



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3364

Introduced 2/7/2024, by Sen. Craig Wilcox

SYNOPSIS AS INTRODUCED:

35 ILCS 105/3-10	
35 ILCS 110/3-10	from Ch. 120, par. 439.33-10
35 ILCS 115/3-10	from Ch. 120, par. 439.103-10
35 ILCS 120/2-10	
35 ILCS 120/2d	from Ch. 120, par. 441d

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that, beginning 30 days after the effective date of the amendatory Act, the cents per gallon rate established by the Department of Revenue for the prepayment of tax by motor fuel retailers may not exceed \$0.18 per gallon for motor fuel and 80% of that amount for gasohol and biodiesel blends. Provides that the rate of tax imposed under the Acts for motor fuel, gasohol, majority blended ethanol fuel, and biodiesel and biodiesel blends may not exceed that prepayment amount set by the Department of Revenue. Effective immediately.

LRB103 37906 HLH 68038 b

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 Section
5 3-10 as follows:

6 (35 ILCS 105/3-10)

7 Sec. 3-10. Rate of tax. Unless otherwise provided in this
8 Section, the tax imposed by this Act is at the rate of 6.25% of
9 either the selling price or the fair market value, if any, of
10 the tangible personal property. In all cases where property
11 functionally used or consumed is the same as the property that
12 was purchased at retail, then the tax is imposed on the selling
13 price of the property. In all cases where property
14 functionally used or consumed is a by-product or waste product
15 that has been refined, manufactured, or produced from property
16 purchased at retail, then the tax is imposed on the lower of
17 the fair market value, if any, of the specific property so used
18 in this State or on the selling price of the property purchased
19 at retail. For purposes of this Section "fair market value"
20 means the price at which property would change hands between a
21 willing buyer and a willing seller, neither being under any
22 compulsion to buy or sell and both having reasonable knowledge
23 of the relevant facts. The fair market value shall be

1 established by Illinois sales by the taxpayer of the same
2 property as that functionally used or consumed, or if there
3 are no such sales by the taxpayer, then comparable sales or
4 purchases of property of like kind and character in Illinois.

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

9 Beginning 30 days after the effective date of this
10 amendatory Act of the 103rd General Assembly, the tax imposed
11 under this Act on the following items may not exceed the cents
12 per gallon rate established by the Department under subsection
13 (e) of Section 2d of the Retailers' Occupation Tax Act: motor
14 fuel, as defined in Section 1.1 of the Motor Fuel Tax Law;
15 gasohol, as defined in Section 3-40 of this Act; majority
16 blended ethanol fuel; and biodiesel and biodiesel blends. With
17 respect to the tax imposed on biodiesel blends and gasohol,
18 the maximum cents per gallon rate shall include the reduction
19 allowed in subsection (e) of Section 2d of the Retailers'
20 Occupation Tax Act.

21 Beginning on August 6, 2010 through August 15, 2010, and
22 beginning again on August 5, 2022 through August 14, 2022,
23 with respect to sales tax holiday items as defined in Section
24 3-6 of this Act, the tax is imposed at the rate of 1.25%.

25 With respect to gasohol, the tax imposed by this Act
26 applies to (i) 70% of the proceeds of sales made on or after

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

11 With respect to mid-range ethanol blends, the tax imposed
12 by this Act applies to (i) 80% of the proceeds of sales made on
13 or after January 1, 2024 and on or before December 31, 2028 and
14 (ii) 100% of the proceeds of sales made thereafter. If, at any
15 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 proceeds of sales of
18 mid-range ethanol blends made during that time.

19 With respect to majority blended ethanol fuel, the tax
20 imposed by this Act does not apply to the proceeds of sales
21 made on or after July 1, 2003 and on or before December 31,
22 2028 but applies to 100% of the proceeds of sales made
23 thereafter.

24 With respect to biodiesel blends with no less than 1% and
25 no more than 10% biodiesel, the tax imposed by this Act applies
26 to (i) 80% of the proceeds of sales made on or after July 1,

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

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

19 Until July 1, 2022 and beginning again on July 1, 2023,
20 with respect to 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 adult
23 use cannabis, soft drinks, and food that has been prepared for
24 immediate consumption), the tax is imposed at the rate of 1%.
25 Beginning on July 1, 2022 and until July 1, 2023, with respect
26 to food for human consumption that is to be consumed off the

1 premises where it is sold (other than alcoholic beverages,
2 food consisting of or infused with adult use cannabis, soft
3 drinks, and food that has been prepared for immediate
4 consumption), the tax is imposed at the rate of 0%.

