
13 existing law. It is the intent of the General Assembly that the  
14 exemption under this paragraph (27) applies continuously from  
15 January 1, 2010 through December 31, 2024; however, no claim  
16 for credit or refund is allowed for taxes paid as a result of  
17 the disallowance of this exemption on or after January 1, 2015  
18 and prior to February 5, 2020 (the effective date of Public Act  
19 101-629).

20 (28) Tangible personal property purchased by a  
21 public-facilities corporation, as described in Section  
22 11-65-10 of the Illinois Municipal Code, for purposes of  
23 constructing or furnishing a municipal convention hall, but  
24 only if the legal title to the municipal convention hall is  
25 transferred to the municipality without any further  
26 consideration by or on behalf of the municipality at the time

1 of the completion of the municipal convention hall or upon the  
2 retirement or redemption of any bonds or other debt  
3 instruments issued by the public-facilities corporation in  
4 connection with the development of the municipal convention  
5 hall. This exemption includes existing public-facilities  
6 corporations as provided in Section 11-65-25 of the Illinois  
7 Municipal Code. This paragraph is exempt from the provisions  
8 of Section 3-75.

9 (29) Beginning January 1, 2017 and through December 31,  
10 2026, menstrual pads, tampons, and menstrual cups.

11 (30) Tangible personal property transferred to a purchaser  
12 who is exempt from the tax imposed by this Act by operation of  
13 federal law. This paragraph is exempt from the provisions of  
14 Section 3-75.

15 (31) Qualified tangible personal property used in the  
16 construction or operation of a data center that has been  
17 granted a certificate of exemption by the Department of  
18 Commerce and Economic Opportunity, whether that tangible  
19 personal property is purchased by the owner, operator, or  
20 tenant of the data center or by a contractor or subcontractor  
21 of the owner, operator, or tenant. Data centers that would  
22 have qualified for a certificate of exemption prior to January  
23 1, 2020 had Public Act 101-31 been in effect, may apply for and  
24 obtain an exemption for subsequent purchases of computer  
25 equipment or enabling software purchased or leased to upgrade,  
26 supplement, or replace computer equipment or enabling software

1 purchased or leased in the original investment that would have  
2 qualified.

3 The Department of Commerce and Economic Opportunity shall  
4 grant a certificate of exemption under this item (31) to  
5 qualified data centers as defined by Section 605-1025 of the  
6 Department of Commerce and Economic Opportunity Law of the  
7 Civil Administrative Code of Illinois.

8 For the purposes of this item (31):

9 "Data center" means a building or a series of  
10 buildings rehabilitated or constructed to house working  
11 servers in one physical location or multiple sites within  
12 the State of Illinois.

13 "Qualified tangible personal property" means:  
14 electrical systems and equipment; climate control and  
15 chilling equipment and systems; mechanical systems and  
16 equipment; monitoring and secure systems; emergency  
17 generators; hardware; computers; servers; data storage  
18 devices; network connectivity equipment; racks; cabinets;  
19 telecommunications cabling infrastructure; raised floor  
20 systems; peripheral components or systems; software;  
21 mechanical, electrical, or plumbing systems; battery  
22 systems; cooling systems and towers; temperature control  
23 systems; other cabling; and other data center  
24 infrastructure equipment and systems necessary to operate  
25 qualified tangible personal property, including fixtures;  
26 and component parts of any of the foregoing, including



1 installation, maintenance, repair, refurbishment, and  
2 replacement of qualified tangible personal property to  
3 generate, transform, transmit, distribute, or manage  
4 electricity necessary to operate qualified tangible  
5 personal property; and all other tangible personal  
6 property that is essential to the operations of a computer  
7 data center. The term "qualified tangible personal  
8 property" also includes building materials physically  
9 incorporated into ~~in to~~ the qualifying data center. To  
10 document the exemption allowed under this Section, the  
11 retailer must obtain from the purchaser a copy of the  
12 certificate of eligibility issued by the Department of  
13 Commerce and Economic Opportunity.

14 This item (31) is exempt from the provisions of Section  
15 3-75.

16 (32) Beginning July 1, 2022, breast pumps, breast pump  
17 collection and storage supplies, and breast pump kits. This  
18 item (32) is exempt from the provisions of Section 3-75. As  
19 used in this item (32):

20 "Breast pump" means an electrically controlled or  
21 manually controlled pump device designed or marketed to be  
22 used to express milk from a human breast during lactation,  
23 including the pump device and any battery, AC adapter, or  
24 other power supply unit that is used to power the pump  
25 device and is packaged and sold with the pump device at the  
26 time of sale.

1 "Breast pump collection and storage supplies" means  
2 items of tangible personal property designed or marketed  
3 to be used in conjunction with a breast pump to collect  
4 milk expressed from a human breast and to store collected  
5 milk until it is ready for consumption.

6 "Breast pump collection and storage supplies"  
7 includes, but is not limited to: breast shields and breast  
8 shield connectors; breast pump tubes and tubing adapters;  
9 breast pump valves and membranes; backflow protectors and  
10 backflow protector adaptors; bottles and bottle caps  
11 specific to the operation of the breast pump; and breast  
12 milk storage bags.

13 "Breast pump collection and storage supplies" does not  
14 include: (1) bottles and bottle caps not specific to the  
15 operation of the breast pump; (2) breast pump travel bags  
16 and other similar carrying accessories, including ice  
17 packs, labels, and other similar products; (3) breast pump  
18 cleaning supplies; (4) nursing bras, bra pads, breast  
19 shells, and other similar products; and (5) creams,  
20 ointments, and other similar products that relieve  
21 breastfeeding-related symptoms or conditions of the  
22 breasts or nipples, unless sold as part of a breast pump  
23 kit that is pre-packaged by the breast pump manufacturer  
24 or distributor.

25 "Breast pump kit" means a kit that: (1) contains no  
26 more than a breast pump, breast pump collection and

1 storage supplies, a rechargeable battery for operating the  
2 breast pump, a breastmilk cooler, bottle stands, ice  
3 packs, and a breast pump carrying case; and (2) is  
4 pre-packaged as a breast pump kit by the breast pump  
5 manufacturer or distributor.

6 (33) Tangible personal property sold by or on behalf of  
7 the State Treasurer pursuant to the Revised Uniform Unclaimed  
8 Property Act. This item (33) is exempt from the provisions of  
9 Section 3-75.

10 (34) Beginning on January 1, 2024, tangible personal  
11 property purchased by an active duty member of the armed  
12 forces of the United States who presents valid military  
13 identification and purchases the property using a form of  
14 payment where the federal government is the payor. The member  
15 of the armed forces must complete, at the point of sale, a form  
16 prescribed by the Department of Revenue documenting that the  
17 transaction is eligible for the exemption under this  
18 paragraph. Retailers must keep the form as documentation of  
19 the exemption in their records for a period of not less than 6  
20 years. "Armed forces of the United States" means the United  
21 States Army, Navy, Air Force, Marine Corps, or Coast Guard.  
22 This paragraph is exempt from the provisions of Section 3-75.

23 (35) Beginning on January 1, 2026, as further defined in  
24 Section 3-10, food prepared for immediate consumption and  
25 transferred incident to a sale of service subject to this Act  
26 or the Service Occupation Tax Act by an entity licensed under

1 the Hospital Licensing Act, the Nursing Home Care Act, the  
2 Assisted Living and Shared Housing Act, the ID/DD Community  
3 Care Act, the MC/DD Act, the Specialized Mental Health  
4 Rehabilitation Act of 2013, or the Child Care Act of 1969, or  
5 by an entity that holds a permit issued pursuant to the Life  
6 Care Facilities Act. This item (35) is exempt from the  
7 provisions of Section 3-75.

8 (36) Beginning on January 1, 2026, as further defined in  
9 Section 3-10, food for human consumption that is to be  
10 consumed off the premises where it is sold (other than  
11 alcoholic beverages, food consisting of or infused with adult  
12 use cannabis, soft drinks, candy, and food that has been  
13 prepared for immediate consumption). This item (36) is exempt  
14 from the provisions of Section 3-75.

15 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
16 Section 70-10, eff. 4-19-22; 102-700, Article 75, Section  
17 75-10, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
18 Section 5-10, eff. 6-7-23; 103-9, Article 15, Section 15-10,  
19 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
20 revised 12-12-23.)

21 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

22 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
23 Section, the tax imposed by this Act is at the rate of 6.25% of  
24 the selling price of tangible personal property transferred as  
25 an incident to the sale of service, but, for the purpose of

1 computing this tax, in no event shall the selling price be less  
2 than the cost price of the property to the serviceman.

3 Beginning on July 1, 2000 and through December 31, 2000,  
4 with respect to motor fuel, as defined in Section 1.1 of the  
5 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
6 the Use Tax Act, the tax is imposed at the rate of 1.25%.

7 With respect to gasohol, as defined in the Use Tax Act, the  
8 tax imposed by this Act applies to (i) 70% of the selling price  
9 of property transferred as an incident to the sale of service  
10 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
11 of the selling price of property transferred as an incident to  
12 the sale of service on or after July 1, 2003 and on or before  
13 July 1, 2017, (iii) 100% of the selling price of property  
14 transferred as an incident to the sale of service after July 1,  
15 2017 and before January 1, 2024, (iv) 90% of the selling price  
16 of property transferred as an incident to the sale of service  
17 on or after January 1, 2024 and on or before December 31, 2028,  
18 and (v) 100% of the selling price of property transferred as an  
19 incident to the sale of service after December 31, 2028. If, at  
20 any time, however, the tax under this Act on sales of gasohol,  
21 as defined in the Use Tax Act, is imposed at the rate of 1.25%,  
22 then the tax imposed by this Act applies to 100% of the  
23 proceeds of sales of gasohol made during that time.

24 With respect to mid-range ethanol blends, as defined in  
25 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act  
26 applies to (i) 80% of the selling price of property

1 transferred as an incident to the sale of service on or after  
2 January 1, 2024 and on or before December 31, 2028 and (ii)  
3 100% of the selling price of property transferred as an  
4 incident to the sale of service after December 31, 2028. If, at  
5 any time, however, the tax under this Act on sales of mid-range  
6 ethanol blends is imposed at the rate of 1.25%, then the tax  
7 imposed by this Act applies to 100% of the selling price of  
8 mid-range ethanol blends transferred as an incident to the  
9 sale of service during that time.

10 With respect to majority blended ethanol fuel, as defined  
11 in the Use Tax Act, the tax imposed by this Act does not apply  
12 to the selling price of property transferred as an incident to  
13 the sale of service on or after July 1, 2003 and on or before  
14 December 31, 2028 but applies to 100% of the selling price  
15 thereafter.

16 With respect to biodiesel blends, as defined in the Use  
17 Tax Act, with no less than 1% and no more than 10% biodiesel,  
18 the tax imposed by this Act applies to (i) 80% of the selling  
19 price of property transferred as an incident to the sale of  
20 service on or after July 1, 2003 and on or before December 31,  
21 2018 and (ii) 100% of the proceeds of the selling price after  
22 December 31, 2018 and before January 1, 2024. On and after  
23 January 1, 2024 and on or before December 31, 2030, the  
24 taxation of biodiesel, renewable diesel, and biodiesel blends  
25 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
26 at any time, however, the tax under this Act on sales of

1 biodiesel blends, as defined in the Use Tax Act, with no less  
2 than 1% and no more than 10% biodiesel is imposed at the rate  
3 of 1.25%, then the tax imposed by this Act applies to 100% of  
4 the proceeds of sales of biodiesel blends with no less than 1%  
5 and no more than 10% biodiesel made during that time.

6 With respect to biodiesel, as defined in the Use Tax Act,  
7 and biodiesel blends, as defined in the Use Tax Act, with more  
8 than 10% but no more than 99% biodiesel, the tax imposed by  
9 this Act does not apply to the proceeds of the selling price of  
10 property transferred as an incident to the sale of service on  
11 or after July 1, 2003 and on or before December 31, 2023. On  
12 and after January 1, 2024 and on or before December 31, 2030,  
13 the taxation of biodiesel, renewable diesel, and biodiesel  
14 blends shall be as provided in Section 3-5.1 of the Use Tax  
15 Act.

16 At the election of any registered serviceman made for each  
17 fiscal year, sales of service in which the aggregate annual  
18 cost price of tangible personal property transferred as an  
19 incident to the sales of service is less than 35%, or 75% in  
20 the case of servicemen transferring prescription drugs or  
21 servicemen engaged in graphic arts production, of the  
22 aggregate annual total gross receipts from all sales of  
23 service, the tax imposed by this Act shall be based on the  
24 serviceman's cost price of the tangible personal property  
25 transferred as an incident to the sale of those services.

26 Until July 1, 2022 and from ~~beginning again on~~ July 1, 2023

1 through December 31, 2025, the tax shall be imposed at the rate  
2 of 1% on food prepared for immediate consumption and  
3 transferred incident to a sale of service subject to this Act  
4 or the Service Occupation Tax Act by an entity licensed under  
5 the Hospital Licensing Act, the Nursing Home Care Act, the  
6 Assisted Living and Shared Housing Act, the ID/DD Community  
7 Care Act, the MC/DD Act, the Specialized Mental Health  
8 Rehabilitation Act of 2013, or the Child Care Act of 1969, or  
9 an entity that holds a permit issued pursuant to the Life Care  
10 Facilities Act. Until July 1, 2022 and ~~from beginning again on~~  
11 July 1, 2023 through December 31, 2025, the tax shall also be  
12 imposed at the rate of 1% on food for human consumption that is  
13 to be consumed off the premises where it is sold (other than  
14 alcoholic beverages, food consisting of or infused with adult  
15 use cannabis, soft drinks, and food that has been prepared for  
16 immediate consumption and is not otherwise included in this  
17 paragraph).

18 Beginning on July 1, 2022 and until July 1, 2023, the tax  
19 shall be imposed at the rate of 0% on food prepared for  
20 immediate consumption and transferred incident to a sale of  
21 service subject to this Act or the Service Occupation Tax Act  
22 by an entity licensed under the Hospital Licensing Act, the  
23 Nursing Home Care Act, the Assisted Living and Shared Housing  
24 Act, the ID/DD Community Care Act, the MC/DD Act, the  
25 Specialized Mental Health Rehabilitation Act of 2013, or the  
26 Child Care Act of 1969, or an entity that holds a permit issued



1 pursuant to the Life Care Facilities Act. Beginning on July 1,  
2 2022 and until July 1, 2023, the tax shall also be imposed at  
3 the rate of 0% on food for human consumption that is to be  
4 consumed off the premises where it is sold (other than  
5 alcoholic beverages, food consisting of or infused with adult  
6 use cannabis, soft drinks, and food that has been prepared for  
7 immediate consumption and is not otherwise included in this  
8 paragraph).

9 On and after January 1, 2026, food prepared for immediate  
10 consumption and transferred incident to a sale of service  
11 subject to this Act or the Service Occupation Tax Act by an  
12 entity licensed under the Hospital Licensing Act, the Nursing  
13 Home Care Act, the Assisted Living and Shared Housing Act, the  
14 ID/DD Community Care Act, the MC/DD Act, the Specialized  
15 Mental Health Rehabilitation Act of 2013, or the Child Care  
16 Act of 1969, or by an entity that holds a permit issued  
17 pursuant to the Life Care Facilities Act is exempt from the tax  
18 under this Act. On and after January 1, 2026, food for human  
19 consumption that is to be consumed off the premises where it is  
20 sold (other than alcoholic beverages, food consisting of or  
21 infused with adult use cannabis, soft drinks, candy, and food  
22 that has been prepared for immediate consumption and is not  
23 otherwise included in this paragraph) is exempt from the tax  
24 under this Act.

25 The tax shall ~~also~~ be imposed at the rate of 1% on  
26 prescription and nonprescription medicines, drugs, medical

1 appliances, products classified as Class III medical devices  
2 by the United States Food and Drug Administration that are  
3 used for cancer treatment pursuant to a prescription, as well  
4 as any accessories and components related to those devices,  
5 modifications to a motor vehicle for the purpose of rendering  
6 it usable by a person with a disability, and insulin, blood  
7 sugar testing materials, syringes, and needles used by human  
8 diabetics. For the purposes of this Section, until September  
9 1, 2009: the term "soft drinks" means any complete, finished,  
10 ready-to-use, non-alcoholic drink, whether carbonated or not,  
11 including, but not limited to, soda water, cola, fruit juice,  
12 vegetable juice, carbonated water, and all other preparations  
13 commonly known as soft drinks of whatever kind or description  
14 that are contained in any closed or sealed bottle, can,  
15 carton, or container, regardless of size; but "soft drinks"  
16 does not include coffee, tea, non-carbonated water, infant  
17 formula, milk or milk products as defined in the Grade A  
18 Pasteurized Milk and Milk Products Act, or drinks containing  
19 50% or more natural fruit or vegetable juice.

20 Notwithstanding any other provisions of this Act,  
21 beginning September 1, 2009, "soft drinks" means non-alcoholic  
22 beverages that contain natural or artificial sweeteners. "Soft  
23 drinks" does not include beverages that contain milk or milk  
24 products, soy, rice or similar milk substitutes, or greater  
25 than 50% of vegetable or fruit juice by volume.

26 Until August 1, 2009, and notwithstanding any other

1 provisions of this Act, "food for human consumption that is to  
2 be consumed off the premises where it is sold" includes all  
3 food sold through a vending machine, except soft drinks and  
4 food products that are dispensed hot from a vending machine,  
5 regardless of the location of the vending machine. Beginning  
6 August 1, 2009, and notwithstanding any other provisions of  
7 this Act, "food for human consumption that is to be consumed  
8 off the premises where it is sold" includes all food sold  
9 through a vending machine, except soft drinks, candy, and food  
10 products that are dispensed hot from a vending machine,  
11 regardless of the location of the vending machine.

12 Notwithstanding any other provisions of this Act,  
13 beginning September 1, 2009, "food for human consumption that  
14 is to be consumed off the premises where it is sold" does not  
15 include candy. For purposes of this Section, "candy" means a  
16 preparation of sugar, honey, or other natural or artificial  
17 sweeteners in combination with chocolate, fruits, nuts or  
18 other ingredients or flavorings in the form of bars, drops, or  
19 pieces. "Candy" does not include any preparation that contains  
20 flour or requires refrigeration.

21 Notwithstanding any other provisions of this Act,  
22 beginning September 1, 2009, "nonprescription medicines and  
23 drugs" does not include grooming and hygiene products. For  
24 purposes of this Section, "grooming and hygiene products"  
25 includes, but is not limited to, soaps and cleaning solutions,  
26 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan

1     lotions and screens, unless those products are available by  
2     prescription only, regardless of whether the products meet the  
3     definition of "over-the-counter-drugs". For the purposes of  
4     this paragraph, "over-the-counter-drug" means a drug for human  
5     use that contains a label that identifies the product as a drug  
6     as required by 21 CFR 201.66. The "over-the-counter-drug"  
7     label includes:

8             (A) a "Drug Facts" panel; or

9             (B) a statement of the "active ingredient(s)" with a  
10            list of those ingredients contained in the compound,  
11            substance or preparation.

12           Beginning on January 1, 2014 (the effective date of Public  
13     Act 98-122), "prescription and nonprescription medicines and  
14     drugs" includes medical cannabis purchased from a registered  
15     dispensing organization under the Compassionate Use of Medical  
16     Cannabis Program Act.

17           As used in this Section, "adult use cannabis" means  
18     cannabis subject to tax under the Cannabis Cultivation  
19     Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
20     and does not include cannabis subject to tax under the  
21     Compassionate Use of Medical Cannabis Program Act.

22           If the property that is acquired from a serviceman is  
23     acquired outside Illinois and used outside Illinois before  
24     being brought to Illinois for use here and is taxable under  
25     this Act, the "selling price" on which the tax is computed  
26     shall be reduced by an amount that represents a reasonable

1 allowance for depreciation for the period of prior  
2 out-of-state use.

3 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;  
4 102-700, Article 20, Section 20-10, eff. 4-19-22; 102-700,  
5 Article 60, Section 60-20, eff. 4-19-22; 103-9, eff. 6-7-23;  
6 103-154, eff. 6-30-23.)

7 Section 15. The Service Occupation Tax Act is amended by  
8 changing Sections 3-5 and 3-10 as follows:

9 (35 ILCS 115/3-5)

10 Sec. 3-5. Exemptions. The following tangible personal  
11 property is exempt from the tax imposed by this Act:

12 (1) Personal property sold by a corporation, society,  
13 association, foundation, institution, or organization, other  
14 than a limited liability company, that is organized and  
15 operated as a not-for-profit service enterprise for the  
16 benefit of persons 65 years of age or older if the personal  
17 property was not purchased by the enterprise for the purpose  
18 of resale by the enterprise.

19 (2) Personal property purchased by a not-for-profit  
20 Illinois county fair association for use in conducting,  
21 operating, or promoting the county fair.

