



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5452

Introduced 2/13/2026, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

See Index

Amends the Liquor Control Act of 1934. Changes the short title of the Act to the Liquor and Hemp Products Control Act and makes conforming changes throughout the statutes. Establishes the Hemp Products Commission as a division of the Illinois Liquor Control Commission and establishes local hemp products control commissions. Provides that the Hemp Products Commission shall have the same authority conferred upon the State Commission under specified provisions with respect to alcoholic liquors but only with respect to hemp products. Provides that no hemp product may be given, sold, transferred, or delivered to any person under 21 years of age. Establishes hemp products grower or cultivator licenses, hemp products processor or manufacturer licenses, hemp products distributor or wholesaler licenses, and adult-use hemp products retailer licenses. Sets forth provisions concerning taxation of hemp cannabinoid products; licensing requirements and fees; powers and duties of the Hemp Products Commissions; powers and duties of local hemp products control commissioners; hearings and appeals; the production, processing, manufacturing, sale, and distribution of hemp products and adult-use hemp products; labeling, testing, and advertising requirements; recordkeeping and reporting; social equity; and applicability. Effective January 1, 2027.

LRB104 19658 RPS 33107 b

1 AN ACT concerning regulation.

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

4 Section 5. The Election Code is amended by changing
5 Sections 3-1.3 and 28-6 as follows:

6 (10 ILCS 5/3-1.3) (from Ch. 46, par. 3-1.3)

7 Sec. 3-1.3. Whenever this Code or another statute requires
8 that a nominating petition or a petition proposing a public
9 question shall be signed by a specified percentage of the
10 registered voters of the State, a political subdivision or
11 district or precinct or combination of precincts, the total
12 number of voters to which the percentage is applied shall be
13 the number of voters who are registered in the State,
14 political subdivision or district or precinct or combination
15 of precincts, as the case may be, on the date registration
16 closed before the regular election next preceding the last day
17 on which such petition may be filed in accordance with the
18 general election law. This Section does not apply to the
19 determination of the number of signatures required on a
20 petition filed pursuant to Article IX of the Liquor and Hemp
21 Products Control Act ~~of 1934~~.

22 (Source: P.A. 84-1467.)

1 (10 ILCS 5/28-6) (from Ch. 46, par. 28-6)

2 Sec. 28-6. Petitions; filing.

3 (a) On a written petition signed by a number of voters
4 equal to at least 8% of the total votes cast for candidates for
5 Governor in the preceding gubernatorial election by the
6 registered voters of the municipality, township, county or
7 school district, it shall be the duty of the proper election
8 officers to submit any question of public policy so petitioned
9 for, to the electors of such political subdivision at any
10 regular election named in the petition at which an election is
11 scheduled to be held throughout such political subdivision
12 under Article 2A. Such petitions shall be filed with the local
13 election official of the political subdivision or election
14 authority, as the case may be. Where such a question is to be
15 submitted to the voters of a municipality which has adopted
16 Article 6, or a township or school district located entirely
17 within the jurisdiction of a municipal board of election
18 commissioners, such petitions shall be filed with the board of
19 election commissioners having jurisdiction over the political
20 subdivision.

21 (b) In a municipality with more than 1,000,000
22 inhabitants, when a question of public policy exclusively
23 concerning a contiguous territory included entirely within but
24 not coextensive with the municipality is initiated by
25 resolution or ordinance of the corporate authorities of the
26 municipality, or by a petition which may be signed by

1 registered voters who reside in any part of any precinct all or
2 part of which includes all or part of the territory and who
3 equal in number to at least 8% of the total votes cast for
4 candidates for Governor in the preceding gubernatorial
5 election by the voters of the precinct or precincts in the
6 territory where the question is to be submitted to the voters,
7 it shall be the duty of the election authority having
8 jurisdiction over such municipality to submit such question to
9 the electors throughout each precinct all or part of which
10 includes all or part of the territory at the regular election
11 specified in the resolution, ordinance or petition initiating
12 the public question. A petition initiating a public question
13 described in this subsection shall be filed with the election
14 authority having jurisdiction over the municipality. A
15 resolution, ordinance or petition initiating a public question
16 described in this subsection shall specify the election at
17 which the question is to be submitted.

18 (c) Local questions of public policy authorized by this
19 Section and statewide questions of public policy authorized by
20 Section 28-9 shall be advisory public questions, and no legal
21 effects shall result from the adoption or rejection of such
22 propositions.

23 (d) This Section does not apply to a petition filed
24 pursuant to Article IX of the Liquor and Hemp Products Control
25 Act ~~of 1934~~.

26 (Source: P.A. 97-81, eff. 7-5-11.)

1 Section 10. The Department of Revenue Law of the Civil
2 Administrative Code of Illinois is amended by changing Section
3 2505-40 as follows:

4 (20 ILCS 2505/2505-40) (was 20 ILCS 2505/39b6)

5 Sec. 2505-40. Liquor and Hemp Products Control Act ~~of~~
6 ~~1934~~. The Department has the power to administer and enforce
7 all the rights, powers, and duties contained in Articles VII-A
8 and VIII of the Liquor and Hemp Products Control Act ~~of 1934~~,
9 to collect all revenues thereunder and to succeed to all the
10 rights, powers, and duties previously exercised by the
11 Department of Finance in connection therewith.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 Section 15. The Criminal Identification Act is amended by
14 changing Section 3.1 as follows:

15 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

16 Sec. 3.1. (a) The Illinois State Police may furnish,
17 pursuant to positive identification, records of convictions to
18 the Department of Professional Regulation for the purpose of
19 meeting registration or licensure requirements under the
20 Private Detective, Private Alarm, Private Security,
21 Fingerprint Vendor, and Locksmith Act of 2004.

22 (b) The Illinois State Police may furnish, pursuant to

1 positive identification, records of convictions to policing
2 bodies of this State for the purpose of assisting local liquor
3 control commissioners in carrying out their duty to refuse to
4 issue licenses to persons specified in paragraphs (4), (5) and
5 (6) of Section 6-2 of the Liquor and Hemp Products Control Act
6 ~~of 1934~~.

7 (c) The Illinois State Police shall charge an application
8 fee, based on actual costs, for the dissemination of records
9 pursuant to this Section. Fees received for the dissemination
10 of records pursuant to this Section shall be deposited in the
11 State Police Services Fund. The Illinois State Police is
12 empowered to establish this fee and to prescribe the form and
13 manner for requesting and furnishing conviction information
14 pursuant to this Section.

15 (d) Any dissemination of any information obtained pursuant
16 to this Section to any person not specifically authorized
17 hereby to receive or use it for the purpose for which it was
18 disseminated shall constitute a violation of Section 7.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 Section 20. The Retailers' Occupation Tax Act is amended
21 by changing Section 3 as follows:

22 (35 ILCS 120/3)

23 (Text of Section before amendment by P.A. 104-457)

24 Sec. 3. Except as provided in this Section, on or before

1 the twentieth day of each calendar month, every person engaged
2 in the business of selling, which, on and after January 1,
3 2025, includes leasing, tangible personal property at retail
4 in this State during the preceding calendar month shall file a
5 return with the Department, stating:

6 1. The name of the seller;

7 2. His residence address and the address of his
8 principal place of business and the address of the
9 principal place of business (if that is a different
10 address) from which he engages in the business of selling
11 tangible personal property at retail in this State;

12 3. Total amount of receipts received by him during the
13 preceding calendar month or quarter, as the case may be,
14 from sales of tangible personal property, and from
15 services furnished, by him during such preceding calendar
16 month or quarter;

17 4. Total amount received by him during the preceding
18 calendar month or quarter on charge and time sales of
19 tangible personal property, and from services furnished,
20 by him prior to the month or quarter for which the return
21 is filed;

22 5. Deductions allowed by law;

23 6. Gross receipts which were received by him during
24 the preceding calendar month or quarter and upon the basis
25 of which the tax is imposed, including gross receipts on
26 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,
3 soft drinks, and food that has been prepared for immediate
4 consumption) which were received during the preceding
5 calendar month or quarter and upon which tax would have
6 been due but for the 0% rate imposed under Public Act
7 102-700;

8 7. The amount of credit provided in Section 2d of this
9 Act;

10 8. The amount of tax due, including the amount of tax
11 that would have been due on food for human consumption
12 that is to be consumed off the premises where it is sold
13 (other than alcoholic beverages, food consisting of or
14 infused with adult use cannabis, soft drinks, and food
15 that has been prepared for immediate consumption) but for
16 the 0% rate imposed under Public Act 102-700;

17 9. The signature of the taxpayer; and

18 10. Such other reasonable information as the
19 Department may require.

20 In the case of leases, except as otherwise provided in
21 this Act, the lessor must remit for each tax return period only
22 the tax applicable to that part of the selling price actually
23 received during such tax return period.

24 On and after January 1, 2018, except for returns required
25 to be filed prior to January 1, 2023 for motor vehicles,
26 watercraft, aircraft, and trailers that are required to be

1 registered with an agency of this State, with respect to
2 retailers whose annual gross receipts average \$20,000 or more,
3 all returns required to be filed pursuant to this Act shall be
4 filed electronically. On and after January 1, 2023, with
5 respect to retailers whose annual gross receipts average
6 \$20,000 or more, all returns required to be filed pursuant to
7 this Act, including, but not limited to, returns for motor
8 vehicles, watercraft, aircraft, and trailers that are required
9 to be registered with an agency of this State, shall be filed
10 electronically. Retailers who demonstrate that they do not
11 have access to the Internet or demonstrate hardship in filing
12 electronically may petition the Department to waive the
13 electronic filing requirement.

14 If a taxpayer fails to sign a return within 30 days after
15 the proper notice and demand for signature by the Department,
16 the return shall be considered valid and any amount shown to be
17 due on the return shall be deemed assessed.

18 Each return shall be accompanied by the statement of
19 prepaid tax issued pursuant to Section 2e for which credit is
20 claimed.

21 Prior to October 1, 2003 and on and after September 1,
22 2004, a retailer may accept a Manufacturer's Purchase Credit
23 certification from a purchaser in satisfaction of Use Tax as
24 provided in Section 3-85 of the Use Tax Act if the purchaser
25 provides the appropriate documentation as required by Section
26 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit

1 certification, accepted by a retailer prior to October 1, 2003
2 and on and after September 1, 2004 as provided in Section 3-85
3 of the Use Tax Act, may be used by that retailer to satisfy
4 Retailers' Occupation Tax liability in the amount claimed in
5 the certification, not to exceed 6.25% of the receipts subject
6 to tax from a qualifying purchase. A Manufacturer's Purchase
7 Credit reported on any original or amended return filed under
8 this Act after October 20, 2003 for reporting periods prior to
9 September 1, 2004 shall be disallowed. Manufacturer's Purchase
10 Credit reported on annual returns due on or after January 1,
11 2005 will be disallowed for periods prior to September 1,
12 2004. No Manufacturer's Purchase Credit may be used after
13 September 30, 2003 through August 31, 2004 to satisfy any tax
14 liability imposed under this Act, including any audit
15 liability.

16 Beginning on July 1, 2023 and through December 31, 2032, a
17 retailer may accept a Sustainable Aviation Fuel Purchase
18 Credit certification from an air common carrier-purchaser in
19 satisfaction of Use Tax on aviation fuel as provided in
20 Section 3-87 of the Use Tax Act if the purchaser provides the
21 appropriate documentation as required by Section 3-87 of the
22 Use Tax Act. A Sustainable Aviation Fuel Purchase Credit
23 certification accepted by a retailer in accordance with this
24 paragraph may be used by that retailer to satisfy Retailers'
25 Occupation Tax liability (but not in satisfaction of penalty
26 or interest) in the amount claimed in the certification, not

1 to exceed 6.25% of the receipts subject to tax from a sale of
2 aviation fuel. In addition, for a sale of aviation fuel to
3 qualify to earn the Sustainable Aviation Fuel Purchase Credit,
4 retailers must retain in their books and records a
5 certification from the producer of the aviation fuel that the
6 aviation fuel sold by the retailer and for which a sustainable
7 aviation fuel purchase credit was earned meets the definition
8 of sustainable aviation fuel under Section 3-87 of the Use Tax
9 Act. The documentation must include detail sufficient for the
10 Department to determine the number of gallons of sustainable
11 aviation fuel sold.

12 The Department may require returns to be filed on a
13 quarterly basis. If so required, a return for each calendar
14 quarter shall be filed on or before the twentieth day of the
15 calendar month following the end of such calendar quarter. The
16 taxpayer shall also file a return with the Department for each
17 of the first 2 months of each calendar quarter, on or before
18 the twentieth day of the following calendar month, stating:

19 1. The name of the seller;

20 2. The address of the principal place of business from
21 which he engages in the business of selling tangible
22 personal property at retail in this State;

23 3. The total amount of taxable receipts received by
24 him during the preceding calendar month from sales of
25 tangible personal property by him during such preceding
26 calendar month, including receipts from charge and time

1 sales, but less all deductions allowed by law;

2 4. The amount of credit provided in Section 2d of this
3 Act;

4 5. The amount of tax due; and

5 6. Such other reasonable information as the Department
6 may require.

7 Every person engaged in the business of selling aviation
8 fuel at retail in this State during the preceding calendar
9 month shall, instead of reporting and paying tax as otherwise
10 required by this Section, report and pay such tax on a separate
11 aviation fuel tax return. The requirements related to the
12 return shall be as otherwise provided in this Section.
13 Notwithstanding any other provisions of this Act to the
14 contrary, retailers selling aviation fuel shall file all
15 aviation fuel tax returns and shall make all aviation fuel tax
16 payments by electronic means in the manner and form required
17 by the Department. For purposes of this Section, "aviation
18 fuel" means jet fuel and aviation gasoline.

19 Beginning on October 1, 2003, any person who is not a
20 licensed distributor, importing distributor, or manufacturer,
21 as defined in the Liquor and Hemp Products Control Act ~~of 1934~~,
22 but is engaged in the business of selling, at retail,
23 alcoholic liquor shall file a statement with the Department of
24 Revenue, in a format and at a time prescribed by the
25 Department, showing the total amount paid for alcoholic liquor
26 purchased during the preceding month and such other

1 information as is reasonably required by the Department. The
2 Department may adopt rules to require that this statement be
3 filed in an electronic or telephonic format. Such rules may
4 provide for exceptions from the filing requirements of this
5 paragraph. For the purposes of this paragraph, the term
6 "alcoholic liquor" shall have the meaning prescribed in the
7 Liquor and Hemp Products Control Act ~~of 1934~~.

8 Beginning on October 1, 2003, every distributor, importing
9 distributor, and manufacturer of alcoholic liquor as defined
10 in the Liquor and Hemp Products Control Act ~~of 1934~~, shall file
11 a statement with the Department of Revenue, no later than the
12 10th day of the month for the preceding month during which
13 transactions occurred, by electronic means, showing the total
14 amount of gross receipts from the sale of alcoholic liquor
15 sold or distributed during the preceding month to purchasers;
16 identifying the purchaser to whom it was sold or distributed;
17 the purchaser's tax registration number; and such other
18 information reasonably required by the Department. A
19 distributor, importing distributor, or manufacturer of
20 alcoholic liquor must personally deliver, mail, or provide by
21 electronic means to each retailer listed on the monthly
22 statement a report containing a cumulative total of that
23 distributor's, importing distributor's, or manufacturer's
24 total sales of alcoholic liquor to that retailer no later than
25 the 10th day of the month for the preceding month during which
26 the transaction occurred. The distributor, importing

1 distributor, or manufacturer shall notify the retailer as to
2 the method by which the distributor, importing distributor, or
3 manufacturer will provide the sales information. If the
4 retailer is unable to receive the sales information by
5 electronic means, the distributor, importing distributor, or
6 manufacturer shall furnish the sales information by personal
7 delivery or by mail. For purposes of this paragraph, the term
8 "electronic means" includes, but is not limited to, the use of
9 a secure Internet website, e-mail, or facsimile.

10 If a total amount of less than \$1 is payable, refundable or
11 creditable, such amount shall be disregarded if it is less
12 than 50 cents and shall be increased to \$1 if it is 50 cents or
13 more.

14 Notwithstanding any other provision of this Act to the
15 contrary, retailers subject to tax on cannabis shall file all
16 cannabis tax returns and shall make all cannabis tax payments
17 by electronic means in the manner and form required by the
18 Department.

19 Beginning October 1, 1993, a taxpayer who has an average
20 monthly tax liability of \$150,000 or more shall make all
21 payments required by rules of the Department by electronic
22 funds transfer. Beginning October 1, 1994, a taxpayer who has
23 an average monthly tax liability of \$100,000 or more shall
24 make all payments required by rules of the Department by
25 electronic funds transfer. Beginning October 1, 1995, a
26 taxpayer who has an average monthly tax liability of \$50,000

1 or more shall make all payments required by rules of the
2 Department by electronic funds transfer. Beginning October 1,
3 2000, a taxpayer who has an annual tax liability of \$200,000 or
4 more shall make all payments required by rules of the
5 Department by electronic funds transfer. The term "annual tax
6 liability" shall be the sum of the taxpayer's liabilities
7 under this Act, and under all other State and local occupation
8 and use tax laws administered by the Department, for the
9 immediately preceding calendar year. The term "average monthly
10 tax liability" shall be the sum of the taxpayer's liabilities
11 under this Act, and under all other State and local occupation
12 and use tax laws administered by the Department, for the
13 immediately preceding calendar year divided by 12. Beginning
14 on October 1, 2002, a taxpayer who has a tax liability in the
15 amount set forth in subsection (b) of Section 2505-210 of the
16 Department of Revenue Law shall make all payments required by
17 rules of the Department by electronic funds transfer.

18 Before August 1 of each year beginning in 1993, the
19 Department shall notify all taxpayers required to make
20 payments by electronic funds transfer. All taxpayers required
21 to make payments by electronic funds transfer shall make those
22 payments for a minimum of one year beginning on October 1.

23 Any taxpayer not required to make payments by electronic
24 funds transfer may make payments by electronic funds transfer
25 with the permission of the Department.

26 All taxpayers required to make payment by electronic funds

1 transfer and any taxpayers authorized to voluntarily make
2 payments by electronic funds transfer shall make those
3 payments in the manner authorized by the Department.

4 The Department shall adopt such rules as are necessary to
5 effectuate a program of electronic funds transfer and the
6 requirements of this Section.

7 Any amount which is required to be shown or reported on any
8 return or other document under this Act shall, if such amount
9 is not a whole-dollar amount, be increased to the nearest
10 whole-dollar amount in any case where the fractional part of a
11 dollar is 50 cents or more, and decreased to the nearest
12 whole-dollar amount where the fractional part of a dollar is
13 less than 50 cents.

14 If the retailer is otherwise required to file a monthly
15 return and if the retailer's average monthly tax liability to
16 the Department does not exceed \$200, the Department may
17 authorize his returns to be filed on a quarter annual basis,
18 with the return for January, February, and March of a given
19 year being due by April 20 of such year; with the return for
20 April, May, and June of a given year being due by July 20 of
21 such year; with the return for July, August, and September of a
22 given year being due by October 20 of such year, and with the
23 return for October, November, and December of a given year
24 being due by January 20 of the following year.

25 If the retailer is otherwise required to file a monthly or
26 quarterly return and if the retailer's average monthly tax

1 liability with the Department does not exceed \$50, the
2 Department may authorize his returns to be filed on an annual
3 basis, with the return for a given year being due by January 20
4 of the following year.

5 Such quarter annual and annual returns, as to form and
6 substance, shall be subject to the same requirements as
7 monthly returns.

8 Notwithstanding any other provision in this Act concerning
9 the time within which a retailer may file his return, in the
10 case of any retailer who ceases to engage in a kind of business
11 which makes him responsible for filing returns under this Act,
12 such retailer shall file a final return under this Act with the
13 Department not more than one month after discontinuing such
14 business.

15 Where the same person has more than one business
16 registered with the Department under separate registrations
17 under this Act, such person may not file each return that is
18 due as a single return covering all such registered
19 businesses, but shall file separate returns for each such
20 registered business.

21 In addition, with respect to motor vehicles, watercraft,
22 aircraft, and trailers that are required to be registered with
23 an agency of this State, except as otherwise provided in this
24 Section, every retailer selling this kind of tangible personal
25 property shall file, with the Department, upon a form to be
26 prescribed and supplied by the Department, a separate return

1 for each such item of tangible personal property which the
2 retailer sells, except that if, in the same transaction, (i) a
3 retailer of aircraft, watercraft, motor vehicles, or trailers
4 transfers more than one aircraft, watercraft, motor vehicle,
5 or trailer to another aircraft, watercraft, motor vehicle
6 retailer, or trailer retailer for the purpose of resale or
7 (ii) a retailer of aircraft, watercraft, motor vehicles, or
8 trailers transfers more than one aircraft, watercraft, motor
9 vehicle, or trailer to a purchaser for use as a qualifying
10 rolling stock as provided in Section 2-5 of this Act, then that
11 seller may report the transfer of all aircraft, watercraft,
12 motor vehicles, or trailers involved in that transaction to
13 the Department on the same uniform invoice-transaction
14 reporting return form. For purposes of this Section,
15 "watercraft" means a Class 2, Class 3, or Class 4 watercraft as
16 defined in Section 3-2 of the Boat Registration and Safety
17 Act, a personal watercraft, or any boat equipped with an
18 inboard motor.

19 In addition, with respect to motor vehicles, watercraft,
20 aircraft, and trailers that are required to be registered with
21 an agency of this State, every person who is engaged in the
22 business of leasing or renting such items and who, in
23 connection with such business, sells any such item to a
24 retailer for the purpose of resale is, notwithstanding any
25 other provision of this Section to the contrary, authorized to
26 meet the return-filing requirement of this Act by reporting

1 the transfer of all the aircraft, watercraft, motor vehicles,
2 or trailers transferred for resale during a month to the
3 Department on the same uniform invoice-transaction reporting
4 return form on or before the 20th of the month following the
5 month in which the transfer takes place. Notwithstanding any
6 other provision of this Act to the contrary, all returns filed
7 under this paragraph must be filed by electronic means in the
8 manner and form as required by the Department.

9 Any retailer who sells only motor vehicles, watercraft,
10 aircraft, or trailers that are required to be registered with
11 an agency of this State, so that all retailers' occupation tax
12 liability is required to be reported, and is reported, on such
13 transaction reporting returns and who is not otherwise
14 required to file monthly or quarterly returns, need not file
15 monthly or quarterly returns. However, those retailers shall
16 be required to file returns on an annual basis.