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

26 Notwithstanding any other provisions of this Act,

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

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

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

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

- 14 (A) a "Drug Facts" panel; or
15 (B) a statement of the "active ingredient(s)" with a
16 list of those ingredients contained in the compound,
17 substance or preparation.

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

23 As used in this Section, "adult use cannabis" means
24 cannabis subject to tax under the Cannabis Cultivation
25 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
26 and does not include cannabis subject to tax under the

1 Compassionate Use of Medical Cannabis Program Act.

2 If the property that is purchased at retail from a
3 retailer is acquired outside Illinois and used outside
4 Illinois before being brought to Illinois for use here and is
5 taxable under this Act, the "selling price" on which the tax is
6 computed shall be reduced by an amount that represents a
7 reasonable allowance for depreciation for the period of prior
8 out-of-state use.

9 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,
10 Section 20-5, eff. 4-19-22; 102-700, Article 60, Section
11 60-15, eff. 4-19-22; 102-700, Article 65, Section 65-5, eff.
12 4-19-22; 103-9, eff. 6-7-23; 103-154 eff. 6-30-23.)

13 Section 10. The Service Use Tax Act is amended by changing
14 Section 3-10 as follows:

15 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

16 Sec. 3-10. Rate of tax. Unless otherwise provided in this
17 Section, the tax imposed by this Act is at the rate of 6.25% of
18 the selling price of tangible personal property transferred as
19 an incident to the sale of service, but, for the purpose of
20 computing this tax, in no event shall the selling price be less
21 than the cost price of the property to the serviceman.

22 Beginning on July 1, 2000 and through December 31, 2000,
23 with respect to motor fuel, as defined in Section 1.1 of the
24 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of

1 the Use Tax Act, the tax is imposed at the rate of 1.25%.

2 Beginning 30 days after the effective date of this
3 amendatory Act of the 103rd General Assembly, the tax imposed
4 under this Act on the following items may not exceed the cents
5 per gallon rate established by the Department under subsection
6 (e) of Section 2d of the Retailers' Occupation Tax Act: motor
7 fuel, as defined in Section 1.1 of the Motor Fuel Tax Law;
8 gasohol, as defined in Section 3-40 of the Use Tax Act;
9 majority blended ethanol fuel; and biodiesel and biodiesel
10 blends. With respect to the tax imposed on biodiesel blends
11 and gasohol, the maximum cents per gallon rate shall include
12 the reduction allowed in subsection (e) of Section 2d of the
13 Retailers' Occupation Tax Act.

14 With respect to gasohol, as defined in the Use Tax Act, the
15 tax imposed by this Act applies to (i) 70% of the selling price
16 of property transferred as an incident to the sale of service
17 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
18 of the selling price of property transferred as an incident to
19 the sale of service on or after July 1, 2003 and on or before
20 July 1, 2017, (iii) 100% of the selling price of property
21 transferred as an incident to the sale of service after July 1,
22 2017 and before January 1, 2024, (iv) 90% of the selling price
23 of property transferred as an incident to the sale of service
24 on or after January 1, 2024 and on or before December 31, 2028,
25 and (v) 100% of the selling price of property transferred as an
26 incident to the sale of service after December 31, 2028. If, at

1 any time, however, the tax under this Act on sales of gasohol,
2 as defined in the Use Tax Act, is imposed at the rate of 1.25%,
3 then the tax imposed by this Act applies to 100% of the
4 proceeds of sales of gasohol made during that time.

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

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

23 With respect to biodiesel blends, as defined in the Use
24 Tax Act, with no less than 1% and no more than 10% biodiesel,
25 the tax imposed by this Act applies to (i) 80% of the selling
26 price of property transferred as an incident to the sale of

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

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

23 At the election of any registered serviceman made for each
24 fiscal year, sales of service in which the aggregate annual
25 cost price of tangible personal property transferred as an
26 incident to the sales of service is less than 35%, or 75% in

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

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

24 Beginning on July 1, 2022 and until July 1, 2023, the tax
25 shall be imposed at the rate of 0% on food prepared for
26 immediate consumption and transferred incident to a sale of

1 service subject to this Act or the Service Occupation Tax Act
2 by an entity licensed under the Hospital Licensing Act, the
3 Nursing Home Care Act, the Assisted Living and Shared Housing
4 Act, the ID/DD Community Care Act, the MC/DD Act, the
5 Specialized Mental Health Rehabilitation Act of 2013, or the
6 Child Care Act of 1969, or an entity that holds a permit issued
7 pursuant to the Life Care Facilities Act. Beginning on July 1,
8 2022 and until July 1, 2023, the tax shall also be imposed at
9 the rate of 0% on 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, and food that has been prepared for
13 immediate consumption and is not otherwise included in this
14 paragraph).