22 (3) Personal property purchased by any not-for-profit arts  
23 or cultural organization that establishes, by proof required  
24 by the Department by rule, that it has received an exemption

1 under Section 501(c)(3) of the Internal Revenue Code and that  
2 is organized and operated primarily for the presentation or  
3 support of arts or cultural programming, activities, or  
4 services. These organizations include, but are not limited to,  
5 music and dramatic arts organizations such as symphony  
6 orchestras and theatrical groups, arts and cultural service  
7 organizations, local arts councils, visual arts organizations,  
8 and media arts organizations. On and after July 1, 2001 (the  
9 effective date of Public Act 92-35), however, an entity  
10 otherwise eligible for this exemption shall not make tax-free  
11 purchases unless it has an active identification number issued  
12 by the Department.

13 (4) Legal tender, currency, medallions, or gold or silver  
14 coinage issued by the State of Illinois, the government of the  
15 United States of America, or the government of any foreign  
16 country, and bullion.

17 (5) Until July 1, 2003 and beginning again on September 1,  
18 2004 through August 30, 2014, graphic arts machinery and  
19 equipment, including repair and replacement parts, both new  
20 and used, and including that manufactured on special order or  
21 purchased for lease, certified by the purchaser to be used  
22 primarily for graphic arts production. Equipment includes  
23 chemicals or chemicals acting as catalysts but only if the  
24 chemicals or chemicals acting as catalysts effect a direct and  
25 immediate change upon a graphic arts product. Beginning on  
26 July 1, 2017, graphic arts machinery and equipment is included

1 in the manufacturing and assembling machinery and equipment  
2 exemption under Section 2 of this Act.

3 (6) Personal property sold by a teacher-sponsored student  
4 organization affiliated with an elementary or secondary school  
5 located in Illinois.

6 (7) Farm machinery and equipment, both new and used,  
7 including that manufactured on special order, certified by the  
8 purchaser to be used primarily for production agriculture or  
9 State or federal agricultural programs, including individual  
10 replacement parts for the machinery and equipment, including  
11 machinery and equipment purchased for lease, and including  
12 implements of husbandry defined in Section 1-130 of the  
13 Illinois Vehicle Code, farm machinery and agricultural  
14 chemical and fertilizer spreaders, and nurse wagons required  
15 to be registered under Section 3-809 of the Illinois Vehicle  
16 Code, but excluding other motor vehicles required to be  
17 registered under the Illinois Vehicle Code. Horticultural  
18 polyhouses or hoop houses used for propagating, growing, or  
19 overwintering plants shall be considered farm machinery and  
20 equipment under this item (7). Agricultural chemical tender  
21 tanks and dry boxes shall include units sold separately from a  
22 motor vehicle required to be licensed and units sold mounted  
23 on a motor vehicle required to be licensed if the selling price  
24 of the tender is separately stated.

25 Farm machinery and equipment shall include precision  
26 farming equipment that is installed or purchased to be

1 installed on farm machinery and equipment, including, but not  
2 limited to, tractors, harvesters, sprayers, planters, seeders,  
3 or spreaders. Precision farming equipment includes, but is not  
4 limited to, soil testing sensors, computers, monitors,  
5 software, global positioning and mapping systems, and other  
6 such equipment.

7 Farm machinery and equipment also includes computers,  
8 sensors, software, and related equipment used primarily in the  
9 computer-assisted operation of production agriculture  
10 facilities, equipment, and activities such as, but not limited  
11 to, the collection, monitoring, and correlation of animal and  
12 crop data for the purpose of formulating animal diets and  
13 agricultural chemicals.

14 Beginning on January 1, 2024, farm machinery and equipment  
15 also includes electrical power generation equipment used  
16 primarily for production agriculture.

17 This item (7) is exempt from the provisions of Section  
18 3-55.

19 (8) Until June 30, 2013, fuel and petroleum products sold  
20 to or used by an air common carrier, certified by the carrier  
21 to be used for consumption, shipment, or storage in the  
22 conduct of its business as an air common carrier, for a flight  
23 destined for or returning from a location or locations outside  
24 the United States without regard to previous or subsequent  
25 domestic stopovers.

26 Beginning July 1, 2013, fuel and petroleum products sold



1 to or used by an air carrier, certified by the carrier to be  
2 used for consumption, shipment, or storage in the conduct of  
3 its business as an air common carrier, for a flight that (i) is  
4 engaged in foreign trade or is engaged in trade between the  
5 United States and any of its possessions and (ii) transports  
6 at least one individual or package for hire from the city of  
7 origination to the city of final destination on the same  
8 aircraft, without regard to a change in the flight number of  
9 that aircraft.

10 (9) Proceeds of mandatory service charges separately  
11 stated on customers' bills for the purchase and consumption of  
12 food and beverages, to the extent that the proceeds of the  
13 service charge are in fact turned over as tips or as a  
14 substitute for tips to the employees who participate directly  
15 in preparing, serving, hosting or cleaning up the food or  
16 beverage function with respect to which the service charge is  
17 imposed.

18 (10) Until July 1, 2003, oil field exploration, drilling,  
19 and production equipment, including (i) rigs and parts of  
20 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
21 pipe and tubular goods, including casing and drill strings,  
22 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
23 lines, (v) any individual replacement part for oil field  
24 exploration, drilling, and production equipment, and (vi)  
25 machinery and equipment purchased for lease; but excluding  
26 motor vehicles required to be registered under the Illinois

1 Vehicle Code.

2 (11) Photoprocessing machinery and equipment, including  
3 repair and replacement parts, both new and used, including  
4 that manufactured on special order, certified by the purchaser  
5 to be used primarily for photoprocessing, and including  
6 photoprocessing machinery and equipment purchased for lease.

7 (12) Until July 1, 2028, coal and aggregate exploration,  
8 mining, off-highway hauling, processing, maintenance, and  
9 reclamation equipment, including replacement parts and  
10 equipment, and including equipment purchased for lease, but  
11 excluding motor vehicles required to be registered under the  
12 Illinois Vehicle Code. The changes made to this Section by  
13 Public Act 97-767 apply on and after July 1, 2003, but no claim  
14 for credit or refund is allowed on or after August 16, 2013  
15 (the effective date of Public Act 98-456) for such taxes paid  
16 during the period beginning July 1, 2003 and ending on August  
17 16, 2013 (the effective date of Public Act 98-456).

18 (13) Beginning January 1, 1992 and through June 30, 2016,  
19 food for human consumption that is to be consumed off the  
20 premises where it is sold (other than alcoholic beverages,  
21 soft drinks and food that has been prepared for immediate  
22 consumption) and prescription and non-prescription medicines,  
23 drugs, medical appliances, and insulin, urine testing  
24 materials, syringes, and needles used by diabetics, for human  
25 use, when purchased for use by a person receiving medical  
26 assistance under Article V of the Illinois Public Aid Code who

1 resides in a licensed long-term care facility, as defined in  
2 the Nursing Home Care Act, or in a licensed facility as defined  
3 in the ID/DD Community Care Act, the MC/DD Act, or the  
4 Specialized Mental Health Rehabilitation Act of 2013.

5 (14) Semen used for artificial insemination of livestock  
6 for direct agricultural production.

7 (15) Horses, or interests in horses, registered with and  
8 meeting the requirements of any of the Arabian Horse Club  
9 Registry of America, Appaloosa Horse Club, American Quarter  
10 Horse Association, United States Trotting Association, or  
11 Jockey Club, as appropriate, used for purposes of breeding or  
12 racing for prizes. This item (15) is exempt from the  
13 provisions of Section 3-55, and the exemption provided for  
14 under this item (15) applies for all periods beginning May 30,  
15 1995, but no claim for credit or refund is allowed on or after  
16 January 1, 2008 (the effective date of Public Act 95-88) for  
17 such taxes paid during the period beginning May 30, 2000 and  
18 ending on January 1, 2008 (the effective date of Public Act  
19 95-88).

20 (16) Computers and communications equipment utilized for  
21 any hospital purpose and equipment used in the diagnosis,  
22 analysis, or treatment of hospital patients sold to a lessor  
23 who leases the equipment, under a lease of one year or longer  
24 executed or in effect at the time of the purchase, to a  
25 hospital that has been issued an active tax exemption  
26 identification number by the Department under Section 1g of

1 the Retailers' Occupation Tax Act.

2 (17) Personal property sold to a lessor who leases the  
3 property, under a lease of one year or longer executed or in  
4 effect at the time of the purchase, to a governmental body that  
5 has been issued an active tax exemption identification number  
6 by the Department under Section 1g of the Retailers'  
7 Occupation Tax Act.

8 (18) Beginning with taxable years ending on or after  
9 December 31, 1995 and ending with taxable years ending on or  
10 before December 31, 2004, personal property that is donated  
11 for disaster relief to be used in a State or federally declared  
12 disaster area in Illinois or bordering Illinois by a  
13 manufacturer or retailer that is registered in this State to a  
14 corporation, society, association, foundation, or institution  
15 that has been issued a sales tax exemption identification  
16 number by the Department that assists victims of the disaster  
17 who reside within the declared disaster area.

18 (19) Beginning with taxable years ending on or after  
19 December 31, 1995 and ending with taxable years ending on or  
20 before December 31, 2004, personal property that is used in  
21 the performance of infrastructure repairs in this State,  
22 including, but not limited to, municipal roads and streets,  
23 access roads, bridges, sidewalks, waste disposal systems,  
24 water and sewer line extensions, water distribution and  
25 purification facilities, storm water drainage and retention  
26 facilities, and sewage treatment facilities, resulting from a

1 State or federally declared disaster in Illinois or bordering  
2 Illinois when such repairs are initiated on facilities located  
3 in the declared disaster area within 6 months after the  
4 disaster.

5 (20) Beginning July 1, 1999, game or game birds sold at a  
6 "game breeding and hunting preserve area" as that term is used  
7 in the Wildlife Code. This paragraph is exempt from the  
8 provisions of Section 3-55.

9 (21) A motor vehicle, as that term is defined in Section  
10 1-146 of the Illinois Vehicle Code, that is donated to a  
11 corporation, limited liability company, society, association,  
12 foundation, or institution that is determined by the  
13 Department to be organized and operated exclusively for  
14 educational purposes. For purposes of this exemption, "a  
15 corporation, limited liability company, society, association,  
16 foundation, or institution organized and operated exclusively  
17 for educational purposes" means all tax-supported public  
18 schools, private schools that offer systematic instruction in  
19 useful branches of learning by methods common to public  
20 schools and that compare favorably in their scope and  
21 intensity with the course of study presented in tax-supported  
22 schools, and vocational or technical schools or institutes  
23 organized and operated exclusively to provide a course of  
24 study of not less than 6 weeks duration and designed to prepare  
25 individuals to follow a trade or to pursue a manual,  
26 technical, mechanical, industrial, business, or commercial

1 occupation.

2 (22) Beginning January 1, 2000, personal property,  
3 including food, purchased through fundraising events for the  
4 benefit of a public or private elementary or secondary school,  
5 a group of those schools, or one or more school districts if  
6 the events are sponsored by an entity recognized by the school  
7 district that consists primarily of volunteers and includes  
8 parents and teachers of the school children. This paragraph  
9 does not apply to fundraising events (i) for the benefit of  
10 private home instruction or (ii) for which the fundraising  
11 entity purchases the personal property sold at the events from  
12 another individual or entity that sold the property for the  
13 purpose of resale by the fundraising entity and that profits  
14 from the sale to the fundraising entity. This paragraph is  
15 exempt from the provisions of Section 3-55.

16 (23) Beginning January 1, 2000 and through December 31,  
17 2001, new or used automatic vending machines that prepare and  
18 serve hot food and beverages, including coffee, soup, and  
19 other items, and replacement parts for these machines.  
20 Beginning January 1, 2002 and through June 30, 2003, machines  
21 and parts for machines used in commercial, coin-operated  
22 amusement and vending business if a use or occupation tax is  
23 paid on the gross receipts derived from the use of the  
24 commercial, coin-operated amusement and vending machines. This  
25 paragraph is exempt from the provisions of Section 3-55.

26 (24) Beginning on August 2, 2001 (the effective date of

1 Public Act 92-227), computers and communications equipment  
2 utilized for any hospital purpose and equipment used in the  
3 diagnosis, analysis, or treatment of hospital patients sold to  
4 a lessor who leases the equipment, under a lease of one year or  
5 longer executed or in effect at the time of the purchase, to a  
6 hospital that has been issued an active tax exemption  
7 identification number by the Department under Section 1g of  
8 the Retailers' Occupation Tax Act. This paragraph is exempt  
9 from the provisions of Section 3-55.

10 (25) Beginning on August 2, 2001 (the effective date of  
11 Public Act 92-227), personal property sold to a lessor who  
12 leases the property, under a lease of one year or longer  
13 executed or in effect at the time of the purchase, to a  
14 governmental body that has been issued an active tax exemption  
15 identification number by the Department under Section 1g of  
16 the Retailers' Occupation Tax Act. This paragraph is exempt  
17 from the provisions of Section 3-55.

18 (26) Beginning on January 1, 2002 and through June 30,  
19 2016, tangible personal property purchased from an Illinois  
20 retailer by a taxpayer engaged in centralized purchasing  
21 activities in Illinois who will, upon receipt of the property  
22 in Illinois, temporarily store the property in Illinois (i)  
23 for the purpose of subsequently transporting it outside this  
24 State for use or consumption thereafter solely outside this  
25 State or (ii) for the purpose of being processed, fabricated,  
26 or manufactured into, attached to, or incorporated into other

1 tangible personal property to be transported outside this  
2 State and thereafter used or consumed solely outside this  
3 State. The Director of Revenue shall, pursuant to rules  
4 adopted in accordance with the Illinois Administrative  
5 Procedure Act, issue a permit to any taxpayer in good standing  
6 with the Department who is eligible for the exemption under  
7 this paragraph (26). The permit issued under this paragraph  
8 (26) shall authorize the holder, to the extent and in the  
9 manner specified in the rules adopted under this Act, to  
10 purchase tangible personal property from a retailer exempt  
11 from the taxes imposed by this Act. Taxpayers shall maintain  
12 all necessary books and records to substantiate the use and  
13 consumption of all such tangible personal property outside of  
14 the State of Illinois.

15 (27) Beginning January 1, 2008, tangible personal property  
16 used in the construction or maintenance of a community water  
17 supply, as defined under Section 3.145 of the Environmental  
18 Protection Act, that is operated by a not-for-profit  
19 corporation that holds a valid water supply permit issued  
20 under Title IV of the Environmental Protection Act. This  
21 paragraph is exempt from the provisions of Section 3-55.

22 (28) Tangible personal property sold to a  
23 public-facilities corporation, as described in Section  
24 11-65-10 of the Illinois Municipal Code, for purposes of  
25 constructing or furnishing a municipal convention hall, but  
26 only if the legal title to the municipal convention hall is



1 transferred to the municipality without any further  
2 consideration by or on behalf of the municipality at the time  
3 of the completion of the municipal convention hall or upon the  
4 retirement or redemption of any bonds or other debt  
5 instruments issued by the public-facilities corporation in  
6 connection with the development of the municipal convention  
7 hall. This exemption includes existing public-facilities  
8 corporations as provided in Section 11-65-25 of the Illinois  
9 Municipal Code. This paragraph is exempt from the provisions  
10 of Section 3-55.

11 (29) Beginning January 1, 2010 and continuing through  
12 December 31, 2029, materials, parts, equipment, components,  
13 and furnishings incorporated into or upon an aircraft as part  
14 of the modification, refurbishment, completion, replacement,  
15 repair, or maintenance of the aircraft. This exemption  
16 includes consumable supplies used in the modification,  
17 refurbishment, completion, replacement, repair, and  
18 maintenance of aircraft. However, until January 1, 2024, this  
19 exemption excludes any materials, parts, equipment,  
20 components, and consumable supplies used in the modification,  
21 replacement, repair, and maintenance of aircraft engines or  
22 power plants, whether such engines or power plants are  
23 installed or uninstalled upon any such aircraft. "Consumable  
24 supplies" include, but are not limited to, adhesive, tape,  
25 sandpaper, general purpose lubricants, cleaning solution,  
26 latex gloves, and protective films.

1           Beginning January 1, 2010 and continuing through December  
2 31, 2023, this exemption applies only to the transfer of  
3 qualifying tangible personal property incident to the  
4 modification, refurbishment, completion, replacement, repair,  
5 or maintenance of an aircraft by persons who (i) hold an Air  
6 Agency Certificate and are empowered to operate an approved  
7 repair station by the Federal Aviation Administration, (ii)  
8 have a Class IV Rating, and (iii) conduct operations in  
9 accordance with Part 145 of the Federal Aviation Regulations.  
10 The exemption does not include aircraft operated by a  
11 commercial air carrier providing scheduled passenger air  
12 service pursuant to authority issued under Part 121 or Part  
13 129 of the Federal Aviation Regulations. From January 1, 2024  
14 through December 31, 2029, this exemption applies only to the  
15 use of qualifying tangible personal property by: (A) persons  
16 who modify, refurbish, complete, repair, replace, or maintain  
17 aircraft and who (i) hold an Air Agency Certificate and are  
18 empowered to operate an approved repair station by the Federal  
19 Aviation Administration, (ii) have a Class IV Rating, and  
20 (iii) conduct operations in accordance with Part 145 of the  
21 Federal Aviation Regulations; and (B) persons who engage in  
22 the modification, replacement, repair, and maintenance of  
23 aircraft engines or power plants without regard to whether or  
24 not those persons meet the qualifications of item (A).

25           The changes made to this paragraph (29) by Public Act  
26 98-534 are declarative of existing law. It is the intent of the

1 General Assembly that the exemption under this paragraph (29)  
2 applies continuously from January 1, 2010 through December 31,  
3 2024; however, no claim for credit or refund is allowed for  
4 taxes paid as a result of the disallowance of this exemption on  
5 or after January 1, 2015 and prior to February 5, 2020 (the  
6 effective date of Public Act 101-629).

7 (30) Beginning January 1, 2017 and through December 31,  
8 2026, menstrual pads, tampons, and menstrual cups.

9 (31) Tangible personal property transferred to a purchaser  
10 who is exempt from tax by operation of federal law. This  
11 paragraph is exempt from the provisions of Section 3-55.

12 (32) Qualified tangible personal property used in the  
13 construction or operation of a data center that has been  
14 granted a certificate of exemption by the Department of  
15 Commerce and Economic Opportunity, whether that tangible  
16 personal property is purchased by the owner, operator, or  
17 tenant of the data center or by a contractor or subcontractor  
18 of the owner, operator, or tenant. Data centers that would  
19 have qualified for a certificate of exemption prior to January  
20 1, 2020 had Public Act 101-31 been in effect, may apply for and  
21 obtain an exemption for subsequent purchases of computer  
22 equipment or enabling software purchased or leased to upgrade,  
23 supplement, or replace computer equipment or enabling software  
24 purchased or leased in the original investment that would have  
25 qualified.

26 The Department of Commerce and Economic Opportunity shall

1 grant a certificate of exemption under this item (32) to  
2 qualified data centers as defined by Section 605-1025 of the  
3 Department of Commerce and Economic Opportunity Law of the  
4 Civil Administrative Code of Illinois.

5 For the purposes of this item (32):

6 "Data center" means a building or a series of  
7 buildings rehabilitated or constructed to house working  
8 servers in one physical location or multiple sites within  
9 the State of Illinois.

10 "Qualified tangible personal property" means:  
11 electrical systems and equipment; climate control and  
12 chilling equipment and systems; mechanical systems and  
13 equipment; monitoring and secure systems; emergency  
14 generators; hardware; computers; servers; data storage  
15 devices; network connectivity equipment; racks; cabinets;  
16 telecommunications cabling infrastructure; raised floor  
17 systems; peripheral components or systems; software;  
18 mechanical, electrical, or plumbing systems; battery  
19 systems; cooling systems and towers; temperature control  
20 systems; other cabling; and other data center  
21 infrastructure equipment and systems necessary to operate  
22 qualified tangible personal property, including fixtures;  
23 and component parts of any of the foregoing, including  
24 installation, maintenance, repair, refurbishment, and  
25 replacement of qualified tangible personal property to  
26 generate, transform, transmit, distribute, or manage

1 electricity necessary to operate qualified tangible  
2 personal property; and all other tangible personal  
3 property that is essential to the operations of a computer  
4 data center. The term "qualified tangible personal  
5 property" also includes building materials physically  
6 incorporated into ~~in to~~ the qualifying data center. To  
7 document the exemption allowed under this Section, the  
8 retailer must obtain from the purchaser a copy of the  
9 certificate of eligibility issued by the Department of  
10 Commerce and Economic Opportunity.