17 The transaction reporting return, in the case of motor
18 vehicles or trailers that are required to be registered with
19 an agency of this State, shall be the same document as the
20 Uniform Invoice referred to in Section 5-402 of the Illinois
21 Vehicle Code and must show the name and address of the seller;
22 the name and address of the purchaser; the amount of the
23 selling price including the amount allowed by the retailer for
24 traded-in property, if any; the amount allowed by the retailer
25 for the traded-in tangible personal property, if any, to the
26 extent to which Section 1 of this Act allows an exemption for

1 the value of traded-in property; the balance payable after
2 deducting such trade-in allowance from the total selling
3 price; the amount of tax due from the retailer with respect to
4 such transaction; the amount of tax collected from the
5 purchaser by the retailer on such transaction (or satisfactory
6 evidence that such tax is not due in that particular instance,
7 if that is claimed to be the fact); the place and date of the
8 sale; a sufficient identification of the property sold; such
9 other information as is required in Section 5-402 of the
10 Illinois Vehicle Code, and such other information as the
11 Department may reasonably require.

12 The transaction reporting return in the case of watercraft
13 or aircraft must show the name and address of the seller; the
14 name and address of the purchaser; the amount of the selling
15 price including the amount allowed by the retailer for
16 traded-in property, if any; the amount allowed by the retailer
17 for the traded-in tangible personal property, if any, to the
18 extent to which Section 1 of this Act allows an exemption for
19 the value of traded-in property; the balance payable after
20 deducting such trade-in allowance from the total selling
21 price; the amount of tax due from the retailer with respect to
22 such transaction; the amount of tax collected from the
23 purchaser by the retailer on such transaction (or satisfactory
24 evidence that such tax is not due in that particular instance,
25 if that is claimed to be the fact); the place and date of the
26 sale, a sufficient identification of the property sold, and

1 such other information as the Department may reasonably
2 require.

3 Such transaction reporting return shall be filed not later
4 than 20 days after the day of delivery of the item that is
5 being sold, but may be filed by the retailer at any time sooner
6 than that if he chooses to do so. The transaction reporting
7 return and tax remittance or proof of exemption from the
8 Illinois use tax may be transmitted to the Department by way of
9 the State agency with which, or State officer with whom the
10 tangible personal property must be titled or registered (if
11 titling or registration is required) if the Department and
12 such agency or State officer determine that this procedure
13 will expedite the processing of applications for title or
14 registration.

15 With each such transaction reporting return, the retailer
16 shall remit the proper amount of tax due (or shall submit
17 satisfactory evidence that the sale is not taxable if that is
18 the case), to the Department or its agents, whereupon the
19 Department shall issue, in the purchaser's name, a use tax
20 receipt (or a certificate of exemption if the Department is
21 satisfied that the particular sale is tax-exempt ~~tax-exempt~~)
22 which such purchaser may submit to the agency with which, or
23 State officer with whom, he must title or register the
24 tangible personal property that is involved (if titling or
25 registration is required) in support of such purchaser's
26 application for an Illinois certificate or other evidence of

1 title or registration to such tangible personal property.

2 No retailer's failure or refusal to remit tax under this
3 Act precludes a user, who has paid the proper tax to the
4 retailer, from obtaining his certificate of title or other
5 evidence of title or registration (if titling or registration
6 is required) upon satisfying the Department that such user has
7 paid the proper tax (if tax is due) to the retailer. The
8 Department shall adopt appropriate rules to carry out the
9 mandate of this paragraph.

10 If the user who would otherwise pay tax to the retailer
11 wants the transaction reporting return filed and the payment
12 of the tax or proof of exemption made to the Department before
13 the retailer is willing to take these actions and such user has
14 not paid the tax to the retailer, such user may certify to the
15 fact of such delay by the retailer and may (upon the Department
16 being satisfied of the truth of such certification) transmit
17 the information required by the transaction reporting return
18 and the remittance for tax or proof of exemption directly to
19 the Department and obtain his tax receipt or exemption
20 determination, in which event the transaction reporting return
21 and tax remittance (if a tax payment was required) shall be
22 credited by the Department to the proper retailer's account
23 with the Department, but without the vendor's discount
24 provided for in this Section being allowed. When the user pays
25 the tax directly to the Department, he shall pay the tax in the
26 same amount and in the same form in which it would be remitted

1 if the tax had been remitted to the Department by the retailer.

2 On and after January 1, 2025, with respect to the lease of
3 trailers, other than semitrailers as defined in Section 1-187
4 of the Illinois Vehicle Code, that are required to be
5 registered with an agency of this State and that are subject to
6 the tax on lease receipts under this Act, notwithstanding any
7 other provision of this Act to the contrary, for the purpose of
8 reporting and paying tax under this Act on those lease
9 receipts, lessors shall file returns in addition to and
10 separate from the transaction reporting return. Lessors shall
11 file those lease returns and make payment to the Department by
12 electronic means on or before the 20th day of each month
13 following the month, quarter, or year, as applicable, in which
14 lease receipts were received. All lease receipts received by
15 the lessor from the lease of those trailers during the same
16 reporting period shall be reported and tax shall be paid on a
17 single return form to be prescribed by the Department.

18 Refunds made by the seller during the preceding return
19 period to purchasers, on account of tangible personal property
20 returned to the seller, shall be allowed as a deduction under
21 subdivision 5 of his monthly or quarterly return, as the case
22 may be, in case the seller had theretofore included the
23 receipts from the sale of such tangible personal property in a
24 return filed by him and had paid the tax imposed by this Act
25 with respect to such receipts.

26 Where the seller is a corporation, the return filed on

1 behalf of such corporation shall be signed by the president,
2 vice-president, secretary, or treasurer or by the properly
3 accredited agent of such corporation.

4 Where the seller is a limited liability company, the
5 return filed on behalf of the limited liability company shall
6 be signed by a manager, member, or properly accredited agent
7 of the limited liability company.

8 Except as provided in this Section, the retailer filing
9 the return under this Section shall, at the time of filing such
10 return, pay to the Department the amount of tax imposed by this
11 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
12 on and after January 1, 1990, or \$5 per calendar year,
13 whichever is greater, which is allowed to reimburse the
14 retailer for the expenses incurred in keeping records,
15 preparing and filing returns, remitting the tax and supplying
16 data to the Department on request. A ~~a~~ certified service
17 provider, as defined in the Leveling the Playing Field for
18 Illinois Retail Act, filing the return under this Section on
19 behalf of a remote retailer or a retailer maintaining a place
20 of business in this State shall, at the time of such return,
21 pay to the Department the amount of tax imposed by this Act
22 less a discount of 1.75%. A remote retailer or a retailer
23 maintaining a place of business in this State using a
24 certified service provider to file a return on its behalf, as
25 provided in the Leveling the Playing Field for Illinois Retail
26 Act, is not eligible for the discount. Beginning with returns

1 due on or after January 1, 2025, the vendor's discount allowed
2 in this Section, the Service Occupation Tax Act, the Use Tax
3 Act, and the Service Use Tax Act, including any local tax
4 administered by the Department and reported on the same
5 return, shall not exceed \$1,000 per month in the aggregate for
6 returns other than transaction returns filed during the month.
7 When determining the discount allowed under this Section,
8 retailers shall include the amount of tax that would have been
9 due at the 1% rate but for the 0% rate imposed under Public Act
10 102-700. When determining the discount allowed under this
11 Section, retailers shall include the amount of tax that would
12 have been due at the 6.25% rate but for the 1.25% rate imposed
13 on sales tax holiday items under Public Act 102-700. The
14 discount under this Section is not allowed for the 1.25%
15 portion of taxes paid on aviation fuel that is subject to the
16 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
17 47133. Any prepayment made pursuant to Section 2d of this Act
18 shall be included in the amount on which such discount is
19 computed. In the case of retailers who report and pay the tax
20 on a transaction by transaction basis, as provided in this
21 Section, such discount shall be taken with each such tax
22 remittance instead of when such retailer files his periodic
23 return, but, beginning with returns due on or after January 1,
24 2025, the vendor's discount allowed under this Section and the
25 Use Tax Act, including any local tax administered by the
26 Department and reported on the same transaction return, shall

1 not exceed \$1,000 per month for all transaction returns filed
2 during the month. The discount allowed under this Section is
3 allowed only for returns that are filed in the manner required
4 by this Act. The Department may disallow the discount for
5 retailers whose certificate of registration is revoked at the
6 time the return is filed, but only if the Department's
7 decision to revoke the certificate of registration has become
8 final.

9 Before October 1, 2000, if the taxpayer's average monthly
10 tax liability to the Department under this Act, the Use Tax
11 Act, the Service Occupation Tax Act, and the Service Use Tax
12 Act, excluding any liability for prepaid sales tax to be
13 remitted in accordance with Section 2d of this Act, was
14 \$10,000 or more during the preceding 4 complete calendar
15 quarters, he shall file a return with the Department each
16 month by the 20th day of the month next following the month
17 during which such tax liability is incurred and shall make
18 payments to the Department on or before the 7th, 15th, 22nd and
19 last day of the month during which such liability is incurred.
20 On and after October 1, 2000, if the taxpayer's average
21 monthly tax liability to the Department under this Act, the
22 Use Tax Act, the Service Occupation Tax Act, and the Service
23 Use Tax Act, excluding any liability for prepaid sales tax to
24 be remitted in accordance with Section 2d of this Act, was
25 \$20,000 or more during the preceding 4 complete calendar
26 quarters, he shall file a return with the Department each

1 month by the 20th day of the month next following the month
2 during which such tax liability is incurred and shall make
3 payment to the Department on or before the 7th, 15th, 22nd and
4 last day of the month during which such liability is incurred.
5 If the month during which such tax liability is incurred began
6 prior to January 1, 1985, each payment shall be in an amount
7 equal to 1/4 of the taxpayer's actual liability for the month
8 or an amount set by the Department not to exceed 1/4 of the
9 average monthly liability of the taxpayer to the Department
10 for the preceding 4 complete calendar quarters (excluding the
11 month of highest liability and the month of lowest liability
12 in such 4 quarter period). If the month during which such tax
13 liability is incurred begins on or after January 1, 1985 and
14 prior to January 1, 1987, each payment shall be in an amount
15 equal to 22.5% of the taxpayer's actual liability for the
16 month or 27.5% of the taxpayer's liability for the same
17 calendar month of the preceding year. If the month during
18 which such tax liability is incurred begins on or after
19 January 1, 1987 and prior to January 1, 1988, each payment
20 shall be in an amount equal to 22.5% of the taxpayer's actual
21 liability for the month or 26.25% of the taxpayer's liability
22 for the same calendar month of the preceding year. If the month
23 during which such tax liability is incurred begins on or after
24 January 1, 1988, and prior to January 1, 1989, or begins on or
25 after January 1, 1996, each payment shall be in an amount equal
26 to 22.5% of the taxpayer's actual liability for the month or

1 25% of the taxpayer's liability for the same calendar month of
2 the preceding year. If the month during which such tax
3 liability is incurred begins on or after January 1, 1989, and
4 prior to January 1, 1996, each payment shall be in an amount
5 equal to 22.5% of the taxpayer's actual liability for the
6 month or 25% of the taxpayer's liability for the same calendar
7 month of the preceding year or 100% of the taxpayer's actual
8 liability for the quarter monthly reporting period. The amount
9 of such quarter monthly payments shall be credited against the
10 final tax liability of the taxpayer's return for that month.
11 Before October 1, 2000, once applicable, the requirement of
12 the making of quarter monthly payments to the Department by
13 taxpayers having an average monthly tax liability of \$10,000
14 or more as determined in the manner provided above shall
15 continue until such taxpayer's average monthly liability to
16 the Department during the preceding 4 complete calendar
17 quarters (excluding the month of highest liability and the
18 month of lowest liability) is less than \$9,000, or until such
19 taxpayer's average monthly liability to the Department as
20 computed for each calendar quarter of the 4 preceding complete
21 calendar quarter period is less than \$10,000. However, if a
22 taxpayer can show the Department that a substantial change in
23 the taxpayer's business has occurred which causes the taxpayer
24 to anticipate that his average monthly tax liability for the
25 reasonably foreseeable future will fall below the \$10,000
26 threshold stated above, then such taxpayer may petition the

1 Department for a change in such taxpayer's reporting status.
2 On and after October 1, 2000, once applicable, the requirement
3 of the making of quarter monthly payments to the Department by
4 taxpayers having an average monthly tax liability of \$20,000
5 or more as determined in the manner provided above shall
6 continue until such taxpayer's average monthly liability to
7 the Department during the preceding 4 complete calendar
8 quarters (excluding the month of highest liability and the
9 month of lowest liability) is less than \$19,000 or until such
10 taxpayer's average monthly liability to the Department as
11 computed for each calendar quarter of the 4 preceding complete
12 calendar quarter period is less than \$20,000. However, if a
13 taxpayer can show the Department that a substantial change in
14 the taxpayer's business has occurred which causes the taxpayer
15 to anticipate that his average monthly tax liability for the
16 reasonably foreseeable future will fall below the \$20,000
17 threshold stated above, then such taxpayer may petition the
18 Department for a change in such taxpayer's reporting status.
19 The Department shall change such taxpayer's reporting status
20 unless it finds that such change is seasonal in nature and not
21 likely to be long term. Quarter monthly payment status shall
22 be determined under this paragraph as if the rate reduction to
23 0% in Public Act 102-700 on food for human consumption that is
24 to be consumed off the premises where it is sold (other than
25 alcoholic beverages, food consisting of or infused with adult
26 use cannabis, soft drinks, and food that has been prepared for

1 immediate consumption) had not occurred. For quarter monthly
2 payments due under this paragraph on or after July 1, 2023 and
3 through June 30, 2024, "25% of the taxpayer's liability for
4 the same calendar month of the preceding year" shall be
5 determined as if the rate reduction to 0% in Public Act 102-700
6 had not occurred. Quarter monthly payment status shall be
7 determined under this paragraph as if the rate reduction to
8 1.25% in Public Act 102-700 on sales tax holiday items had not
9 occurred. For quarter monthly payments due on or after July 1,
10 2023 and through June 30, 2024, "25% of the taxpayer's
11 liability for the same calendar month of the preceding year"
12 shall be determined as if the rate reduction to 1.25% in Public
13 Act 102-700 on sales tax holiday items had not occurred. If any
14 such quarter monthly payment is not paid at the time or in the
15 amount required by this Section, then the taxpayer shall be
16 liable for penalties and interest on the difference between
17 the minimum amount due as a payment and the amount of such
18 quarter monthly payment actually and timely paid, except
19 insofar as the taxpayer has previously made payments for that
20 month to the Department in excess of the minimum payments
21 previously due as provided in this Section. The Department
22 shall make reasonable rules and regulations to govern the
23 quarter monthly payment amount and quarter monthly payment
24 dates for taxpayers who file on other than a calendar monthly
25 basis.

26 The provisions of this paragraph apply before October 1,

1 2001. Without regard to whether a taxpayer is required to make
2 quarter monthly payments as specified above, any taxpayer who
3 is required by Section 2d of this Act to collect and remit
4 prepaid taxes and has collected prepaid taxes which average in
5 excess of \$25,000 per month during the preceding 2 complete
6 calendar quarters, shall file a return with the Department as
7 required by Section 2f and shall make payments to the
8 Department on or before the 7th, 15th, 22nd and last day of the
9 month during which such liability is incurred. If the month
10 during which such tax liability is incurred began prior to
11 September 1, 1985 (the effective date of Public Act 84-221),
12 each payment shall be in an amount not less than 22.5% of the
13 taxpayer's actual liability under Section 2d. If the month
14 during which such tax liability is incurred begins on or after
15 January 1, 1986, each payment shall be in an amount equal to
16 22.5% of the taxpayer's actual liability for the month or
17 27.5% of the taxpayer's liability for the same calendar month
18 of the preceding calendar year. If the month during which such
19 tax liability is incurred begins on or after January 1, 1987,
20 each payment shall be in an amount equal to 22.5% of the
21 taxpayer's actual liability for the month or 26.25% of the
22 taxpayer's liability for the same calendar month of the
23 preceding year. The amount of such quarter monthly payments
24 shall be credited against the final tax liability of the
25 taxpayer's return for that month filed under this Section or
26 Section 2f, as the case may be. Once applicable, the

1 requirement of the making of quarter monthly payments to the
2 Department pursuant to this paragraph shall continue until
3 such taxpayer's average monthly prepaid tax collections during
4 the preceding 2 complete calendar quarters is \$25,000 or less.
5 If any such quarter monthly payment is not paid at the time or
6 in the amount required, the taxpayer shall be liable for
7 penalties and interest on such difference, except insofar as
8 the taxpayer has previously made payments for that month in
9 excess of the minimum payments previously due.

10 The provisions of this paragraph apply on and after
11 October 1, 2001. Without regard to whether a taxpayer is
12 required to make quarter monthly payments as specified above,
13 any taxpayer who is required by Section 2d of this Act to
14 collect and remit prepaid taxes and has collected prepaid
15 taxes that average in excess of \$20,000 per month during the
16 preceding 4 complete calendar quarters shall file a return
17 with the Department as required by Section 2f and shall make
18 payments to the Department on or before the 7th, 15th, 22nd,
19 and last day of the month during which the liability is
20 incurred. Each payment shall be in an amount equal to 22.5% of
21 the taxpayer's actual liability for the month or 25% of the
22 taxpayer's liability for the same calendar month of the
23 preceding year. The amount of the quarter monthly payments
24 shall be credited against the final tax liability of the
25 taxpayer's return for that month filed under this Section or
26 Section 2f, as the case may be. Once applicable, the

1 requirement of the making of quarter monthly payments to the
2 Department pursuant to this paragraph shall continue until the
3 taxpayer's average monthly prepaid tax collections during the
4 preceding 4 complete calendar quarters (excluding the month of
5 highest liability and the month of lowest liability) is less
6 than \$19,000 or until such taxpayer's average monthly
7 liability to the Department as computed for each calendar
8 quarter of the 4 preceding complete calendar quarters is less
9 than \$20,000. If any such quarter monthly payment is not paid
10 at the time or in the amount required, the taxpayer shall be
11 liable for penalties and interest on such difference, except
12 insofar as the taxpayer has previously made payments for that
13 month in excess of the minimum payments previously due.

14 If any payment provided for in this Section exceeds the
15 taxpayer's liabilities under this Act, the Use Tax Act, the
16 Service Occupation Tax Act, and the Service Use Tax Act, as
17 shown on an original monthly return, the Department shall, if
18 requested by the taxpayer, issue to the taxpayer a credit
19 memorandum no later than 30 days after the date of payment. The
20 credit evidenced by such credit memorandum may be assigned by
21 the taxpayer to a similar taxpayer under this Act, the Use Tax
22 Act, the Service Occupation Tax Act, or the Service Use Tax
23 Act, in accordance with reasonable rules and regulations to be
24 prescribed by the Department. If no such request is made, the
25 taxpayer may credit such excess payment against tax liability
26 subsequently to be remitted to the Department under this Act,

1 the Use Tax Act, the Service Occupation Tax Act, or the Service
2 Use Tax Act, in accordance with reasonable rules and
3 regulations prescribed by the Department. If the Department
4 subsequently determined that all or any part of the credit
5 taken was not actually due to the taxpayer, the taxpayer's
6 vendor's discount shall be reduced, if necessary, to reflect
7 the difference between the credit taken and that actually due,
8 and that taxpayer shall be liable for penalties and interest
9 on such difference.

10 If a retailer of motor fuel is entitled to a credit under
11 Section 2d of this Act which exceeds the taxpayer's liability
12 to the Department under this Act for the month for which the
13 taxpayer is filing a return, the Department shall issue the
14 taxpayer a credit memorandum for the excess.

15 The net revenue realized at the 15% rate under either
16 Section 4 or Section 5 of this Act shall be deposited as
17 follows: (i) notwithstanding the provisions of this Section to
18 the contrary, the net revenue realized from the portion of the
19 rate in excess of 5% shall be deposited into the State and
20 Local Sales Tax Reform Fund; and (ii) the net revenue realized
21 from the 5% portion of the rate shall be deposited as provided
22 in this Section for the 5% portion of the 6.25% general rate
23 imposed under this Act.

24 Beginning January 1, 1990, each month the Department shall
25 pay into the Local Government Tax Fund, a special fund in the
26 State treasury which is hereby created, the net revenue

1 realized for the preceding month from the 1% tax imposed under
2 this Act.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the County and Mass Transit District Fund, a special
5 fund in the State treasury which is hereby created, 4% of the
6 net revenue realized for the preceding month from the 6.25%
7 general rate other than aviation fuel sold on or after
8 December 1, 2019. This exception for aviation fuel only
9 applies for so long as the revenue use requirements of 49
10 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

11 Beginning August 1, 2000, each month the Department shall
12 pay into the County and Mass Transit District Fund 20% of the
13 net revenue realized for the preceding month from the 1.25%
14 rate on the selling price of motor fuel and gasohol. If, in any
15 month, the tax on sales tax holiday items, as defined in
16 Section 2-8, is imposed at the rate of 1.25%, then the
17 Department shall pay 20% of the net revenue realized for that
18 month from the 1.25% rate on the selling price of sales tax
19 holiday items into the County and Mass Transit District Fund.

20 Beginning January 1, 1990, each month the Department shall
21 pay into the Local Government Tax Fund 16% of the net revenue
22 realized for the preceding month from the 6.25% general rate
23 on the selling price of tangible personal property other than
24 aviation fuel sold on or after December 1, 2019. This
25 exception for aviation fuel only applies for so long as the
26 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.

1 47133 are binding on the State.

2 For aviation fuel sold on or after December 1, 2019, each
3 month the Department shall pay into the State Aviation Program
4 Fund 20% of the net revenue realized for the preceding month
5 from the 6.25% general rate on the selling price of aviation
6 fuel, less an amount estimated by the Department to be
7 required for refunds of the 20% portion of the tax on aviation
8 fuel under this Act, which amount shall be deposited into the
9 Aviation Fuel Sales Tax Refund Fund. The Department shall only
10 pay moneys into the State Aviation Program Fund and the
11 Aviation Fuel Sales Tax Refund Fund under this Act for so long
12 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
13 U.S.C. 47133 are binding on the State.

14 Beginning August 1, 2000, each month the Department shall
15 pay into the Local Government Tax Fund 80% of the net revenue
16 realized for the preceding month from the 1.25% rate on the
17 selling price of motor fuel and gasohol. If, in any month, the
18 tax on sales tax holiday items, as defined in Section 2-8, is
19 imposed at the rate of 1.25%, then the Department shall pay 80%
20 of the net revenue realized for that month from the 1.25% rate
21 on the selling price of sales tax holiday items into the Local
22 Government Tax Fund.