15 The tax shall also be imposed at the rate of 1% on
16 prescription and nonprescription medicines, drugs, medical
17 appliances, products classified as Class III medical devices
18 by the United States Food and Drug Administration that are
19 used for cancer treatment pursuant to a prescription, as well
20 as any accessories and components related to those devices,
21 modifications to a motor vehicle for the purpose of rendering
22 it usable by a person with a disability, and insulin, blood
23 sugar testing materials, syringes, and needles used by human
24 diabetics. For the purposes of this Section, until September
25 1, 2009: the term "soft drinks" means any complete, finished,
26 ready-to-use, non-alcoholic drink, whether carbonated or not,

1 including, but not limited to, soda water, cola, fruit juice,
2 vegetable juice, carbonated water, and all other preparations
3 commonly known as soft drinks of whatever kind or description
4 that are contained in any closed or sealed bottle, can,
5 carton, or container, regardless of size; but "soft drinks"
6 does not include coffee, tea, non-carbonated water, infant
7 formula, milk or milk products as defined in the Grade A
8 Pasteurized Milk and Milk Products Act, or drinks containing
9 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 acquired from a serviceman is
13 acquired outside Illinois and used outside Illinois before
14 being brought to Illinois for use here and is taxable under
15 this Act, the "selling price" on which the tax is computed
16 shall be reduced by an amount that represents a reasonable
17 allowance for depreciation for the period of prior
18 out-of-state use.

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

23 Section 15. The Service Occupation Tax Act is amended by
24 changing Section 3-10 as follows:

1 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 the "selling price", as defined in Section 2 of the Service Use
5 Tax Act, of the tangible personal property. For the purpose of
6 computing this tax, in no event shall the "selling price" be
7 less than the cost price to the serviceman of the tangible
8 personal property transferred. The selling price of each item
9 of tangible personal property transferred as an incident of a
10 sale of service may be shown as a distinct and separate item on
11 the serviceman's billing to the service customer. If the
12 selling price is not so shown, the selling price of the
13 tangible personal property is deemed to be 50% of the
14 serviceman's entire billing to the service customer. When,
15 however, a serviceman contracts to design, develop, and
16 produce special order machinery or equipment, the tax imposed
17 by this Act shall be based on the serviceman's cost price of
18 the tangible personal property transferred incident to the
19 completion of the contract.

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

24 Beginning 30 days after the effective date of this
25 amendatory Act of the 103rd General Assembly, the tax imposed
26 under this Act on the following items may not exceed the cents

1 per gallon rate established by the Department under subsection
2 (e) of Section 2d of the Retailers' Occupation Tax Act: motor
3 fuel, as defined in Section 1.1 of the Motor Fuel Tax Law;
4 gasohol, as defined in Section 3-40 of the Use Tax Act;
5 majority blended ethanol fuel; and biodiesel and biodiesel
6 blends. With respect to the tax imposed on biodiesel blends
7 and gasohol, the maximum cents per gallon rate shall include
8 the reduction allowed in subsection (e) of Section 2d of the
9 Retailers' Occupation Tax Act.

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

1 made during that time.

2 With respect to mid-range ethanol blends, as defined in
3 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
4 applies to (i) 80% of the selling price of property
5 transferred as an incident to the sale of service on or after
6 January 1, 2024 and on or before December 31, 2028 and (ii)
7 100% of the selling price of property transferred as an
8 incident to the sale of service after December 31, 2028. If, at
9 any time, however, the tax under this Act on sales of mid-range
10 ethanol blends is imposed at the rate of 1.25%, then the tax
11 imposed by this Act applies to 100% of the selling price of
12 mid-range ethanol blends transferred as an incident to the
13 sale of service during that time.