11 This item (32) is exempt from the provisions of Section  
12 3-55.

13 (33) Beginning July 1, 2022, breast pumps, breast pump  
14 collection and storage supplies, and breast pump kits. This  
15 item (33) is exempt from the provisions of Section 3-55. As  
16 used in this item (33):

17 "Breast pump" means an electrically controlled or  
18 manually controlled pump device designed or marketed to be  
19 used to express milk from a human breast during lactation,  
20 including the pump device and any battery, AC adapter, or  
21 other power supply unit that is used to power the pump  
22 device and is packaged and sold with the pump device at the  
23 time of sale.

24 "Breast pump collection and storage supplies" means  
25 items of tangible personal property designed or marketed  
26 to be used in conjunction with a breast pump to collect

1 milk expressed from a human breast and to store collected  
2 milk until it is ready for consumption.

3 "Breast pump collection and storage supplies"  
4 includes, but is not limited to: breast shields and breast  
5 shield connectors; breast pump tubes and tubing adapters;  
6 breast pump valves and membranes; backflow protectors and  
7 backflow protector adaptors; bottles and bottle caps  
8 specific to the operation of the breast pump; and breast  
9 milk storage bags.

10 "Breast pump collection and storage supplies" does not  
11 include: (1) bottles and bottle caps not specific to the  
12 operation of the breast pump; (2) breast pump travel bags  
13 and other similar carrying accessories, including ice  
14 packs, labels, and other similar products; (3) breast pump  
15 cleaning supplies; (4) nursing bras, bra pads, breast  
16 shells, and other similar products; and (5) creams,  
17 ointments, and other similar products that relieve  
18 breastfeeding-related symptoms or conditions of the  
19 breasts or nipples, unless sold as part of a breast pump  
20 kit that is pre-packaged by the breast pump manufacturer  
21 or distributor.

22 "Breast pump kit" means a kit that: (1) contains no  
23 more than a breast pump, breast pump collection and  
24 storage supplies, a rechargeable battery for operating the  
25 breast pump, a breastmilk cooler, bottle stands, ice  
26 packs, and a breast pump carrying case; and (2) is

1 pre-packaged as a breast pump kit by the breast pump  
2 manufacturer or distributor.

3 (34) Tangible personal property sold by or on behalf of  
4 the State Treasurer pursuant to the Revised Uniform Unclaimed  
5 Property Act. This item (34) is exempt from the provisions of  
6 Section 3-55.

7 (35) Beginning on January 1, 2024, tangible personal  
8 property purchased by an active duty member of the armed  
9 forces of the United States who presents valid military  
10 identification and purchases the property using a form of  
11 payment where the federal government is the payor. The member  
12 of the armed forces must complete, at the point of sale, a form  
13 prescribed by the Department of Revenue documenting that the  
14 transaction is eligible for the exemption under this  
15 paragraph. Retailers must keep the form as documentation of  
16 the exemption in their records for a period of not less than 6  
17 years. "Armed forces of the United States" means the United  
18 States Army, Navy, Air Force, Marine Corps, or Coast Guard.  
19 This paragraph is exempt from the provisions of Section 3-55.

20 (36) Beginning on January 1, 2026, as further defined in  
21 Section 3-10, food prepared for immediate consumption and  
22 transferred incident to a sale of service subject to this Act  
23 or the Service Use Tax Act by an entity licensed under the  
24 Hospital Licensing Act, the Nursing Home Care Act, the  
25 Assisted Living and Shared Housing Act, the ID/DD Community  
26 Care Act, the MC/DD Act, the Specialized Mental Health

1 Rehabilitation Act of 2013, or the Child Care Act of 1969 or by  
2 an entity that holds a permit issued pursuant to the Life Care  
3 Facilities Act. This item (36) is exempt from the provisions  
4 of Section 3-55.

5 (37) Beginning on January 1, 2026, as further defined in  
6 Section 3-10, food for human consumption that is to be  
7 consumed off the premises where it is sold (other than  
8 alcoholic beverages, food consisting of or infused with adult  
9 use cannabis, soft drinks, candy, and food that has been  
10 prepared for immediate consumption). This item (37) is exempt  
11 from the provisions of Section 3-55.

12 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
13 Section 70-15, eff. 4-19-22; 102-700, Article 75, Section  
14 75-15, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
15 Section 5-15, eff. 6-7-23; 103-9, Article 15, Section 15-15,  
16 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
17 revised 12-12-23.)

18 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

19 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
20 Section, the tax imposed by this Act is at the rate of 6.25% of  
21 the "selling price", as defined in Section 2 of the Service Use  
22 Tax Act, of the tangible personal property. For the purpose of  
23 computing this tax, in no event shall the "selling price" be  
24 less than the cost price to the serviceman of the tangible  
25 personal property transferred. The selling price of each item



1 of tangible personal property transferred as an incident of a  
2 sale of service may be shown as a distinct and separate item on  
3 the serviceman's billing to the service customer. If the  
4 selling price is not so shown, the selling price of the  
5 tangible personal property is deemed to be 50% of the  
6 serviceman's entire billing to the service customer. When,  
7 however, a serviceman contracts to design, develop, and  
8 produce special order machinery or equipment, the tax imposed  
9 by this Act shall be based on the serviceman's cost price of  
10 the tangible personal property transferred incident to the  
11 completion of the contract.

12 Beginning on July 1, 2000 and through December 31, 2000,  
13 with respect to motor fuel, as defined in Section 1.1 of the  
14 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
15 the Use Tax Act, the tax is imposed at the rate of 1.25%.

16 With respect to gasohol, as defined in the Use Tax Act, the  
17 tax imposed by this Act shall apply to (i) 70% of the cost  
18 price of property transferred as an incident to the sale of  
19 service on or after January 1, 1990, and before July 1, 2003,  
20 (ii) 80% of the selling price of property transferred as an  
21 incident to the sale of service on or after July 1, 2003 and on  
22 or before July 1, 2017, (iii) 100% of the selling price of  
23 property transferred as an incident to the sale of service  
24 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of  
25 the selling price of property transferred as an incident to  
26 the sale of service on or after January 1, 2024 and on or

1 before December 31, 2028, and (v) 100% of the selling price of  
2 property transferred as an incident to the sale of service  
3 after December 31, 2028. If, at any time, however, the tax  
4 under this Act on sales of gasohol, as defined in the Use Tax  
5 Act, is imposed at the rate of 1.25%, then the tax imposed by  
6 this Act applies to 100% of the proceeds of sales of gasohol  
7 made during that time.

8 With respect to mid-range ethanol blends, as defined in  
9 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act  
10 applies to (i) 80% of the selling price of property  
11 transferred as an incident to the sale of service on or after  
12 January 1, 2024 and on or before December 31, 2028 and (ii)  
13 100% of the selling price of property transferred as an  
14 incident to the sale of service after December 31, 2028. If, at  
15 any time, however, the tax under this Act on sales of mid-range  
16 ethanol blends is imposed at the rate of 1.25%, then the tax  
17 imposed by this Act applies to 100% of the selling price of  
18 mid-range ethanol blends transferred as an incident to the  
19 sale of service during that time.

20 With respect to majority blended ethanol fuel, as defined  
21 in the Use Tax Act, the tax imposed by this Act does not apply  
22 to the selling price of property transferred as an incident to  
23 the sale of service on or after July 1, 2003 and on or before  
24 December 31, 2028 but applies to 100% of the selling price  
25 thereafter.

26 With respect to biodiesel blends, as defined in the Use

1 Tax Act, with no less than 1% and no more than 10% biodiesel,  
2 the tax imposed by this Act applies to (i) 80% of the selling  
3 price of property transferred as an incident to the sale of  
4 service on or after July 1, 2003 and on or before December 31,  
5 2018 and (ii) 100% of the proceeds of the selling price after  
6 December 31, 2018 and before January 1, 2024. On and after  
7 January 1, 2024 and on or before December 31, 2030, the  
8 taxation of biodiesel, renewable diesel, and biodiesel blends  
9 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
10 at any time, however, the tax under this Act on sales of  
11 biodiesel blends, as defined in the Use Tax Act, with no less  
12 than 1% and no more than 10% biodiesel is imposed at the rate  
13 of 1.25%, then the tax imposed by this Act applies to 100% of  
14 the proceeds of sales of biodiesel blends with no less than 1%  
15 and no more than 10% biodiesel made during that time.

16 With respect to biodiesel, as defined in the Use Tax Act,  
17 and biodiesel blends, as defined in the Use Tax Act, with more  
18 than 10% but no more than 99% biodiesel material, the tax  
19 imposed by this Act does not apply to the proceeds of the  
20 selling price of property transferred as an incident to the  
21 sale of service on or after July 1, 2003 and on or before  
22 December 31, 2023. On and after January 1, 2024 and on or  
23 before December 31, 2030, the taxation of biodiesel, renewable  
24 diesel, and biodiesel blends shall be as provided in Section  
25 3-5.1 of the Use Tax Act.

26 At the election of any registered serviceman made for each

1 fiscal year, sales of service in which the aggregate annual  
2 cost price of tangible personal property transferred as an  
3 incident to the sales of service is less than 35%, or 75% in  
4 the case of servicemen transferring prescription drugs or  
5 servicemen engaged in graphic arts production, of the  
6 aggregate annual total gross receipts from all sales of  
7 service, the tax imposed by this Act shall be based on the  
8 serviceman's cost price of the tangible personal property  
9 transferred incident to the sale of those services.

10 Until July 1, 2022 and from ~~beginning again on~~ July 1, 2023  
11 through December 31, 2025, the tax shall be imposed at the rate  
12 of 1% on food prepared for immediate consumption and  
13 transferred incident to a sale of service subject to this Act  
14 or the Service Use Tax Act by an entity licensed under the  
15 Hospital Licensing Act, the Nursing Home Care Act, the  
16 Assisted Living and Shared Housing Act, the ID/DD Community  
17 Care Act, the MC/DD Act, the Specialized Mental Health  
18 Rehabilitation Act of 2013, or the Child Care Act of 1969, or  
19 an entity that holds a permit issued pursuant to the Life Care  
20 Facilities Act. Until July 1, 2022 and from ~~beginning again on~~  
21 July 1, 2023 through December 31, 2025, the tax shall also be  
22 imposed at the rate of 1% on food for human consumption that is  
23 to be consumed off the premises where it is sold (other than  
24 alcoholic beverages, food consisting of or infused with adult  
25 use cannabis, soft drinks, and food that has been prepared for  
26 immediate consumption and is not otherwise included in this

1 paragraph).

2 Beginning on July 1, 2022 and until July 1, 2023, the tax  
3 shall be imposed at the rate of 0% on food prepared for  
4 immediate consumption and transferred incident to a sale of  
5 service subject to this Act or the Service Use Tax Act by an  
6 entity licensed under the Hospital Licensing Act, the Nursing  
7 Home Care Act, the Assisted Living and Shared Housing Act, the  
8 ID/DD Community Care Act, the MC/DD Act, the Specialized  
9 Mental Health Rehabilitation Act of 2013, or the Child Care  
10 Act of 1969, or an entity that holds a permit issued pursuant  
11 to the Life Care Facilities Act. Beginning July 1, 2022 and  
12 until July 1, 2023, the tax shall also be imposed at the rate  
13 of 0% on food for human consumption that is to be consumed off  
14 the premises where it is sold (other than alcoholic beverages,  
15 food consisting of or infused with adult use cannabis, soft  
16 drinks, and food that has been prepared for immediate  
17 consumption and is not otherwise included in this paragraph).

18 On and after January 1, 2026, food prepared for immediate  
19 consumption and transferred incident to a sale of service  
20 subject to this Act or the Service Use Tax Act by an entity  
21 licensed under the Hospital Licensing Act, the Nursing Home  
22 Care Act, the Assisted Living and Shared Housing Act, the  
23 ID/DD Community Care Act, the MC/DD Act, the Specialized  
24 Mental Health Rehabilitation Act of 2013, or the Child Care  
25 Act of 1969, or an entity that holds a permit issued pursuant  
26 to the Life Care Facilities Act is exempt from the tax imposed

1 by this Act. On and after January 1, 2026, food for human  
2 consumption that is to be consumed off the premises where it is  
3 sold (other than alcoholic beverages, food consisting of or  
4 infused with adult use cannabis, soft drinks, candy, and food  
5 that has been prepared for immediate consumption and is not  
6 otherwise included in this paragraph) is exempt from the tax  
7 imposed by this Act.

8 The tax shall ~~also~~ be imposed at the rate of 1% on  
9 prescription and nonprescription medicines, drugs, medical  
10 appliances, products classified as Class III medical devices  
11 by the United States Food and Drug Administration that are  
12 used for cancer treatment pursuant to a prescription, as well  
13 as any accessories and components related to those devices,  
14 modifications to a motor vehicle for the purpose of rendering  
15 it usable by a person with a disability, and insulin, blood  
16 sugar testing materials, syringes, and needles used by human  
17 diabetics. For the purposes of this Section, until September  
18 1, 2009: the term "soft drinks" means any complete, finished,  
19 ready-to-use, non-alcoholic drink, whether carbonated or not,  
20 including, but not limited to, soda water, cola, fruit juice,  
21 vegetable juice, carbonated water, and all other preparations  
22 commonly known as soft drinks of whatever kind or description  
23 that are contained in any closed or sealed can, carton, or  
24 container, regardless of size; but "soft drinks" does not  
25 include coffee, tea, non-carbonated water, infant formula,  
26 milk or milk products as defined in the Grade A Pasteurized

1 Milk and Milk Products Act, or drinks containing 50% or more  
2 natural fruit or vegetable juice.

3 Notwithstanding any other provisions of this Act,  
4 beginning September 1, 2009, "soft drinks" means non-alcoholic  
5 beverages that contain natural or artificial sweeteners. "Soft  
6 drinks" does not include beverages that contain milk or milk  
7 products, soy, rice or similar milk substitutes, or greater  
8 than 50% of vegetable or fruit juice by volume.

9 Until August 1, 2009, and notwithstanding any other  
10 provisions of this Act, "food for human consumption that is to  
11 be consumed off the premises where it is sold" includes all  
12 food sold through a vending machine, except soft drinks and  
13 food products that are dispensed hot from a vending machine,  
14 regardless of the location of the vending machine. Beginning  
15 August 1, 2009, and notwithstanding any other provisions of  
16 this Act, "food for human consumption that is to be consumed  
17 off the premises where it is sold" includes all food sold  
18 through a vending machine, except soft drinks, candy, and food  
19 products that are dispensed hot from a vending machine,  
20 regardless of the location of the vending machine.

21 Notwithstanding any other provisions of this Act,  
22 beginning September 1, 2009, "food for human consumption that  
23 is to be consumed off the premises where it is sold" does not  
24 include candy. For purposes of this Section, "candy" means a  
25 preparation of sugar, honey, or other natural or artificial  
26 sweeteners in combination with chocolate, fruits, nuts or

1 other ingredients or flavorings in the form of bars, drops, or  
2 pieces. "Candy" does not include any preparation that contains  
3 flour or requires refrigeration.

4 Notwithstanding any other provisions of this Act,  
5 beginning September 1, 2009, "nonprescription medicines and  
6 drugs" does not include grooming and hygiene products. For  
7 purposes of this Section, "grooming and hygiene products"  
8 includes, but is not limited to, soaps and cleaning solutions,  
9 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
10 lotions and screens, unless those products are available by  
11 prescription only, regardless of whether the products meet the  
12 definition of "over-the-counter-drugs". For the purposes of  
13 this paragraph, "over-the-counter-drug" means a drug for human  
14 use that contains a label that identifies the product as a drug  
15 as required by 21 CFR 201.66. The "over-the-counter-drug"  
16 label includes:

17 (A) a "Drug Facts" panel; or

18 (B) a statement of the "active ingredient(s)" with a  
19 list of those ingredients contained in the compound,  
20 substance or preparation.

21 Beginning on January 1, 2014 (the effective date of Public  
22 Act 98-122), "prescription and nonprescription medicines and  
23 drugs" includes medical cannabis purchased from a registered  
24 dispensing organization under the Compassionate Use of Medical  
25 Cannabis Program Act.

26 As used in this Section, "adult use cannabis" means



1 cannabis subject to tax under the Cannabis Cultivation  
2 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
3 and does not include cannabis subject to tax under the  
4 Compassionate Use of Medical Cannabis Program Act.

5 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;  
6 102-700, Article 20, Section 20-15, eff. 4-19-22; 102-700,  
7 Article 60, Section 60-25, eff. 4-19-22; 103-9, eff. 6-7-23;  
8 103-154, eff. 6-30-23.)

9 Section 20. The Retailers' Occupation Tax Act is amended  
10 by changing Sections 2-5, 2-10, and 2-27 as follows:

11 (35 ILCS 120/2-5)

12 Sec. 2-5. Exemptions. Gross receipts from proceeds from  
13 the sale of the following tangible personal property are  
14 exempt from the tax imposed by this Act:

15 (1) Farm chemicals.

16 (2) Farm machinery and equipment, both new and used,  
17 including that manufactured on special order, certified by  
18 the purchaser to be used primarily for production  
19 agriculture or State or federal agricultural programs,  
20 including individual replacement parts for the machinery  
21 and equipment, including machinery and equipment purchased  
22 for lease, and including implements of husbandry defined  
23 in Section 1-130 of the Illinois Vehicle Code, farm  
24 machinery and agricultural chemical and fertilizer

1        spreaders, and nurse wagons required to be registered  
2        under Section 3-809 of the Illinois Vehicle Code, but  
3        excluding other motor vehicles required to be registered  
4        under the Illinois Vehicle Code. Horticultural polyhouses  
5        or hoop houses used for propagating, growing, or  
6        overwintering plants shall be considered farm machinery  
7        and equipment under this item (2). Agricultural chemical  
8        tender tanks and dry boxes shall include units sold  
9        separately from a motor vehicle required to be licensed  
10       and units sold mounted on a motor vehicle required to be  
11       licensed, if the selling price of the tender is separately  
12       stated.

13       Farm machinery and equipment shall include precision  
14       farming equipment that is installed or purchased to be  
15       installed on farm machinery and equipment including, but  
16       not limited to, tractors, harvesters, sprayers, planters,  
17       seeders, or spreaders. Precision farming equipment  
18       includes, but is not limited to, soil testing sensors,  
19       computers, monitors, software, global positioning and  
20       mapping systems, and other such equipment.

21       Farm machinery and equipment also includes computers,  
22       sensors, software, and related equipment used primarily in  
23       the computer-assisted operation of production agriculture  
24       facilities, equipment, and activities such as, but not  
25       limited to, the collection, monitoring, and correlation of  
26       animal and crop data for the purpose of formulating animal

1 diets and agricultural chemicals.

2 Beginning on January 1, 2024, farm machinery and  
3 equipment also includes electrical power generation  
4 equipment used primarily for production agriculture.

5 This item (2) is exempt from the provisions of Section  
6 2-70.

7 (3) Until July 1, 2003, distillation machinery and  
8 equipment, sold as a unit or kit, assembled or installed  
9 by the retailer, certified by the user to be used only for  
10 the production of ethyl alcohol that will be used for  
11 consumption as motor fuel or as a component of motor fuel  
12 for the personal use of the user, and not subject to sale  
13 or resale.

14 (4) Until July 1, 2003 and beginning again September  
15 1, 2004 through August 30, 2014, graphic arts machinery  
16 and equipment, including repair and replacement parts,  
17 both new and used, and including that manufactured on  
18 special order or purchased for lease, certified by the  
19 purchaser to be used primarily for graphic arts  
20 production. Equipment includes chemicals or chemicals  
21 acting as catalysts but only if the chemicals or chemicals  
22 acting as catalysts effect a direct and immediate change  
23 upon a graphic arts product. Beginning on July 1, 2017,  
24 graphic arts machinery and equipment is included in the  
25 manufacturing and assembling machinery and equipment  
26 exemption under paragraph (14).

1           (5) A motor vehicle that is used for automobile  
2           renting, as defined in the Automobile Renting Occupation  
3           and Use Tax Act. This paragraph is exempt from the  
4           provisions of Section 2-70.

5           (6) Personal property sold by a teacher-sponsored  
6           student organization affiliated with an elementary or  
7           secondary school located in Illinois.

8           (7) Until July 1, 2003, proceeds of that portion of  
9           the selling price of a passenger car the sale of which is  
10          subject to the Replacement Vehicle Tax.

11          (8) Personal property sold to an Illinois county fair  
12          association for use in conducting, operating, or promoting  
13          the county fair.

14          (9) Personal property sold to a not-for-profit arts or  
15          cultural organization that establishes, by proof required  
16          by the Department by rule, that it has received an  
17          exemption under Section 501(c)(3) of the Internal Revenue  
18          Code and that is organized and operated primarily for the  
19          presentation or support of arts or cultural programming,  
20          activities, or services. These organizations include, but  
21          are not limited to, music and dramatic arts organizations  
22          such as symphony orchestras and theatrical groups, arts  
23          and cultural service organizations, local arts councils,  
24          visual arts organizations, and media arts organizations.  
25          On and after July 1, 2001 (the effective date of Public Act  
26          92-35), however, an entity otherwise eligible for this

1 exemption shall not make tax-free purchases unless it has  
2 an active identification number issued by the Department.

