



Rep. John E. Bradley

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LRB098 17638 HLH 62350 a

1 AMENDMENT TO SENATE BILL 2915

2 AMENDMENT NO. _____. Amend Senate Bill 2915 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Tobacco Products Manufacturers' Escrow
5 Enforcement Act of 2003 is amended by changing Section 25 as
6 follows:

7 (30 ILCS 167/25)

8 Sec. 25. Reporting of information; escrow installments.

9 (a) Not later than 20 days after the end of each calendar
10 quarter, and more frequently if so directed by the Attorney
11 General, each distributor shall submit the information as the
12 Attorney General requires to facilitate compliance with this
13 Act, including, but not limited to, a list by brand family of
14 the total number of cigarettes or in the case of roll-your-own,
15 the equivalent stick count for which the distributor affixed
16 stamps during the previous calendar quarter or otherwise paid

1 the tax due for these cigarettes. The distributor shall
2 maintain, and make available to the Attorney General, all
3 invoices and documentation of sales of all non-participating
4 manufacturer cigarettes and any other information relied upon
5 in reporting to the Attorney General for a period of 5 years.

6 (b) The Attorney General is authorized to disclose to the
7 Director any information received under this Act for purposes
8 of determining compliance with and enforcing the provisions of
9 this Act. The Director and Attorney General shall share with
10 each other the information received under this Act, and may
11 share the information with other federal, State, or local
12 agencies only for purposes of enforcement of this Act, the
13 Escrow Act, or corresponding laws of other states. The Director
14 and Attorney General shall also share with each other the
15 information received under the Cigarette Tax Act, the Cigarette
16 Use Tax Act, the Tobacco Products Tax Act of 1995, the
17 Cigarette Machine Operators' Occupation Tax Act, and the
18 Retailers' Occupation Tax Act for the purposes of enforcement
19 of this Act and the Escrow Act.

20 (c) The Attorney General may require at any time, from the
21 non-participating manufacturer, proof from the financial
22 institution in which the manufacturer has established a
23 qualified escrow fund for the purpose of compliance with the
24 Escrow Act of the amount of money in the fund being held on
25 behalf of the State and the dates of deposits, and listing the
26 amounts of all withdrawals from the fund and the dates thereof.

1 (d) In addition to the information required to be submitted
2 pursuant to this Act, the Attorney General may require a
3 distributor or tobacco product manufacturer to submit any
4 additional information including, but not limited to, samples
5 of the packaging or labeling of each brand family, as is
6 necessary to enable the Attorney General to determine whether a
7 tobacco product manufacturer is in compliance with this Act.

8 (e) To promote compliance with the provisions of this Act,
9 the Attorney General may promulgate regulations requiring a
10 tobacco product manufacturer subject to the requirements of
11 subsection (a)(2) of Section 15 to make the escrow deposits
12 required in quarterly installments during the year in which the
13 sales covered by the deposits are made. The Attorney General
14 may require production of information sufficient to enable the
15 Attorney General to determine the adequacy of the amount of the
16 installment deposit.

17 (Source: P.A. 93-446, eff. 1-1-04; 94-575, eff. 8-12-05.)

18 Section 10. The Cigarette Machine Operators' Occupation
19 Tax Act is amended by changing Section 1-30 as follows:

20 (35 ILCS 128/1-30)

21 Sec. 1-30. Cigarette tubes used in cigarette machines.

22 (a) All cigarette tubes used in cigarette machines in the
23 possession of cigarette machine operators licensed under
24 Section 1-15 of this Act shall be constructed of paper of a

1 type determined by the Attorney General, pursuant to rules
2 promulgated by the Attorney General under the provisions of the
3 Administrative Procedure Act, to reduce the likely ignition
4 propensity of cigarettes made by those tubes.

5 (b) A cigarette machine operator is not required to comply
6 with subsection (a) of this Section until the Attorney General
7 has promulgated rules implementing subsection (a) and the rules
8 have become effective. The effective date for such rules shall
9 be no earlier than 6 months after the date on which an
10 appropriate nationally recognized standard is developed for
11 the reduced ignition propensity of cigarette tubes ~~January 1,~~
12 ~~2014.~~

13 (Source: P.A. 97-688, eff. 6-14-12.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."