23 Beginning October 1, 2009, each month the Department shall
24 pay into the Capital Projects Fund an amount that is equal to
25 an amount estimated by the Department to represent 80% of the
26 net revenue realized for the preceding month from the sale of

1 candy, grooming and hygiene products, and soft drinks that had
2 been taxed at a rate of 1% prior to September 1, 2009 but that
3 are now taxed at 6.25%.

4 Beginning July 1, 2011, each month the Department shall
5 pay into the Clean Air Act Permit Fund 80% of the net revenue
6 realized for the preceding month from the 6.25% general rate
7 on the selling price of sorbents used in Illinois in the
8 process of sorbent injection as used to comply with the
9 Environmental Protection Act or the federal Clean Air Act, but
10 the total payment into the Clean Air Act Permit Fund under this
11 Act and the Use Tax Act shall not exceed \$2,000,000 in any
12 fiscal year.

13 Beginning July 1, 2013, each month the Department shall
14 pay into the Underground Storage Tank Fund from the proceeds
15 collected under this Act, the Use Tax Act, the Service Use Tax
16 Act, and the Service Occupation Tax Act an amount equal to the
17 average monthly deficit in the Underground Storage Tank Fund
18 during the prior year, as certified annually by the Illinois
19 Environmental Protection Agency, but the total payment into
20 the Underground Storage Tank Fund under this Act, the Use Tax
21 Act, the Service Use Tax Act, and the Service Occupation Tax
22 Act shall not exceed \$18,000,000 in any State fiscal year. As
23 used in this paragraph, the "average monthly deficit" shall be
24 equal to the difference between the average monthly claims for
25 payment by the fund and the average monthly revenues deposited
26 into the fund, excluding payments made pursuant to this

1 paragraph.

2 Beginning July 1, 2015, of the remainder of the moneys
3 received by the Department under the Use Tax Act, the Service
4 Use Tax Act, the Service Occupation Tax Act, and this Act, each
5 month the Department shall deposit \$500,000 into the State
6 Crime Laboratory Fund.

7 Of the remainder of the moneys received by the Department
8 pursuant to this Act, (a) 1.75% thereof shall be paid into the
9 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
10 and after July 1, 1989, 3.8% thereof shall be paid into the
11 Build Illinois Fund; provided, however, that if in any fiscal
12 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
13 may be, of the moneys received by the Department and required
14 to be paid into the Build Illinois Fund pursuant to this Act,
15 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
16 Act, and Section 9 of the Service Occupation Tax Act, such Acts
17 being hereinafter called the "Tax Acts" and such aggregate of
18 2.2% or 3.8%, as the case may be, of moneys being hereinafter
19 called the "Tax Act Amount", and (2) the amount transferred to
20 the Build Illinois Fund from the State and Local Sales Tax
21 Reform Fund shall be less than the Annual Specified Amount (as
22 hereinafter defined), an amount equal to the difference shall
23 be immediately paid into the Build Illinois Fund from other
24 moneys received by the Department pursuant to the Tax Acts;
25 the "Annual Specified Amount" means the amounts specified
26 below for fiscal years 1986 through 1993:

	Fiscal Year	Annual Specified Amount
1		
2	1986	\$54,800,000
3	1987	\$76,650,000
4	1988	\$80,480,000
5	1989	\$88,510,000
6	1990	\$115,330,000
7	1991	\$145,470,000
8	1992	\$182,730,000
9	1993	\$206,520,000;

10 and means the Certified Annual Debt Service Requirement (as
11 defined in Section 13 of the Build Illinois Bond Act) or the
12 Tax Act Amount, whichever is greater, for fiscal year 1994 and
13 each fiscal year thereafter; and further provided, that if on
14 the last business day of any month the sum of (1) the Tax Act
15 Amount required to be deposited into the Build Illinois Bond
16 Account in the Build Illinois Fund during such month and (2)
17 the amount transferred to the Build Illinois Fund from the
18 State and Local Sales Tax Reform Fund shall have been less than
19 1/12 of the Annual Specified Amount, an amount equal to the
20 difference shall be immediately paid into the Build Illinois
21 Fund from other moneys received by the Department pursuant to
22 the Tax Acts; and, further provided, that in no event shall the
23 payments required under the preceding proviso result in
24 aggregate payments into the Build Illinois Fund pursuant to
25 this clause (b) for any fiscal year in excess of the greater of
26 (i) the Tax Act Amount or (ii) the Annual Specified Amount for

1 such fiscal year. The amounts payable into the Build Illinois
2 Fund under clause (b) of the first sentence in this paragraph
3 shall be payable only until such time as the aggregate amount
4 on deposit under each trust indenture securing Bonds issued
5 and outstanding pursuant to the Build Illinois Bond Act is
6 sufficient, taking into account any future investment income,
7 to fully provide, in accordance with such indenture, for the
8 defeasance of or the payment of the principal of, premium, if
9 any, and interest on the Bonds secured by such indenture and on
10 any Bonds expected to be issued thereafter and all fees and
11 costs payable with respect thereto, all as certified by the
12 Director of the Bureau of the Budget (now Governor's Office of
13 Management and Budget). If on the last business day of any
14 month in which Bonds are outstanding pursuant to the Build
15 Illinois Bond Act, the aggregate of moneys deposited into ~~in~~
16 the Build Illinois Bond Account in the Build Illinois Fund in
17 such month shall be less than the amount required to be
18 transferred in such month from the Build Illinois Bond Account
19 to the Build Illinois Bond Retirement and Interest Fund
20 pursuant to Section 13 of the Build Illinois Bond Act, an
21 amount equal to such deficiency shall be immediately paid from
22 other moneys received by the Department pursuant to the Tax
23 Acts to the Build Illinois Fund; provided, however, that any
24 amounts paid to the Build Illinois Fund in any fiscal year
25 pursuant to this sentence shall be deemed to constitute
26 payments pursuant to clause (b) of the first sentence of this

1 paragraph and shall reduce the amount otherwise payable for
2 such fiscal year pursuant to that clause (b). The moneys
3 received by the Department pursuant to this Act and required
4 to be deposited into the Build Illinois Fund are subject to the
5 pledge, claim and charge set forth in Section 12 of the Build
6 Illinois Bond Act.

7 Subject to payment of amounts into the Build Illinois Fund
8 as provided in the preceding paragraph or in any amendment
9 thereto hereafter enacted, the following specified monthly
10 installment of the amount requested in the certificate of the
11 Chairman of the Metropolitan Pier and Exposition Authority
12 provided under Section 8.25f of the State Finance Act, but not
13 in excess of sums designated as "Total Deposit", shall be
14 deposited in the aggregate from collections under Section 9 of
15 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
16 9 of the Service Occupation Tax Act, and Section 3 of the
17 Retailers' Occupation Tax Act into the McCormick Place
18 Expansion Project Fund in the specified fiscal years.

19	Fiscal Year	Total Deposit
20	1993	\$0
21	1994	53,000,000
22	1995	58,000,000
23	1996	61,000,000
24	1997	64,000,000
25	1998	68,000,000
26	1999	71,000,000

1	2000	75,000,000
2	2001	80,000,000
3	2002	93,000,000
4	2003	99,000,000
5	2004	103,000,000
6	2005	108,000,000
7	2006	113,000,000
8	2007	119,000,000
9	2008	126,000,000
10	2009	132,000,000
11	2010	139,000,000
12	2011	146,000,000
13	2012	153,000,000
14	2013	161,000,000
15	2014	170,000,000
16	2015	179,000,000
17	2016	189,000,000
18	2017	199,000,000
19	2018	210,000,000
20	2019	221,000,000
21	2020	233,000,000
22	2021	300,000,000
23	2022	300,000,000
24	2023	300,000,000
25	2024	300,000,000
26	2025	300,000,000

1	2026	300,000,000
2	2027	375,000,000
3	2028	375,000,000
4	2029	375,000,000
5	2030	375,000,000
6	2031	375,000,000
7	2032	375,000,000
8	2033	375,000,000
9	2034	375,000,000
10	2035	375,000,000
11	2036	450,000,000

12 and

13 each fiscal year

14 thereafter that bonds

15 are outstanding under

16 Section 13.2 of the

17 Metropolitan Pier and

18 Exposition Authority Act,

19 but not after fiscal year 2060.

20 Beginning July 20, 1993 and in each month of each fiscal

21 year thereafter, one-eighth of the amount requested in the

22 certificate of the Chairman of the Metropolitan Pier and

23 Exposition Authority for that fiscal year, less the amount

24 deposited into the McCormick Place Expansion Project Fund by

25 the State Treasurer in the respective month under subsection

26 (g) of Section 13 of the Metropolitan Pier and Exposition

1 Authority Act, plus cumulative deficiencies in the deposits
2 required under this Section for previous months and years,
3 shall be deposited into the McCormick Place Expansion Project
4 Fund, until the full amount requested for the fiscal year, but
5 not in excess of the amount specified above as "Total
6 Deposit", has been deposited.

7 Subject to payment of amounts into the Capital Projects
8 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
9 and the McCormick Place Expansion Project Fund pursuant to the
10 preceding paragraphs or in any amendments thereto hereafter
11 enacted, for aviation fuel sold on or after December 1, 2019,
12 the Department shall each month deposit into the Aviation Fuel
13 Sales Tax Refund Fund an amount estimated by the Department to
14 be required for refunds of the 80% portion of the tax on
15 aviation fuel under this Act. The Department shall only
16 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
17 under this paragraph for so long as the revenue use
18 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
19 binding on the State.

20 Subject to payment of amounts into the Build Illinois Fund
21 and the McCormick Place Expansion Project Fund pursuant to the
22 preceding paragraphs or in any amendments thereto hereafter
23 enacted, beginning July 1, 1993 and ending on September 30,
24 2013, the Department shall each month pay into the Illinois
25 Tax Increment Fund 0.27% of 80% of the net revenue realized for
26 the preceding month from the 6.25% general rate on the selling

1 price of tangible personal property.

2 Subject to payment of amounts into the Build Illinois
3 Fund, the McCormick Place Expansion Project Fund, and the
4 Illinois Tax Increment Fund pursuant to the preceding
5 paragraphs or in any amendments to this Section hereafter
6 enacted, beginning on the first day of the first calendar
7 month to occur on or after August 26, 2014 (the effective date
8 of Public Act 98-1098), each month, from the collections made
9 under Section 9 of the Use Tax Act, Section 9 of the Service
10 Use Tax Act, Section 9 of the Service Occupation Tax Act, and
11 Section 3 of the Retailers' Occupation Tax Act, the Department
12 shall pay into the Tax Compliance and Administration Fund, to
13 be used, subject to appropriation, to fund additional auditors
14 and compliance personnel at the Department of Revenue, an
15 amount equal to 1/12 of 5% of 80% of the cash receipts
16 collected during the preceding fiscal year by the Audit Bureau
17 of the Department under the Use Tax Act, the Service Use Tax
18 Act, the Service Occupation Tax Act, the Retailers' Occupation
19 Tax Act, and associated local occupation and use taxes
20 administered by the Department.

21 Subject to payments of amounts into the Build Illinois
22 Fund, the McCormick Place Expansion Project Fund, the Illinois
23 Tax Increment Fund, the Energy Infrastructure Fund, and the
24 Tax Compliance and Administration Fund as provided in this
25 Section, beginning on July 1, 2018 the Department shall pay
26 each month into the Downstate Public Transportation Fund the

1 moneys required to be so paid under Section 2-3 of the
2 Downstate Public Transportation Act.

3 Subject to successful execution and delivery of a
4 public-private agreement between the public agency and private
5 entity and completion of the civic build, beginning on July 1,
6 2023, of the remainder of the moneys received by the
7 Department under the Use Tax Act, the Service Use Tax Act, the
8 Service Occupation Tax Act, and this Act, the Department shall
9 deposit the following specified deposits in the aggregate from
10 collections under the Use Tax Act, the Service Use Tax Act, the
11 Service Occupation Tax Act, and the Retailers' Occupation Tax
12 Act, as required under Section 8.25g of the State Finance Act
13 for distribution consistent with the Public-Private
14 Partnership for Civic and Transit Infrastructure Project Act.
15 The moneys received by the Department pursuant to this Act and
16 required to be deposited into the Civic and Transit
17 Infrastructure Fund are subject to the pledge, claim and
18 charge set forth in Section 25-55 of the Public-Private
19 Partnership for Civic and Transit Infrastructure Project Act.
20 As used in this paragraph, "civic build", "private entity",
21 "public-private agreement", and "public agency" have the
22 meanings provided in Section 25-10 of the Public-Private
23 Partnership for Civic and Transit Infrastructure Project Act.

24	Fiscal Year.....	Total Deposit
25	2024	\$200,000,000
26	2025	\$206,000,000

1	2026	.....	\$212,200,000
2	2027	.....	\$218,500,000
3	2028	.....	\$225,100,000
4	2029	.....	\$288,700,000
5	2030	.....	\$298,900,000
6	2031	.....	\$309,300,000
7	2032	.....	\$320,100,000
8	2033	.....	\$331,200,000
9	2034	.....	\$341,200,000
10	2035	.....	\$351,400,000
11	2036	.....	\$361,900,000
12	2037	.....	\$372,800,000
13	2038	.....	\$384,000,000
14	2039	.....	\$395,500,000
15	2040	.....	\$407,400,000
16	2041	.....	\$419,600,000
17	2042	.....	\$432,200,000
18	2043	.....	\$445,100,000

19 Beginning July 1, 2021 and until July 1, 2022, subject to
20 the payment of amounts into the County and Mass Transit
21 District Fund, the Local Government Tax Fund, the Build
22 Illinois Fund, the McCormick Place Expansion Project Fund, the
23 Illinois Tax Increment Fund, and the Tax Compliance and
24 Administration Fund as provided in this Section, the
25 Department shall pay each month into the Road Fund the amount
26 estimated to represent 16% of the net revenue realized from

1 the taxes imposed on motor fuel and gasohol. Beginning July 1,
2 2022 and until July 1, 2023, subject to the payment of amounts
3 into the County and Mass Transit District Fund, the Local
4 Government Tax Fund, the Build Illinois Fund, the McCormick
5 Place Expansion Project Fund, the Illinois Tax Increment Fund,
6 and the Tax Compliance and Administration Fund as provided in
7 this Section, the Department shall pay each month into the
8 Road Fund the amount estimated to represent 32% of the net
9 revenue realized from the taxes imposed on motor fuel and
10 gasohol. Beginning July 1, 2023 and until July 1, 2024,
11 subject to the payment of amounts into the County and Mass
12 Transit District Fund, the Local Government Tax Fund, the
13 Build Illinois Fund, the McCormick Place Expansion Project
14 Fund, the Illinois Tax Increment Fund, and the Tax Compliance
15 and Administration Fund as provided in this Section, the
16 Department shall pay each month into the Road Fund the amount
17 estimated to represent 48% of the net revenue realized from
18 the taxes imposed on motor fuel and gasohol. Beginning July 1,
19 2024 and until July 1, 2026, subject to the payment of amounts
20 into the County and Mass Transit District Fund, the Local
21 Government Tax Fund, the Build Illinois Fund, the McCormick
22 Place Expansion Project Fund, the Illinois Tax Increment Fund,
23 and the Tax Compliance and Administration Fund as provided in
24 this Section, the Department shall pay each month into the
25 Road Fund the amount estimated to represent 64% of the net
26 revenue realized from the taxes imposed on motor fuel and

1 gasohol. Beginning on July 1, 2026, subject to the payment of
2 amounts into the County and Mass Transit District Fund, the
3 Local Government Tax Fund, the Build Illinois Fund, the
4 McCormick Place Expansion Project Fund, the Illinois Tax
5 Increment Fund, and the Tax Compliance and Administration Fund
6 as provided in this Section, the Department shall pay each
7 month into the Road Fund the amount estimated to represent 80%
8 of the net revenue realized from the taxes imposed on motor
9 fuel and gasohol. As used in this paragraph "motor fuel" has
10 the meaning given to that term in Section 1.1 of the Motor Fuel
11 Tax Law, and "gasohol" has the meaning given to that term in
12 Section 3-40 of the Use Tax Act.

13 Until July 1, 2025, of the remainder of the moneys
14 received by the Department pursuant to this Act, 75% thereof
15 shall be paid into the State treasury and 25% shall be reserved
16 in a special account and used only for the transfer to the
17 Common School Fund as part of the monthly transfer from the
18 General Revenue Fund in accordance with Section 8a of the
19 State Finance Act. Beginning July 1, 2025, of the remainder of
20 the moneys received by the Department pursuant to this Act,
21 75% shall be deposited into the General Revenue Fund and 25%
22 shall be deposited into the Common School Fund.

23 The Department may, upon separate written notice to a
24 taxpayer, require the taxpayer to prepare and file with the
25 Department on a form prescribed by the Department within not
26 less than 60 days after receipt of the notice an annual

1 information return for the tax year specified in the notice.
2 Such annual return to the Department shall include a statement
3 of gross receipts as shown by the retailer's last federal
4 income tax return. If the total receipts of the business as
5 reported in the federal income tax return do not agree with the
6 gross receipts reported to the Department of Revenue for the
7 same period, the retailer shall attach to his annual return a
8 schedule showing a reconciliation of the 2 amounts and the
9 reasons for the difference. The retailer's annual return to
10 the Department shall also disclose the cost of goods sold by
11 the retailer during the year covered by such return, opening
12 and closing inventories of such goods for such year, costs of
13 goods used from stock or taken from stock and given away by the
14 retailer during such year, payroll information of the
15 retailer's business during such year and any additional
16 reasonable information which the Department deems would be
17 helpful in determining the accuracy of the monthly, quarterly,
18 or annual returns filed by such retailer as provided for in
19 this Section.

20 If the annual information return required by this Section
21 is not filed when and as required, the taxpayer shall be liable
22 as follows:

23 (i) Until January 1, 1994, the taxpayer shall be
24 liable for a penalty equal to 1/6 of 1% of the tax due from
25 such taxpayer under this Act during the period to be
26 covered by the annual return for each month or fraction of

1 a month until such return is filed as required, the
2 penalty to be assessed and collected in the same manner as
3 any other penalty provided for in this Act.

4 (ii) On and after January 1, 1994, the taxpayer shall
5 be liable for a penalty as described in Section 3-4 of the
6 Uniform Penalty and Interest Act.

7 The chief executive officer, proprietor, owner, or highest
8 ranking manager shall sign the annual return to certify the
9 accuracy of the information contained therein. Any person who
10 willfully signs the annual return containing false or
11 inaccurate information shall be guilty of perjury and punished
12 accordingly. The annual return form prescribed by the
13 Department shall include a warning that the person signing the
14 return may be liable for perjury.

15 The provisions of this Section concerning the filing of an
16 annual information return do not apply to a retailer who is not
17 required to file an income tax return with the United States
18 Government.

19 As soon as possible after the first day of each month, upon
20 certification of the Department of Revenue, the Comptroller
21 shall order transferred and the Treasurer shall transfer from
22 the General Revenue Fund to the Motor Fuel Tax Fund an amount
23 equal to 1.7% of 80% of the net revenue realized under this Act
24 for the second preceding month. Beginning April 1, 2000, this
25 transfer is no longer required and shall not be made.

26 Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount
2 paid out during that month as refunds to taxpayers for
3 overpayment of liability.

4 For greater simplicity of administration, manufacturers,
5 importers and wholesalers whose products are sold at retail in
6 Illinois by numerous retailers, and who wish to do so, may
7 assume the responsibility for accounting and paying to the
8 Department all tax accruing under this Act with respect to
9 such sales, if the retailers who are affected do not make
10 written objection to the Department to this arrangement.

11 Any person who promotes, organizes, or provides retail
12 selling space for concessionaires or other types of sellers at
13 the Illinois State Fair, DuQuoin State Fair, county fairs,
14 local fairs, art shows, flea markets, and similar exhibitions
15 or events, including any transient merchant as defined by
16 Section 2 of the Transient Merchant Act of 1987, is required to
17 file a report with the Department providing the name of the
18 merchant's business, the name of the person or persons engaged
19 in merchant's business, the permanent address and Illinois
20 Retailers Occupation Tax Registration Number of the merchant,
21 the dates and location of the event, and other reasonable
22 information that the Department may require. The report must
23 be filed not later than the 20th day of the month next
24 following the month during which the event with retail sales
25 was held. Any person who fails to file a report required by
26 this Section commits a business offense and is subject to a

1 fine not to exceed \$250.

2 Any person engaged in the business of selling tangible
3 personal property at retail as a concessionaire or other type
4 of seller at the Illinois State Fair, county fairs, art shows,
5 flea markets, and similar exhibitions or events, or any
6 transient merchants, as defined by Section 2 of the Transient
7 Merchant Act of 1987, may be required to make a daily report of
8 the amount of such sales to the Department and to make a daily
9 payment of the full amount of tax due. The Department shall
10 impose this requirement when it finds that there is a
11 significant risk of loss of revenue to the State at such an
12 exhibition or event. Such a finding shall be based on evidence
13 that a substantial number of concessionaires or other sellers
14 who are not residents of Illinois will be engaging in the
15 business of selling tangible personal property at retail at
16 the exhibition or event, or other evidence of a significant
17 risk of loss of revenue to the State. The Department shall
18 notify concessionaires and other sellers affected by the
19 imposition of this requirement. In the absence of notification
20 by the Department, the concessionaires and other sellers shall
21 file their returns as otherwise required in this Section.