3 (10) Personal property sold by a corporation, society,  
4 association, foundation, institution, or organization,  
5 other than a limited liability company, that is organized  
6 and operated as a not-for-profit service enterprise for  
7 the benefit of persons 65 years of age or older if the  
8 personal property was not purchased by the enterprise for  
9 the purpose of resale by the enterprise.

10 (11) Except as otherwise provided in this Section,  
11 personal property sold to a governmental body, to a  
12 corporation, society, association, foundation, or  
13 institution organized and operated exclusively for  
14 charitable, religious, or educational purposes, or to a  
15 not-for-profit corporation, society, association,  
16 foundation, institution, or organization that has no  
17 compensated officers or employees and that is organized  
18 and operated primarily for the recreation of persons 55  
19 years of age or older. A limited liability company may  
20 qualify for the exemption under this paragraph only if the  
21 limited liability company is organized and operated  
22 exclusively for educational purposes. On and after July 1,  
23 1987, however, no entity otherwise eligible for this  
24 exemption shall make tax-free purchases unless it has an  
25 active identification number issued by the Department.

26 (12) (Blank).

1           (12-5) On and after July 1, 2003 and through June 30,  
2           2004, motor vehicles of the second division with a gross  
3           vehicle weight in excess of 8,000 pounds that are subject  
4           to the commercial distribution fee imposed under Section  
5           3-815.1 of the Illinois Vehicle Code. Beginning on July 1,  
6           2004 and through June 30, 2005, the use in this State of  
7           motor vehicles of the second division: (i) with a gross  
8           vehicle weight rating in excess of 8,000 pounds; (ii) that  
9           are subject to the commercial distribution fee imposed  
10          under Section 3-815.1 of the Illinois Vehicle Code; and  
11          (iii) that are primarily used for commercial purposes.  
12          Through June 30, 2005, this exemption applies to repair  
13          and replacement parts added after the initial purchase of  
14          such a motor vehicle if that motor vehicle is used in a  
15          manner that would qualify for the rolling stock exemption  
16          otherwise provided for in this Act. For purposes of this  
17          paragraph, "used for commercial purposes" means the  
18          transportation of persons or property in furtherance of  
19          any commercial or industrial enterprise whether for-hire  
20          or not.

21          (13) Proceeds from sales to owners, lessors, or  
22          shippers of tangible personal property that is utilized by  
23          interstate carriers for hire for use as rolling stock  
24          moving in interstate commerce and equipment operated by a  
25          telecommunications provider, licensed as a common carrier  
26          by the Federal Communications Commission, which is

1 permanently installed in or affixed to aircraft moving in  
2 interstate commerce.

3 (14) Machinery and equipment that will be used by the  
4 purchaser, or a lessee of the purchaser, primarily in the  
5 process of manufacturing or assembling tangible personal  
6 property for wholesale or retail sale or lease, whether  
7 the sale or lease is made directly by the manufacturer or  
8 by some other person, whether the materials used in the  
9 process are owned by the manufacturer or some other  
10 person, or whether the sale or lease is made apart from or  
11 as an incident to the seller's engaging in the service  
12 occupation of producing machines, tools, dies, jigs,  
13 patterns, gauges, or other similar items of no commercial  
14 value on special order for a particular purchaser. The  
15 exemption provided by this paragraph (14) does not include  
16 machinery and equipment used in (i) the generation of  
17 electricity for wholesale or retail sale; (ii) the  
18 generation or treatment of natural or artificial gas for  
19 wholesale or retail sale that is delivered to customers  
20 through pipes, pipelines, or mains; or (iii) the treatment  
21 of water for wholesale or retail sale that is delivered to  
22 customers through pipes, pipelines, or mains. The  
23 provisions of Public Act 98-583 are declaratory of  
24 existing law as to the meaning and scope of this  
25 exemption. Beginning on July 1, 2017, the exemption  
26 provided by this paragraph (14) includes, but is not

1 limited to, graphic arts machinery and equipment, as  
2 defined in paragraph (4) of this Section.

3 (15) Proceeds of mandatory service charges separately  
4 stated on customers' bills for purchase and consumption of  
5 food and beverages, to the extent that the proceeds of the  
6 service charge are in fact turned over as tips or as a  
7 substitute for tips to the employees who participate  
8 directly in preparing, serving, hosting or cleaning up the  
9 food or beverage function with respect to which the  
10 service charge is imposed.

11 (16) Tangible personal property sold to a purchaser if  
12 the purchaser is exempt from use tax by operation of  
13 federal law. This paragraph is exempt from the provisions  
14 of Section 2-70.

15 (17) Tangible personal property sold to a common  
16 carrier by rail or motor that receives the physical  
17 possession of the property in Illinois and that transports  
18 the property, or shares with another common carrier in the  
19 transportation of the property, out of Illinois on a  
20 standard uniform bill of lading showing the seller of the  
21 property as the shipper or consignor of the property to a  
22 destination outside Illinois, for use outside Illinois.

23 (18) Legal tender, currency, medallions, or gold or  
24 silver coinage issued by the State of Illinois, the  
25 government of the United States of America, or the  
26 government of any foreign country, and bullion.



1           (19) Until July 1, 2003, oil field exploration,  
2 drilling, and production equipment, including (i) rigs and  
3 parts of rigs, rotary rigs, cable tool rigs, and workover  
4 rigs, (ii) pipe and tubular goods, including casing and  
5 drill strings, (iii) pumps and pump-jack units, (iv)  
6 storage tanks and flow lines, (v) any individual  
7 replacement part for oil field exploration, drilling, and  
8 production equipment, and (vi) machinery and equipment  
9 purchased for lease; but excluding motor vehicles required  
10 to be registered under the Illinois Vehicle Code.

11           (20) Photoprocessing machinery and equipment,  
12 including repair and replacement parts, both new and used,  
13 including that manufactured on special order, certified by  
14 the purchaser to be used primarily for photoprocessing,  
15 and including photoprocessing machinery and equipment  
16 purchased for lease.

17           (21) Until July 1, 2028, coal and aggregate  
18 exploration, mining, off-highway hauling, processing,  
19 maintenance, and reclamation equipment, including  
20 replacement parts and equipment, and including equipment  
21 purchased for lease, but excluding motor vehicles required  
22 to be registered under the Illinois Vehicle Code. The  
23 changes made to this Section by Public Act 97-767 apply on  
24 and after July 1, 2003, but no claim for credit or refund  
25 is allowed on or after August 16, 2013 (the effective date  
26 of Public Act 98-456) for such taxes paid during the

1 period beginning July 1, 2003 and ending on August 16,  
2 2013 (the effective date of Public Act 98-456).

3 (22) Until June 30, 2013, fuel and petroleum products  
4 sold to or used by an air carrier, certified by the carrier  
5 to be used for consumption, shipment, or storage in the  
6 conduct of its business as an air common carrier, for a  
7 flight destined for or returning from a location or  
8 locations outside the United States without regard to  
9 previous or subsequent domestic stopovers.

10 Beginning July 1, 2013, fuel and petroleum products  
11 sold to or used by an air carrier, certified by the carrier  
12 to be used for consumption, shipment, or storage in the  
13 conduct of its business as an air common carrier, for a  
14 flight that (i) is engaged in foreign trade or is engaged  
15 in trade between the United States and any of its  
16 possessions and (ii) transports at least one individual or  
17 package for hire from the city of origination to the city  
18 of final destination on the same aircraft, without regard  
19 to a change in the flight number of that aircraft.

20 (23) A transaction in which the purchase order is  
21 received by a florist who is located outside Illinois, but  
22 who has a florist located in Illinois deliver the property  
23 to the purchaser or the purchaser's donee in Illinois.

24 (24) Fuel consumed or used in the operation of ships,  
25 barges, or vessels that are used primarily in or for the  
26 transportation of property or the conveyance of persons

1 for hire on rivers bordering on this State if the fuel is  
2 delivered by the seller to the purchaser's barge, ship, or  
3 vessel while it is afloat upon that bordering river.

4 (25) Except as provided in item (25-5) of this  
5 Section, a motor vehicle sold in this State to a  
6 nonresident even though the motor vehicle is delivered to  
7 the nonresident in this State, if the motor vehicle is not  
8 to be titled in this State, and if a drive-away permit is  
9 issued to the motor vehicle as provided in Section 3-603  
10 of the Illinois Vehicle Code or if the nonresident  
11 purchaser has vehicle registration plates to transfer to  
12 the motor vehicle upon returning to his or her home state.  
13 The issuance of the drive-away permit or having the  
14 out-of-state registration plates to be transferred is  
15 prima facie evidence that the motor vehicle will not be  
16 titled in this State.

17 (25-5) The exemption under item (25) does not apply if  
18 the state in which the motor vehicle will be titled does  
19 not allow a reciprocal exemption for a motor vehicle sold  
20 and delivered in that state to an Illinois resident but  
21 titled in Illinois. The tax collected under this Act on  
22 the sale of a motor vehicle in this State to a resident of  
23 another state that does not allow a reciprocal exemption  
24 shall be imposed at a rate equal to the state's rate of tax  
25 on taxable property in the state in which the purchaser is  
26 a resident, except that the tax shall not exceed the tax

1 that would otherwise be imposed under this Act. At the  
2 time of the sale, the purchaser shall execute a statement,  
3 signed under penalty of perjury, of his or her intent to  
4 title the vehicle in the state in which the purchaser is a  
5 resident within 30 days after the sale and of the fact of  
6 the payment to the State of Illinois of tax in an amount  
7 equivalent to the state's rate of tax on taxable property  
8 in his or her state of residence and shall submit the  
9 statement to the appropriate tax collection agency in his  
10 or her state of residence. In addition, the retailer must  
11 retain a signed copy of the statement in his or her  
12 records. Nothing in this item shall be construed to  
13 require the removal of the vehicle from this state  
14 following the filing of an intent to title the vehicle in  
15 the purchaser's state of residence if the purchaser titles  
16 the vehicle in his or her state of residence within 30 days  
17 after the date of sale. The tax collected under this Act in  
18 accordance with this item (25-5) shall be proportionately  
19 distributed as if the tax were collected at the 6.25%  
20 general rate imposed under this Act.

21 (25-7) Beginning on July 1, 2007, no tax is imposed  
22 under this Act on the sale of an aircraft, as defined in  
23 Section 3 of the Illinois Aeronautics Act, if all of the  
24 following conditions are met:

25 (1) the aircraft leaves this State within 15 days  
26 after the later of either the issuance of the final

1 billing for the sale of the aircraft, or the  
2 authorized approval for return to service, completion  
3 of the maintenance record entry, and completion of the  
4 test flight and ground test for inspection, as  
5 required by 14 CFR 91.407;

6 (2) the aircraft is not based or registered in  
7 this State after the sale of the aircraft; and

8 (3) the seller retains in his or her books and  
9 records and provides to the Department a signed and  
10 dated certification from the purchaser, on a form  
11 prescribed by the Department, certifying that the  
12 requirements of this item (25-7) are met. The  
13 certificate must also include the name and address of  
14 the purchaser, the address of the location where the  
15 aircraft is to be titled or registered, the address of  
16 the primary physical location of the aircraft, and  
17 other information that the Department may reasonably  
18 require.

19 For purposes of this item (25-7):

20 "Based in this State" means hangared, stored, or  
21 otherwise used, excluding post-sale customizations as  
22 defined in this Section, for 10 or more days in each  
23 12-month period immediately following the date of the sale  
24 of the aircraft.

25 "Registered in this State" means an aircraft  
26 registered with the Department of Transportation,

1           Aeronautics Division, or titled or registered with the  
2           Federal Aviation Administration to an address located in  
3           this State.

4           This paragraph (25-7) is exempt from the provisions of  
5           Section 2-70.

6           (26) Semen used for artificial insemination of  
7           livestock for direct agricultural production.

8           (27) Horses, or interests in horses, registered with  
9           and meeting the requirements of any of the Arabian Horse  
10          Club Registry of America, Appaloosa Horse Club, American  
11          Quarter Horse Association, United States Trotting  
12          Association, or Jockey Club, as appropriate, used for  
13          purposes of breeding or racing for prizes. This item (27)  
14          is exempt from the provisions of Section 2-70, and the  
15          exemption provided for under this item (27) applies for  
16          all periods beginning May 30, 1995, but no claim for  
17          credit or refund is allowed on or after January 1, 2008  
18          (the effective date of Public Act 95-88) for such taxes  
19          paid during the period beginning May 30, 2000 and ending  
20          on January 1, 2008 (the effective date of Public Act  
21          95-88).

22          (28) Computers and communications equipment utilized  
23          for any hospital purpose and equipment used in the  
24          diagnosis, analysis, or treatment of hospital patients  
25          sold to a lessor who leases the equipment, under a lease of  
26          one year or longer executed or in effect at the time of the

1 purchase, to a hospital that has been issued an active tax  
2 exemption identification number by the Department under  
3 Section 1g of this Act.

4 (29) Personal property sold to a lessor who leases the  
5 property, under a lease of one year or longer executed or  
6 in effect at the time of the purchase, to a governmental  
7 body that has been issued an active tax exemption  
8 identification number by the Department under Section 1g  
9 of this Act.

10 (30) Beginning with taxable years ending on or after  
11 December 31, 1995 and ending with taxable years ending on  
12 or before December 31, 2004, personal property that is  
13 donated for disaster relief to be used in a State or  
14 federally declared disaster area in Illinois or bordering  
15 Illinois by a manufacturer or retailer that is registered  
16 in this State to a corporation, society, association,  
17 foundation, or institution that has been issued a sales  
18 tax exemption identification number by the Department that  
19 assists victims of the disaster who reside within the  
20 declared disaster area.

21 (31) Beginning with taxable years ending on or after  
22 December 31, 1995 and ending with taxable years ending on  
23 or before December 31, 2004, personal property that is  
24 used in the performance of infrastructure repairs in this  
25 State, including, l but not limited to, l municipal roads and  
26 streets, access roads, bridges, sidewalks, waste disposal

1 systems, water and sewer line extensions, water  
2 distribution and purification facilities, storm water  
3 drainage and retention facilities, and sewage treatment  
4 facilities, resulting from a State or federally declared  
5 disaster in Illinois or bordering Illinois when such  
6 repairs are initiated on facilities located in the  
7 declared disaster area within 6 months after the disaster.

8 (32) Beginning July 1, 1999, game or game birds sold  
9 at a "game breeding and hunting preserve area" as that  
10 term is used in the Wildlife Code. This paragraph is  
11 exempt from the provisions of Section 2-70.

12 (33) A motor vehicle, as that term is defined in  
13 Section 1-146 of the Illinois Vehicle Code, that is  
14 donated to a corporation, limited liability company,  
15 society, association, foundation, or institution that is  
16 determined by the Department to be organized and operated  
17 exclusively for educational purposes. For purposes of this  
18 exemption, "a corporation, limited liability company,  
19 society, association, foundation, or institution organized  
20 and operated exclusively for educational purposes" means  
21 all tax-supported public schools, private schools that  
22 offer systematic instruction in useful branches of  
23 learning by methods common to public schools and that  
24 compare favorably in their scope and intensity with the  
25 course of study presented in tax-supported schools, and  
26 vocational or technical schools or institutes organized



1 and operated exclusively to provide a course of study of  
2 not less than 6 weeks duration and designed to prepare  
3 individuals to follow a trade or to pursue a manual,  
4 technical, mechanical, industrial, business, or commercial  
5 occupation.

6 (34) Beginning January 1, 2000, personal property,  
7 including food, purchased through fundraising events for  
8 the benefit of a public or private elementary or secondary  
9 school, a group of those schools, or one or more school  
10 districts if the events are sponsored by an entity  
11 recognized by the school district that consists primarily  
12 of volunteers and includes parents and teachers of the  
13 school children. This paragraph does not apply to  
14 fundraising events (i) for the benefit of private home  
15 instruction or (ii) for which the fundraising entity  
16 purchases the personal property sold at the events from  
17 another individual or entity that sold the property for  
18 the purpose of resale by the fundraising entity and that  
19 profits from the sale to the fundraising entity. This  
20 paragraph is exempt from the provisions of Section 2-70.

21 (35) Beginning January 1, 2000 and through December  
22 31, 2001, new or used automatic vending machines that  
23 prepare and serve hot food and beverages, including  
24 coffee, soup, and other items, and replacement parts for  
25 these machines. Beginning January 1, 2002 and through June  
26 30, 2003, machines and parts for machines used in

1 commercial, coin-operated amusement and vending business  
2 if a use or occupation tax is paid on the gross receipts  
3 derived from the use of the commercial, coin-operated  
4 amusement and vending machines. This paragraph is exempt  
5 from the provisions of Section 2-70.

6 (35-5) Beginning August 23, 2001 and through June 30,  
7 2016, food for human consumption that is to be consumed  
8 off the premises where it is sold (other than alcoholic  
9 beverages, soft drinks, and food that has been prepared  
10 for immediate consumption) and prescription and  
11 nonprescription medicines, drugs, medical appliances, and  
12 insulin, urine testing materials, syringes, and needles  
13 used by diabetics, for human use, when purchased for use  
14 by a person receiving medical assistance under Article V  
15 of the Illinois Public Aid Code who resides in a licensed  
16 long-term care facility, as defined in the Nursing Home  
17 Care Act, or a licensed facility as defined in the ID/DD  
18 Community Care Act, the MC/DD Act, or the Specialized  
19 Mental Health Rehabilitation Act of 2013.

20 (36) Beginning August 2, 2001, computers and  
21 communications equipment utilized for any hospital purpose  
22 and equipment used in the diagnosis, analysis, or  
23 treatment of hospital patients sold to a lessor who leases  
24 the equipment, under a lease of one year or longer  
25 executed or in effect at the time of the purchase, to a  
26 hospital that has been issued an active tax exemption

1 identification number by the Department under Section 1g  
2 of this Act. This paragraph is exempt from the provisions  
3 of Section 2-70.

4 (37) Beginning August 2, 2001, personal property sold  
5 to a lessor who leases the property, under a lease of one  
6 year or longer executed or in effect at the time of the  
7 purchase, to a governmental body that has been issued an  
8 active tax exemption identification number by the  
9 Department under Section 1g of this Act. This paragraph is  
10 exempt from the provisions of Section 2-70.

11 (38) Beginning on January 1, 2002 and through June 30,  
12 2016, tangible personal property purchased from an  
13 Illinois retailer by a taxpayer engaged in centralized  
14 purchasing activities in Illinois who will, upon receipt  
15 of the property in Illinois, temporarily store the  
16 property in Illinois (i) for the purpose of subsequently  
17 transporting it outside this State for use or consumption  
18 thereafter solely outside this State or (ii) for the  
19 purpose of being processed, fabricated, or manufactured  
20 into, attached to, or incorporated into other tangible  
21 personal property to be transported outside this State and  
22 thereafter used or consumed solely outside this State. The  
23 Director of Revenue shall, pursuant to rules adopted in  
24 accordance with the Illinois Administrative Procedure Act,  
25 issue a permit to any taxpayer in good standing with the  
26 Department who is eligible for the exemption under this

1 paragraph (38). The permit issued under this paragraph  
2 (38) shall authorize the holder, to the extent and in the  
3 manner specified in the rules adopted under this Act, to  
4 purchase tangible personal property from a retailer exempt  
5 from the taxes imposed by this Act. Taxpayers shall  
6 maintain all necessary books and records to substantiate  
7 the use and consumption of all such tangible personal  
8 property outside of the State of Illinois.

9 (39) Beginning January 1, 2008, tangible personal  
10 property used in the construction or maintenance of a  
11 community water supply, as defined under Section 3.145 of  
12 the Environmental Protection Act, that is operated by a  
13 not-for-profit corporation that holds a valid water supply  
14 permit issued under Title IV of the Environmental  
15 Protection Act. This paragraph is exempt from the  
16 provisions of Section 2-70.

17 (40) Beginning January 1, 2010 and continuing through  
18 December 31, 2029, materials, parts, equipment,  
19 components, and furnishings incorporated into or upon an  
20 aircraft as part of the modification, refurbishment,  
21 completion, replacement, repair, or maintenance of the  
22 aircraft. This exemption includes consumable supplies used  
23 in the modification, refurbishment, completion,  
24 replacement, repair, and maintenance of aircraft. However,  
25 until January 1, 2024, this exemption excludes any  
26 materials, parts, equipment, components, and consumable

1 supplies used in the modification, replacement, repair,  
2 and maintenance of aircraft engines or power plants,  
3 whether such engines or power plants are installed or  
4 uninstalled upon any such aircraft. "Consumable supplies"  
5 include, but are not limited to, adhesive, tape,  
6 sandpaper, general purpose lubricants, cleaning solution,  
7 latex gloves, and protective films.