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

20 With respect to biodiesel blends, as defined in the Use
21 Tax Act, with no less than 1% and no more than 10% biodiesel,
22 the tax imposed by this Act applies to (i) 80% of the selling
23 price of property transferred as an incident to the sale of
24 service on or after July 1, 2003 and on or before December 31,
25 2018 and (ii) 100% of the proceeds of the selling price after
26 December 31, 2018 and before January 1, 2024. On and after

1 January 1, 2024 and on or before December 31, 2030, the
2 taxation of biodiesel, renewable diesel, and biodiesel blends
3 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
4 at any time, however, the tax under this Act on sales of
5 biodiesel blends, as defined in the Use Tax Act, with no less
6 than 1% and no more than 10% biodiesel is imposed at the rate
7 of 1.25%, then the tax imposed by this Act applies to 100% of
8 the proceeds of sales of biodiesel blends with no less than 1%
9 and no more than 10% biodiesel made during that time.

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

20 At the election of any registered serviceman made for each
21 fiscal year, sales of service in which the aggregate annual
22 cost price of tangible personal property transferred as an
23 incident to the sales of service is less than 35%, or 75% in
24 the case of servicemen transferring prescription drugs or
25 servicemen engaged in graphic arts production, of the
26 aggregate annual total gross receipts from all sales of

1 service, the tax imposed by this Act shall be based on the
2 serviceman's cost price of the tangible personal property
3 transferred incident to the sale of those services.

4 Until July 1, 2022 and beginning again on July 1, 2023, the
5 tax shall be imposed at the rate of 1% on food prepared for
6 immediate consumption and transferred incident to a sale of
7 service subject to this Act or the Service Use Tax Act by an
8 entity licensed under the Hospital Licensing Act, the Nursing
9 Home Care Act, the Assisted Living and Shared Housing Act, the
10 ID/DD Community Care Act, the MC/DD Act, the Specialized
11 Mental Health Rehabilitation Act of 2013, or the Child Care
12 Act of 1969, or an entity that holds a permit issued pursuant
13 to the Life Care Facilities Act. Until July 1, 2022 and
14 beginning again on July 1, 2023, the tax shall also be imposed
15 at the rate of 1% on food for human consumption that is to be
16 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 and is not otherwise included in this
20 paragraph).

21 Beginning on July 1, 2022 and until July 1, 2023, the tax
22 shall be imposed at the rate of 0% on food prepared for
23 immediate consumption and transferred incident to a sale of
24 service subject to this Act or the Service Use Tax Act by an
25 entity licensed under the Hospital Licensing Act, the Nursing
26 Home Care Act, the Assisted Living and Shared Housing Act, the

1 ID/DD Community Care Act, the MC/DD Act, the Specialized
2 Mental Health Rehabilitation Act of 2013, or the Child Care
3 Act of 1969, or an entity that holds a permit issued pursuant
4 to the Life Care Facilities Act. Beginning July 1, 2022 and
5 until July 1, 2023, the tax shall also be imposed at the rate
6 of 0% on food for human consumption that is to be consumed off
7 the premises where it is sold (other than alcoholic beverages,
8 food consisting of or infused with adult use cannabis, soft
9 drinks, and food that has been prepared for immediate
10 consumption and is not otherwise included in this paragraph).

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

1 container, regardless of size; but "soft drinks" does not
2 include coffee, tea, non-carbonated water, infant formula,
3 milk or milk products as defined in the Grade A Pasteurized
4 Milk and Milk Products Act, or drinks containing 50% or more
5 natural fruit or vegetable juice.

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

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

24 Notwithstanding any other provisions of this Act,
25 beginning September 1, 2009, "food for human consumption that
26 is to be consumed off the premises where it is sold" does not

1 include candy. For purposes of this Section, "candy" means a
2 preparation of sugar, honey, or other natural or artificial
3 sweeteners in combination with chocolate, fruits, nuts or
4 other ingredients or flavorings in the form of bars, drops, or
5 pieces. "Candy" does not include any preparation that contains
6 flour or requires refrigeration.

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

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

21 (B) a statement of the "active ingredient(s)" with a
22 list of those ingredients contained in the compound,
23 substance or preparation.

24 Beginning on January 1, 2014 (the effective date of Public
25 Act 98-122), "prescription and nonprescription medicines and
26 drugs" includes medical cannabis purchased from a registered

1 dispensing organization under the Compassionate Use of Medical
2 Cannabis Program Act.

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

8 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;
9 102-700, Article 20, Section 20-15, eff. 4-19-22; 102-700,
10 Article 60, Section 60-25, eff. 4-19-22; 103-9, eff. 6-7-23;
11 103-154, eff. 6-30-23.)