22 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
23 103-363, eff. 7-28-23; 103-592, Article 75, Section 75-20,
24 eff. 1-1-25; 103-592, Article 110, Section 110-20, eff.
25 6-7-24; 103-605, eff. 7-1-24; 103-1055, eff. 12-20-24; 104-6,
26 Article 5, Section 5-25, eff. 6-16-25; 104-6, Article 25,

1 Section 25-20, eff. 6-16-25; 104-6, Article 35, Section 35-35,
2 eff. 6-16-25; revised 1-12-26.)

3 (Text of Section after amendment by P.A. 104-457)

4 Sec. 3. Except as provided in this Section, on or before
5 the twentieth day of each calendar month, every person engaged
6 in the business of selling, which, on and after January 1,
7 2025, includes leasing, tangible personal property at retail
8 in this State during the preceding calendar month shall file a
9 return with the Department, stating:

10 1. The name of the seller;

11 2. His residence address and the address of his
12 principal place of business and the address of the
13 principal place of business (if that is a different
14 address) from which he engages in the business of selling
15 tangible personal property at retail in this State;

16 3. Total amount of receipts received by him during the
17 preceding calendar month or quarter, as the case may be,
18 from sales of tangible personal property, and from
19 services furnished, by him during such preceding calendar
20 month or quarter;

21 4. Total amount received by him during the preceding
22 calendar month or quarter on charge and time sales of
23 tangible personal property, and from services furnished,
24 by him prior to the month or quarter for which the return
25 is filed;

1 5. Deductions allowed by law;

2 6. Gross receipts which were received by him during
3 the preceding calendar month or quarter and upon the basis
4 of which the tax is imposed, including gross receipts on
5 food for human consumption that is to be consumed off the
6 premises where it is sold (other than alcoholic beverages,
7 food consisting of or infused with adult use cannabis,
8 soft drinks, and food that has been prepared for immediate
9 consumption) which were received during the preceding
10 calendar month or quarter and upon which tax would have
11 been due but for the 0% rate imposed under Public Act
12 102-700;

13 7. The amount of credit provided in Section 2d of this
14 Act;

15 8. The amount of tax due, including the amount of tax
16 that would have been due on food for human consumption
17 that is to be consumed off the premises where it is sold
18 (other than alcoholic beverages, food consisting of or
19 infused with adult use cannabis, soft drinks, and food
20 that has been prepared for immediate consumption) but for
21 the 0% rate imposed under Public Act 102-700;

22 9. The signature of the taxpayer; and

23 10. Such other reasonable information as the
24 Department may require.

25 In the case of leases, except as otherwise provided in
26 this Act, the lessor must remit for each tax return period only

1 the tax applicable to that part of the selling price actually
2 received during such tax return period.

3 On and after January 1, 2018, except for returns required
4 to be filed prior to January 1, 2023 for motor vehicles,
5 watercraft, aircraft, and trailers that are required to be
6 registered with an agency of this State, with respect to
7 retailers whose annual gross receipts average \$20,000 or more,
8 all returns required to be filed pursuant to this Act shall be
9 filed electronically. On and after January 1, 2023, with
10 respect to retailers whose annual gross receipts average
11 \$20,000 or more, all returns required to be filed pursuant to
12 this Act, including, but not limited to, returns for motor
13 vehicles, watercraft, aircraft, and trailers that are required
14 to be registered with an agency of this State, shall be filed
15 electronically. Retailers who demonstrate that they do not
16 have access to the Internet or demonstrate hardship in filing
17 electronically may petition the Department to waive the
18 electronic filing requirement.

19 If a taxpayer fails to sign a return within 30 days after
20 the proper notice and demand for signature by the Department,
21 the return shall be considered valid and any amount shown to be
22 due on the return shall be deemed assessed.

23 Each return shall be accompanied by the statement of
24 prepaid tax issued pursuant to Section 2e for which credit is
25 claimed.

26 Prior to October 1, 2003 and on and after September 1,

1 2004, a retailer may accept a Manufacturer's Purchase Credit
2 certification from a purchaser in satisfaction of Use Tax as
3 provided in Section 3-85 of the Use Tax Act if the purchaser
4 provides the appropriate documentation as required by Section
5 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
6 certification, accepted by a retailer prior to October 1, 2003
7 and on and after September 1, 2004 as provided in Section 3-85
8 of the Use Tax Act, may be used by that retailer to satisfy
9 Retailers' Occupation Tax liability in the amount claimed in
10 the certification, not to exceed 6.25% of the receipts subject
11 to tax from a qualifying purchase. A Manufacturer's Purchase
12 Credit reported on any original or amended return filed under
13 this Act after October 20, 2003 for reporting periods prior to
14 September 1, 2004 shall be disallowed. Manufacturer's Purchase
15 Credit reported on annual returns due on or after January 1,
16 2005 will be disallowed for periods prior to September 1,
17 2004. No Manufacturer's Purchase Credit may be used after
18 September 30, 2003 through August 31, 2004 to satisfy any tax
19 liability imposed under this Act, including any audit
20 liability.

21 Beginning on July 1, 2023 and through December 31, 2032, a
22 retailer may accept a Sustainable Aviation Fuel Purchase
23 Credit certification from an air common carrier-purchaser in
24 satisfaction of Use Tax on aviation fuel as provided in
25 Section 3-87 of the Use Tax Act if the purchaser provides the
26 appropriate documentation as required by Section 3-87 of the

1 Use Tax Act. A Sustainable Aviation Fuel Purchase Credit
2 certification accepted by a retailer in accordance with this
3 paragraph may be used by that retailer to satisfy Retailers'
4 Occupation Tax liability (but not in satisfaction of penalty
5 or interest) in the amount claimed in the certification, not
6 to exceed 6.25% of the receipts subject to tax from a sale of
7 aviation fuel. In addition, for a sale of aviation fuel to
8 qualify to earn the Sustainable Aviation Fuel Purchase Credit,
9 retailers must retain in their books and records a
10 certification from the producer of the aviation fuel that the
11 aviation fuel sold by the retailer and for which a sustainable
12 aviation fuel purchase credit was earned meets the definition
13 of sustainable aviation fuel under Section 3-87 of the Use Tax
14 Act. The documentation must include detail sufficient for the
15 Department to determine the number of gallons of sustainable
16 aviation fuel sold.

17 The Department may require returns to be filed on a
18 quarterly basis. If so required, a return for each calendar
19 quarter shall be filed on or before the twentieth day of the
20 calendar month following the end of such calendar quarter. The
21 taxpayer shall also file a return with the Department for each
22 of the first 2 months of each calendar quarter, on or before
23 the twentieth day of the following calendar month, stating:

- 24 1. The name of the seller;
- 25 2. The address of the principal place of business from
26 which he engages in the business of selling tangible

1 personal property at retail in this State;

2 3. The total amount of taxable receipts received by
3 him during the preceding calendar month from sales of
4 tangible personal property by him during such preceding
5 calendar month, including receipts from charge and time
6 sales, but less all deductions allowed by law;

7 4. The amount of credit provided in Section 2d of this
8 Act;

9 5. The amount of tax due; and

10 6. Such other reasonable information as the Department
11 may require.

12 Every person engaged in the business of selling aviation
13 fuel at retail in this State during the preceding calendar
14 month shall, instead of reporting and paying tax as otherwise
15 required by this Section, report and pay such tax on a separate
16 aviation fuel tax return. The requirements related to the
17 return shall be as otherwise provided in this Section.
18 Notwithstanding any other provisions of this Act to the
19 contrary, retailers selling aviation fuel shall file all
20 aviation fuel tax returns and shall make all aviation fuel tax
21 payments by electronic means in the manner and form required
22 by the Department. For purposes of this Section, "aviation
23 fuel" means jet fuel and aviation gasoline.

24 Beginning on October 1, 2003, any person who is not a
25 licensed distributor, importing distributor, or manufacturer,
26 as defined in the Liquor and Hemp Products Control Act ~~of 1934,~~

1 but is engaged in the business of selling, at retail,
2 alcoholic liquor shall file a statement with the Department of
3 Revenue, in a format and at a time prescribed by the
4 Department, showing the total amount paid for alcoholic liquor
5 purchased during the preceding month and such other
6 information as is reasonably required by the Department. The
7 Department may adopt rules to require that this statement be
8 filed in an electronic or telephonic format. Such rules may
9 provide for exceptions from the filing requirements of this
10 paragraph. For the purposes of this paragraph, the term
11 "alcoholic liquor" shall have the meaning prescribed in the
12 Liquor and Hemp Products Control Act ~~of 1934~~.

13 Beginning on October 1, 2003, every distributor, importing
14 distributor, and manufacturer of alcoholic liquor as defined
15 in the Liquor and Hemp Products Control Act ~~of 1934~~, shall file
16 a statement with the Department of Revenue, no later than the
17 10th day of the month for the preceding month during which
18 transactions occurred, by electronic means, showing the total
19 amount of gross receipts from the sale of alcoholic liquor
20 sold or distributed during the preceding month to purchasers;
21 identifying the purchaser to whom it was sold or distributed;
22 the purchaser's tax registration number; and such other
23 information reasonably required by the Department. A
24 distributor, importing distributor, or manufacturer of
25 alcoholic liquor must personally deliver, mail, or provide by
26 electronic means to each retailer listed on the monthly

1 statement a report containing a cumulative total of that
2 distributor's, importing distributor's, or manufacturer's
3 total sales of alcoholic liquor to that retailer no later than
4 the 10th day of the month for the preceding month during which
5 the transaction occurred. The distributor, importing
6 distributor, or manufacturer shall notify the retailer as to
7 the method by which the distributor, importing distributor, or
8 manufacturer will provide the sales information. If the
9 retailer is unable to receive the sales information by
10 electronic means, the distributor, importing distributor, or
11 manufacturer shall furnish the sales information by personal
12 delivery or by mail. For purposes of this paragraph, the term
13 "electronic means" includes, but is not limited to, the use of
14 a secure Internet website, e-mail, or facsimile.

15 If a total amount of less than \$1 is payable, refundable or
16 creditable, such amount shall be disregarded if it is less
17 than 50 cents and shall be increased to \$1 if it is 50 cents or
18 more.

19 Notwithstanding any other provision of this Act to the
20 contrary, retailers subject to tax on cannabis shall file all
21 cannabis tax returns and shall make all cannabis tax payments
22 by electronic means in the manner and form required by the
23 Department.

24 Beginning October 1, 1993, a taxpayer who has an average
25 monthly tax liability of \$150,000 or more shall make all
26 payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 1994, a taxpayer who has
2 an average monthly tax liability of \$100,000 or more shall
3 make all payments required by rules of the Department by
4 electronic funds transfer. Beginning October 1, 1995, a
5 taxpayer who has an average monthly tax liability of \$50,000
6 or more shall make all payments required by rules of the
7 Department by electronic funds transfer. Beginning October 1,
8 2000, a taxpayer who has an annual tax liability of \$200,000 or
9 more shall make all payments required by rules of the
10 Department by electronic funds transfer. The term "annual tax
11 liability" shall be the sum of the taxpayer's liabilities
12 under this Act, and under all other State and local occupation
13 and use tax laws administered by the Department, for the
14 immediately preceding calendar year. The term "average monthly
15 tax liability" shall be the sum of the taxpayer's liabilities
16 under this Act, and under all other State and local occupation
17 and use tax laws administered by the Department, for the
18 immediately preceding calendar year divided by 12. Beginning
19 on October 1, 2002, a taxpayer who has a tax liability in the
20 amount set forth in subsection (b) of Section 2505-210 of the
21 Department of Revenue Law shall make all payments required by
22 rules of the Department by electronic funds transfer.

23 Before August 1 of each year beginning in 1993, the
24 Department shall notify all taxpayers required to make
25 payments by electronic funds transfer. All taxpayers required
26 to make payments by electronic funds transfer shall make those

1 payments for a minimum of one year beginning on October 1.

2 Any taxpayer not required to make payments by electronic
3 funds transfer may make payments by electronic funds transfer
4 with the permission of the Department.

5 All taxpayers required to make payment by electronic funds
6 transfer and any taxpayers authorized to voluntarily make
7 payments by electronic funds transfer shall make those
8 payments in the manner authorized by the Department.

9 The Department shall adopt such rules as are necessary to
10 effectuate a program of electronic funds transfer and the
11 requirements of this Section.

12 Any amount which is required to be shown or reported on any
13 return or other document under this Act shall, if such amount
14 is not a whole-dollar amount, be increased to the nearest
15 whole-dollar amount in any case where the fractional part of a
16 dollar is 50 cents or more, and decreased to the nearest
17 whole-dollar amount where the fractional part of a dollar is
18 less than 50 cents.

19 If the retailer is otherwise required to file a monthly
20 return and if the retailer's average monthly tax liability to
21 the Department does not exceed \$200, the Department may
22 authorize his returns to be filed on a quarter annual basis,
23 with the return for January, February, and March of a given
24 year being due by April 20 of such year; with the return for
25 April, May, and June of a given year being due by July 20 of
26 such year; with the return for July, August, and September of a

1 given year being due by October 20 of such year, and with the
2 return for October, November, and December of a given year
3 being due by January 20 of the following year.

4 If the retailer is otherwise required to file a monthly or
5 quarterly return and if the retailer's average monthly tax
6 liability with the Department does not exceed \$50, the
7 Department may authorize his returns to be filed on an annual
8 basis, with the return for a given year being due by January 20
9 of the following year.

10 Such quarter annual and annual returns, as to form and
11 substance, shall be subject to the same requirements as
12 monthly returns.

13 Notwithstanding any other provision in this Act concerning
14 the time within which a retailer may file his return, in the
15 case of any retailer who ceases to engage in a kind of business
16 which makes him responsible for filing returns under this Act,
17 such retailer shall file a final return under this Act with the
18 Department not more than one month after discontinuing such
19 business.

20 Where the same person has more than one business
21 registered with the Department under separate registrations
22 under this Act, such person may not file each return that is
23 due as a single return covering all such registered
24 businesses, but shall file separate returns for each such
25 registered business.

26 In addition, with respect to motor vehicles, watercraft,

1 aircraft, and trailers that are required to be registered with
2 an agency of this State, except as otherwise provided in this
3 Section, every retailer selling this kind of tangible personal
4 property shall file, with the Department, upon a form to be
5 prescribed and supplied by the Department, a separate return
6 for each such item of tangible personal property which the
7 retailer sells, except that if, in the same transaction, (i) a
8 retailer of aircraft, watercraft, motor vehicles, or trailers
9 transfers more than one aircraft, watercraft, motor vehicle,
10 or trailer to another aircraft, watercraft, motor vehicle
11 retailer, or trailer retailer for the purpose of resale or
12 (ii) a retailer of aircraft, watercraft, motor vehicles, or
13 trailers transfers more than one aircraft, watercraft, motor
14 vehicle, or trailer to a purchaser for use as a qualifying
15 rolling stock as provided in Section 2-5 of this Act, then that
16 seller may report the transfer of all aircraft, watercraft,
17 motor vehicles, or trailers involved in that transaction to
18 the Department on the same uniform invoice-transaction
19 reporting return form. For purposes of this Section,
20 "watercraft" means a Class 2, Class 3, or Class 4 watercraft as
21 defined in Section 3-2 of the Boat Registration and Safety
22 Act, a personal watercraft, or any boat equipped with an
23 inboard motor.

24 In addition, with respect to motor vehicles, watercraft,
25 aircraft, and trailers that are required to be registered with
26 an agency of this State, every person who is engaged in the

1 business of leasing or renting such items and who, in
2 connection with such business, sells any such item to a
3 retailer for the purpose of resale is, notwithstanding any
4 other provision of this Section to the contrary, authorized to
5 meet the return-filing requirement of this Act by reporting
6 the transfer of all the aircraft, watercraft, motor vehicles,
7 or trailers transferred for resale during a month to the
8 Department on the same uniform invoice-transaction reporting
9 return form on or before the 20th of the month following the
10 month in which the transfer takes place. Notwithstanding any
11 other provision of this Act to the contrary, all returns filed
12 under this paragraph must be filed by electronic means in the
13 manner and form as required by the Department.

14 Any retailer who sells only motor vehicles, watercraft,
15 aircraft, or trailers that are required to be registered with
16 an agency of this State, so that all retailers' occupation tax
17 liability is required to be reported, and is reported, on such
18 transaction reporting returns and who is not otherwise
19 required to file monthly or quarterly returns, need not file
20 monthly or quarterly returns. However, those retailers shall
21 be required to file returns on an annual basis.

22 The transaction reporting return, in the case of motor
23 vehicles or trailers that are required to be registered with
24 an agency of this State, shall be the same document as the
25 Uniform Invoice referred to in Section 5-402 of the Illinois
26 Vehicle Code and must show the name and address of the seller;

1 the name and address of the purchaser; the amount of the
2 selling price including the amount allowed by the retailer for
3 traded-in property, if any; the amount allowed by the retailer
4 for the traded-in tangible personal property, if any, to the
5 extent to which Section 1 of this Act allows an exemption for
6 the value of traded-in property; the balance payable after
7 deducting such trade-in allowance from the total selling
8 price; the amount of tax due from the retailer with respect to
9 such transaction; the amount of tax collected from the
10 purchaser by the retailer on such transaction (or satisfactory
11 evidence that such tax is not due in that particular instance,
12 if that is claimed to be the fact); the place and date of the
13 sale; a sufficient identification of the property sold; such
14 other information as is required in Section 5-402 of the
15 Illinois Vehicle Code, and such other information as the
16 Department may reasonably require.

17 The transaction reporting return in the case of watercraft
18 or aircraft must show the name and address of the seller; the
19 name and address of the purchaser; the amount of the selling
20 price including the amount allowed by the retailer for
21 traded-in property, if any; the amount allowed by the retailer
22 for the traded-in tangible personal property, if any, to the
23 extent to which Section 1 of this Act allows an exemption for
24 the value of traded-in property; the balance payable after
25 deducting such trade-in allowance from the total selling
26 price; the amount of tax due from the retailer with respect to

1 such transaction; the amount of tax collected from the
2 purchaser by the retailer on such transaction (or satisfactory
3 evidence that such tax is not due in that particular instance,
4 if that is claimed to be the fact); the place and date of the
5 sale, a sufficient identification of the property sold, and
6 such other information as the Department may reasonably
7 require.

8 Such transaction reporting return shall be filed not later
9 than 20 days after the day of delivery of the item that is
10 being sold, but may be filed by the retailer at any time sooner
11 than that if he chooses to do so. The transaction reporting
12 return and tax remittance or proof of exemption from the
13 Illinois use tax may be transmitted to the Department by way of
14 the State agency with which, or State officer with whom the
15 tangible personal property must be titled or registered (if
16 titling or registration is required) if the Department and
17 such agency or State officer determine that this procedure
18 will expedite the processing of applications for title or
19 registration.

20 With each such transaction reporting return, the retailer
21 shall remit the proper amount of tax due (or shall submit
22 satisfactory evidence that the sale is not taxable if that is
23 the case), to the Department or its agents, whereupon the
24 Department shall issue, in the purchaser's name, a use tax
25 receipt (or a certificate of exemption if the Department is
26 satisfied that the particular sale is tax-exempt) which such

1 purchaser may submit to the agency with which, or State
2 officer with whom, he must title or register the tangible
3 personal property that is involved (if titling or registration
4 is required) in support of such purchaser's application for an
5 Illinois certificate or other evidence of title or
6 registration to such tangible personal property.

7 No retailer's failure or refusal to remit tax under this
8 Act precludes a user, who has paid the proper tax to the
9 retailer, from obtaining his certificate of title or other
10 evidence of title or registration (if titling or registration
11 is required) upon satisfying the Department that such user has
12 paid the proper tax (if tax is due) to the retailer. The
13 Department shall adopt appropriate rules to carry out the
14 mandate of this paragraph.

15 If the user who would otherwise pay tax to the retailer
16 wants the transaction reporting return filed and the payment
17 of the tax or proof of exemption made to the Department before
18 the retailer is willing to take these actions and such user has
19 not paid the tax to the retailer, such user may certify to the
20 fact of such delay by the retailer and may (upon the Department
21 being satisfied of the truth of such certification) transmit
22 the information required by the transaction reporting return
23 and the remittance for tax or proof of exemption directly to
24 the Department and obtain his tax receipt or exemption
25 determination, in which event the transaction reporting return
26 and tax remittance (if a tax payment was required) shall be

1 credited by the Department to the proper retailer's account
2 with the Department, but without the vendor's discount
3 provided for in this Section being allowed. When the user pays
4 the tax directly to the Department, he shall pay the tax in the
5 same amount and in the same form in which it would be remitted
6 if the tax had been remitted to the Department by the retailer.

7 On and after January 1, 2025, with respect to the lease of
8 trailers, other than semitrailers as defined in Section 1-187
9 of the Illinois Vehicle Code, that are required to be
10 registered with an agency of this State and that are subject to
11 the tax on lease receipts under this Act, notwithstanding any
12 other provision of this Act to the contrary, for the purpose of
13 reporting and paying tax under this Act on those lease
14 receipts, lessors shall file returns in addition to and
15 separate from the transaction reporting return. Lessors shall
16 file those lease returns and make payment to the Department by
17 electronic means on or before the 20th day of each month
18 following the month, quarter, or year, as applicable, in which
19 lease receipts were received. All lease receipts received by
20 the lessor from the lease of those trailers during the same
21 reporting period shall be reported and tax shall be paid on a
22 single return form to be prescribed by the Department.

23 Refunds made by the seller during the preceding return
24 period to purchasers, on account of tangible personal property
25 returned to the seller, shall be allowed as a deduction under
26 subdivision 5 of his monthly or quarterly return, as the case

1 may be, in case the seller had theretofore included the
2 receipts from the sale of such tangible personal property in a
3 return filed by him and had paid the tax imposed by this Act
4 with respect to such receipts.

5 Where the seller is a corporation, the return filed on
6 behalf of such corporation shall be signed by the president,
7 vice-president, secretary, or treasurer or by the properly
8 accredited agent of such corporation.

9 Where the seller is a limited liability company, the
10 return filed on behalf of the limited liability company shall
11 be signed by a manager, member, or properly accredited agent
12 of the limited liability company.

13 Except as provided in this Section, the retailer filing
14 the return under this Section shall, at the time of filing such
15 return, pay to the Department the amount of tax imposed by this
16 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
17 on and after January 1, 1990, or \$5 per calendar year,
18 whichever is greater, which is allowed to reimburse the
19 retailer for the expenses incurred in keeping records,
20 preparing and filing returns, remitting the tax and supplying
21 data to the Department on request. A certified service
22 provider, as defined in the Leveling the Playing Field for
23 Illinois Retail Act, filing the return under this Section on
24 behalf of a remote retailer or a retailer maintaining a place
25 of business in this State shall, at the time of such return,
26 pay to the Department the amount of tax imposed by this Act

1 less a discount of 1.75%. A remote retailer or a retailer
2 maintaining a place of business in this State using a
3 certified service provider to file a return on its behalf, as
4 provided in the Leveling the Playing Field for Illinois Retail
5 Act, is not eligible for the discount. Beginning with returns
6 due on or after January 1, 2025, the vendor's discount allowed
7 in this Section, the Service Occupation Tax Act, the Use Tax
8 Act, and the Service Use Tax Act, including any local tax
9 administered by the Department and reported on the same
10 return, shall not exceed \$1,000 per month in the aggregate for
11 returns other than transaction returns filed during the month.
12 When determining the discount allowed under this Section,
13 retailers shall include the amount of tax that would have been
14 due at the 1% rate but for the 0% rate imposed under Public Act
15 102-700. When determining the discount allowed under this
16 Section, retailers shall include the amount of tax that would
17 have been due at the 6.25% rate but for the 1.25% rate imposed
18 on sales tax holiday items under Public Act 102-700. The
19 discount under this Section is not allowed for the 1.25%
20 portion of taxes paid on aviation fuel that is subject to the
21 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
22 47133. Any prepayment made pursuant to Section 2d of this Act
23 shall be included in the amount on which such discount is
24 computed. In the case of retailers who report and pay the tax
25 on a transaction by transaction basis, as provided in this
26 Section, such discount shall be taken with each such tax

1 remittance instead of when such retailer files his periodic
2 return, but, beginning with returns due on or after January 1,
3 2025, the vendor's discount allowed under this Section and the
4 Use Tax Act, including any local tax administered by the
5 Department and reported on the same transaction return, shall
6 not exceed \$1,000 per month for all transaction returns filed
7 during the month. The discount allowed under this Section is
8 allowed only for returns that are filed in the manner required
9 by this Act. The Department may disallow the discount for
10 retailers whose certificate of registration is revoked at the
11 time the return is filed, but only if the Department's
12 decision to revoke the certificate of registration has become
13 final.