8 Beginning January 1, 2010 and continuing through  
9 December 31, 2023, this exemption applies only to the sale  
10 of qualifying tangible personal property to persons who  
11 modify, refurbish, complete, replace, or maintain an  
12 aircraft and who (i) hold an Air Agency Certificate and  
13 are empowered to operate an approved repair station by the  
14 Federal Aviation Administration, (ii) have a Class IV  
15 Rating, and (iii) conduct operations in accordance with  
16 Part 145 of the Federal Aviation Regulations. The  
17 exemption does not include aircraft operated by a  
18 commercial air carrier providing scheduled passenger air  
19 service pursuant to authority issued under Part 121 or  
20 Part 129 of the Federal Aviation Regulations. From January  
21 1, 2024 through December 31, 2029, this exemption applies  
22 only to the use of qualifying tangible personal property  
23 by: (A) persons who modify, refurbish, complete, repair,  
24 replace, or maintain aircraft and who (i) hold an Air  
25 Agency Certificate and are empowered to operate an  
26 approved repair station by the Federal Aviation

1 Administration, (ii) have a Class IV Rating, and (iii)  
2 conduct operations in accordance with Part 145 of the  
3 Federal Aviation Regulations; and (B) persons who engage  
4 in the modification, replacement, repair, and maintenance  
5 of aircraft engines or power plants without regard to  
6 whether or not those persons meet the qualifications of  
7 item (A).

8 The changes made to this paragraph (40) by Public Act  
9 98-534 are declarative of existing law. It is the intent  
10 of the General Assembly that the exemption under this  
11 paragraph (40) applies continuously from January 1, 2010  
12 through December 31, 2024; however, no claim for credit or  
13 refund is allowed for taxes paid as a result of the  
14 disallowance of this exemption on or after January 1, 2015  
15 and prior to February 5, 2020 (the effective date of  
16 Public Act 101-629).

17 (41) Tangible personal property sold to a  
18 public-facilities corporation, as described in Section  
19 11-65-10 of the Illinois Municipal Code, for purposes of  
20 constructing or furnishing a municipal convention hall,  
21 but only if the legal title to the municipal convention  
22 hall is transferred to the municipality without any  
23 further consideration by or on behalf of the municipality  
24 at the time of the completion of the municipal convention  
25 hall or upon the retirement or redemption of any bonds or  
26 other debt instruments issued by the public-facilities

1 corporation in connection with the development of the  
2 municipal convention hall. This exemption includes  
3 existing public-facilities corporations as provided in  
4 Section 11-65-25 of the Illinois Municipal Code. This  
5 paragraph is exempt from the provisions of Section 2-70.

6 (42) Beginning January 1, 2017 and through December  
7 31, 2026, menstrual pads, tampons, and menstrual cups.

8 (43) Merchandise that is subject to the Rental  
9 Purchase Agreement Occupation and Use Tax. The purchaser  
10 must certify that the item is purchased to be rented  
11 subject to a rental-purchase ~~rental-purchase~~ agreement, as  
12 defined in the Rental-Purchase ~~Rental-Purchase~~ Agreement  
13 Act, and provide proof of registration under the Rental  
14 Purchase Agreement Occupation and Use Tax Act. This  
15 paragraph is exempt from the provisions of Section 2-70.

16 (44) Qualified tangible personal property used in the  
17 construction or operation of a data center that has been  
18 granted a certificate of exemption by the Department of  
19 Commerce and Economic Opportunity, whether that tangible  
20 personal property is purchased by the owner, operator, or  
21 tenant of the data center or by a contractor or  
22 subcontractor of the owner, operator, or tenant. Data  
23 centers that would have qualified for a certificate of  
24 exemption prior to January 1, 2020 had Public Act 101-31  
25 been in effect, may apply for and obtain an exemption for  
26 subsequent purchases of computer equipment or enabling

1 software purchased or leased to upgrade, supplement, or  
2 replace computer equipment or enabling software purchased  
3 or leased in the original investment that would have  
4 qualified.

5 The Department of Commerce and Economic Opportunity  
6 shall grant a certificate of exemption under this item  
7 (44) to qualified data centers as defined by Section  
8 605-1025 of the Department of Commerce and Economic  
9 Opportunity Law of the Civil Administrative Code of  
10 Illinois.

11 For the purposes of this item (44):

12 "Data center" means a building or a series of  
13 buildings rehabilitated or constructed to house  
14 working servers in one physical location or multiple  
15 sites within the State of Illinois.

16 "Qualified tangible personal property" means:  
17 electrical systems and equipment; climate control and  
18 chilling equipment and systems; mechanical systems and  
19 equipment; monitoring and secure systems; emergency  
20 generators; hardware; computers; servers; data storage  
21 devices; network connectivity equipment; racks;  
22 cabinets; telecommunications cabling infrastructure;  
23 raised floor systems; peripheral components or  
24 systems; software; mechanical, electrical, or plumbing  
25 systems; battery systems; cooling systems and towers;  
26 temperature control systems; other cabling; and other



1 data center infrastructure equipment and systems  
2 necessary to operate qualified tangible personal  
3 property, including fixtures; and component parts of  
4 any of the foregoing, including installation,  
5 maintenance, repair, refurbishment, and replacement of  
6 qualified tangible personal property to generate,  
7 transform, transmit, distribute, or manage electricity  
8 necessary to operate qualified tangible personal  
9 property; and all other tangible personal property  
10 that is essential to the operations of a computer data  
11 center. The term "qualified tangible personal  
12 property" also includes building materials physically  
13 incorporated into the qualifying data center. To  
14 document the exemption allowed under this Section, the  
15 retailer must obtain from the purchaser a copy of the  
16 certificate of eligibility issued by the Department of  
17 Commerce and Economic Opportunity.

18 This item (44) is exempt from the provisions of  
19 Section 2-70.

20 (45) Beginning January 1, 2020 and through December  
21 31, 2020, sales of tangible personal property made by a  
22 marketplace seller over a marketplace for which tax is due  
23 under this Act but for which use tax has been collected and  
24 remitted to the Department by a marketplace facilitator  
25 under Section 2d of the Use Tax Act are exempt from tax  
26 under this Act. A marketplace seller claiming this

1 exemption shall maintain books and records demonstrating  
2 that the use tax on such sales has been collected and  
3 remitted by a marketplace facilitator. Marketplace sellers  
4 that have properly remitted tax under this Act on such  
5 sales may file a claim for credit as provided in Section 6  
6 of this Act. No claim is allowed, however, for such taxes  
7 for which a credit or refund has been issued to the  
8 marketplace facilitator under the Use Tax Act, or for  
9 which the marketplace facilitator has filed a claim for  
10 credit or refund under the Use Tax Act.

11 (46) Beginning July 1, 2022, breast pumps, breast pump  
12 collection and storage supplies, and breast pump kits.  
13 This item (46) is exempt from the provisions of Section  
14 2-70. As used in this item (46):

15 "Breast pump" means an electrically controlled or  
16 manually controlled pump device designed or marketed to be  
17 used to express milk from a human breast during lactation,  
18 including the pump device and any battery, AC adapter, or  
19 other power supply unit that is used to power the pump  
20 device and is packaged and sold with the pump device at the  
21 time of sale.

22 "Breast pump collection and storage supplies" means  
23 items of tangible personal property designed or marketed  
24 to be used in conjunction with a breast pump to collect  
25 milk expressed from a human breast and to store collected  
26 milk until it is ready for consumption.

1 "Breast pump collection and storage supplies"  
2 includes, but is not limited to: breast shields and breast  
3 shield connectors; breast pump tubes and tubing adapters;  
4 breast pump valves and membranes; backflow protectors and  
5 backflow protector adaptors; bottles and bottle caps  
6 specific to the operation of the breast pump; and breast  
7 milk storage bags.

8 "Breast pump collection and storage supplies" does not  
9 include: (1) bottles and bottle caps not specific to the  
10 operation of the breast pump; (2) breast pump travel bags  
11 and other similar carrying accessories, including ice  
12 packs, labels, and other similar products; (3) breast pump  
13 cleaning supplies; (4) nursing bras, bra pads, breast  
14 shells, and other similar products; and (5) creams,  
15 ointments, and other similar products that relieve  
16 breastfeeding-related symptoms or conditions of the  
17 breasts or nipples, unless sold as part of a breast pump  
18 kit that is pre-packaged by the breast pump manufacturer  
19 or distributor.

20 "Breast pump kit" means a kit that: (1) contains no  
21 more than a breast pump, breast pump collection and  
22 storage supplies, a rechargeable battery for operating the  
23 breast pump, a breastmilk cooler, bottle stands, ice  
24 packs, and a breast pump carrying case; and (2) is  
25 pre-packaged as a breast pump kit by the breast pump  
26 manufacturer or distributor.

1 (47) Tangible personal property sold by or on behalf  
2 of the State Treasurer pursuant to the Revised Uniform  
3 Unclaimed Property Act. This item (47) is exempt from the  
4 provisions of Section 2-70.

5 (48) Beginning on January 1, 2024, tangible personal  
6 property purchased by an active duty member of the armed  
7 forces of the United States who presents valid military  
8 identification and purchases the property using a form of  
9 payment where the federal government is the payor. The  
10 member of the armed forces must complete, at the point of  
11 sale, a form prescribed by the Department of Revenue  
12 documenting that the transaction is eligible for the  
13 exemption under this paragraph. Retailers must keep the  
14 form as documentation of the exemption in their records  
15 for a period of not less than 6 years. "Armed forces of the  
16 United States" means the United States Army, Navy, Air  
17 Force, Marine Corps, or Coast Guard. This paragraph is  
18 exempt from the provisions of Section 2-70.

19 (49) Beginning on January 1, 2026, as further defined  
20 in Section 2-10, food for human consumption that is to be  
21 consumed off the premises where it is sold (other than  
22 alcoholic beverages, food consisting of or infused with  
23 adult use cannabis, soft drinks, candy, and food that has  
24 been prepared for immediate consumption). This item (49)  
25 is exempt from the provisions of Section 2-70.

26 (Source: P.A. 102-16, eff. 6-17-21; 102-634, eff. 8-27-21;

1 102-700, Article 70, Section 70-20, eff. 4-19-22; 102-700,  
2 Article 75, Section 75-20, eff. 4-19-22; 102-813, eff.  
3 5-13-22; 102-1026, eff. 5-27-22; 103-9, Article 5, Section  
4 5-20, eff. 6-7-23; 103-9, Article 15, Section 15-20, eff.  
5 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24; revised  
6 12-12-23.)

7 (35 ILCS 120/2-10)

8 Sec. 2-10. Rate of tax. Unless otherwise provided in this  
9 Section, the tax imposed by this Act is at the rate of 6.25% of  
10 gross receipts from sales of tangible personal property made  
11 in the course of business.

12 Beginning on July 1, 2000 and through December 31, 2000,  
13 with respect to motor fuel, as defined in Section 1.1 of the  
14 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
15 the Use Tax Act, the tax is imposed at the rate of 1.25%.

16 Beginning on August 6, 2010 through August 15, 2010, and  
17 beginning again on August 5, 2022 through August 14, 2022,  
18 with respect to sales tax holiday items as defined in Section  
19 2-8 of this Act, the tax is imposed at the rate of 1.25%.

20 Within 14 days after July 1, 2000 (the effective date of  
21 Public Act 91-872), each retailer of motor fuel and gasohol  
22 shall cause the following notice to be posted in a prominently  
23 visible place on each retail dispensing device that is used to  
24 dispense motor fuel or gasohol in the State of Illinois: "As of  
25 July 1, 2000, the State of Illinois has eliminated the State's

1 share of sales tax on motor fuel and gasohol through December  
2 31, 2000. The price on this pump should reflect the  
3 elimination of the tax." The notice shall be printed in bold  
4 print on a sign that is no smaller than 4 inches by 8 inches.  
5 The sign shall be clearly visible to customers. Any retailer  
6 who fails to post or maintain a required sign through December  
7 31, 2000 is guilty of a petty offense for which the fine shall  
8 be \$500 per day per each retail premises where a violation  
9 occurs.

10 With respect to gasohol, as defined in the Use Tax Act, the  
11 tax imposed by this Act applies to (i) 70% of the proceeds of  
12 sales made on or after January 1, 1990, and before July 1,  
13 2003, (ii) 80% of the proceeds of sales made on or after July  
14 1, 2003 and on or before July 1, 2017, (iii) 100% of the  
15 proceeds of sales made after July 1, 2017 and prior to January  
16 1, 2024, (iv) 90% of the proceeds of sales made on or after  
17 January 1, 2024 and on or before December 31, 2028, and (v)  
18 100% of the proceeds of sales made after December 31, 2028. If,  
19 at any time, however, the tax under this Act on sales of  
20 gasohol, as defined in the Use Tax Act, is imposed at the rate  
21 of 1.25%, then the tax imposed by this Act applies to 100% of  
22 the proceeds of sales of gasohol made during that time.

23 With respect to mid-range ethanol blends, as defined in  
24 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act  
25 applies to (i) 80% of the proceeds of sales made on or after  
26 January 1, 2024 and on or before December 31, 2028 and (ii)

1 100% of the proceeds of sales made after December 31, 2028. If,  
2 at any time, however, the tax under this Act on sales of  
3 mid-range ethanol blends is imposed at the rate of 1.25%, then  
4 the tax imposed by this Act applies to 100% of the proceeds of  
5 sales of mid-range ethanol blends made during that time.

6 With respect to majority blended ethanol fuel, as defined  
7 in the Use Tax Act, the tax imposed by this Act does not apply  
8 to the proceeds of sales made on or after July 1, 2003 and on  
9 or before December 31, 2028 but applies to 100% of the proceeds  
10 of sales made thereafter.

11 With respect to biodiesel blends, as defined in the Use  
12 Tax Act, with no less than 1% and no more than 10% biodiesel,  
13 the tax imposed by this Act applies to (i) 80% of the proceeds  
14 of sales made on or after July 1, 2003 and on or before  
15 December 31, 2018 and (ii) 100% of the proceeds of sales made  
16 after December 31, 2018 and before January 1, 2024. On and  
17 after January 1, 2024 and on or before December 31, 2030, the  
18 taxation of biodiesel, renewable diesel, and biodiesel blends  
19 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
20 at any time, however, the tax under this Act on sales of  
21 biodiesel blends, as defined in the Use Tax Act, with no less  
22 than 1% and no more than 10% biodiesel is imposed at the rate  
23 of 1.25%, then the tax imposed by this Act applies to 100% of  
24 the proceeds of sales of biodiesel blends with no less than 1%  
25 and no more than 10% biodiesel made during that time.

26 With respect to biodiesel, as defined in the Use Tax Act,

1 and biodiesel blends, as defined in the Use Tax Act, with more  
2 than 10% but no more than 99% biodiesel, the tax imposed by  
3 this Act does not apply to the proceeds of sales made on or  
4 after July 1, 2003 and on or before December 31, 2023. On and  
5 after January 1, 2024 and on or before December 31, 2030, the  
6 taxation of biodiesel, renewable diesel, and biodiesel blends  
7 shall be as provided in Section 3-5.1 of the Use Tax Act.

8 Until July 1, 2022 and ~~from beginning again on~~ July 1, 2023  
9 through December 31, 2025, with respect to food for human  
10 consumption that is to be consumed off the premises where it is  
11 sold (other than alcoholic beverages, food consisting of or  
12 infused with adult use cannabis, soft drinks, and food that  
13 has been prepared for immediate consumption), the tax is  
14 imposed at the rate of 1%. Beginning July 1, 2022 and until  
15 July 1, 2023, with respect to food for human consumption that  
16 is to be consumed off the premises where it is sold (other than  
17 alcoholic beverages, food consisting of or infused with adult  
18 use cannabis, soft drinks, and food that has been prepared for  
19 immediate consumption), the tax is imposed at the rate of 0%.  
20 On and after January 1, 2026, food for human consumption that  
21 is to be consumed off the premises where it is sold (other than  
22 alcoholic beverages, food consisting of or infused with adult  
23 use cannabis, soft drinks, candy, and food that has been  
24 prepared for immediate consumption) is exempt from the tax  
25 imposed by this Act.

26 With respect to prescription and nonprescription



1 medicines, drugs, medical appliances, products classified as  
2 Class III medical devices by the United States Food and Drug  
3 Administration that are used for cancer treatment pursuant to  
4 a prescription, as well as any accessories and components  
5 related to those devices, modifications to a motor vehicle for  
6 the purpose of rendering it usable by a person with a  
7 disability, and insulin, blood sugar testing materials,  
8 syringes, and needles used by human diabetics, the tax is  
9 imposed at the rate of 1%. For the purposes of this Section,  
10 until September 1, 2009: the term "soft drinks" means any  
11 complete, finished, ready-to-use, non-alcoholic drink, whether  
12 carbonated or not, including, but not limited to, soda water,  
13 cola, fruit juice, vegetable juice, carbonated water, and all  
14 other preparations commonly known as soft drinks of whatever  
15 kind or description that are contained in any closed or sealed  
16 bottle, can, carton, or container, regardless of size; but  
17 "soft drinks" does not include coffee, tea, non-carbonated  
18 water, infant formula, milk or milk products as defined in the  
19 Grade A Pasteurized Milk and Milk Products Act, or drinks  
20 containing 50% or more natural fruit or vegetable juice.

21 Notwithstanding any other provisions of this Act,  
22 beginning September 1, 2009, "soft drinks" means non-alcoholic  
23 beverages that contain natural or artificial sweeteners. "Soft  
24 drinks" does not include beverages that contain milk or milk  
25 products, soy, rice or similar milk substitutes, or greater  
26 than 50% of vegetable or fruit juice by volume.

1           Until August 1, 2009, and notwithstanding any other  
2 provisions of this Act, "food for human consumption that is to  
3 be consumed off the premises where it is sold" includes all  
4 food sold through a vending machine, except soft drinks and  
5 food products that are dispensed hot from a vending machine,  
6 regardless of the location of the vending machine. Beginning  
7 August 1, 2009, and notwithstanding any other provisions of  
8 this Act, "food for human consumption that is to be consumed  
9 off the premises where it is sold" includes all food sold  
10 through a vending machine, except soft drinks, candy, and food  
11 products that are dispensed hot from a vending machine,  
12 regardless of the location of the vending machine.

13           Notwithstanding any other provisions of this Act,  
14 beginning September 1, 2009, "food for human consumption that  
15 is to be consumed off the premises where it is sold" does not  
16 include candy. For purposes of this Section, "candy" means a  
17 preparation of sugar, honey, or other natural or artificial  
18 sweeteners in combination with chocolate, fruits, nuts or  
19 other ingredients or flavorings in the form of bars, drops, or  
20 pieces. "Candy" does not include any preparation that contains  
21 flour or requires refrigeration.

22           Notwithstanding any other provisions of this Act,  
23 beginning September 1, 2009, "nonprescription medicines and  
24 drugs" does not include grooming and hygiene products. For  
25 purposes of this Section, "grooming and hygiene products"  
26 includes, but is not limited to, soaps and cleaning solutions,

1 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
2 lotions and screens, unless those products are available by  
3 prescription only, regardless of whether the products meet the  
4 definition of "over-the-counter-drugs". For the purposes of  
5 this paragraph, "over-the-counter-drug" means a drug for human  
6 use that contains a label that identifies the product as a drug  
7 as required by 21 CFR 201.66. The "over-the-counter-drug"  
8 label includes:

9 (A) a "Drug Facts" panel; or

10 (B) a statement of the "active ingredient(s)" with a  
11 list of those ingredients contained in the compound,  
12 substance or preparation.

13 Beginning on January 1, 2014 (the effective date of Public  
14 Act 98-122), "prescription and nonprescription medicines and  
15 drugs" includes medical cannabis purchased from a registered  
16 dispensing organization under the Compassionate Use of Medical  
17 Cannabis Program Act.

18 As used in this Section, "adult use cannabis" means  
19 cannabis subject to tax under the Cannabis Cultivation  
20 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
21 and does not include cannabis subject to tax under the  
22 Compassionate Use of Medical Cannabis Program Act.

23 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,  
24 Section 20-20, eff. 4-19-22; 102-700, Article 60, Section  
25 60-30, eff. 4-19-22; 102-700, Article 65, Section 65-10, eff.  
26 4-19-22; 103-9, eff. 6-7-23; 103-154, eff. 6-30-23.)