12 Section 20. The Retailers' Occupation Tax Act is amended
13 by changing Sections 2-10 and 2d as follows:

14 (35 ILCS 120/2-10)

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

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

23 Beginning 30 days after the effective date of this
24 amendatory Act of the 103rd General Assembly, the tax imposed

1 under this Act on the following items may not exceed the cents
2 per gallon rate established by the Department under subsection
3 (e) of Section 2d of this Act: motor fuel, as defined in
4 Section 1.1 of the Motor Fuel Tax Law; gasohol, as defined in
5 Section 3-40 of the Use Tax Act; majority blended ethanol
6 fuel; and biodiesel and biodiesel blends. With respect to the
7 tax imposed on biodiesel blends and gasohol, the maximum cents
8 per gallon rate shall include the reduction allowed in
9 subsection (e) of Section 2d.

10 Beginning on August 6, 2010 through August 15, 2010, and
11 beginning again on August 5, 2022 through August 14, 2022,
12 with respect to sales tax holiday items as defined in Section
13 2-8 of this Act, the tax is imposed at the rate of 1.25%.

14 Within 14 days after July 1, 2000 (the effective date of
15 Public Act 91-872), each retailer of motor fuel and gasohol
16 shall cause the following notice to be posted in a prominently
17 visible place on each retail dispensing device that is used to
18 dispense motor fuel or gasohol in the State of Illinois: "As of
19 July 1, 2000, the State of Illinois has eliminated the State's
20 share of sales tax on motor fuel and gasohol through December
21 31, 2000. The price on this pump should reflect the
22 elimination of the tax." The notice shall be printed in bold
23 print on a sign that is no smaller than 4 inches by 8 inches.
24 The sign shall be clearly visible to customers. Any retailer
25 who fails to post or maintain a required sign through December
26 31, 2000 is guilty of a petty offense for which the fine shall

1 be \$500 per day per each retail premises where a violation
2 occurs.

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

16 With respect to mid-range ethanol blends, as defined in
17 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
18 applies to (i) 80% of the proceeds of sales made on or after
19 January 1, 2024 and on or before December 31, 2028 and (ii)
20 100% of the proceeds of sales made after December 31, 2028. If,
21 at any time, however, the tax under this Act on sales of
22 mid-range ethanol blends is imposed at the rate of 1.25%, then
23 the tax imposed by this Act applies to 100% of the proceeds of
24 sales of mid-range ethanol blends made during that time.

25 With respect to majority blended ethanol fuel, as defined
26 in the Use Tax Act, the tax imposed by this Act does not apply

1 to the proceeds of sales made on or after July 1, 2003 and on
2 or before December 31, 2028 but applies to 100% of the proceeds
3 of sales made thereafter.

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

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

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

13 With respect to prescription and nonprescription
14 medicines, drugs, medical appliances, products classified as
15 Class III medical devices by the United States Food and Drug
16 Administration that are used for cancer treatment pursuant to
17 a prescription, as well as any accessories and components
18 related to those devices, modifications to a motor vehicle for
19 the purpose of rendering it usable by a person with a
20 disability, and insulin, blood sugar testing materials,
21 syringes, and needles used by human diabetics, the tax is
22 imposed at the rate of 1%. For the purposes of this Section,
23 until September 1, 2009: the term "soft drinks" means any
24 complete, finished, ready-to-use, non-alcoholic drink, whether
25 carbonated or not, including, but not limited to, soda water,
26 cola, fruit juice, vegetable juice, carbonated water, and all

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

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

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

26 Notwithstanding any other provisions of this Act,

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

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

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

23 (B) a statement of the "active ingredient(s)" with a
24 list of those ingredients contained in the compound,
25 substance or preparation.

26 Beginning on January 1, 2014 (the effective date of Public

1 Act 98-122), "prescription and nonprescription medicines and
2 drugs" includes medical cannabis purchased from a registered
3 dispensing organization under the Compassionate Use of Medical
4 Cannabis Program Act.

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

10 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,
11 Section 20-20, eff. 4-19-22; 102-700, Article 60, Section
12 60-30, eff. 4-19-22; 102-700, Article 65, Section 65-10, eff.
13 4-19-22; 103-9, eff. 6-7-23; 103-154, eff. 6-30-23.)