14 Before October 1, 2000, if the taxpayer's average monthly
15 tax liability to the Department under this Act, the Use Tax
16 Act, the Service Occupation Tax Act, and the Service Use Tax
17 Act, excluding any liability for prepaid sales tax to be
18 remitted in accordance with Section 2d of this Act, was
19 \$10,000 or more during the preceding 4 complete calendar
20 quarters, he shall file a return with the Department each
21 month by the 20th day of the month next following the month
22 during which such tax liability is incurred and shall make
23 payments to the Department on or before the 7th, 15th, 22nd and
24 last day of the month during which such liability is incurred.
25 On and after October 1, 2000, if the taxpayer's average
26 monthly tax liability to the Department under this Act, the

1 Use Tax Act, the Service Occupation Tax Act, and the Service
2 Use Tax Act, excluding any liability for prepaid sales tax to
3 be remitted in accordance with Section 2d of this Act, was
4 \$20,000 or more during the preceding 4 complete calendar
5 quarters, he shall file a return with the Department each
6 month by the 20th day of the month next following the month
7 during which such tax liability is incurred and shall make
8 payment to the Department on or before the 7th, 15th, 22nd and
9 last day of the month during which such liability is incurred.
10 If the month during which such tax liability is incurred began
11 prior to January 1, 1985, each payment shall be in an amount
12 equal to 1/4 of the taxpayer's actual liability for the month
13 or an amount set by the Department not to exceed 1/4 of the
14 average monthly liability of the taxpayer to the Department
15 for the preceding 4 complete calendar quarters (excluding the
16 month of highest liability and the month of lowest liability
17 in such 4 quarter period). If the month during which such tax
18 liability is incurred begins on or after January 1, 1985 and
19 prior to January 1, 1987, each payment shall be in an amount
20 equal to 22.5% of the taxpayer's actual liability for the
21 month or 27.5% of the taxpayer's liability for the same
22 calendar month of the preceding year. If the month during
23 which such tax liability is incurred begins on or after
24 January 1, 1987 and prior to January 1, 1988, each payment
25 shall be in an amount equal to 22.5% of the taxpayer's actual
26 liability for the month or 26.25% of the taxpayer's liability

1 for the same calendar month of the preceding year. If the month
2 during which such tax liability is incurred begins on or after
3 January 1, 1988, and prior to January 1, 1989, or begins on or
4 after January 1, 1996, each payment shall be in an amount equal
5 to 22.5% of the taxpayer's actual liability for the month or
6 25% of the taxpayer's liability for the same calendar month of
7 the preceding year. If the month during which such tax
8 liability is incurred begins on or after January 1, 1989, and
9 prior to January 1, 1996, each payment shall be in an amount
10 equal to 22.5% of the taxpayer's actual liability for the
11 month or 25% of the taxpayer's liability for the same calendar
12 month of the preceding year or 100% of the taxpayer's actual
13 liability for the quarter monthly reporting period. The amount
14 of such quarter monthly payments shall be credited against the
15 final tax liability of the taxpayer's return for that month.
16 Before October 1, 2000, once applicable, the requirement of
17 the making of quarter monthly payments to the Department by
18 taxpayers having an average monthly tax liability of \$10,000
19 or more as determined in the manner provided above shall
20 continue until such taxpayer's average monthly liability to
21 the Department during the preceding 4 complete calendar
22 quarters (excluding the month of highest liability and the
23 month of lowest liability) is less than \$9,000, or until such
24 taxpayer's average monthly liability to the Department as
25 computed for each calendar quarter of the 4 preceding complete
26 calendar quarter period is less than \$10,000. However, if a

1 taxpayer can show the Department that a substantial change in
2 the taxpayer's business has occurred which causes the taxpayer
3 to anticipate that his average monthly tax liability for the
4 reasonably foreseeable future will fall below the \$10,000
5 threshold stated above, then such taxpayer may petition the
6 Department for a change in such taxpayer's reporting status.
7 On and after October 1, 2000, once applicable, the requirement
8 of the making of quarter monthly payments to the Department by
9 taxpayers having an average monthly tax liability of \$20,000
10 or more as determined in the manner provided above shall
11 continue until such taxpayer's average monthly liability to
12 the Department during the preceding 4 complete calendar
13 quarters (excluding the month of highest liability and the
14 month of lowest liability) is less than \$19,000 or until such
15 taxpayer's average monthly liability to the Department as
16 computed for each calendar quarter of the 4 preceding complete
17 calendar quarter period is less than \$20,000. However, if a
18 taxpayer can show the Department that a substantial change in
19 the taxpayer's business has occurred which causes the taxpayer
20 to anticipate that his average monthly tax liability for the
21 reasonably foreseeable future will fall below the \$20,000
22 threshold stated above, then such taxpayer may petition the
23 Department for a change in such taxpayer's reporting status.
24 The Department shall change such taxpayer's reporting status
25 unless it finds that such change is seasonal in nature and not
26 likely to be long term. Quarter monthly payment status shall

1 be determined under this paragraph as if the rate reduction to
2 0% in Public Act 102-700 on food for human consumption that is
3 to be 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) had not occurred. For quarter monthly
7 payments due under this paragraph on or after July 1, 2023 and
8 through June 30, 2024, "25% of the taxpayer's liability for
9 the same calendar month of the preceding year" shall be
10 determined as if the rate reduction to 0% in Public Act 102-700
11 had not occurred. Quarter monthly payment status shall be
12 determined under this paragraph as if the rate reduction to
13 1.25% in Public Act 102-700 on sales tax holiday items had not
14 occurred. For quarter monthly payments due on or after July 1,
15 2023 and through June 30, 2024, "25% of the taxpayer's
16 liability for the same calendar month of the preceding year"
17 shall be determined as if the rate reduction to 1.25% in Public
18 Act 102-700 on sales tax holiday items had not occurred. If any
19 such quarter monthly payment is not paid at the time or in the
20 amount required by this Section, then the taxpayer shall be
21 liable for penalties and interest on the difference between
22 the minimum amount due as a payment and the amount of such
23 quarter monthly payment actually and timely paid, except
24 insofar as the taxpayer has previously made payments for that
25 month to the Department in excess of the minimum payments
26 previously due as provided in this Section. The Department

1 shall make reasonable rules and regulations to govern the
2 quarter monthly payment amount and quarter monthly payment
3 dates for taxpayers who file on other than a calendar monthly
4 basis.

5 The provisions of this paragraph apply before October 1,
6 2001. Without regard to whether a taxpayer is required to make
7 quarter monthly payments as specified above, any taxpayer who
8 is required by Section 2d of this Act to collect and remit
9 prepaid taxes and has collected prepaid taxes which average in
10 excess of \$25,000 per month during the preceding 2 complete
11 calendar quarters, shall file a return with the Department as
12 required by Section 2f and shall make payments to the
13 Department on or before the 7th, 15th, 22nd and last day of the
14 month during which such liability is incurred. If the month
15 during which such tax liability is incurred began prior to
16 September 1, 1985 (the effective date of Public Act 84-221),
17 each payment shall be in an amount not less than 22.5% of the
18 taxpayer's actual liability under Section 2d. If the month
19 during which such tax liability is incurred begins on or after
20 January 1, 1986, each payment shall be in an amount equal to
21 22.5% of the taxpayer's actual liability for the month or
22 27.5% of the taxpayer's liability for the same calendar month
23 of the preceding calendar year. If the month during which such
24 tax liability is incurred begins on or after January 1, 1987,
25 each payment shall be in an amount equal to 22.5% of the
26 taxpayer's actual liability for the month or 26.25% of the

1 taxpayer's liability for the same calendar month of the
2 preceding year. The amount of such quarter monthly payments
3 shall be credited against the final tax liability of the
4 taxpayer's return for that month filed under this Section or
5 Section 2f, as the case may be. Once applicable, the
6 requirement of the making of quarter monthly payments to the
7 Department pursuant to this paragraph shall continue until
8 such taxpayer's average monthly prepaid tax collections during
9 the preceding 2 complete calendar quarters is \$25,000 or less.
10 If any such quarter monthly payment is not paid at the time or
11 in the amount required, the taxpayer shall be liable for
12 penalties and interest on such difference, except insofar as
13 the taxpayer has previously made payments for that month in
14 excess of the minimum payments previously due.

15 The provisions of this paragraph apply on and after
16 October 1, 2001. Without regard to whether a taxpayer is
17 required to make quarter monthly payments as specified above,
18 any taxpayer who is required by Section 2d of this Act to
19 collect and remit prepaid taxes and has collected prepaid
20 taxes that average in excess of \$20,000 per month during the
21 preceding 4 complete calendar quarters shall file a return
22 with the Department as required by Section 2f and shall make
23 payments to the Department on or before the 7th, 15th, 22nd,
24 and last day of the month during which the liability is
25 incurred. Each payment shall be in an amount equal to 22.5% of
26 the taxpayer's actual liability for the month or 25% of the

1 taxpayer's liability for the same calendar month of the
2 preceding year. The amount of the quarter monthly payments
3 shall be credited against the final tax liability of the
4 taxpayer's return for that month filed under this Section or
5 Section 2f, as the case may be. Once applicable, the
6 requirement of the making of quarter monthly payments to the
7 Department pursuant to this paragraph shall continue until the
8 taxpayer's average monthly prepaid tax collections during the
9 preceding 4 complete calendar quarters (excluding the month of
10 highest liability and the month of lowest liability) is less
11 than \$19,000 or until such taxpayer's average monthly
12 liability to the Department as computed for each calendar
13 quarter of the 4 preceding complete calendar quarters is less
14 than \$20,000. If any such quarter monthly payment is not paid
15 at the time or in the amount required, the taxpayer shall be
16 liable for penalties and interest on such difference, except
17 insofar as the taxpayer has previously made payments for that
18 month in excess of the minimum payments previously due.

19 If any payment provided for in this Section exceeds the
20 taxpayer's liabilities under this Act, the Use Tax Act, the
21 Service Occupation Tax Act, and the Service Use Tax Act, as
22 shown on an original monthly return, the Department shall, if
23 requested by the taxpayer, issue to the taxpayer a credit
24 memorandum no later than 30 days after the date of payment. The
25 credit evidenced by such credit memorandum may be assigned by
26 the taxpayer to a similar taxpayer under this Act, the Use Tax

1 Act, the Service Occupation Tax Act, or the Service Use Tax
2 Act, in accordance with reasonable rules and regulations to be
3 prescribed by the Department. If no such request is made, the
4 taxpayer may credit such excess payment against tax liability
5 subsequently to be remitted to the Department under this Act,
6 the Use Tax Act, the Service Occupation Tax Act, or the Service
7 Use Tax Act, in accordance with reasonable rules and
8 regulations prescribed by the Department. If the Department
9 subsequently determined that all or any part of the credit
10 taken was not actually due to the taxpayer, the taxpayer's
11 vendor's discount shall be reduced, if necessary, to reflect
12 the difference between the credit taken and that actually due,
13 and that taxpayer shall be liable for penalties and interest
14 on such difference.

15 If a retailer of motor fuel is entitled to a credit under
16 Section 2d of this Act which exceeds the taxpayer's liability
17 to the Department under this Act for the month for which the
18 taxpayer is filing a return, the Department shall issue the
19 taxpayer a credit memorandum for the excess.

20 The net revenue realized at the 15% rate under either
21 Section 4 or Section 5 of this Act shall be deposited as
22 follows: (i) notwithstanding the provisions of this Section to
23 the contrary, the net revenue realized from the portion of the
24 rate in excess of 5% shall be deposited into the State and
25 Local Sales Tax Reform Fund; and (ii) the net revenue realized
26 from the 5% portion of the rate shall be deposited as provided

1 in this Section for the 5% portion of the 6.25% general rate
2 imposed under this Act.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the Local Government Tax Fund, a special fund in the
5 State treasury which is hereby created, the net revenue
6 realized for the preceding month from the 1% tax imposed under
7 this Act.

8 Beginning January 1, 1990, each month the Department shall
9 pay into the County and Mass Transit District Fund, a special
10 fund in the State treasury which is hereby created, 4% of the
11 net revenue realized for the preceding month from the 6.25%
12 general rate other than aviation fuel sold on or after
13 December 1, 2019. This exception for aviation fuel only
14 applies for so long as the revenue use requirements of 49
15 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

16 Beginning August 1, 2000, each month the Department shall
17 pay into the County and Mass Transit District Fund 20% of the
18 net revenue realized for the preceding month from the 1.25%
19 rate on the selling price of motor fuel and gasohol. If, in any
20 month, the tax on sales tax holiday items, as defined in
21 Section 2-8, is imposed at the rate of 1.25%, then the
22 Department shall pay 20% of the net revenue realized for that
23 month from the 1.25% rate on the selling price of sales tax
24 holiday items into the County and Mass Transit District Fund.

25 Beginning January 1, 1990, each month the Department shall
26 pay into the Local Government Tax Fund 16% of the net revenue

1 realized for the preceding month from the 6.25% general rate
2 on the selling price of tangible personal property other than
3 aviation fuel sold on or after December 1, 2019. This
4 exception for aviation fuel only applies for so long as the
5 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
6 47133 are binding on the State.

7 For aviation fuel sold on or after December 1, 2019, each
8 month the Department shall pay into the State Aviation Program
9 Fund 20% of the net revenue realized for the preceding month
10 from the 6.25% general rate on the selling price of aviation
11 fuel, less an amount estimated by the Department to be
12 required for refunds of the 20% portion of the tax on aviation
13 fuel under this Act, which amount shall be deposited into the
14 Aviation Fuel Sales Tax Refund Fund. The Department shall only
15 pay moneys into the State Aviation Program Fund and the
16 Aviation Fuel Sales Tax Refund Fund under this Act for so long
17 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
18 U.S.C. 47133 are binding on the State.

19 Beginning August 1, 2000, each month the Department shall
20 pay into the Local Government Tax Fund 80% of the net revenue
21 realized for the preceding month from the 1.25% rate on the
22 selling price of motor fuel and gasohol. If, in any month, the
23 tax on sales tax holiday items, as defined in Section 2-8, is
24 imposed at the rate of 1.25%, then the Department shall pay 80%
25 of the net revenue realized for that month from the 1.25% rate
26 on the selling price of sales tax holiday items into the Local

1 Government Tax Fund.

2 Beginning October 1, 2009, each month the Department shall
3 pay into the Capital Projects Fund an amount that is equal to
4 an amount estimated by the Department to represent 80% of the
5 net revenue realized for the preceding month from the sale of
6 candy, grooming and hygiene products, and soft drinks that had
7 been taxed at a rate of 1% prior to September 1, 2009 but that
8 are now taxed at 6.25%.

9 Beginning July 1, 2011, each month the Department shall
10 pay into the Clean Air Act Permit Fund 80% of the net revenue
11 realized for the preceding month from the 6.25% general rate
12 on the selling price of sorbents used in Illinois in the
13 process of sorbent injection as used to comply with the
14 Environmental Protection Act or the federal Clean Air Act, but
15 the total payment into the Clean Air Act Permit Fund under this
16 Act and the Use Tax Act shall not exceed \$2,000,000 in any
17 fiscal year.

18 Beginning July 1, 2013, each month the Department shall
19 pay into the Underground Storage Tank Fund from the proceeds
20 collected under this Act, the Use Tax Act, the Service Use Tax
21 Act, and the Service Occupation Tax Act an amount equal to the
22 average monthly deficit in the Underground Storage Tank Fund
23 during the prior year, as certified annually by the Illinois
24 Environmental Protection Agency, but the total payment into
25 the Underground Storage Tank Fund under this Act, the Use Tax
26 Act, the Service Use Tax Act, and the Service Occupation Tax

1 Act shall not exceed \$18,000,000 in any State fiscal year. As
2 used in this paragraph, the "average monthly deficit" shall be
3 equal to the difference between the average monthly claims for
4 payment by the fund and the average monthly revenues deposited
5 into the fund, excluding payments made pursuant to this
6 paragraph.

7 Beginning July 1, 2015, of the remainder of the moneys
8 received by the Department under the Use Tax Act, the Service
9 Use Tax Act, the Service Occupation Tax Act, and this Act, each
10 month the Department shall deposit \$500,000 into the State
11 Crime Laboratory Fund.

12 Of the remainder of the moneys received by the Department
13 pursuant to this Act, (a) 1.75% thereof shall be paid into the
14 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
15 and after July 1, 1989, 3.8% thereof shall be paid into the
16 Build Illinois Fund; provided, however, that if in any fiscal
17 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
18 may be, of the moneys received by the Department and required
19 to be paid into the Build Illinois Fund pursuant to this Act,
20 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
21 Act, and Section 9 of the Service Occupation Tax Act, such Acts
22 being hereinafter called the "Tax Acts" and such aggregate of
23 2.2% or 3.8%, as the case may be, of moneys being hereinafter
24 called the "Tax Act Amount", and (2) the amount transferred to
25 the Build Illinois Fund from the State and Local Sales Tax
26 Reform Fund shall be less than the Annual Specified Amount (as

1 hereinafter defined), an amount equal to the difference shall
2 be immediately paid into the Build Illinois Fund from other
3 moneys received by the Department pursuant to the Tax Acts;
4 the "Annual Specified Amount" means the amounts specified
5 below for fiscal years 1986 through 1993:

6	Fiscal Year	Annual Specified Amount
7	1986	\$54,800,000
8	1987	\$76,650,000
9	1988	\$80,480,000
10	1989	\$88,510,000
11	1990	\$115,330,000
12	1991	\$145,470,000
13	1992	\$182,730,000
14	1993	\$206,520,000;

15 and means the Certified Annual Debt Service Requirement (as
16 defined in Section 13 of the Build Illinois Bond Act) or the
17 Tax Act Amount, whichever is greater, for fiscal year 1994 and
18 each fiscal year thereafter; and further provided, that if on
19 the last business day of any month the sum of (1) the Tax Act
20 Amount required to be deposited into the Build Illinois Bond
21 Account in the Build Illinois Fund during such month and (2)
22 the amount transferred to the Build Illinois Fund from the
23 State and Local Sales Tax Reform Fund shall have been less than
24 1/12 of the Annual Specified Amount, an amount equal to the
25 difference shall be immediately paid into the Build Illinois
26 Fund from other moneys received by the Department pursuant to

1 the Tax Acts; and, further provided, that in no event shall the
2 payments required under the preceding proviso result in
3 aggregate payments into the Build Illinois Fund pursuant to
4 this clause (b) for any fiscal year in excess of the greater of
5 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
6 such fiscal year. The amounts payable into the Build Illinois
7 Fund under clause (b) of the first sentence in this paragraph
8 shall be payable only until such time as the aggregate amount
9 on deposit under each trust indenture securing Bonds issued
10 and outstanding pursuant to the Build Illinois Bond Act is
11 sufficient, taking into account any future investment income,
12 to fully provide, in accordance with such indenture, for the
13 defeasance of or the payment of the principal of, premium, if
14 any, and interest on the Bonds secured by such indenture and on
15 any Bonds expected to be issued thereafter and all fees and
16 costs payable with respect thereto, all as certified by the
17 Director of the Bureau of the Budget (now Governor's Office of
18 Management and Budget). If on the last business day of any
19 month in which Bonds are outstanding pursuant to the Build
20 Illinois Bond Act, the aggregate of moneys deposited into the
21 Build Illinois Bond Account in the Build Illinois Fund in such
22 month shall be less than the amount required to be transferred
23 in such month from the Build Illinois Bond Account to the Build
24 Illinois Bond Retirement and Interest Fund pursuant to Section
25 13 of the Build Illinois Bond Act, an amount equal to such
26 deficiency shall be immediately paid from other moneys

1 received by the Department pursuant to the Tax Acts to the
 2 Build Illinois Fund; provided, however, that any amounts paid
 3 to the Build Illinois Fund in any fiscal year pursuant to this
 4 sentence shall be deemed to constitute payments pursuant to
 5 clause (b) of the first sentence of this paragraph and shall
 6 reduce the amount otherwise payable for such fiscal year
 7 pursuant to that clause (b). The moneys received by the
 8 Department pursuant to this Act and required to be deposited
 9 into the Build Illinois Fund are subject to the pledge, claim
 10 and charge set forth in Section 12 of the Build Illinois Bond
 11 Act.

12 Subject to payment of amounts into the Build Illinois Fund
 13 as provided in the preceding paragraph or in any amendment
 14 thereto hereafter enacted, the following specified monthly
 15 installment of the amount requested in the certificate of the
 16 Chairman of the Metropolitan Pier and Exposition Authority
 17 provided under Section 8.25f of the State Finance Act, but not
 18 in excess of sums designated as "Total Deposit", shall be
 19 deposited in the aggregate from collections under Section 9 of
 20 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 21 9 of the Service Occupation Tax Act, and Section 3 of the
 22 Retailers' Occupation Tax Act into the McCormick Place
 23 Expansion Project Fund in the specified fiscal years.

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000

1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000

1	2021	300,000,000
2	2022	300,000,000
3	2023	300,000,000
4	2024	300,000,000
5	2025	300,000,000
6	2026	300,000,000
7	2027	375,000,000
8	2028	375,000,000
9	2029	375,000,000
10	2030	375,000,000
11	2031	375,000,000
12	2032	375,000,000
13	2033	375,000,000
14	2034	375,000,000
15	2035	375,000,000
16	2036	450,000,000

17 and

18 each fiscal year
19 thereafter that bonds
20 are outstanding under
21 Section 13.2 of the
22 Metropolitan Pier and
23 Exposition Authority Act,
24 but not after fiscal year 2060.