1 (35 ILCS 120/2-27)

2 Sec. 2-27. Prepaid telephone calling arrangements.  
3 "Prepaid telephone calling arrangements" mean the right to  
4 exclusively purchase telephone or telecommunications services  
5 that must be paid for in advance and enable the origination of  
6 one or more intrastate, interstate, or international telephone  
7 calls or other telecommunications using an access number, an  
8 authorization code, or both, whether manually or  
9 electronically dialed, for which payment to a retailer must be  
10 made in advance, provided that, unless recharged, no further  
11 service is provided once that prepaid amount of service has  
12 been consumed, and provided further that, on and after January  
13 1, 2025, the telephone or telecommunications services included  
14 in such arrangement are obtained through the purchase of a  
15 preloaded phone, calling card, or other item of tangible  
16 personal property. Prepaid telephone calling arrangements  
17 include the recharge of a prepaid calling arrangement if and  
18 only if, on and after January 1, 2025, the additional  
19 telephone or telecommunications services included in the  
20 recharge are obtained through the purchase of a preloaded  
21 phone, calling card, or other item of tangible personal  
22 property. For purposes of this Section, "recharge" means the  
23 purchase of additional prepaid telephone or telecommunications  
24 services whether or not the purchaser acquires a different  
25 access number or authorization code. For purposes of this

1 Section, "telecommunications" means that term as defined in  
2 Section 2 of the Telecommunications Excise Tax Act. "Prepaid  
3 telephone calling arrangement" does not include an arrangement  
4 whereby the service provider reflects the amount of the  
5 purchase as a credit on an account for a customer under an  
6 existing subscription plan, nor, on and after January 1, 2025,  
7 does it include a recharge that is not obtained through the  
8 purchase of a preloaded phone, calling card, or other item of  
9 tangible personal property.

10 (Source: P.A. 91-870, eff. 6-22-00.)

11 Section 22. The Prepaid Wireless 9-1-1 Surcharge Act is  
12 amended by changing Section 15 as follows:

13 (50 ILCS 753/15)

14 Sec. 15. Prepaid wireless 9-1-1 surcharge.

15 (a) Until September 30, 2015, there is hereby imposed on  
16 consumers a prepaid wireless 9-1-1 surcharge of 1.5% per  
17 retail transaction. Beginning October 1, 2015, the prepaid  
18 wireless 9-1-1 surcharge shall be 3% per retail transaction.  
19 Until December 31, 2023 and beginning July 1, 2024, the  
20 surcharge authorized by this subsection (a) does not apply in  
21 a home rule municipality having a population in excess of  
22 500,000.

23 (a-5) On or after the effective date of this amendatory  
24 Act of the 98th General Assembly and until December 31, 2023,

1 and from July 1, 2024 to July 1, 2029, a home rule municipality  
2 having a population in excess of 500,000 on the effective date  
3 of this amendatory Act may impose a prepaid wireless 9-1-1  
4 surcharge not to exceed 9% per retail transaction sourced to  
5 that jurisdiction and collected and remitted in accordance  
6 with the provisions of subsection (b-5) of this Section.

7 (b) The prepaid wireless 9-1-1 surcharge shall be  
8 collected by the seller from the consumer with respect to each  
9 retail transaction occurring in this State and shall be  
10 remitted to the Department by the seller as provided in this  
11 Act. The amount of the prepaid wireless 9-1-1 surcharge shall  
12 be separately stated as a distinct item apart from the charge  
13 for the prepaid wireless telecommunications service on an  
14 invoice, receipt, or other similar document that is provided  
15 to the consumer by the seller or shall be otherwise disclosed  
16 to the consumer. If the seller does not separately state the  
17 surcharge as a distinct item to the consumer as provided in  
18 this Section, then the seller shall maintain books and records  
19 as required by this Act which clearly identify the amount of  
20 the 9-1-1 surcharge for retail transactions.

21 For purposes of this subsection (b), a retail transaction  
22 occurs in this State if (i) the retail transaction is made in  
23 person by a consumer at the seller's business location and the  
24 business is located within the State; (ii) the seller is a  
25 provider and sells prepaid wireless telecommunications service  
26 to a consumer located in Illinois; (iii) the retail

1 transaction is treated as occurring in this State for purposes  
2 of the Retailers' Occupation Tax Act; or (iv) a seller that is  
3 included within the definition of a "retailer maintaining a  
4 place of business in this State" under Section 2 of the Use Tax  
5 Act makes a sale of prepaid wireless telecommunications  
6 service to a consumer located in Illinois. In the case of a  
7 retail transaction which does not occur in person at a  
8 seller's business location, if a consumer uses a credit card  
9 to purchase prepaid wireless telecommunications service  
10 on-line or over the telephone, and no product is shipped to the  
11 consumer, the transaction occurs in this State if the billing  
12 address for the consumer's credit card is in this State.

13 (b-5) The prepaid wireless 9-1-1 surcharge imposed under  
14 subsection (a-5) of this Section shall be collected by the  
15 seller from the consumer with respect to each retail  
16 transaction occurring in the municipality imposing the  
17 surcharge. The amount of the prepaid wireless 9-1-1 surcharge  
18 shall be separately stated on an invoice, receipt, or other  
19 similar document that is provided to the consumer by the  
20 seller or shall be otherwise disclosed to the consumer. If the  
21 seller does not separately state the surcharge as a distinct  
22 item to the consumer as provided in this Section, then the  
23 seller shall maintain books and records as required by this  
24 Act which clearly identify the amount of the 9-1-1 surcharge  
25 for retail transactions.

26 For purposes of this subsection (b-5), a retail

1 transaction occurs in the municipality if (i) the retail  
2 transaction is made in person by a consumer at the seller's  
3 business location and the business is located within the  
4 municipality; (ii) the seller is a provider and sells prepaid  
5 wireless telecommunications service to a consumer located in  
6 the municipality; (iii) the retail transaction is treated as  
7 occurring in the municipality for purposes of the Retailers'  
8 Occupation Tax Act; or (iv) a seller that is included within  
9 the definition of a "retailer maintaining a place of business  
10 in this State" under Section 2 of the Use Tax Act makes a sale  
11 of prepaid wireless telecommunications service to a consumer  
12 located in the municipality. In the case of a retail  
13 transaction which does not occur in person at a seller's  
14 business location, if a consumer uses a credit card to  
15 purchase prepaid wireless telecommunications service on-line  
16 or over the telephone, and no product is shipped to the  
17 consumer, the transaction occurs in the municipality if the  
18 billing address for the consumer's credit card is in the  
19 municipality.

20 (c) The prepaid wireless 9-1-1 surcharge is imposed on the  
21 consumer and not on any provider. The seller shall be liable to  
22 remit all prepaid wireless 9-1-1 surcharges that the seller  
23 collects from consumers as provided in Section 20, including  
24 all such surcharges that the seller is deemed to collect where  
25 the amount of the surcharge has not been separately stated on  
26 an invoice, receipt, or other similar document provided to the



1 consumer by the seller. The surcharge collected or deemed  
2 collected by a seller shall constitute a debt owed by the  
3 seller to this State, and any such surcharge actually  
4 collected shall be held in trust for the benefit of the  
5 Department.

6 For purposes of this subsection (c), the surcharge shall  
7 not be imposed or collected from entities that have an active  
8 tax exemption identification number issued by the Department  
9 under Section 1g of the Retailers' Occupation Tax Act.

10 (d) The amount of the prepaid wireless 9-1-1 surcharge  
11 that is collected by a seller from a consumer, if such amount  
12 is separately stated on an invoice, receipt, or other similar  
13 document provided to the consumer by the seller, shall not be  
14 included in the base for measuring any tax, fee, surcharge, or  
15 other charge that is imposed by this State, any political  
16 subdivision of this State, or any intergovernmental agency.

17 (e) (Blank).

18 (e-5) Any changes in the rate of the surcharge imposed by a  
19 municipality under the authority granted in subsection (a-5)  
20 of this Section shall be effective on the first day of the  
21 first calendar month to occur at least 60 days after the  
22 enactment of the change. The Department shall provide not less  
23 than 30 days' notice of the increase or reduction in the rate  
24 of such surcharge on the Department's website.

25 (f) When prepaid wireless telecommunications service is  
26 sold with one or more other products or services for a single,

1 non-itemized price, then the percentage specified in  
2 subsection (a) or (a-5) of this Section 15 shall be applied to  
3 the entire non-itemized price unless the seller elects to  
4 apply the percentage to (i) the dollar amount of the prepaid  
5 wireless telecommunications service if that dollar amount is  
6 disclosed to the consumer or (ii) the portion of the price that  
7 is attributable to the prepaid wireless telecommunications  
8 service if the retailer can identify that portion by  
9 reasonable and verifiable standards from its books and records  
10 that are kept in the regular course of business for other  
11 purposes, including, but not limited to, books and records  
12 that are kept for non-tax purposes. However, if a minimal  
13 amount of prepaid wireless telecommunications service is sold  
14 with a prepaid wireless device for a single, non-itemized  
15 price, then the seller may elect not to apply the percentage  
16 specified in subsection (a) or (a-5) of this Section 15 to such  
17 transaction. For purposes of this subsection, an amount of  
18 service denominated as 10 minutes or less or \$5 or less is  
19 considered minimal.

20 (g) The prepaid wireless 9-1-1 surcharge imposed under  
21 subsections (a) and (a-5) of this Section is not imposed on the  
22 provider or the consumer for wireless Lifeline service where  
23 the consumer does not pay the provider for the service. Where  
24 the consumer purchases from the provider optional minutes,  
25 texts, or other services in addition to the federally funded  
26 Lifeline benefit, a consumer must pay the prepaid wireless

1 9-1-1 surcharge, and it must be collected by the seller  
2 according to subsection (b-5).

3 (Source: P.A. 102-9, eff. 6-3-21; 103-564, eff. 11-17-23.)

4 Section 25. The Counties Code is amended by changing  
5 Sections 5-1009, 5-1030, and 5-1134 and by adding Section  
6 5-1006.9 as follows:

7 (55 ILCS 5/5-1006.9 new)

8 Sec. 5-1006.9. County Grocery Occupation Tax Law.

9 (a) The corporate authorities of any county may, by  
10 ordinance or resolution that takes effect on or after January  
11 1, 2026, impose a tax upon all persons engaged in the business  
12 of selling groceries at retail in the county, but outside of  
13 any municipality, on the gross receipts from those sales made  
14 in the course of that business. If imposed, the tax shall be at  
15 the rate of 1% of the gross receipts from these sales.

16 The tax imposed by a county under this subsection and all  
17 civil penalties that may be assessed as an incident of the tax  
18 shall be collected and enforced by the Department. The  
19 certificate of registration that is issued by the Department  
20 to a retailer under the Retailers' Occupation Tax Act shall  
21 permit the retailer to engage in a business that is taxable  
22 under any ordinance or resolution enacted under this  
23 subsection without registering separately with the Department  
24 under that ordinance or resolution or under this subsection.

1       The Department shall have full power to administer and  
2 enforce this subsection; to collect all taxes and penalties  
3 due under this subsection; to dispose of taxes and penalties  
4 so collected in the manner provided in this Section and under  
5 rules adopted by the Department; and to determine all rights  
6 to credit memoranda arising on account of the erroneous  
7 payment of tax or penalty under this subsection.

8       In the administration of, and compliance with, this  
9 subsection, the Department and persons who are subject to this  
10 subsection shall have the same rights, remedies, privileges,  
11 immunities, powers, and duties, and be subject to the same  
12 conditions, restrictions, limitations, penalties and  
13 definitions of terms, and employ the same modes of procedure,  
14 as are prescribed in Sections 1, 2 through 2-65 (in respect to  
15 all provisions therein other than the State rate of tax), 2c, 3  
16 (except as to the disposition of taxes and penalties  
17 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a,  
18 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers'  
19 Occupation Tax Act and all of the Uniform Penalty and Interest  
20 Act, as fully as if those provisions were set forth in this  
21 Section.

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

1 are required to collect under the Use Tax Act, pursuant to such  
2 bracket schedules as the Department may prescribe.

3 (b) If a tax has been imposed under subsection (a), then a  
4 service occupation tax must also be imposed at the same rate  
5 upon all persons engaged, in the county but outside of a  
6 municipality, in the business of making sales of service, who,  
7 as an incident to making those sales of service, transfer  
8 groceries, as defined in this Section, as an incident to a sale  
9 of service.

10 The tax imposed under this subsection and all civil  
11 penalties that may be assessed as an incident thereof shall be  
12 collected and enforced by the Department. The certificate of  
13 registration that is issued by the Department to a retailer  
14 under the Retailers' Occupation Tax Act or the Service  
15 Occupation Tax Act shall permit the registrant to engage in a  
16 business that is taxable under any ordinance or resolution  
17 enacted pursuant to this subsection without registering  
18 separately with the Department under the ordinance or  
19 resolution or under this subsection.

20 The Department shall have full power to administer and  
21 enforce this subsection, to collect all taxes and penalties  
22 due under this subsection, to dispose of taxes and penalties  
23 so collected in the manner provided in this Section and under  
24 rules adopted by the Department, and to determine all rights  
25 to credit memoranda arising on account of the erroneous  
26 payment of a tax or penalty under this subsection.

1       In the administration of and compliance with this  
2 subsection, the Department and persons who are subject to this  
3 subsection shall have the same rights, remedies, privileges,  
4 immunities, powers and duties, and be subject to the same  
5 conditions, restrictions, limitations, penalties and  
6 definitions of terms, and employ the same modes of procedure  
7 as are set forth in Sections 2, 2c, 3 through 3-50 (in respect  
8 to all provisions contained in those Sections other than the  
9 State rate of tax), 4, 5, 7, 8, 9 (except as to the disposition  
10 of taxes and penalties collected), 10, 11, 12, 13, 15, 16, 17,  
11 18, 19, and 20 of the Service Occupation Tax Act and all  
12 provisions of the Uniform Penalty and Interest Act, as fully  
13 as if those provisions were set forth in this Section.

14       Persons subject to any tax imposed under the authority  
15 granted in this subsection may reimburse themselves for their  
16 serviceman's tax liability by separately stating the tax as an  
17 additional charge, which may be stated in combination, in a  
18 single amount, with State tax that servicemen are authorized  
19 to collect under the Service Use Tax Act, pursuant to any  
20 bracketed schedules set forth by the Department.

21       (c) The Department shall immediately pay over to the State  
22 Treasurer, ex officio, as trustee, all taxes and penalties  
23 collected under this Section. Those taxes and penalties shall  
24 be deposited into the County Grocery Tax Trust Fund, a trust  
25 fund created in the State treasury. Except as otherwise  
26 provided in this Section, moneys in the County Grocery Tax

1 Trust Fund shall be used to make payments to counties and for  
2 the payment of refunds under this Section.

3 Moneys deposited into the County Grocery Tax Trust Fund  
4 under this Section are not subject to appropriation and shall  
5 be used as provided in this Section. All deposits into the  
6 County Grocery Tax Trust Fund shall be held in the County  
7 Grocery Tax Trust Fund by the State Treasurer, ex officio, as  
8 trustee separate and apart from all public moneys or funds of  
9 this State.

10 Whenever the Department determines that a refund should be  
11 made under this Section to a claimant instead of issuing a  
12 credit memorandum, the Department shall notify the State  
13 Comptroller, who shall cause the order to be drawn for the  
14 amount specified and to the person named in the notification  
15 from the Department. The refund shall be paid by the State  
16 Treasurer out of the County Grocery Tax Trust Fund.

17 (d) As soon as possible after the first day of each month,  
18 upon certification of the Department, the Comptroller shall  
19 order transferred, and the Treasurer shall transfer, to the  
20 STAR Bonds Revenue Fund the local sales tax increment, if any,  
21 as defined in the Innovation Development and Economy Act,  
22 collected under this Section.

23 After the monthly transfer to the STAR Bonds Revenue Fund,  
24 if any, on or before the 25th day of each calendar month, the  
25 Department shall prepare and certify to the Comptroller the  
26 disbursement of stated sums of money to named counties, the

1 counties to be those from which retailers have paid taxes or  
2 penalties under this Section to the Department during the  
3 second preceding calendar month. The amount to be paid to each  
4 county shall be the amount (not including credit memoranda)  
5 collected under this Section during the second preceding  
6 calendar month by the Department plus an amount the Department  
7 determines is necessary to offset any amounts that were  
8 erroneously paid to a different taxing body, and not including  
9 an amount equal to the amount of refunds made during the second  
10 preceding calendar month by the Department on behalf of such  
11 county, and not including any amount that the Department  
12 determines is necessary to offset any amounts that were  
13 payable to a different taxing body but were erroneously paid  
14 to the county, and not including any amounts that are  
15 transferred to the STAR Bonds Revenue Fund. Within 10 days  
16 after receipt by the Comptroller of the disbursement  
17 certification to the counties provided for in this Section to  
18 be given to the Comptroller by the Department, the Comptroller  
19 shall cause the orders to be drawn for the amounts in  
20 accordance with the directions contained in the certification.

21 (e) Nothing in this Section shall be construed to  
22 authorize a county to impose a tax upon the privilege of  
23 engaging in any business which under the Constitution of the  
24 United States may not be made the subject of taxation by this  
25 State.

26 (f) Except as otherwise provided in this subsection, an



1 ordinance or resolution imposing or discontinuing the tax  
2 hereunder or effecting a change in the rate thereof shall  
3 either (i) be adopted and a certified copy thereof filed with  
4 the Department on or before the first day of April, whereupon  
5 the Department shall proceed to administer and enforce this  
6 Section as of the first day of July next following the adoption  
7 and filing, or (ii) be adopted and a certified copy thereof  
8 filed with the Department on or before the first day of  
9 October, whereupon the Department shall proceed to administer  
10 and enforce this Section as of the first day of January next  
11 following the adoption and filing.

12 (g) When certifying the amount of a monthly disbursement  
13 to a county under this Section, the Department shall increase  
14 or decrease the amount by an amount necessary to offset any  
15 misallocation of previous disbursements. The offset amount  
16 shall be the amount erroneously disbursed within the previous  
17 6 months from the time a misallocation is discovered.

18 (h) As used in this Section, "Department" means the  
19 Department of Revenue.

20 For purposes of the tax authorized to be imposed under  
21 subsection (a), "groceries" has the same meaning as "food for  
22 human consumption that is to be consumed off the premises  
23 where it is sold (other than alcoholic beverages, food  
24 consisting of or infused with adult use cannabis, soft drinks,  
25 candy, and food that has been prepared for immediate  
26 consumption)", as further defined in Section 2-10 of the

1 Retailers' Occupation Tax Act.

2 For purposes of the tax authorized to be imposed under  
3 subsection (b), "groceries" has the same meaning as "food for  
4 human consumption that is to be consumed off the premises  
5 where it is sold (other than alcoholic beverages, food  
6 consisting of or infused with adult use cannabis, soft drinks,  
7 candy, and food that has been prepared for immediate  
8 consumption)", as further defined in Section 3-10 of the  
9 Service Occupation Tax Act.

10 For purposes of the tax authorized to be imposed under  
11 subsection (b), "groceries" also means food prepared for  
12 immediate consumption and transferred incident to a sale of  
13 service subject to the Service Occupation Tax Act or the  
14 Service Use Tax Act by an entity licensed under the Hospital  
15 Licensing Act, the Nursing Home Care Act, the Assisted Living  
16 and Shared Housing Act, the ID/DD Community Care Act, the  
17 MC/DD Act, the Specialized Mental Health Rehabilitation Act of  
18 2013, or the Child Care Act of 1969, or an entity that holds a  
19 permit issued pursuant to the Life Care Facilities Act.

20 (i) This Section may be referred to as the County Grocery  
21 Occupation Tax Law.

22 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

23 Sec. 5-1009. Limitation on home rule powers. Except as  
24 provided in Sections 5-1006, 5-1006.5, 5-1006.8, 5-1006.9  
25 5-1007, and 5-1008, on and after September 1, 1990, no home

1 rule county has the authority to impose, pursuant to its home  
2 rule authority, a retailers' occupation tax, service  
3 occupation tax, use tax, sales tax or other tax on the use,  
4 sale or purchase of tangible personal property based on the  
5 gross receipts from such sales or the selling or purchase  
6 price of said tangible personal property. Notwithstanding the  
7 foregoing, this Section does not preempt any home rule imposed  
8 tax such as the following: (1) a tax on alcoholic beverages,  
9 whether based on gross receipts, volume sold or any other  
10 measurement; (2) a tax based on the number of units of  
11 cigarettes or tobacco products; (3) a tax, however measured,  
12 based on the use of a hotel or motel room or similar facility;  
13 (4) a tax, however measured, on the sale or transfer of real  
14 property; (5) a tax, however measured, on lease receipts; (6)  
15 a tax on food prepared for immediate consumption and on  
16 alcoholic beverages sold by a business which provides for on  
17 premise consumption of said food or alcoholic beverages; or  
18 (7) other taxes not based on the selling or purchase price or  
19 gross receipts from the use, sale or purchase of tangible  
20 personal property. This Section does not preempt a home rule  
21 county from imposing a tax, however measured, on the use, for  
22 consideration, of a parking lot, garage, or other parking  
23 facility.