14 (35 ILCS 120/2d) (from Ch. 120, par. 441d)

15 Sec. 2d. Tax prepayment by motor fuel retailer.

16 (a) Any person engaged in the business of selling motor
17 fuel at retail, as defined in the Motor Fuel Tax Law, and who
18 is not a licensed distributor or supplier, as defined in the
19 Motor Fuel Tax Law, shall prepay to his or her distributor,
20 supplier, or other reseller of motor fuel a portion of the tax
21 imposed by this Act if the distributor, supplier, or other
22 reseller of motor fuel is registered under Section 2a or
23 Section 2c of this Act. The prepayment requirement provided
24 for in this Section does not apply to liquid propane gas.

25 (b) Beginning on July 1, 2000 and through December 31,

1 2000, the Retailers' Occupation Tax paid to the distributor,
2 supplier, or other reseller shall be an amount equal to \$0.01
3 per gallon of the motor fuel, except gasohol as defined in
4 Section 2-10 of this Act which shall be an amount equal to
5 \$0.01 per gallon, purchased from the distributor, supplier, or
6 other reseller.

7 (c) Before July 1, 2000 and then beginning on January 1,
8 2001 and through June 30, 2003, the Retailers' Occupation Tax
9 paid to the distributor, supplier, or other reseller shall be
10 an amount equal to \$0.04 per gallon of the motor fuel, except
11 gasohol as defined in Section 2-10 of this Act which shall be
12 an amount equal to \$0.03 per gallon, purchased from the
13 distributor, supplier, or other reseller.

14 (d) Beginning July 1, 2003 and through December 31, 2010,
15 the Retailers' Occupation Tax paid to the distributor,
16 supplier, or other reseller shall be an amount equal to \$0.06
17 per gallon of the motor fuel, except gasohol as defined in
18 Section 2-10 of this Act which shall be an amount equal to
19 \$0.05 per gallon, purchased from the distributor, supplier, or
20 other reseller.

21 (e) Beginning on January 1, 2011 and thereafter, the
22 Retailers' Occupation Tax paid to the distributor, supplier,
23 or other reseller shall be at the rate established by the
24 Department under this subsection. The rate shall be
25 established by the Department on January 1 and July 1 of each
26 year using the average selling price, as defined in Section 1

1 of this Act, per gallon of motor fuel sold in the State during
2 the previous 6 months and multiplying that amount by 6.25% to
3 determine the cents per gallon rate. Beginning 30 days after
4 the effective date of this amendatory Act of the 103rd General
5 Assembly, the cents per gallon rate established by the
6 Department for motor fuel under this subsection may not exceed
7 \$0.18 per gallon. Beginning on January 1, 2024 and through
8 December 31, 2028, in the case of gasohol, as defined in
9 Section 3-40 of the Use Tax Act, the rate shall be 90% of the
10 rate established by the Department under this subsection for
11 motor fuel. Beginning on January 1, 2024 and through December
12 31, 2028, in the case of mid-range ethanol blends, as defined
13 in Section 3-44.3 of the Use Tax Act, the rate shall be 80% of
14 the rate established by the Department under this subsection
15 for motor fuel. The Department shall provide persons subject
16 to this Section notice of the rate established under this
17 subsection at least 20 days prior to each January 1 and July 1.
18 The Department shall provide persons subject to this Section
19 notice of the rate change required by this amendatory Act of
20 the 103rd General Assembly at least 20 days prior to the date
21 on which that change takes effect. Publication of the
22 established rate on the Department's internet website shall
23 constitute sufficient notice under this Section. The
24 Department may use data derived from independent surveys
25 conducted or accumulated by third parties to determine the
26 average selling price per gallon of motor fuel sold in the

1 State.

2 (f) Any person engaged in the business of selling motor
3 fuel at retail shall be entitled to a credit against tax due
4 under this Act in an amount equal to the tax paid to the
5 distributor, supplier, or other reseller.

6 (g) Every distributor, supplier, or other reseller
7 registered as provided in Section 2a or Section 2c of this Act
8 shall remit the prepaid tax on all motor fuel that is due from
9 any person engaged in the business of selling at retail motor
10 fuel with the returns filed under Section 2f or Section 3 of
11 this Act, but the vendors discount provided in Section 3 shall
12 not apply to the amount of prepaid tax that is remitted. Any
13 distributor or supplier who fails to properly collect and
14 remit the tax shall be liable for the tax. For purposes of this
15 Section, the prepaid tax is due on invoiced gallons sold
16 during a month by the 20th day of the following month.

17 (Source: P.A. 103-9, eff. 6-7-23.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.