25 Beginning July 20, 1993 and in each month of each fiscal
26 year thereafter, one-eighth of the amount requested in the

1 certificate of the Chairman of the Metropolitan Pier and
2 Exposition Authority for that fiscal year, less the amount
3 deposited into the McCormick Place Expansion Project Fund by
4 the State Treasurer in the respective month under subsection
5 (g) of Section 13 of the Metropolitan Pier and Exposition
6 Authority Act, plus cumulative deficiencies in the deposits
7 required under this Section for previous months and years,
8 shall be deposited into the McCormick Place Expansion Project
9 Fund, until the full amount requested for the fiscal year, but
10 not in excess of the amount specified above as "Total
11 Deposit", has been deposited.

12 Subject to payment of amounts into the Capital Projects
13 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
14 and the McCormick Place Expansion Project Fund pursuant to the
15 preceding paragraphs or in any amendments thereto hereafter
16 enacted, for aviation fuel sold on or after December 1, 2019,
17 the Department shall each month deposit into the Aviation Fuel
18 Sales Tax Refund Fund an amount estimated by the Department to
19 be required for refunds of the 80% portion of the tax on
20 aviation fuel under this Act. The Department shall only
21 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
22 under this paragraph for so long as the revenue use
23 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
24 binding on the State.

25 Subject to payment of amounts into the Build Illinois Fund
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, beginning July 1, 1993 and ending on September 30,
3 2013, the Department shall each month pay into the Illinois
4 Tax Increment Fund 0.27% of 80% of the net revenue realized for
5 the preceding month from the 6.25% general rate on the selling
6 price of tangible personal property.

7 Subject to payment of amounts into the Build Illinois
8 Fund, the McCormick Place Expansion Project Fund, and the
9 Illinois Tax Increment Fund pursuant to the preceding
10 paragraphs or in any amendments to this Section hereafter
11 enacted, beginning on the first day of the first calendar
12 month to occur on or after August 26, 2014 (the effective date
13 of Public Act 98-1098), each month, from the collections made
14 under Section 9 of the Use Tax Act, Section 9 of the Service
15 Use Tax Act, Section 9 of the Service Occupation Tax Act, and
16 Section 3 of the Retailers' Occupation Tax Act, the Department
17 shall pay into the Tax Compliance and Administration Fund, to
18 be used, subject to appropriation, to fund additional auditors
19 and compliance personnel at the Department of Revenue, an
20 amount equal to 1/12 of 5% of 80% of the cash receipts
21 collected during the preceding fiscal year by the Audit Bureau
22 of the Department under the Use Tax Act, the Service Use Tax
23 Act, the Service Occupation Tax Act, the Retailers' Occupation
24 Tax Act, and associated local occupation and use taxes
25 administered by the Department.

26 Subject to payments of amounts into the Build Illinois

1 Fund, the McCormick Place Expansion Project Fund, the Illinois
2 Tax Increment Fund, the Energy Infrastructure Fund, and the
3 Tax Compliance and Administration Fund as provided in this
4 Section, beginning on July 1, 2018 the Department shall pay
5 each month into the Downstate Public Transportation Fund the
6 moneys required to be so paid under Section 2-3 of the
7 Downstate Public Transportation Act.

8 Subject to successful execution and delivery of a
9 public-private agreement between the public agency and private
10 entity and completion of the civic build, beginning on July 1,
11 2023, of the remainder of the moneys received by the
12 Department under the Use Tax Act, the Service Use Tax Act, the
13 Service Occupation Tax Act, and this Act, the Department shall
14 deposit the following specified deposits in the aggregate from
15 collections under the Use Tax Act, the Service Use Tax Act, the
16 Service Occupation Tax Act, and the Retailers' Occupation Tax
17 Act, as required under Section 8.25g of the State Finance Act
18 for distribution consistent with the Public-Private
19 Partnership for Civic and Transit Infrastructure Project Act.
20 The moneys received by the Department pursuant to this Act and
21 required to be deposited into the Civic and Transit
22 Infrastructure Fund are subject to the pledge, claim and
23 charge set forth in Section 25-55 of the Public-Private
24 Partnership for Civic and Transit Infrastructure Project Act.
25 As used in this paragraph, "civic build", "private entity",
26 "public-private agreement", and "public agency" have the

1 meanings provided in Section 25-10 of the Public-Private
2 Partnership for Civic and Transit Infrastructure Project Act.

3	Fiscal Year.....	Total Deposit
4	2024	\$200,000,000
5	2025	\$206,000,000
6	2026	\$212,200,000
7	2027	\$218,500,000
8	2028	\$225,100,000
9	2029	\$288,700,000
10	2030	\$298,900,000
11	2031	\$309,300,000
12	2032	\$320,100,000
13	2033	\$331,200,000
14	2034	\$341,200,000
15	2035	\$351,400,000
16	2036	\$361,900,000
17	2037	\$372,800,000
18	2038	\$384,000,000
19	2039	\$395,500,000
20	2040	\$407,400,000
21	2041	\$419,600,000
22	2042	\$432,200,000
23	2043	\$445,100,000

24 Beginning July 1, 2021 and until July 1, 2022, subject to
25 the payment of amounts into the County and Mass Transit
26 District Fund, the Local Government Tax Fund, the Build

1 Illinois Fund, the McCormick Place Expansion Project Fund, the
2 Illinois Tax Increment Fund, and the Tax Compliance and
3 Administration Fund as provided in this Section, the
4 Department shall pay each month into the Road Fund the amount
5 estimated to represent 16% of the net revenue realized from
6 the taxes imposed on motor fuel and gasohol. Beginning July 1,
7 2022 and until July 1, 2023, subject to the payment of amounts
8 into the County and Mass Transit District Fund, the Local
9 Government Tax Fund, the Build Illinois Fund, the McCormick
10 Place Expansion Project Fund, the Illinois Tax Increment Fund,
11 and the Tax Compliance and Administration Fund as provided in
12 this Section, the Department shall pay each month into the
13 Road Fund the amount estimated to represent 32% of the net
14 revenue realized from the taxes imposed on motor fuel and
15 gasohol. Beginning July 1, 2023 and until July 1, 2024,
16 subject to the payment of amounts into the County and Mass
17 Transit District Fund, the Local Government Tax Fund, the
18 Build Illinois Fund, the McCormick Place Expansion Project
19 Fund, the Illinois Tax Increment Fund, and the Tax Compliance
20 and Administration Fund as provided in this Section, the
21 Department shall pay each month into the Road Fund the amount
22 estimated to represent 48% of the net revenue realized from
23 the taxes imposed on motor fuel and gasohol. Beginning July 1,
24 2024 and until July 1, 2026, subject to the payment of amounts
25 into the County and Mass Transit District Fund, the Local
26 Government Tax Fund, the Build Illinois Fund, the McCormick

1 Place Expansion Project Fund, the Illinois Tax Increment Fund,
2 and the Tax Compliance and Administration Fund as provided in
3 this Section, the Department shall pay each month into the
4 Road Fund the amount estimated to represent 64% of the net
5 revenue realized from the taxes imposed on motor fuel and
6 gasohol. Beginning on July 1, 2026, subject to the payment of
7 amounts into the County and Mass Transit District Fund, the
8 Local Government Tax Fund, the Build Illinois Fund, the
9 McCormick Place Expansion Project Fund, the Illinois Tax
10 Increment Fund, and the Tax Compliance and Administration Fund
11 as provided in this Section, the Department shall pay each
12 month into the Public Transportation Fund and the Downstate
13 Public Transportation Fund the amount estimated to represent
14 80% of the net revenue realized from the taxes imposed on motor
15 fuel and gasohol. Moneys shall be apportioned as follows: 85%
16 into the Public Transportation Fund and 15% into the Downstate
17 Public Transportation Fund. As used in this paragraph "motor
18 fuel" has the meaning given to that term in Section 1.1 of the
19 Motor Fuel Tax Law, and "gasohol" has the meaning given to that
20 term in Section 3-40 of the Use Tax Act.

21 Until July 1, 2025, of the remainder of the moneys
22 received by the Department pursuant to this Act, 75% thereof
23 shall be paid into the State treasury and 25% shall be reserved
24 in a special account and used only for the transfer to the
25 Common School Fund as part of the monthly transfer from the
26 General Revenue Fund in accordance with Section 8a of the

1 State Finance Act. Beginning July 1, 2025, of the remainder of
2 the moneys received by the Department pursuant to this Act,
3 75% shall be deposited into the General Revenue Fund and 25%
4 shall be deposited into the Common School Fund.

5 The Department may, upon separate written notice to a
6 taxpayer, require the taxpayer to prepare and file with the
7 Department on a form prescribed by the Department within not
8 less than 60 days after receipt of the notice an annual
9 information return for the tax year specified in the notice.
10 Such annual return to the Department shall include a statement
11 of gross receipts as shown by the retailer's last federal
12 income tax return. If the total receipts of the business as
13 reported in the federal income tax return do not agree with the
14 gross receipts reported to the Department of Revenue for the
15 same period, the retailer shall attach to his annual return a
16 schedule showing a reconciliation of the 2 amounts and the
17 reasons for the difference. The retailer's annual return to
18 the Department shall also disclose the cost of goods sold by
19 the retailer during the year covered by such return, opening
20 and closing inventories of such goods for such year, costs of
21 goods used from stock or taken from stock and given away by the
22 retailer during such year, payroll information of the
23 retailer's business during such year and any additional
24 reasonable information which the Department deems would be
25 helpful in determining the accuracy of the monthly, quarterly,
26 or annual returns filed by such retailer as provided for in

1 this Section.

2 If the annual information return required by this Section
3 is not filed when and as required, the taxpayer shall be liable
4 as follows:

5 (i) Until January 1, 1994, the taxpayer shall be
6 liable for a penalty equal to 1/6 of 1% of the tax due from
7 such taxpayer under this Act during the period to be
8 covered by the annual return for each month or fraction of
9 a month until such return is filed as required, the
10 penalty to be assessed and collected in the same manner as
11 any other penalty provided for in this Act.

12 (ii) On and after January 1, 1994, the taxpayer shall
13 be liable for a penalty as described in Section 3-4 of the
14 Uniform Penalty and Interest Act.

15 The chief executive officer, proprietor, owner, or highest
16 ranking manager shall sign the annual return to certify the
17 accuracy of the information contained therein. Any person who
18 willfully signs the annual return containing false or
19 inaccurate information shall be guilty of perjury and punished
20 accordingly. The annual return form prescribed by the
21 Department shall include a warning that the person signing the
22 return may be liable for perjury.

23 The provisions of this Section concerning the filing of an
24 annual information return do not apply to a retailer who is not
25 required to file an income tax return with the United States
26 Government.

1 As soon as possible after the first day of each month, upon
2 certification of the Department of Revenue, the Comptroller
3 shall order transferred and the Treasurer shall transfer from
4 the General Revenue Fund to the Motor Fuel Tax Fund an amount
5 equal to 1.7% of 80% of the net revenue realized under this Act
6 for the second preceding month. Beginning April 1, 2000, this
7 transfer is no longer required and shall not be made.

8 Net revenue realized for a month shall be the revenue
9 collected by the State pursuant to this Act, less the amount
10 paid out during that month as refunds to taxpayers for
11 overpayment of liability.

12 For greater simplicity of administration, manufacturers,
13 importers and wholesalers whose products are sold at retail in
14 Illinois by numerous retailers, and who wish to do so, may
15 assume the responsibility for accounting and paying to the
16 Department all tax accruing under this Act with respect to
17 such sales, if the retailers who are affected do not make
18 written objection to the Department to this arrangement.

19 Any person who promotes, organizes, or provides retail
20 selling space for concessionaires or other types of sellers at
21 the Illinois State Fair, DuQuoin State Fair, county fairs,
22 local fairs, art shows, flea markets, and similar exhibitions
23 or events, including any transient merchant as defined by
24 Section 2 of the Transient Merchant Act of 1987, is required to
25 file a report with the Department providing the name of the
26 merchant's business, the name of the person or persons engaged

1 in merchant's business, the permanent address and Illinois
2 Retailers Occupation Tax Registration Number of the merchant,
3 the dates and location of the event, and other reasonable
4 information that the Department may require. The report must
5 be filed not later than the 20th day of the month next
6 following the month during which the event with retail sales
7 was held. Any person who fails to file a report required by
8 this Section commits a business offense and is subject to a
9 fine not to exceed \$250.

10 Any person engaged in the business of selling tangible
11 personal property at retail as a concessionaire or other type
12 of seller at the Illinois State Fair, county fairs, art shows,
13 flea markets, and similar exhibitions or events, or any
14 transient merchants, as defined by Section 2 of the Transient
15 Merchant Act of 1987, may be required to make a daily report of
16 the amount of such sales to the Department and to make a daily
17 payment of the full amount of tax due. The Department shall
18 impose this requirement when it finds that there is a
19 significant risk of loss of revenue to the State at such an
20 exhibition or event. Such a finding shall be based on evidence
21 that a substantial number of concessionaires or other sellers
22 who are not residents of Illinois will be engaging in the
23 business of selling tangible personal property at retail at
24 the exhibition or event, or other evidence of a significant
25 risk of loss of revenue to the State. The Department shall
26 notify concessionaires and other sellers affected by the

1 imposition of this requirement. In the absence of notification
2 by the Department, the concessionaires and other sellers shall
3 file their returns as otherwise required in this Section.

4 (Source: P.A. 103-9, eff. 6-7-23; 103-154, eff. 6-30-23;
5 103-363, eff. 7-28-23; 103-592, Article 75, Section 75-20,
6 eff. 1-1-25; 103-592, Article 110, Section 110-20, eff.
7 6-7-24; 103-605, eff. 7-1-24; 103-1055, eff. 12-20-24; 104-6,
8 Article 5, Section 5-25, eff. 6-16-25; 104-6, Article 25,
9 Section 25-20, eff. 6-16-25; 104-6, Article 35, Section 35-35,
10 eff. 6-16-25; 104-457, eff. 6-1-26.)

11 Section 25. The Illinois Municipal Code is amended by
12 changing Sections 11-42-10.1 and 11-42-10.2 as follows:

13 (65 ILCS 5/11-42-10.1)

14 Sec. 11-42-10.1. The corporate authorities of each
15 municipality may license or regulate businesses operating as a
16 public accommodation that permit the consumption of alcoholic
17 liquor on the business premises and that are not licensed
18 under the Liquor and Hemp Products Control Act ~~of 1934~~. For
19 purposes of this Section, "public accommodation" means a
20 refreshment, entertainment, or recreation facility of any
21 kind, whether licensed or not, whose goods, services,
22 facilities, privileges, or advantages are extended, offered,
23 sold, or otherwise made available to the public.

24 (Source: P.A. 92-696, eff. 7-19-02.)

1 (65 ILCS 5/11-42-10.2)

2 Sec. 11-42-10.2. Regulation and licensure; adult
3 entertainment facility.

4 (a) The corporate authorities of each municipality having
5 a population of less than 750,000 may license or regulate any
6 business (i) that is operating as an adult entertainment
7 facility; (ii) that permits the consumption of alcoholic
8 liquor on the business premises; and (iii) that is not
9 licensed under the Liquor and Hemp Products Control Act ~~of~~
10 ~~1934~~.

11 (b) For purposes of this Section, "adult entertainment
12 facility" means that term as it is defined in Section
13 11-5-1.5.

14 (Source: P.A. 94-401, eff. 8-2-05.)

15 Section 30. The Sports Stadium Act is amended by changing
16 Section 4 as follows:

17 (65 ILCS 100/4) (from Ch. 85, par. 6034)

18 Sec. 4. Limitation on challenges. The General Assembly
19 finds that it is necessary and desirable to reduce the risk
20 that persons who expend or commit substantial sums in reliance
21 on the provisions of this Act will be exposed to deferred
22 litigation which might jeopardize financial and other
23 arrangements necessary to carry out promptly the purposes of

1 this Act. Therefore, no later than 30 days after the effective
2 date of this Act, the clerk of any municipality having a
3 population in excess of 2,000,000 shall cause to be published
4 a notice setting forth:

5 (a) a copy of this Act;

6 (b) a statement that no action or proceeding to contest
7 the validity of the liquor referendum provisions of Section
8 9-2a of the Liquor and Hemp Products Control Act ~~of 1934~~, as
9 amended by this amendatory Act of 1989, or the tax
10 stabilization provisions of Sections 10-205 through 10-220 of
11 the Property Tax Code may be commenced in any court more than 6
12 months after publication of the notice required by this
13 Section; and

14 (c) a statement that a proposal for the construction of a
15 new stadium in such municipality has been made, if that has
16 occurred.

17 The notice shall be published in full, in 8 point type or
18 the equivalent thereof, within such 30-day period in one or
19 more newspapers of general circulation in the county in which
20 such municipality is located and in the Illinois counties
21 contiguous to such county. No action or proceeding to contest
22 the validity of any provision of Section 9-2a of the Liquor and
23 Hemp Products Control Act ~~of 1934~~, as amended by this
24 amendatory Act of 1989, or Sections 10-205 through 10-220 of
25 the Property Tax Code may be commenced in any court by the
26 People of the State of Illinois; or any person, firm,

1 corporation or other legal entity, public or private; or any
2 unit of local government, school district or taxing district;
3 or any association of persons; or any government officer,
4 department, political subdivision or agency; or any successor
5 in interest to any of the foregoing, unless written notice of
6 intention to institute such action or proceeding is filed with
7 the clerk of such municipality within 6 months following the
8 date of publication of the notice required by this Section and
9 such action or proceeding is commenced within one year
10 following the date of publication of the notice.

11 (Source: P.A. 88-670, eff. 12-2-94.)

12 Section 35. The Illinois Insurance Code is amended by
13 changing Section 388h as follows:

14 (215 ILCS 5/388h)

15 Sec. 388h. Opioid antagonists; Liquor and Hemp Products
16 Control Act ~~of 1934~~. An insurer that is licensed and
17 authorized to do business in this State shall consider an
18 applicant's or insured's compliance with Section 6-39 of the
19 Liquor and Hemp Products Control Act ~~of 1934~~ when providing
20 commercial liability insurance to a music venue as defined in
21 subsection (a) of Section 6-39 of the Liquor and Hemp Products
22 Control Act ~~of 1934~~.

23 (Source: P.A. 103-20, eff. 6-1-24.)

1 Section 40. The Illinois Gambling Act is amended by
2 changing Section 5 as follows:

3 (230 ILCS 10/5) (from Ch. 120, par. 2405)

4 Sec. 5. Gaming Board.

5 (a) (1) There is hereby established the Illinois Gaming
6 Board, which shall have the powers and duties specified in
7 this Act, and all other powers necessary and proper to fully
8 and effectively execute this Act for the purpose of
9 administering, regulating, and enforcing the system of
10 riverboat and casino gambling established by this Act and
11 gaming pursuant to an organization gaming license issued under
12 this Act. Its jurisdiction shall extend under this Act to
13 every person, association, corporation, partnership and trust
14 involved in riverboat and casino gambling operations and
15 gaming pursuant to an organization gaming license issued under
16 this Act in the State of Illinois.

17 (2) The Board shall consist of 5 members to be appointed by
18 the Governor with the advice and consent of the Senate, one of
19 whom shall be designated by the Governor to be chairperson.
20 Each member shall have a reasonable knowledge of the practice,
21 procedure and principles of gambling operations. Each member
22 shall either be a resident of Illinois or shall certify that he
23 or she will become a resident of Illinois before taking
24 office.

25 On and after the effective date of this amendatory Act of

1 the 101st General Assembly, new appointees to the Board must
2 include the following:

3 (A) One member who has received, at a minimum, a
4 bachelor's degree from an accredited school and at least
5 10 years of verifiable experience in the fields of
6 investigation and law enforcement.

7 (B) One member with experience in auditing and with
8 knowledge of complex corporate structures and
9 transactions.

10 (C) One member who has 5 years' experience as a
11 principal, senior officer, or director of a company or
12 business with either material responsibility for the daily
13 operations and management of the overall company or
14 business or material responsibility for the policy making
15 of the company or business.

16 (D) One member who is an attorney licensed to practice
17 law in Illinois for at least 5 years.

18 Notwithstanding any provision of this subsection (a), the
19 requirements of subparagraphs (A) through (D) of this
20 paragraph (2) shall not apply to any person reappointed
21 pursuant to paragraph (3).

22 No more than 3 members of the Board may be from the same
23 political party. No Board member shall, within a period of one
24 year immediately preceding nomination, have been employed or
25 received compensation or fees for services from a person or
26 entity, or its parent or affiliate, that has engaged in

1 business with the Board, a licensee, or a licensee under the
2 Illinois Horse Racing Act of 1975. Board members must publicly
3 disclose all prior affiliations with gaming interests,
4 including any compensation, fees, bonuses, salaries, and other
5 reimbursement received from a person or entity, or its parent
6 or affiliate, that has engaged in business with the Board, a
7 licensee, or a licensee under the Illinois Horse Racing Act of
8 1975. This disclosure must be made within 30 days after
9 nomination but prior to confirmation by the Senate and must be
10 made available to the members of the Senate.

11 (3) The terms of office of the Board members shall be 3
12 years, except that the terms of office of the initial Board
13 members appointed pursuant to this Act will commence from the
14 effective date of this Act and run as follows: one for a term
15 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2
16 for a term ending July 1, 1993. Upon the expiration of the
17 foregoing terms, the successors of such members shall serve a
18 term for 3 years and until their successors are appointed and
19 qualified for like terms. Vacancies in the Board shall be
20 filled for the unexpired term in like manner as original
21 appointments. Each member of the Board shall be eligible for
22 reappointment at the discretion of the Governor with the
23 advice and consent of the Senate.

24 (4) Each member of the Board shall receive \$300 for each
25 day the Board meets and for each day the member conducts any
26 hearing pursuant to this Act. Each member of the Board shall

1 also be reimbursed for all actual and necessary expenses and
2 disbursements incurred in the execution of official duties.

3 (5) No person shall be appointed a member of the Board or
4 continue to be a member of the Board who is, or whose spouse,
5 child or parent is, a member of the board of directors of, or a
6 person financially interested in, any gambling operation
7 subject to the jurisdiction of this Board, or any race track,
8 race meeting, racing association or the operations thereof
9 subject to the jurisdiction of the Illinois Racing Board. No
10 Board member shall hold any other public office. No person
11 shall be a member of the Board who is not of good moral
12 character or who has been convicted of, or is under indictment
13 for, a felony under the laws of Illinois or any other state, or
14 the United States.

15 (5.5) No member of the Board shall engage in any political
16 activity. For the purposes of this Section, "political" means
17 any activity in support of or in connection with any campaign
18 for federal, State, or local elective office or any political
19 organization, but does not include activities (i) relating to
20 the support or opposition of any executive, legislative, or
21 administrative action (as those terms are defined in Section 2
22 of the Lobbyist Registration Act), (ii) relating to collective
23 bargaining, or (iii) that are otherwise in furtherance of the
24 person's official State duties or governmental and public
25 service functions.