24 On and after December 1, 2019, no home rule county has the  
25 authority to impose, pursuant to its home rule authority, a  
26 tax, however measured, on sales of aviation fuel, as defined

1 in Section 3 of the Retailers' Occupation Tax Act, unless the  
2 tax revenue is expended for airport-related purposes. For  
3 purposes of this Section, "airport-related purposes" has the  
4 meaning ascribed in Section 6z-20.2 of the State Finance Act.  
5 Aviation fuel shall be excluded from tax only for so long as  
6 the revenue use requirements of 49 U.S.C. 47017(b) and 49  
7 U.S.C. 47133 are binding on the county.

8 This Section is a limitation, pursuant to subsection (g)  
9 of Section 6 of Article VII of the Illinois Constitution, on  
10 the power of home rule units to tax. The changes made to this  
11 Section by Public Act 101-10 are a denial and limitation of  
12 home rule powers and functions under subsection (g) of Section  
13 6 of Article VII of the Illinois Constitution.

14 (Source: P.A. 101-10, eff. 6-5-19; 101-27, eff. 6-25-19;  
15 102-558, eff. 8-20-21.)

16 (55 ILCS 5/5-1030) (from Ch. 34, par. 5-1030)

17 Sec. 5-1030. Hotel rooms, tax on gross rental receipts.

18 (a) The corporate authorities of any county may by  
19 ordinance impose a tax upon all persons engaged in such county  
20 in the business of renting, leasing or letting rooms in a hotel  
21 which is not located within a city, village, or incorporated  
22 town that imposes a tax under Section 8-3-14 of the Illinois  
23 Municipal Code, as defined in "The Hotel Operators' Occupation  
24 Tax Act", at a rate not to exceed 5% of the gross rental  
25 receipts from such renting, leasing or letting, excluding,

1 however, from gross rental receipts, the proceeds of such  
2 renting, leasing or letting to permanent residents of that  
3 hotel, and may provide for the administration and enforcement  
4 of the tax, and for the collection thereof from the persons  
5 subject to the tax, as the corporate authorities determine to  
6 be necessary or practicable for the effective administration  
7 of the tax.

8 (b) With the consent of municipalities representing at  
9 least 67% of the population of Winnebago County, as determined  
10 by the 2010 federal decennial census and as expressed by  
11 resolution of the corporate authorities of those  
12 municipalities, the county board of Winnebago County may, by  
13 ordinance, impose a tax upon all persons engaged in the county  
14 in the business of renting, leasing, or letting rooms in a  
15 hotel that imposes a tax under Section 8-3-14 of the Illinois  
16 Municipal Code, as defined in the ~~"The~~ Hotel Operators'  
17 Occupation Tax Act", at a rate not to exceed 2% of the gross  
18 rental receipts from renting, leasing, or letting, excluding,  
19 however, from gross rental receipts, the proceeds of the  
20 renting, leasing, or letting to permanent residents of that  
21 hotel, and may provide for the administration and enforcement  
22 of the tax, and for the collection thereof from the persons  
23 subject to the tax, as the county board determines to be  
24 necessary or practicable for the effective administration of  
25 the tax. The tax shall be instituted on a county-wide basis and  
26 shall be in addition to any tax imposed by this or any other

1 provision of law. The revenue generated under this subsection  
2 shall be accounted for and segregated from all other funds of  
3 the county and shall be utilized solely for either: (1)  
4 encouraging, supporting, marketing, constructing, or  
5 operating, either directly by the county or through other  
6 taxing bodies within the county, sports, arts, or other  
7 entertainment or tourism facilities or programs for the  
8 purpose of promoting tourism, competitiveness, job growth, and  
9 for the general health and well-being of the citizens of the  
10 county; or (2) payment towards debt services on bonds issued  
11 for the purposes set forth in this subsection.

12 (b-5) The county board of Sangamon County may, by  
13 ordinance, impose a tax upon all persons engaged in the county  
14 in the business of renting, leasing, or letting rooms in a  
15 hotel that imposes a tax under Section 8-3-14 of the Illinois  
16 Municipal Code, as defined in the Hotel Operators' Occupation  
17 Tax Act, at a rate not to exceed 3% of the gross rental  
18 receipts from renting, leasing, or letting, excluding,  
19 however, from gross rental receipts, the proceeds of the  
20 renting, leasing, or letting to permanent residents of that  
21 hotel, and may provide for the administration and enforcement  
22 of the tax, and for the collection thereof from the persons  
23 subject to the tax, as the county board determines to be  
24 necessary or practicable for the effective administration of  
25 the tax. The tax shall be instituted on a county-wide basis and  
26 shall be in addition to any tax imposed by this or any other

1 provision of law. The revenue generated under this subsection  
2 shall be accounted for and segregated from all other funds of  
3 the county and shall be used solely for either: (1)  
4 encouraging, supporting, marketing, constructing, or  
5 operating, either directly by the county or through other  
6 taxing bodies within the county, sports, arts, or other  
7 entertainment or tourism facilities or programs for the  
8 purpose of promoting tourism, competitiveness, job growth, and  
9 for the general health and well-being of the citizens of the  
10 county; or (2) payment towards debt services on bonds issued  
11 for the purposes set forth in this subsection.

12 (c) A Tourism Facility Board shall be established,  
13 comprised of a representative from the county and from each  
14 municipality that has approved the imposition of the tax under  
15 subsection (b) of this Section.

16 (1) A Board member's vote is weighted based on the  
17 municipality's population relative to the population of  
18 the county, with the county representing the population  
19 within unincorporated areas of the county. Representatives  
20 from the Rockford Park District and Rockford Area  
21 Convention and Visitors Bureau shall serve as ex-officio  
22 members with no voting rights.

23 (2) The Board must meet not less frequently than once  
24 per year to direct the use of revenues collected from the  
25 tax imposed under subsection (b) of this Section that are  
26 not already directed for use pursuant to an

1           intergovernmental agreement between the county and another  
2           entity represented on the Board, including the ex-officio  
3           members, and for any other reason the Board deems  
4           necessary. Affirmative actions of the Board shall require  
5           a weighted vote of Board members representing not less  
6           than 67% of the population of the county.

7           (3) The Board shall not be a separate unit of local  
8           government, shall have no paid staff, and members of the  
9           Board shall receive no compensation or reimbursement of  
10          expenses from proceeds of the tax imposed under subsection  
11          (b) of this Section.

12          (d) Persons subject to any tax imposed pursuant to  
13          authority granted by this Section may reimburse themselves for  
14          their tax liability for such tax by separately stating such  
15          tax as an additional charge, which charge may be stated in  
16          combination, in a single amount, with State tax imposed under  
17          "The Hotel Operators' Occupation Tax Act".

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

22          An ordinance or resolution imposing a tax hereunder or  
23          effecting a change in the rate thereof shall be effective on  
24          the first day of the calendar month next following its passage  
25          and required publication.

26          The amounts collected by any county pursuant to this



1 Section shall be expended to promote tourism; conventions;  
2 expositions; theatrical, sports and cultural activities within  
3 that county or otherwise to attract nonresident overnight  
4 visitors to the county.

5 Any county may agree with any unit of local government,  
6 including any authority defined as a metropolitan exposition,  
7 auditorium and office building authority, fair and exposition  
8 authority, exposition and auditorium authority, or civic  
9 center authority created pursuant to provisions of Illinois  
10 law and the territory of which unit of local government or  
11 authority is co-extensive with or wholly within such county,  
12 to impose and collect for a period not to exceed 40 years, any  
13 portion or all of the tax authorized pursuant to this Section  
14 and to transmit such tax so collected to such unit of local  
15 government or authority. The amount so paid shall be expended  
16 by any such unit of local government or authority for the  
17 purposes for which such tax is authorized. Any such agreement  
18 must be authorized by resolution or ordinance, as the case may  
19 be, of such county and unit of local government or authority,  
20 and such agreement may provide for the irrevocable imposition  
21 and collection of said tax at such rate, or amount as limited  
22 by a given rate, as may be agreed upon for the full period of  
23 time set forth in such agreement; and such agreement may  
24 further provide for any other terms as deemed necessary or  
25 advisable by such county and such unit of local government or  
26 authority. Any such agreement shall be binding and enforceable

1 by either party to such agreement. Such agreement entered into  
2 pursuant to this Section shall not in any event constitute an  
3 indebtedness of such county subject to any limitation imposed  
4 by statute or otherwise.

5 (Source: P.A. 98-313, eff. 8-12-13.)

6 (55 ILCS 5/5-1134)

7 Sec. 5-1134. Project labor agreements.

8 (a) Any sports, arts, or entertainment facilities that  
9 receive revenue from a tax imposed under subsection (b) or  
10 (b-5) of Section 5-1030 of this Code shall be considered to be  
11 public works within the meaning of the Prevailing Wage Act.  
12 The county authorities responsible for the construction,  
13 renovation, modification, or alteration of the sports, arts,  
14 or entertainment facilities shall enter into project labor  
15 agreements with labor organizations as defined in the National  
16 Labor Relations Act to assure that no labor dispute interrupts  
17 or interferes with the construction, renovation, modification,  
18 or alteration of the projects.

19 (b) The project labor agreements must include the  
20 following:

21 (1) provisions establishing the minimum hourly wage  
22 for each class of labor organization employees;

23 (2) provisions establishing the benefits and other  
24 compensation for such class of labor organization; and

25 (3) provisions establishing that no strike or disputes

1 will be engaged in by the labor organization employees.

2 The county, taxing bodies, municipalities, and the labor  
3 organizations shall have the authority to include other terms  
4 and conditions as they deem necessary.

5 (c) The project labor agreement shall be filed with the  
6 Director of ~~the Illinois Department of~~ Labor in accordance  
7 with procedures established by the Department. At a minimum,  
8 the project labor agreement must provide the names, addresses,  
9 and occupations of the owner of the facilities and the  
10 individuals representing the labor organization employees  
11 participating in the project labor agreement. The agreement  
12 must also specify the terms and conditions required in  
13 subsection (b) of this Section.

14 (d) In any agreement for the construction or  
15 rehabilitation of a facility using revenue generated under  
16 subsection (b) or (b-5) of Section 5-1030 of this Code, in  
17 connection with the prequalification of general contractors  
18 for construction or rehabilitation of the facility, it shall  
19 be required that a commitment will be submitted detailing how  
20 the general contractor will expend 15% or more of the  
21 aggregate dollar value of the project as a whole with one or  
22 more minority-owned businesses, women-owned businesses, or  
23 businesses owned by a person with a disability, as these terms  
24 are defined in Section 2 of the Business Enterprise for  
25 Minorities, Women, and Persons with Disabilities Act.

26 (Source: P.A. 100-391, eff. 8-25-17.)

1 Section 30. The Illinois Municipal Code is amended by  
2 changing Sections 8-11-1.1 and 8-11-6a and adding Section  
3 8-11-24 as follows:

4 (65 ILCS 5/8-11-1.1) (from Ch. 24, par. 8-11-1.1)

5 Sec. 8-11-1.1. Non-home rule municipalities; imposition of  
6 taxes.

7 (a) The corporate authorities of a non-home rule  
8 municipality may, ~~upon approval of the electors of the~~  
9 ~~municipality pursuant to subsection (b) of this Section,~~  
10 impose by ordinance or resolution the taxes ~~tax~~ authorized in  
11 Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act.

12 (b) (Blank). ~~The corporate authorities of the municipality~~  
13 ~~may by ordinance or resolution call for the submission to the~~  
14 ~~electors of the municipality the question of whether the~~  
15 ~~municipality shall impose such tax. Such question shall be~~  
16 ~~certified by the municipal clerk to the election authority in~~  
17 ~~accordance with Section 28-5 of the Election Code and shall be~~  
18 ~~in a form in accordance with Section 16-7 of the Election Code.~~

19 ~~Notwithstanding any provision of law to the contrary, if~~  
20 ~~the proceeds of the tax may be used for municipal operations~~  
21 ~~pursuant to Section 8-11-1.3, 8-11-1.4, or 8-11-1.5, then the~~  
22 ~~election authority must submit the question in substantially~~  
23 ~~the following form:~~

24 ~~Shall the corporate authorities of the municipality be~~

1 ~~authorized to levy a tax at a rate of (rate)% for~~  
2 ~~expenditures on municipal operations, expenditures on~~  
3 ~~public infrastructure, or property tax relief?~~

4 ~~If a majority of the electors in the municipality voting~~  
5 ~~upon the question vote in the affirmative, such tax shall be~~  
6 ~~imposed.~~

7 (c) Until January 1, 1992, an ordinance or resolution  
8 imposing the tax of not more than 1% hereunder or  
9 discontinuing the same shall be adopted and a certified copy  
10 thereof, together with a certification that the ordinance or  
11 resolution received referendum approval in the case of the  
12 imposition of such tax, filed with the Department of Revenue,  
13 on or before the first day of June, whereupon the Department  
14 shall proceed to administer and enforce the additional tax or  
15 to discontinue the tax, as the case may be, as of the first day  
16 of September next following such adoption and filing.

17 Beginning January 1, 1992 and through December 31, 1992,  
18 an ordinance or resolution imposing or discontinuing the tax  
19 hereunder shall be adopted and a certified copy thereof filed  
20 with the Department on or before the first day of July,  
21 whereupon the Department shall proceed to administer and  
22 enforce this Section as of the first day of October next  
23 following such adoption and filing.

24 Beginning January 1, 1993, and through September 30, 2002,  
25 an ordinance or resolution imposing or discontinuing the tax  
26 hereunder shall be adopted and a certified copy thereof filed

1 with the Department on or before the first day of October,  
2 whereupon the Department shall proceed to administer and  
3 enforce this Section as of the first day of January next  
4 following such adoption and filing.

5 Beginning October 1, 2002, and through December 31, 2013,  
6 an ordinance or resolution imposing or discontinuing the tax  
7 under this Section or effecting a change in the rate of tax  
8 must either (i) be adopted and a certified copy of the  
9 ordinance or resolution filed with the Department on or before  
10 the first day of April, whereupon the Department shall proceed  
11 to administer and enforce this Section as of the first day of  
12 July next following the adoption and filing; or (ii) be  
13 adopted and a certified copy of the ordinance or resolution  
14 filed with the Department on or before the first day of  
15 October, whereupon the Department shall proceed to administer  
16 and enforce this Section as of the first day of January next  
17 following the adoption and filing.

18 Beginning January 1, 2014, if an ordinance or resolution  
19 imposing the tax under this Section, discontinuing the tax  
20 under this Section, or effecting a change in the rate of tax  
21 under this Section is adopted, a certified copy thereof,  
22 ~~together with a certification that the ordinance or resolution~~  
23 ~~received referendum approval in the case of the imposition of~~  
24 ~~or increase in the rate of such tax,~~ shall be filed with the  
25 Department of Revenue, either (i) on or before the first day of  
26 May, whereupon the Department shall proceed to administer and

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

6 Notwithstanding any provision in this Section to the  
7 contrary, if, in a non-home rule municipality with more than  
8 150,000 but fewer than 200,000 inhabitants, as determined by  
9 the last preceding federal decennial census, an ordinance or  
10 resolution under this Section imposes or discontinues a tax or  
11 changes the tax rate as of July 1, 2007, then that ordinance or  
12 resolution, together with a certification that the ordinance  
13 or resolution received referendum approval in the case of the  
14 imposition of the tax, must be adopted and a certified copy of  
15 that ordinance or resolution must be filed with the Department  
16 on or before May 15, 2007, whereupon the Department shall  
17 proceed to administer and enforce this Section as of July 1,  
18 2007.

19 Notwithstanding any provision in this Section to the  
20 contrary, if, in a non-home rule municipality with more than  
21 6,500 but fewer than 7,000 inhabitants, as determined by the  
22 last preceding federal decennial census, an ordinance or  
23 resolution under this Section imposes or discontinues a tax or  
24 changes the tax rate on or before May 20, 2009, then that  
25 ordinance or resolution, together with a certification that  
26 the ordinance or resolution received referendum approval in

1 the case of the imposition of the tax, must be adopted and a  
2 certified copy of that ordinance or resolution must be filed  
3 with the Department on or before May 20, 2009, whereupon the  
4 Department shall proceed to administer and enforce this  
5 Section as of July 1, 2009.

6 A non-home rule municipality may file a certified copy of  
7 an ordinance or resolution, ~~with a certification that the~~  
8 ~~ordinance or resolution received referendum approval in the~~  
9 ~~case of the imposition of the tax,~~ with the Department of  
10 Revenue, as required under this Section, only after October 2,  
11 2000.

12 The tax authorized by this Section may not be more than 1%  
13 and may be imposed only in 1/4% increments.

14 (Source: P.A. 98-584, eff. 8-27-13.)

15 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

16 Sec. 8-11-6a. Home rule municipalities; preemption of  
17 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,  
18 8-11-6, 8-11-6b, 8-11-6c, 8-11-23, 8-11-24, and 11-74.3-6 on  
19 and after September 1, 1990, no home rule municipality has the  
20 authority to impose, pursuant to its home rule authority, a  
21 retailer's occupation tax, service occupation tax, use tax,  
22 sales tax or other tax on the use, sale or purchase of tangible  
23 personal property based on the gross receipts from such sales  
24 or the selling or purchase price of said tangible personal  
25 property. Notwithstanding the foregoing, this Section does not



1 preempt any home rule imposed tax such as the following: (1) a  
2 tax on alcoholic beverages, whether based on gross receipts,  
3 volume sold or any other measurement; (2) a tax based on the  
4 number of units of cigarettes or tobacco products (provided,  
5 however, that a home rule municipality that has not imposed a  
6 tax based on the number of units of cigarettes or tobacco  
7 products before July 1, 1993, shall not impose such a tax after  
8 that date); (3) a tax, however measured, based on the use of a  
9 hotel or motel room or similar facility; (4) a tax, however  
10 measured, on the sale or transfer of real property; (5) a tax,  
11 however measured, on lease receipts; (6) a tax on food  
12 prepared for immediate consumption and on alcoholic beverages  
13 sold by a business which provides for on premise consumption  
14 of said food or alcoholic beverages; or (7) other taxes not  
15 based on the selling or purchase price or gross receipts from  
16 the use, sale or purchase of tangible personal property. This  
17 Section does not preempt a home rule municipality with a  
18 population of more than 2,000,000 from imposing a tax, however  
19 measured, on the use, for consideration, of a parking lot,  
20 garage, or other parking facility. This Section is not  
21 intended to affect any existing tax on food and beverages  
22 prepared for immediate consumption on the premises where the  
23 sale occurs, or any existing tax on alcoholic beverages, or  
24 any existing tax imposed on the charge for renting a hotel or  
25 motel room, which was in effect January 15, 1988, or any  
26 extension of the effective date of such an existing tax by

1 ordinance of the municipality imposing the tax, which  
2 extension is hereby authorized, in any non-home rule  
3 municipality in which the imposition of such a tax has been  
4 upheld by judicial determination, nor is this Section intended  
5 to preempt the authority granted by Public Act 85-1006. On and  
6 after December 1, 2019, no home rule municipality has the  
7 authority to impose, pursuant to its home rule authority, a  
8 tax, however measured, on sales of aviation fuel, as defined  
9 in Section 3 of the Retailers' Occupation Tax Act, unless the  
10 tax is not subject to the revenue use requirements of 49 U.S.C.  
11 47107(b) and 49 U.S.C. 47133, or unless the tax revenue is  
12 expended for airport-related purposes. For purposes of this  
13 Section, "airport-related purposes" has the meaning ascribed  
14 in Section 6z-20.2 of the State Finance Act. Aviation fuel  
15 shall be excluded from tax only if, and for so long as, the  
16 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.  
17 47133 are binding on the municipality. This Section is a  
18 limitation, pursuant to subsection (g) of Section 6 of Article  
19 VII of the Illinois Constitution, on the power of home rule  
20 units to tax. The changes made to this Section by Public Act  
21 101-10 are a denial and limitation of home rule powers and  
22 functions under subsection (g) of Section 6 of Article VII of  
23 the Illinois Constitution.

24 (Source: P.A. 101-10, eff. 6-5-19; 101-27, eff. 6-25-19;  
25 101-593, eff. 12-4-19.)

1 (65 ILCS 5/8-11-24 new)

2 Sec. 8-11-24. Municipal Grocery Occupation Tax Law.

3 (a) The corporate authorities of any municipality may, by  
4 ordinance or resolution that takes effect on or after January  
5 1, 2026, impose a tax upon all persons engaged in the business  
6 of selling groceries at retail in the municipality on the  
7 gross receipts from those sales made in the course of that  
8 business. If imposed, the tax shall be at the rate of 1% of the  
9 gross receipts from these sales.

10 The tax imposed by a municipality under this subsection  
11 and all civil penalties that may be assessed as an incident of  
12 the tax shall be collected and enforced by the Department. The  
13 certificate of registration that is issued by the Department  
14 to a retailer under the Retailers' Occupation Tax Act shall  
15 permit the retailer to engage in a business that is taxable  
16 under any ordinance or resolution enacted under this  
17 subsection without registering separately with the Department  
18 under that ordinance or resolution or under this subsection.

19 The Department shall have full power to administer and  
20 enforce this subsection; to collect all taxes and penalties  
21 due under this subsection; to dispose of taxes and penalties  
22 so collected in the manner provided in this Section and under  
23 rules adopted by the Department; and to determine all rights  
24 to credit memoranda arising on account of the erroneous  
25 payment of tax or penalty under this subsection.

26 In the administration of, and compliance with, this

1 subsection, the Department and persons who are subject to this  
2 subsection shall have the same rights, remedies, privileges,  
3 immunities, powers, and duties, and be subject to the same  
4 conditions, restrictions, limitations, penalties and  
5 definitions of terms, and employ the same modes of procedure,  
6 as are prescribed in Sections 1, 2 through 2-65 (in respect to  
7 all provisions therein other than the State rate of tax), 2c, 3  
8 (except as to the disposition of taxes and penalties  
9 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a,  
10 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers'  
11 Occupation Tax Act and all of the Uniform Penalty and Interest  
12 Act, as fully as if those provisions were set forth in this  
13 Section.

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

21 (b) If a tax has been imposed under subsection (a), then a  
22 service occupation tax must also be imposed at the same rate  
23 upon all persons engaged, in the municipality, in the business  
24 of making sales of service, who, as an incident to making those  
25 sales of service, transfer groceries, as defined in this  
26 Section, as an incident to a sale of service.

1       The tax imposed under this subsection and all civil  
2 penalties that may be assessed as an incident thereof shall be  
3 collected and enforced by the Department. The certificate of  
4 registration that is issued by the Department to a retailer  
5 under the Retailers' Occupation Tax Act or the Service  
6 Occupation Tax Act shall permit the registrant to engage in a  
7 business that is taxable under any ordinance or resolution  
8 enacted pursuant to this subsection without registering  
9 separately with the Department under the ordinance or  
10 resolution or under this subsection.

11       The Department shall have full power to administer and  
12 enforce this subsection, to collect all taxes and penalties  
13 due under this subsection, to dispose of taxes and penalties  
14 so collected in the manner provided in this Section and under  
15 rules adopted by the Department, and to determine all rights  
16 to credit memoranda arising on account of the erroneous  
17 payment of a tax or penalty under this subsection.

18       In the administration of and compliance with this  
19 subsection, the Department and persons who are subject to this  
20 subsection shall have the same rights, remedies, privileges,  
21 immunities, powers and duties, and be subject to the same  
22 conditions, restrictions, limitations, penalties and  
23 definitions of terms, and employ the same modes of procedure  
24 as are set forth in Sections 2, 2c, 3 through 3-50 (in respect  
25 to all provisions contained in those Sections other than the  
26 State rate of tax), 4, 5, 7, 8, 9 (except as to the disposition

1 of taxes and penalties collected), 10, 11, 12, 13, 15, 16, 17,  
2 18, 19, and 20 of the Service Occupation Tax Act and all  
3 provisions of the Uniform Penalty and Interest Act, as fully  
4 as if those provisions were set forth in this Section.

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

12 (c) The Department shall immediately pay over to the State  
13 Treasurer, ex officio, as trustee, all taxes and penalties  
14 collected under this Section. Those taxes and penalties shall  
15 be deposited into the Municipal Grocery Tax Trust Fund, a  
16 trust fund created in the State treasury. Except as otherwise  
17 provided in this Section, moneys in the Municipal Grocery Tax  
18 Trust Fund shall be used to make payments to municipalities  
19 and for the payment of refunds under this Section.

20 Moneys deposited into the Municipal Grocery Tax Trust Fund  
21 under this Section are not subject to appropriation and shall  
22 be used as provided in this Section. All deposits into the  
23 Municipal Grocery Tax Trust Fund shall be held in the  
24 Municipal Grocery Tax Trust Fund by the State Treasurer, ex  
25 officio, as trustee separate and apart from all public moneys  
26 or funds of this State.

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 order 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 Municipal Grocery Tax Trust Fund.

8 (d) As soon as possible after the first day of each month,  
9 upon certification of the Department, the Comptroller shall  
10 order transferred, and the Treasurer shall transfer, to the  
11 STAR Bonds Revenue Fund the local sales tax increment, if any,  
12 as defined in the Innovation Development and Economy Act,  
13 collected under this Section.

14 After the monthly transfer to the STAR Bonds Revenue Fund,  
15 if any, on or before the 25th day of each calendar month, the  
16 Department shall prepare and certify to the Comptroller the  
17 disbursement of stated sums of money to named municipalities,  
18 the municipalities to be those from which retailers have paid  
19 taxes or penalties under this Section to the Department during  
20 the second preceding calendar month. The amount to be paid to  
21 each municipality shall be the amount (not including credit  
22 memoranda) collected under this Section during the second  
23 preceding calendar month by the Department plus an amount the  
24 Department determines is necessary to offset any amounts that  
25 were erroneously paid to a different taxing body, and not  
26 including an amount equal to the amount of refunds made during

1 the second preceding calendar month by the Department on  
2 behalf of such municipality, and not including any amount that  
3 the Department determines is necessary to offset any amounts  
4 that were payable to a different taxing body but were  
5 erroneously paid to the municipality, and not including any  
6 amounts that are transferred to the STAR Bonds Revenue Fund.  
7 Within 10 days after receipt by the Comptroller of the  
8 disbursement certification to the municipalities provided for  
9 in this Section to be given to the Comptroller by the  
10 Department, the Comptroller shall cause the orders to be drawn  
11 for the amounts in accordance with the directions contained in  
12 the certification.

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

18 (f) Except as otherwise provided in this subsection, an  
19 ordinance or resolution imposing or discontinuing the tax  
20 hereunder or effecting a change in the rate thereof shall  
21 either (i) be adopted and a certified copy thereof filed with  
22 the Department on or before the first day of April, whereupon  
23 the Department shall proceed to administer and enforce this  
24 Section as of the first day of July next following the adoption  
25 and filing or (ii) be adopted and a certified copy thereof  
26 filed with the Department on or before the first day of



1 October, whereupon the Department shall proceed to administer  
2 and enforce this Section as of the first day of January next  
3 following the adoption and filing.

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

10 (h) As used in this Section, "Department" means the  
11 Department of Revenue.

12 For purposes of the tax authorized to be imposed under  
13 subsection (a), "groceries" has the same meaning as "food for  
14 human consumption that is to be consumed off the premises  
15 where it is sold (other than alcoholic beverages, food  
16 consisting of or infused with adult use cannabis, soft drinks,  
17 candy, and food that has been prepared for immediate  
18 consumption)", as further defined in Section 2-10 of the  
19 Retailers' Occupation Tax Act.

20 For purposes of the tax authorized to be imposed under  
21 subsection (b), "groceries" has the same meaning as "food for  
22 human consumption that is to be consumed off the premises  
23 where it is sold (other than alcoholic beverages, food  
24 consisting of or infused with adult use cannabis, soft drinks,  
25 candy, and food that has been prepared for immediate  
26 consumption)", as further defined in Section 3-10 of the

1 Service Occupation Tax Act. For purposes of the tax authorized  
2 to be imposed under subsection (b), "groceries" also means  
3 food prepared for immediate consumption and transferred  
4 incident to a sale of service subject to the Service  
5 Occupation Tax Act or the Service Use Tax Act by an entity  
6 licensed under the Hospital Licensing Act, the Nursing Home  
7 Care Act, the Assisted Living and Shared Housing Act, the  
8 ID/DD Community Care Act, the MC/DD Act, the Specialized  
9 Mental Health Rehabilitation Act of 2013, or the Child Care  
10 Act of 1969, or an entity that holds a permit issued pursuant  
11 to the Life Care Facilities Act.

12 (i) This Section may be referred to as the Municipal  
13 Grocery Occupation Tax Law.

14 Section 35. The Regional Transportation Authority Act is  
15 amended by changing Section 4.03 as follows:

16 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

17 Sec. 4.03. Taxes.

18 (a) In order to carry out any of the powers or purposes of  
19 the Authority, the Board may by ordinance adopted with the  
20 concurrence of 12 of the then Directors, impose throughout the  
21 metropolitan region any or all of the taxes provided in this  
22 Section. Except as otherwise provided in this Act, taxes  
23 imposed under this Section and civil penalties imposed  
24 incident thereto shall be collected and enforced by the State

1 Department of Revenue. The Department shall have the power to  
2 administer and enforce the taxes and to determine all rights  
3 for refunds for erroneous payments of the taxes. Nothing in  
4 Public Act 95-708 is intended to invalidate any taxes  
5 currently imposed by the Authority. The increased vote  
6 requirements to impose a tax shall only apply to actions taken  
7 after January 1, 2008 (the effective date of Public Act  
8 95-708).

9 (b) The Board may impose a public transportation tax upon  
10 all persons engaged in the metropolitan region in the business  
11 of selling at retail motor fuel for operation of motor  
12 vehicles upon public highways. The tax shall be at a rate not  
13 to exceed 5% of the gross receipts from the sales of motor fuel  
14 in the course of the business. As used in this Act, the term  
15 "motor fuel" shall have the same meaning as in the Motor Fuel  
16 Tax Law. The Board may provide for details of the tax. The  
17 provisions of any tax shall conform, as closely as may be  
18 practicable, to the provisions of the Municipal Retailers  
19 Occupation Tax Act, including without limitation, conformity  
20 to penalties with respect to the tax imposed and as to the  
21 powers of the State Department of Revenue to promulgate and  
22 enforce rules and regulations relating to the administration  
23 and enforcement of the provisions of the tax imposed, except  
24 that reference in the Act to any municipality shall refer to  
25 the Authority and the tax shall be imposed only with regard to  
26 receipts from sales of motor fuel in the metropolitan region,

1 at rates as limited by this Section.

2 (c) In connection with the tax imposed under paragraph (b)  
3 of this Section, the Board may impose a tax upon the privilege  
4 of using in the metropolitan region motor fuel for the  
5 operation of a motor vehicle upon public highways, the tax to  
6 be at a rate not in excess of the rate of tax imposed under  
7 paragraph (b) of this Section. The Board may provide for  
8 details of the tax.

9 (d) The Board may impose a motor vehicle parking tax upon  
10 the privilege of parking motor vehicles at off-street parking  
11 facilities in the metropolitan region at which a fee is  
12 charged, and may provide for reasonable classifications in and  
13 exemptions to the tax, for administration and enforcement  
14 thereof and for civil penalties and refunds thereunder and may  
15 provide criminal penalties thereunder, the maximum penalties  
16 not to exceed the maximum criminal penalties provided in the  
17 Retailers' Occupation Tax Act. The Authority may collect and  
18 enforce the tax itself or by contract with any unit of local  
19 government. The State Department of Revenue shall have no  
20 responsibility for the collection and enforcement unless the  
21 Department agrees with the Authority to undertake the  
22 collection and enforcement. As used in this paragraph, the  
23 term "parking facility" means a parking area or structure  
24 having parking spaces for more than 2 vehicles at which motor  
25 vehicles are permitted to park in return for an hourly, daily,  
26 or other periodic fee, whether publicly or privately owned,

1 but does not include parking spaces on a public street, the use  
2 of which is regulated by parking meters.

3 (e) The Board may impose a Regional Transportation  
4 Authority Retailers' Occupation Tax upon all persons engaged  
5 in the business of selling tangible personal property at  
6 retail in the metropolitan region. In Cook County, the tax  
7 rate shall be 1.25% of the gross receipts from sales of food  
8 for human consumption that is to be consumed off the premises  
9 where it is sold (other than alcoholic beverages, food  
10 consisting of or infused with adult use cannabis, soft drinks,  
11 candy, and food that has been prepared for immediate  
12 consumption) and tangible personal property taxed at the 1%  
13 rate under the Retailers' Occupation Tax Act ~~(or at the 0% rate~~  
14 ~~imposed under this amendatory Act of the 102nd General~~  
15 ~~Assembly)~~, and 1% of the gross receipts from other taxable  
16 sales made in the course of that business. In DuPage, Kane,  
17 Lake, McHenry, and Will counties, the tax rate shall be 0.75%  
18 of the gross receipts from all taxable sales made in the course  
19 of that business. The rate of tax imposed in DuPage, Kane,  
20 Lake, McHenry, and Will counties under this Section on sales  
21 of aviation fuel on or after December 1, 2019 shall, however,  
22 be 0.25% unless the Regional Transportation Authority in  
23 DuPage, Kane, Lake, McHenry, and Will counties has an  
24 "airport-related purpose" and the additional 0.50% of the  
25 0.75% tax on aviation fuel is expended for airport-related  
26 purposes. If there is no airport-related purpose to which

1 aviation fuel tax revenue is dedicated, then aviation fuel is  
2 excluded from the additional 0.50% of the 0.75% tax. The tax  
3 imposed under this Section and all civil penalties that may be  
4 assessed as an incident thereof shall be collected and  
5 enforced by the State Department of Revenue. The Department  
6 shall have full power to administer and enforce this Section;  
7 to collect all taxes and penalties so collected in the manner  
8 hereinafter provided; and to determine all rights to credit  
9 memoranda arising on account of the erroneous payment of tax  
10 or penalty hereunder. In the administration of, and compliance  
11 with this Section, the Department and persons who are subject  
12 to this Section shall have the same rights, remedies,  
13 privileges, immunities, powers, and duties, and be subject to  
14 the same conditions, restrictions, limitations, penalties,  
15 exclusions, exemptions, and definitions of terms, and employ  
16 the same modes of procedure, as are prescribed in Sections 1,  
17 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to  
18 all provisions therein other than the State rate of tax), 2c, 3  
19 (except as to the disposition of taxes and penalties  
20 collected, and except that the retailer's discount is not  
21 allowed for taxes paid on aviation fuel that are subject to the  
22 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.  
23 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l,  
24 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of the  
25 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
26 Penalty and Interest Act, as fully as if those provisions were

1 set forth herein.

2 The Board and DuPage, Kane, Lake, McHenry, and Will  
3 counties must comply with the certification requirements for  
4 airport-related purposes under Section 2-22 of the Retailers'  
5 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 Authority.

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

18 Whenever the Department determines that a refund should be  
19 made under this Section to a claimant instead of issuing a  
20 credit memorandum, the Department shall notify the State  
21 Comptroller, who shall cause the warrant to be drawn for the  
22 amount specified, and to the person named, in the notification  
23 from the Department. The refund shall be paid by the State  
24 Treasurer out of the Regional Transportation Authority tax  
25 fund established under paragraph (n) of this Section or the  
26 Local Government Aviation Trust Fund, as appropriate.

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

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

12           No tax shall be imposed or collected under this subsection  
13 on the sale of a motor vehicle in this State to a resident of  
14 another state if that motor vehicle will not be titled in this  
15 State.

16           Nothing in this Section shall be construed to authorize  
17 the Regional Transportation Authority to impose a tax upon the  
18 privilege of engaging in any business that under the  
19 Constitution of the United States may not be made the subject  
20 of taxation by this State.

21           (f) If a tax has been imposed under paragraph (e), a  
22 Regional Transportation Authority Service Occupation Tax shall  
23 also be imposed upon all persons engaged, in the metropolitan  
24 region in the business of making sales of service, who as an  
25 incident to making the sales of service, transfer tangible  
26 personal property within the metropolitan region, either in



1 the form of tangible personal property or in the form of real  
2 estate as an incident to a sale of service. In Cook County, the  
3 tax rate shall be: (1) 1.25% of the serviceman's cost price of  
4 food prepared for immediate consumption and transferred  
5 incident to a sale of service subject to the service  
6 occupation tax by an entity that is located in the  
7 metropolitan region and that is licensed under the Hospital  
8 Licensing Act, the Nursing Home Care Act, the Assisted Living  
9 and Shared Housing Act, the Specialized Mental Health  
10 Rehabilitation Act of 2013, the ID/DD Community Care Act, ~~or~~  
11 the MC/DD Act, or the Child Care Act of 1969, or an entity that  
12 holds a permit issued pursuant to the Life Care Facilities Act  
13 ~~that is located in the metropolitan region;~~ (2) 1.25% of the  
14 selling price of food for human consumption that is to be  
15 consumed off the premises where it is sold (other than  
16 alcoholic beverages, food consisting of or infused with adult  
17 use cannabis, soft drinks, candy, and food that has been  
18 prepared for immediate consumption) and tangible personal  
19 property taxed at the 1% rate under the Service Occupation Tax  
20 Act ~~(or at the 0% rate imposed under this amendatory Act of the~~  
21 ~~102nd General Assembly);~~ and (3) 1% of the selling price from  
22 other taxable sales of tangible personal property transferred.  
23 In DuPage, Kane, Lake, McHenry, and Will counties, the rate  
24 shall be 0.75% of the selling price of all tangible personal  
25 property transferred. The rate of tax imposed in DuPage, Kane,  
26 Lake, McHenry, and Will counties under this Section on sales

1 of aviation fuel on or after December 1, 2019 shall, however,  
2 be 0.25% unless the Regional Transportation Authority in  
3 DuPage, Kane, Lake, McHenry, and Will counties has an  
4 "airport-related purpose" and the additional 0.50% of the  
5 0.75% tax on aviation fuel is expended for airport-related  
6 purposes. If there is no airport-related purpose to which  
7 aviation fuel tax revenue is dedicated, then aviation fuel is  
8 excluded from the additional 0.5% of the 0.75% 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  
22 this paragraph; to collect all taxes and penalties due  
23 hereunder; to dispose of taxes and penalties collected in the  
24 manner hereinafter provided; and to determine all rights to  
25 credit memoranda arising on account of the erroneous payment  
26 of tax or penalty hereunder. In the administration of and

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

25 Persons subject to any tax imposed under the authority  
26 granted in this paragraph may reimburse themselves for their

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

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 warrant 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 Regional Transportation Authority tax  
13 fund established under paragraph (n) of this Section or the  
14 Local Government Aviation Trust Fund, as appropriate.

15 Nothing in this paragraph shall be construed to authorize  
16 the Authority 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 (g) If a tax has been imposed under paragraph (e), a tax  
20 shall also be imposed upon the privilege of using in the  
21 metropolitan region, any item of tangible personal property  
22 that is purchased outside the metropolitan region at retail  
23 from a retailer, and that is titled or registered with an  
24 agency of this State's government. In Cook County, the tax  
25 rate shall be 1% of the selling price of the tangible personal  
26 property, as "selling price" is defined in the Use Tax Act. In

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

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

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

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

22 (h) The Authority may impose a replacement vehicle tax of  
23 \$50 on any passenger car as defined in Section 1-157 of the  
24 Illinois Vehicle Code purchased within the metropolitan region  
25 by or on behalf of an insurance company to replace a passenger  
26 car of an insured person in settlement of a total loss claim.

1 The tax imposed may not become effective before the first day  
2 of the month following the passage of the ordinance imposing  
3 the tax and receipt of a certified copy of the ordinance by the  
4 Department of Revenue. The Department of Revenue shall collect  
5 the tax for the Authority in accordance with Sections 3-2002  
6 and 3-2003 of the Illinois Vehicle Code.

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

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

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

1 Revenue Fund. Within 10 days after receipt by the Comptroller  
2 of the disbursement certification to the Authority provided  
3 for in this Section to be given to the Comptroller by the  
4 Department, the Comptroller shall cause the orders to be drawn  
5 for that amount in accordance with the directions contained in  
6 the certification.

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

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

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



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

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

1 Beginning January 1, 1993, an ordinance or resolution  
2 imposing, increasing, decreasing, or discontinuing the tax  
3 hereunder shall be adopted and a certified copy thereof filed  
4 with the Department, whereupon the Department shall proceed to  
5 administer and enforce this Section as of the first day of the  
6 first month to occur not less than 60 days following such  
7 adoption and filing. Any ordinance or resolution of the  
8 Authority imposing a tax under this Section and in effect on  
9 August 1, 2007 shall remain in full force and effect and shall  
10 be administered by the Department of Revenue under the terms  
11 and conditions and rates of tax established by such ordinance  
12 or resolution until the Department begins administering and  
13 enforcing an increased tax under this Section as authorized by  
14 Public Act 95-708. The tax rates authorized by Public Act  
15 95-708 are effective only if imposed by ordinance of the  
16 Authority.

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

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

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

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

24 (o) Failure to adopt a budget ordinance or otherwise to  
25 comply with Section 4.01 of this Act or to adopt a Five-year  
26 Capital Program or otherwise to comply with paragraph (b) of

1 Section 2.01 of this Act shall not affect the validity of any  
2 tax imposed by the Authority otherwise in conformity with law.

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

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

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

24 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;  
25 101-604, eff. 12-13-19; 102-700, eff. 4-19-22.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.