26 (6) Any member of the Board may be removed by the Governor

1 for neglect of duty, misfeasance, malfeasance, or nonfeasance
2 in office or for engaging in any political activity.

3 (7) Before entering upon the discharge of the duties of
4 his office, each member of the Board shall take an oath that he
5 will faithfully execute the duties of his office according to
6 the laws of the State and the rules and regulations adopted
7 therewith and shall give bond to the State of Illinois,
8 approved by the Governor, in the sum of \$25,000. Every such
9 bond, when duly executed and approved, shall be recorded in
10 the office of the Secretary of State. Whenever the Governor
11 determines that the bond of any member of the Board has become
12 or is likely to become invalid or insufficient, he shall
13 require such member forthwith to renew his bond, which is to be
14 approved by the Governor. Any member of the Board who fails to
15 take oath and give bond within 30 days from the date of his
16 appointment, or who fails to renew his bond within 30 days
17 after it is demanded by the Governor, shall be guilty of
18 neglect of duty and may be removed by the Governor. The cost of
19 any bond given by any member of the Board under this Section
20 shall be taken to be a part of the necessary expenses of the
21 Board.

22 (7.5) For the examination of all mechanical,
23 electromechanical, or electronic table games, slot machines,
24 slot accounting systems, sports wagering systems, and other
25 electronic gaming equipment, and the field inspection of such
26 systems, games, and machines, for compliance with this Act,

1 the Board shall utilize the services of independent outside
2 testing laboratories that have been accredited in accordance
3 with ISO/IEC 17025 by an accreditation body that is a
4 signatory to the International Laboratory Accreditation
5 Cooperation Mutual Recognition Agreement signifying they are
6 qualified to perform such examinations. Notwithstanding any
7 law to the contrary, the Board shall consider the licensing of
8 independent outside testing laboratory applicants in
9 accordance with procedures established by the Board by rule.
10 The Board shall not withhold its approval of an independent
11 outside testing laboratory license applicant that has been
12 accredited as required under this paragraph (7.5) and is
13 licensed in gaming jurisdictions comparable to Illinois. Upon
14 the finalization of required rules, the Board shall license
15 independent testing laboratories and accept the test reports
16 of any licensed testing laboratory of the system's, game's, or
17 machine manufacturer's choice, notwithstanding the existence
18 of contracts between the Board and any independent testing
19 laboratory.

20 (8) The Board shall employ such personnel as may be
21 necessary to carry out its functions and shall determine the
22 salaries of all personnel, except those personnel whose
23 salaries are determined under the terms of a collective
24 bargaining agreement. No person shall be employed to serve the
25 Board who is, or whose spouse, parent or child is, an official
26 of, or has a financial interest in or financial relation with,

1 any operator engaged in gambling operations within this State
2 or any organization engaged in conducting horse racing within
3 this State. For the one year immediately preceding employment,
4 an employee shall not have been employed or received
5 compensation or fees for services from a person or entity, or
6 its parent or affiliate, that has engaged in business with the
7 Board, a licensee, or a licensee under the Illinois Horse
8 Racing Act of 1975. Any employee violating these prohibitions
9 shall be subject to termination of employment.

10 (9) An Administrator shall perform any and all duties that
11 the Board shall assign him. The salary of the Administrator
12 shall be determined by the Board and, in addition, he shall be
13 reimbursed for all actual and necessary expenses incurred by
14 him in discharge of his official duties. The Administrator
15 shall keep records of all proceedings of the Board and shall
16 preserve all records, books, documents and other papers
17 belonging to the Board or entrusted to its care. The
18 Administrator shall devote his full time to the duties of the
19 office and shall not hold any other office or employment.

20 (b) The Board shall have general responsibility for the
21 implementation of this Act. Its duties include, without
22 limitation, the following:

23 (1) To decide promptly and in reasonable order all
24 license applications. Any party aggrieved by an action of
25 the Board denying, suspending, revoking, restricting or
26 refusing to renew a license may request a hearing before

1 the Board. A request for a hearing must be made to the
2 Board in writing within 5 days after service of notice of
3 the action of the Board. Notice of the action of the Board
4 shall be served either by personal delivery or by
5 certified mail, postage prepaid, to the aggrieved party.
6 Notice served by certified mail shall be deemed complete
7 on the business day following the date of such mailing.
8 The Board shall conduct any such hearings promptly and in
9 reasonable order;

10 (2) To conduct all hearings pertaining to civil
11 violations of this Act or rules and regulations
12 promulgated hereunder;

13 (3) To promulgate such rules and regulations as in its
14 judgment may be necessary to protect or enhance the
15 credibility and integrity of gambling operations
16 authorized by this Act and the regulatory process
17 hereunder;

18 (4) To provide for the establishment and collection of
19 all license and registration fees and taxes imposed by
20 this Act and the rules and regulations issued pursuant
21 hereto. All such fees and taxes shall be deposited into
22 the State Gaming Fund;

23 (5) To provide for the levy and collection of
24 penalties and fines for the violation of provisions of
25 this Act and the rules and regulations promulgated
26 hereunder. All such fines and penalties shall be deposited

1 into the Education Assistance Fund, created by Public Act
2 86-0018, of the State of Illinois;

3 (6) To be present through its inspectors and agents
4 any time gambling operations are conducted on any
5 riverboat, in any casino, or at any organization gaming
6 facility for the purpose of certifying the revenue
7 thereof, receiving complaints from the public, and
8 conducting such other investigations into the conduct of
9 the gambling games and the maintenance of the equipment as
10 from time to time the Board may deem necessary and proper;

11 (7) To review and rule upon any complaint by a
12 licensee regarding any investigative procedures of the
13 State which are unnecessarily disruptive of gambling
14 operations. The need to inspect and investigate shall be
15 presumed at all times. The disruption of a licensee's
16 operations shall be proved by clear and convincing
17 evidence, and establish that: (A) the procedures had no
18 reasonable law enforcement purposes, and (B) the
19 procedures were so disruptive as to unreasonably inhibit
20 gambling operations;

21 (8) To hold at least one meeting each quarter of the
22 fiscal year. In addition, special meetings may be called
23 by the Chairman or any 2 Board members upon 72 hours
24 written notice to each member. All Board meetings shall be
25 subject to the Open Meetings Act. Three members of the
26 Board shall constitute a quorum, and 3 votes shall be

1 required for any final determination by the Board. The
2 Board shall keep a complete and accurate record of all its
3 meetings. A majority of the members of the Board shall
4 constitute a quorum for the transaction of any business,
5 for the performance of any duty, or for the exercise of any
6 power which this Act requires the Board members to
7 transact, perform or exercise en banc, except that, upon
8 order of the Board, one of the Board members or an
9 administrative law judge designated by the Board may
10 conduct any hearing provided for under this Act or by
11 Board rule and may recommend findings and decisions to the
12 Board. The Board member or administrative law judge
13 conducting such hearing shall have all powers and rights
14 granted to the Board in this Act. The record made at the
15 time of the hearing shall be reviewed by the Board, or a
16 majority thereof, and the findings and decision of the
17 majority of the Board shall constitute the order of the
18 Board in such case;

19 (9) To maintain records which are separate and
20 distinct from the records of any other State board or
21 commission. Such records shall be available for public
22 inspection and shall accurately reflect all Board
23 proceedings;

24 (10) To file a written annual report with the Governor
25 on or before July 1 each year and such additional reports
26 as the Governor may request. The annual report shall

1 include a statement of receipts and disbursements by the
2 Board, actions taken by the Board, and any additional
3 information and recommendations which the Board may deem
4 valuable or which the Governor may request;

5 (11) (Blank);

6 (12) (Blank);

7 (13) To assume responsibility for administration and
8 enforcement of the Video Gaming Act;

9 (13.1) To assume responsibility for the administration
10 and enforcement of operations at organization gaming
11 facilities pursuant to this Act and the Illinois Horse
12 Racing Act of 1975;

13 (13.2) To assume responsibility for the administration
14 and enforcement of the Sports Wagering Act; and

15 (14) To adopt, by rule, a code of conduct governing
16 Board members and employees that ensure, to the maximum
17 extent possible, that persons subject to this Code avoid
18 situations, relationships, or associations that may
19 represent or lead to a conflict of interest.

20 Internal controls and changes submitted by licensees must
21 be reviewed and either approved or denied with cause within 90
22 days after receipt of submission is deemed final by the
23 Illinois Gaming Board. In the event an internal control
24 submission or change does not meet the standards set by the
25 Board, staff of the Board must provide technical assistance to
26 the licensee to rectify such deficiencies within 90 days after

1 the initial submission and the revised submission must be
2 reviewed and approved or denied with cause within 90 days
3 after the date the revised submission is deemed final by the
4 Board. For the purposes of this paragraph, "with cause" means
5 that the approval of the submission would jeopardize the
6 integrity of gaming. In the event the Board staff has not acted
7 within the timeframe, the submission shall be deemed approved.

8 (c) The Board shall have jurisdiction over and shall
9 supervise all gambling operations governed by this Act. The
10 Board shall have all powers necessary and proper to fully and
11 effectively execute the provisions of this Act, including, but
12 not limited to, the following:

13 (1) To investigate applicants and determine the
14 eligibility of applicants for licenses and to select among
15 competing applicants the applicants which best serve the
16 interests of the citizens of Illinois.

17 (2) To have jurisdiction and supervision over all
18 riverboat gambling operations authorized under this Act
19 and all persons in places where gambling operations are
20 conducted.

21 (3) To promulgate rules and regulations for the
22 purpose of administering the provisions of this Act and to
23 prescribe rules, regulations and conditions under which
24 all gambling operations subject to this Act shall be
25 conducted. Such rules and regulations are to provide for
26 the prevention of practices detrimental to the public

1 interest and for the best interests of riverboat gambling,
2 including rules and regulations regarding the inspection
3 of organization gaming facilities, casinos, and
4 riverboats, and the review of any permits or licenses
5 necessary to operate a riverboat, casino, or organization
6 gaming facility under any laws or regulations applicable
7 to riverboats, casinos, or organization gaming facilities
8 and to impose penalties for violations thereof.

9 (4) To enter the office, riverboats, casinos,
10 organization gaming facilities, and other facilities, or
11 other places of business of a licensee, where evidence of
12 the compliance or noncompliance with the provisions of
13 this Act is likely to be found.

14 (5) To investigate alleged violations of this Act or
15 the rules of the Board and to take appropriate
16 disciplinary action against a licensee or a holder of an
17 occupational license for a violation, or institute
18 appropriate legal action for enforcement, or both.

19 (6) To adopt standards for the licensing of all
20 persons and entities under this Act, as well as for
21 electronic or mechanical gambling games, and to establish
22 fees for such licenses.

23 (7) To adopt appropriate standards for all
24 organization gaming facilities, riverboats, casinos, and
25 other facilities authorized under this Act.

26 (8) To require that the records, including financial

1 or other statements of any licensee under this Act, shall
2 be kept in such manner as prescribed by the Board and that
3 any such licensee involved in the ownership or management
4 of gambling operations submit to the Board an annual
5 balance sheet and profit and loss statement, list of the
6 stockholders or other persons having a 1% or greater
7 beneficial interest in the gambling activities of each
8 licensee, and any other information the Board deems
9 necessary in order to effectively administer this Act and
10 all rules, regulations, orders and final decisions
11 promulgated under this Act.

12 (9) To conduct hearings, issue subpoenas for the
13 attendance of witnesses and subpoenas duces tecum for the
14 production of books, records and other pertinent documents
15 in accordance with the Illinois Administrative Procedure
16 Act, and to administer oaths and affirmations to the
17 witnesses, when, in the judgment of the Board, it is
18 necessary to administer or enforce this Act or the Board
19 rules.

20 (10) To prescribe a form to be used by any licensee
21 involved in the ownership or management of gambling
22 operations as an application for employment for their
23 employees.

24 (11) To revoke or suspend licenses, as the Board may
25 see fit and in compliance with applicable laws of the
26 State regarding administrative procedures, and to review

1 applications for the renewal of licenses. The Board may
2 suspend an owners license or an organization gaming
3 license without notice or hearing upon a determination
4 that the safety or health of patrons or employees is
5 jeopardized by continuing a gambling operation conducted
6 under that license. The suspension may remain in effect
7 until the Board determines that the cause for suspension
8 has been abated. The Board may revoke an owners license or
9 organization gaming license upon a determination that the
10 licensee has not made satisfactory progress toward abating
11 the hazard.

12 (12) To eject or exclude or authorize the ejection or
13 exclusion of, any person from gambling facilities where
14 that person is in violation of this Act, rules and
15 regulations thereunder, or final orders of the Board, or
16 where such person's conduct or reputation is such that his
17 or her presence within the gambling facilities may, in the
18 opinion of the Board, call into question the honesty and
19 integrity of the gambling operations or interfere with the
20 orderly conduct thereof; provided that the propriety of
21 such ejection or exclusion is subject to subsequent
22 hearing by the Board.

23 (13) To require all licensees of gambling operations
24 to utilize a cashless wagering system whereby all players'
25 money is converted to tokens, electronic cards, or chips
26 which shall be used only for wagering in the gambling

1 establishment.

2 (14) (Blank).

3 (15) To suspend, revoke or restrict licenses, to
4 require the removal of a licensee or an employee of a
5 licensee for a violation of this Act or a Board rule or for
6 engaging in a fraudulent practice, and to impose civil
7 penalties of up to \$5,000 against individuals and up to
8 \$10,000 or an amount equal to the daily gross receipts,
9 whichever is larger, against licensees for each violation
10 of any provision of the Act, any rules adopted by the
11 Board, any order of the Board or any other action which, in
12 the Board's discretion, is a detriment or impediment to
13 gambling operations.

14 (16) To hire employees to gather information, conduct
15 investigations and carry out any other tasks contemplated
16 under this Act.

17 (17) To establish minimum levels of insurance to be
18 maintained by licensees.

19 (18) To authorize a licensee to sell or serve
20 alcoholic liquors, wine or beer as defined in the Liquor
21 and Hemp Products Control Act of 1934 on board a riverboat
22 or in a casino and to have exclusive authority to
23 establish the hours for sale and consumption of alcoholic
24 liquor on board a riverboat or in a casino,
25 notwithstanding any provision of the Liquor and Hemp
26 Products Control Act of 1934 or any local ordinance, and

1 regardless of whether the riverboat makes excursions. The
2 establishment of the hours for sale and consumption of
3 alcoholic liquor on board a riverboat or in a casino is an
4 exclusive power and function of the State. A home rule
5 unit may not establish the hours for sale and consumption
6 of alcoholic liquor on board a riverboat or in a casino.
7 This subdivision (18) is a denial and limitation of home
8 rule powers and functions under subsection (h) of Section
9 6 of Article VII of the Illinois Constitution.

10 (19) After consultation with the U.S. Army Corps of
11 Engineers, to establish binding emergency orders upon the
12 concurrence of a majority of the members of the Board
13 regarding the navigability of water, relative to
14 excursions, in the event of extreme weather conditions,
15 acts of God or other extreme circumstances.

16 (20) To delegate the execution of any of its powers
17 under this Act for the purpose of administering and
18 enforcing this Act and the rules adopted by the Board.

19 (20.5) To approve any contract entered into on its
20 behalf.

21 (20.6) To appoint investigators to conduct
22 investigations, searches, seizures, arrests, and other
23 duties imposed under this Act, as deemed necessary by the
24 Board. These investigators have and may exercise all of
25 the rights and powers of peace officers, provided that
26 these powers shall be limited to offenses or violations

1 occurring or committed in a casino, in an organization
2 gaming facility, or on a riverboat or dock, as defined in
3 subsections (d) and (f) of Section 4, or as otherwise
4 provided by this Act or any other law.

5 (20.7) To contract with the Illinois State Police for
6 the use of trained and qualified State police officers and
7 with the Department of Revenue for the use of trained and
8 qualified Department of Revenue investigators to conduct
9 investigations, searches, seizures, arrests, and other
10 duties imposed under this Act and to exercise all of the
11 rights and powers of peace officers, provided that the
12 powers of Department of Revenue investigators under this
13 subdivision (20.7) shall be limited to offenses or
14 violations occurring or committed in a casino, in an
15 organization gaming facility, or on a riverboat or dock,
16 as defined in subsections (d) and (f) of Section 4, or as
17 otherwise provided by this Act or any other law. In the
18 event the Illinois State Police or the Department of
19 Revenue is unable to fill contracted police or
20 investigative positions, the Board may appoint
21 investigators to fill those positions pursuant to
22 subdivision (20.6).

23 (21) To adopt rules concerning the conduct of gaming
24 pursuant to an organization gaming license issued under
25 this Act.

26 (22) To have the same jurisdiction and supervision

1 over casinos and organization gaming facilities as the
2 Board has over riverboats, including, but not limited to,
3 the power to (i) investigate, review, and approve
4 contracts as that power is applied to riverboats, (ii)
5 adopt rules for administering the provisions of this Act,
6 (iii) adopt standards for the licensing of all persons
7 involved with a casino or organization gaming facility,
8 (iv) investigate alleged violations of this Act by any
9 person involved with a casino or organization gaming
10 facility, and (v) require that records, including
11 financial or other statements of any casino or
12 organization gaming facility, shall be kept in such manner
13 as prescribed by the Board.

14 (23) To take any other action as may be reasonable or
15 appropriate to enforce this Act and the rules adopted by
16 the Board.

17 (d) The Board may seek and shall receive the cooperation
18 of the Illinois State Police in conducting background
19 investigations of applicants and in fulfilling its
20 responsibilities under this Section. Costs incurred by the
21 Illinois State Police as a result of such cooperation shall be
22 paid by the Board in conformance with the requirements of
23 Section 2605-400 of the Illinois State Police Law.

24 (e) The Board must authorize to each investigator and to
25 any other employee of the Board exercising the powers of a
26 peace officer a distinct badge that, on its face, (i) clearly

1 states that the badge is authorized by the Board and (ii)
2 contains a unique identifying number. No other badge shall be
3 authorized by the Board.

4 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21;
5 102-1129, eff. 2-10-23.)

6 Section 45. The Video Gaming Act is amended by changing
7 Sections 35, 55, and 79.5 as follows:

8 (230 ILCS 40/35)

9 Sec. 35. Display of license; confiscation; violation as
10 felony.

11 (a) Each video gaming terminal shall be licensed by the
12 Board before placement or operation on the premises of a
13 licensed establishment, licensed truck stop establishment,
14 licensed large truck stop establishment, licensed fraternal
15 establishment, or licensed veterans establishment. The license
16 of each video gaming terminal shall be maintained at the
17 location where the video gaming terminal is operated. Failure
18 to do so is a petty offense with a fine not to exceed \$100. Any
19 licensed establishment, licensed truck stop establishment,
20 licensed large truck stop establishment, licensed fraternal
21 establishment, or licensed veterans establishment used for the
22 conduct of gambling games in violation of this Act shall be
23 considered a gambling place in violation of Section 28-3 of
24 the Criminal Code of 2012. Every gambling device found in a

1 licensed establishment, licensed truck stop establishment,
2 licensed large truck stop establishment, licensed fraternal
3 establishment, or licensed veterans establishment operating
4 gambling games in violation of this Act shall be subject to
5 seizure, confiscation, and destruction as provided in Section
6 28-5 of the Criminal Code of 2012. Any license issued under the
7 Liquor and Hemp Products Control Act ~~of 1934~~ to any owner or
8 operator of a licensed establishment, licensed truck stop
9 establishment, licensed large truck stop establishment,
10 licensed fraternal establishment, or licensed veterans
11 establishment that operates or permits the operation of a
12 video gaming terminal within its establishment in violation of
13 this Act shall be immediately revoked. No person may own,
14 operate, have in his or her possession or custody or under his
15 or her control, or permit to be kept in any place under his or
16 her possession or control, any device that awards credits and
17 contains a circuit, meter, or switch capable of removing and
18 recording the removal of credits when the award of credits is
19 dependent upon chance.

20 Nothing in this Section shall be deemed to prohibit the
21 use of a game device only if the game device is used in an
22 activity that is not gambling under subsection (b) of Section
23 28-1 of the Criminal Code of 2012.

24 A violation of this Section is a Class 4 felony. All
25 devices that are owned, operated, or possessed in violation of
26 this Section are hereby declared to be public nuisances and

1 shall be subject to seizure, confiscation, and destruction as
2 provided in Section 28-5 of the Criminal Code of 2012.

3 The provisions of this Section do not apply to devices or
4 electronic video game terminals licensed pursuant to this Act.
5 A video gaming terminal operated for amusement only and
6 bearing a valid amusement tax sticker shall not be subject to
7 this Section until 30 days after the Board establishes that
8 the central communications system is functional.

9 (b) (1) The odds of winning each video game shall be posted
10 on or near each video gaming terminal. The manner in which the
11 odds are calculated and how they are posted shall be
12 determined by the Board by rule.

13 (2) No video gaming terminal licensed under this Act may
14 be played except during the legal hours of operation allowed
15 for the consumption of alcoholic beverages at the licensed
16 establishment, licensed fraternal establishment, or licensed
17 veterans establishment. A licensed establishment, licensed
18 fraternal establishment, or licensed veterans establishment
19 that violates this subsection is subject to termination of its
20 license by the Board.

21 (Source: P.A. 101-31, eff. 6-28-19.)

22 (230 ILCS 40/55)

23 Sec. 55. Precondition for licensed location. In all cases
24 of application for a licensed location, to operate a video
25 gaming terminal, each licensed establishment, licensed

1 fraternal establishment, or licensed veterans establishment
2 shall possess a valid liquor license issued by the Illinois
3 Liquor Control Commission in effect at the time of application
4 and at all times thereafter during which a video gaming
5 terminal is made available to the public for play at that
6 location. Video gaming terminals in a licensed location shall
7 be operated only during the same hours of operation generally
8 permitted to holders of a license under the Liquor and Hemp
9 Products Control Act ~~of 1934~~ within the unit of local
10 government in which they are located. A licensed truck stop
11 establishment or licensed large truck stop establishment that
12 does not hold a liquor license may operate video gaming
13 terminals on a continuous basis. A licensed fraternal
14 establishment or licensed veterans establishment that does not
15 hold a liquor license may operate video gaming terminals if
16 (i) the establishment is located in a county with a population
17 between 6,500 and 7,000, based on the 2000 U.S. Census, (ii)
18 the county prohibits by ordinance the sale of alcohol, and
19 (iii) the establishment is in a portion of the county where the
20 sale of alcohol is prohibited. A licensed fraternal
21 establishment or licensed veterans establishment that does not
22 hold a liquor license may operate video gaming terminals if
23 (i) the establishment is located in a municipality within a
24 county with a population between 8,500 and 9,000 based on the
25 2000 U.S. Census and (ii) the municipality or county prohibits
26 or limits the sale of alcohol by ordinance in a way that

1 prohibits the establishment from selling alcohol.

2 (Source: P.A. 101-31, eff. 6-28-19.)

3 (230 ILCS 40/79.5)

4 Sec. 79.5. Enforcement actions. The Board shall establish
5 a policy and standards for compliance operations to
6 investigate whether a licensed establishment, licensed
7 fraternal establishment, licensed veterans establishment, or a
8 licensed truck stop establishment is: (1) permitting any
9 person under the age of 21 years to use or play a video gaming
10 terminal in violation of this Act; or (2) furnishing alcoholic
11 liquor to persons under 21 years of age in violation of the
12 Liquor and Hemp Products Control Act ~~of 1934~~.

13 The policy and standards for compliance operations under
14 this Section shall be similar to the model policy and
15 guidelines for the operation of alcohol and tobacco compliance
16 checks by local law enforcement officers adopted by the
17 Illinois Law Enforcement Training Standards Board pursuant to
18 subsection (c) of Section 6-16.1 of the Liquor and Hemp
19 Products Control Act ~~of 1934~~. The Board shall adopt the policy
20 and standards in the form of emergency rulemaking that shall
21 be adopted no later than 90 days after the effective date of
22 this amendatory Act of the 101st General Assembly and shall be
23 immediately followed by permanent rulemaking on the same
24 subject.

25 A licensed establishment, licensed fraternal

1 establishment, licensed veterans establishment, or licensed
2 truck stop establishment that is the subject of an enforcement
3 action under this Section and is found, pursuant to the
4 enforcement action, to be in compliance with this Act shall be
5 notified by the Board that no violation was found within 30
6 days after the finding.

7 (Source: P.A. 101-318, eff. 8-9-19.)

8 Section 50. The Liquor Control Act of 1934 is amended by
9 changing the title of the Act and Sections 1-1, 4-1, 4-3, 6-12,
10 and 7-11 and by adding Article XIII and Sections 4-2A, 4-4A,
11 4-5A, 4-6A, 4-7A, 6-2A, 6-2.5A, 6-11A, 7-5A, 7-7A, 7-8A, 7-9A,
12 7-10A, 7-12A, 7-13A, 7-14A, 8-1A, 8-11A, and 8-12A as follows:

13 (235 ILCS 5/Act title)

14 An Act relating to alcoholic liquors and hemp products.

15 (235 ILCS 5/1-1) (from Ch. 43, par. 93.9)

16 Sec. 1-1. This Act may be cited as the Liquor and Hemp
17 Products Control Act ~~of 1934~~.

18 (Source: P.A. 86-1475.)

19 (235 ILCS 5/4-1) (from Ch. 43, par. 110)

20 Sec. 4-1. In every city, village or incorporated town, the
21 city council or president and board of trustees, and in
22 counties in respect of territory outside the limits of any

1 such city, village or incorporated town the county board shall
2 have the power by general ordinance or resolution to determine
3 the number, kind and classification of licenses, for sale at
4 retail of alcoholic liquor or adult-use hemp cannabinoid
5 products not inconsistent with this Act and the amount of the
6 local licensee fees to be paid for the various kinds of
7 licenses to be issued in their political subdivision, except
8 those issued to the specific non-beverage users exempt from
9 payment of license fees under Section 5-3 which shall be
10 issued without payment of any local license fees, and the
11 manner of distribution of such fees after their collection; to
12 regulate or prohibit the presence of persons under the age of
13 21 on the premises of licensed retail establishments of
14 various kinds and classifications where alcoholic liquor is
15 drawn, poured, mixed, or otherwise served for consumption on
16 the premises or at ready-to-eat establishments, as described
17 in Section 13-309 of this Act; to prohibit any minor from
18 drawing, pouring, or mixing any alcoholic liquor as an
19 employee of any retail licensee; ~~and~~ to prohibit any minor
20 from at any time attending any bar and from drawing, pouring or
21 mixing any alcoholic liquor in any licensed retail premises;
22 to prohibit any minor from at any time attending any
23 ready-to-eat establishment, as described in Section 13-309 of
24 this Act, or manufacturing or processing any hemp products in
25 any licensed ready-to-eat establishment, as described in
26 Section 13-309 of this Act; ~~and~~ to establish such further

1 regulations and restrictions upon the issuance of and
2 operations under local liquor and hemp products retail
3 licenses not inconsistent with law as the public good and
4 convenience may require; and to provide penalties for the
5 violation of regulations and restrictions, including those
6 made by county boards, relative to operation under local
7 liquor and hemp products retail licenses; provided, however,
8 that in the exercise of any of the powers granted in this
9 Section, the issuance of such licenses shall not be prohibited
10 except for reasons specifically enumerated in Sections 6-2,
11 6-2A, 6-11, 6-11A, 6-12, and 6-25 of this Act.

12 However, in any municipality with a population exceeding
13 1,000,000 that has adopted the form of government authorized
14 under "An Act concerning cities, villages, and incorporated
15 towns, and to repeal certain Acts herein named", approved
16 August 15, 1941, as amended, no person shall be granted any
17 license or privilege to sell alcoholic liquors or adult-use
18 hemp products between the hours of two o'clock a.m. and seven
19 o'clock a.m. on week days unless such person has given at least
20 14 days prior written notice to the alderperson of the ward in
21 which such person's licensed premises are located stating his
22 intention to make application for such license or privilege
23 and unless evidence confirming service of such written notice
24 is included in such application. Any license or privilege
25 granted in violation of this paragraph shall be null and void.

26 (Source: P.A. 102-15, eff. 6-17-21.)

1 (235 ILCS 5/4-2A new)

2 Sec. 4-2A. Local hemp products control commissioner. The
3 mayor or president of the board of trustees of each city,
4 village, or incorporated town or his or her designee, and the
5 president or chairman of the county board or his or her
6 designee, shall be the local hemp products control
7 commissioner for their respective cities, villages,
8 incorporated towns, and counties and shall be charged with the
9 administration in their respective jurisdictions of the
10 appropriate provisions of this Act and of such ordinances and
11 resolutions relating to adult-use hemp products as may be
12 enacted; but the authority of the president or chairman of the
13 county board or his or her designee shall extend only to that
14 area in any county which lies outside the corporate limits of
15 the cities, villages and incorporated towns therein and those
16 areas which are owned by the county and are within the
17 corporate limits of the cities, villages and incorporated
18 towns with a population of less than 1,000,000; however, such
19 county shall comply with the operating rules of the municipal
20 ordinances affected when issuing its own licenses.

21 However, such mayor, president of the board of trustees,
22 or president or chairman of the county board or his or her
23 designee may appoint a person or persons to assist him or her
24 in the exercise of the powers and the performance of the duties
25 herein provided for such local hemp products control

1 commissioner.

2 Notwithstanding any other provision of this Section to the
3 contrary, the mayor of a city with a population of 55,000 or
4 less or the president of a village with a population of 55,000
5 or less that has an interest in the cultivation, growing,
6 manufacture, processing, sale, or distribution of adult-use
7 hemp products must direct the council or board over which he or
8 she presides to appoint, by majority vote, a person other than
9 him or her to serve as the local hemp products control
10 commissioner. The appointment must be made within 30 days from
11 the day on which the mayor or president takes office, and the
12 mayor or president shall not make nominations or serve any
13 other role in the appointment. To prevent any conflict of
14 interest, the mayor or president with the interest in the
15 cultivation, growing, manufacture, processing, sale, or
16 distribution of adult-use hemp products shall not participate
17 in any meetings, hearings, or decisions on matters impacting
18 the cultivation, growing, manufacture, processing, sale, or
19 distribution of adult-use hemp products. Further, the
20 appointee (i) shall be an attorney with an active license to
21 practice law in the State of Illinois, (ii) shall not legally
22 represent hemp products license applicants or holders before
23 the jurisdiction over which he or she presides as local hemp
24 products control commissioner or before an adjacent
25 jurisdiction, (iii) shall not have an interest in the
26 cultivation, growing, manufacture, processing, sale, or

1 distribution of adult-use hemp products, and (iv) shall not be
2 appointed to a term to exceed the term of the mayor, president,
3 or members of the council or board.

4 (235 ILCS 5/4-3) (from Ch. 43, par. 111a)

5 Sec. 4-3. The city council of each city and the president
6 and board of trustees of each village and incorporated town
7 and the county board are authorized to fix and pay
8 compensation to the local liquor control commissioner and the
9 local hemp products control commissioner of the particular
10 city, village, incorporated town or county, as the case may
11 be, and compensation to such deputies, assistants or employees
12 as may be deemed necessary for the proper performance of the
13 duties vested in him.

14 (Source: P.A. 82-783.)

15 (235 ILCS 5/4-4A new)

16 Sec. 4-4A. Powers and duties of local hemp products
17 control commissioners. Each local hemp products control
18 commissioner shall also have the following powers, functions,
19 and duties with respect to hemp products retail licenses:

20 (1) to grant or suspend for not more than 30 days or
21 revoke for cause all local licenses issued to persons for
22 premises within the local hemp products control
23 commissioner's jurisdiction;

24 (2) to enter or to authorize any law enforcement

1 officer to enter at any time upon any premises licensed
2 under this Act to determine whether any of the provisions
3 of this Act or any rules or regulations adopted by the
4 local hemp products control commissioner or by the Hemp
5 Products Commission have been or are being violated and,
6 at such time, to examine the premises of the licensee in
7 connection therewith;

8 (3) to receive a complaint from any citizen within the
9 local hemp products control commissioners' jurisdiction
10 that any of the provisions of this Act, or any rules or
11 regulations adopted under this Act, have been or are being
12 violated and to act upon the complaint in the manner
13 hereinafter provided; and

14 (4) to receive local license fees and pay those fees
15 to the city, village, town, or county treasurer, as the
16 case may be.

17 Each local hemp products commissioner also has the duty to
18 notify the Secretary of State of any convictions or
19 dispositions of court supervision for a violation of Section
20 13-307 of this Act or a similar provision of a local ordinance.
21 In counties and municipalities, the local hemp products
22 control commissioners shall also have the power to levy fines
23 in accordance with Section 7-5A of this Act.

24 (235 ILCS 5/4-5A new)

25 Sec. 4-5A. Examinations by local hemp products control

1 commissioners. The local hemp products control commissioner
2 shall have the right to examine, or cause to be examined, under
3 oath, any applicant for a local license or for a renewal of a
4 local license or any licensee upon whom notice of revocation
5 or suspension has been served in the manner provided in this
6 Act; to examine or cause to be examined the books and records
7 of any such applicant or licensee; and to hear testimony and
8 take proof for his or her information in the performance of his
9 or her duties; and to issue subpoenas, which shall be
10 effective in any part of this State, for those purposes. For
11 the purpose of obtaining any of the information desired by the
12 local hemp products control commissioner under this Section,
13 the local hemp products control commissioner may authorize an
14 agent to act on the local hemp products control commissioner's
15 behalf.

16 (235 ILCS 5/4-6A new)

17 Sec. 4-6A. Committees and agencies appointed by the local
18 hemp products control commissioner. When, in this Act, the
19 local hemp products control commissioner shall be referred to,
20 it shall include any committee or other agency appointed by
21 such local hemp products control commissioner.

22 (235 ILCS 5/4-7A new)

23 Sec. 4-7A. Fingerprinting of applicants. The local hemp
24 products control commissioner shall have the right to require

1 fingerprints of any applicant for a local license or for a
2 renewal thereof. Each applicant shall submit his or her
3 fingerprints to the Illinois State Police in the form and
4 manner prescribed by the Illinois State Police. These
5 fingerprints shall be checked against the fingerprint records
6 now and hereafter filed in the Illinois State Police and
7 Federal Bureau of Investigation criminal history records
8 databases. The Illinois State Police shall charge a fee for
9 conducting the criminal history records check, which shall be
10 deposited into the State Police Services Fund and shall not
11 exceed the actual cost of the records check. The Illinois
12 State Police shall furnish pursuant to positive
13 identification, records of conviction to the local hemp
14 products control commissioner. For purposes of obtaining
15 fingerprints under this Section, the local hemp products
16 control commissioner shall collect a fee and forward the fee
17 to the appropriate policing body who shall submit the
18 fingerprints and the fee to the Illinois State Police.

19 (235 ILCS 5/6-2A new)

20 Sec. 6-2A. Issuance of licenses to certain persons
21 prohibited. The Hemp Products Commission shall promulgate all
22 rules and regulations for the issuance and revocation of hemp
23 products licenses. No hemp products license of any kind shall
24 be issued by the Hemp Products Commission or any local hemp
25 products control commission in violation of rules adopted by

1 the Hemp Products Commission.

2 (235 ILCS 5/6-2.5A new)

3 Sec. 6-2.5A. Applicant convictions.

4 (a) The Hemp Products Commission shall not require
5 applicants to report the following information with an
6 application for a license under this Act:

7 (1) Juvenile adjudications of delinquent minors, as
8 defined in Section 5-105 of the Juvenile Court Act of
9 1987, subject to the restrictions set forth in Section
10 5-130 of the Juvenile Court Act of 1987.

11 (2) Law enforcement records, court records, and
12 conviction records of an individual who was 17 years old
13 at the time of the offense and before January 1, 2014,
14 unless the nature of the offense required the individual
15 to be tried as an adult.

16 (3) Records of arrest not followed by a conviction.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or
19 expunged.

20 (c) If the Hemp Products Commission refuses to issue a
21 license to an applicant, then the Hemp Products Commission
22 shall notify the applicant of the denial in writing with the
23 following included in the notice of denial:

24 (1) a statement about the decision to refuse to issue
25 a license; and

1 (2) a summary of the appeal process or the earliest
2 the applicant may reapply for a license, whichever is
3 applicable.

4 (235 ILCS 5/6-11A new)

5 Sec. 6-11A. Sale of adult-use hemp products near churches,
6 schools, and hospitals.

7 (a) No license shall be issued for the sale at retail of
8 any adult-use hemp products within 100 feet of any school
9 other than an institution of higher education or hospital;
10 except that this prohibition shall not apply to the renewal of
11 a license for the sale at retail of adult-use hemp products on
12 premises within 100 feet of any school if the school has been
13 established within that 100 feet after the issuance of the
14 original license.

15 (b) Notwithstanding any provision of this Section to the
16 contrary, a local hemp products control commissioner may grant
17 an exemption to the prohibition in subsection (a) of this
18 Section if a local rule or ordinance authorizes the local hemp
19 products control commissioner to grant that exemption.

20 (235 ILCS 5/6-12) (from Ch. 43, par. 127a)

21 Sec. 6-12. No license shall be issued to any person for the
22 sale at retail of any alcoholic liquor or adult-use hemp
23 product at any store or other place of business where the
24 majority of customers are minors of school age or where the

1 principal business transacted consists of school books, school
2 supplies, food, lunches, or drinks for such minors.

3 (Source: P.A. 82-783.)

4 (235 ILCS 5/7-5A new)

5 Sec. 7-5A. Revocation or suspension of license by a local
6 hemp products control commissioner. The local hemp products
7 control commissioner may revoke or suspend any license issued
8 by him or her if he or she determines that the licensee has
9 violated any of the provisions of this Act or of any valid
10 ordinance or resolution enacted by the particular city
11 council, president, or board of trustees or county board (as
12 the case may be) or any applicable rule or regulations
13 established by the local hemp products control commissioner or
14 the Hemp Products Commission which is not inconsistent with
15 law. Upon notification by the Illinois Department of Revenue,
16 the Hemp Products Commission, in accordance with Section
17 13-302 and any rules adopted by the Hemp Products Commission,
18 may refuse the issuance or renewal of a license, fine a
19 licensee, or suspend or revoke any license issued by the Hemp
20 Products Commission if the licensee or license applicant has
21 violated the provisions of Section 3 of the Retailers'
22 Occupation Tax Act. In addition to the suspension, the local
23 hemp products control commissioner in any county or
24 municipality may levy a fine on the licensee for such
25 violations. The fine imposed shall not exceed \$1,000 for a

1 first violation within a 12-month period, \$1,500 for a second
2 violation within a 12-month period, and \$2,500 for a third or
3 subsequent violation within a 12-month period. Each day on
4 which a violation continues shall constitute a separate
5 violation. Not more than \$15,000 in fines under this Section
6 may be imposed against any licensee during the period of his
7 license. Proceeds from such fines shall be paid into the
8 general corporate fund of the county or municipal treasury, as
9 the case may be.

10 However, no such license shall be so revoked or suspended
11 and no licensee shall be fined except after a public hearing by
12 the local hemp products control commissioner with a 3-day
13 written notice to the licensee affording the licensee an
14 opportunity to appear and defend. All such hearings shall be
15 open to the public and the local hemp products control
16 commissioner shall reduce all evidence to writing and shall
17 maintain an official record of the proceedings. If the local
18 hemp products control commissioner has reason to believe that
19 any continued operation of a particular licensed premises will
20 immediately threaten the welfare of the community the local
21 hemp products control commissioner may, upon the issuance of a
22 written order stating the reason for such conclusion and
23 without notice or hearing order the licensed premises closed
24 for not more than 7 days, giving the licensee an opportunity to
25 be heard during that period, except that, if such licensee is
26 also engaged in the conduct of another business or businesses

1 on the licensed premises, such order does not apply to such
2 other business or businesses.

3 The local hemp products control commissioner shall, within
4 5 days after such hearing, if he or she determines after such
5 hearing that the license should be revoked or suspended or
6 that the licensee should be fined, state the reason or reasons
7 for such determination in a written order and either the
8 amount of the fine, the period of suspension, or that the
9 license has been revoked and shall serve a copy of such order
10 within the 5 days upon the licensee.

11 If the premises for which the license was issued are
12 located outside of a city, village, or incorporated town
13 having a population of 500,000 or more inhabitants, the
14 licensee after the receipt of such order of suspension or
15 revocation shall have the privilege within a period of 20 days
16 after the receipt of such order of suspension or revocation of
17 appealing the order to the Hemp Products Commission for a
18 decision sustaining, reversing, or modifying the order of the
19 local hemp products control commissioner. If the Hemp Products
20 Commission affirms the local hemp products control
21 commissioner's order to suspend or revoke the license at the
22 first hearing, the appellant shall cease to engage in the
23 business for which the license was issued, until the local
24 hemp products control commissioner's order is terminated by
25 its own provisions or reversed upon rehearing or by the
26 courts.

1 If the premises for which the license was issued are
2 located within a city, village, or incorporated town having a
3 population of 500,000 or more inhabitants, the licensee shall
4 have the privilege, within a period of 20 days after the
5 receipt of such order of fine, suspension or revocation, of
6 appealing the order to the local hemp products license appeal
7 commission and, upon the filing of such an appeal by the
8 licensee, the hemp products license appeal commission shall
9 determine the appeal upon certified record of proceedings of
10 the local hemp products commissioner in accordance with the
11 provisions of Section 7-9A. Within 30 days after such appeal
12 was heard, the hemp products license appeal commission shall
13 render a decision sustaining or reversing the order of the
14 local hemp products control commissioner.

15 If the premises for which a license was issued are located
16 within a city, village, or incorporated town having a
17 population of 1,000,000 or more inhabitants and the local hemp
18 products control commissioner has evidence that the following
19 criminal activity has occurred inside the licensed premises:
20 the sale of or possession with intent to sell controlled
21 substances, but not including sale or possession with intent
22 to sell of cannabis or hemp, as defined in Section 13-105 of
23 this Act, in violation of the Cannabis Regulation and Tax Act
24 or this Act, the sale of or possession with intent to sell
25 firearms, homicide, criminal sexual assault or criminal sexual
26 abuse, aggravated assault, or aggravated battery, then the

1 local hemp products control commissioner may, without notice
2 or hearing, and upon the issuance of a written order stating
3 that the continued operation of the licensed premises poses an
4 immediate threat to the health, safety, or welfare of the
5 community, order the licensed premises closed for a period of
6 not more than 30 days, giving the licensee an opportunity to be
7 heard during that period. Upon receipt of evidence of the
8 criminal activity by the local hemp products control
9 commissioner, the name of the licensee and the address of the
10 licensed premises where the criminal activity is alleged to
11 have occurred may be submitted by the local hemp products
12 control commissioner to the Hemp Products Commission. If such
13 information is received by the Hemp Products Commission, then
14 the Hemp Products Commission must post that information in
15 each of its offices in places available for public inspection
16 not later than the day following the Hemp Products
17 Commission's receipt of the information. If the licensee is
18 granted a continuance during the period of time the licensed
19 premises is ordered to be closed, the licensed premises shall
20 remain closed until a judgment is entered. Notwithstanding the
21 other provisions of this Section, the licensed premises shall
22 be allowed to remain open if the criminal activity is timely
23 reported by the licensee, or its agents, pursuant to local
24 ordinance, and the criminal activity shall not be used as a
25 basis for suspension under this Act. A hemp products
26 cultivator or distributor, hemp products processor or

1 manufacturer, or hemp products distributor or wholesaler may,
2 in coordination with the local hemp products control
3 commissioner and the local police department, remove any
4 adult-use hemp product from the licensed premises for which
5 the hemp products cultivator or distributor, hemp products
6 processor or manufacturer, or hemp products distributor or
7 wholesaler has not received full payment from the licensee at
8 the time of the closure of the premises. The hemp products
9 cultivator or distributor, hemp products processor or
10 manufacturer, or a hemp products distributor or wholesaler
11 shall provide the local hemp products control commissioner
12 with a document outlining the products for which full payment
13 has not been received.

14 (235 ILCS 5/7-7A new)

15 Sec. 7-7A. Complaints to the local hemp products
16 commission. Any 5 residents of the city, village, or county
17 shall have the right to file a complaint with the local hemp
18 products commission stating that any adult-use hemp products
19 retailer licensee, subject to the jurisdiction of the local
20 hemp products commission, has been or is violating the
21 provisions of this Act or the rules or regulations issued
22 pursuant hereto. Such complaint shall be in writing in the
23 form prescribed by the local hemp products commission and
24 shall be signed and sworn to by the parties complaining. The
25 complaint shall state the particular provision, rule or

1 regulation believed to have been violated and the facts in
2 detail upon which belief is based. If the local hemp products
3 commission is satisfied that the complaint substantially
4 charges a violation and that from the facts alleged there is
5 reasonable cause for such belief, it shall set the matter for
6 hearing and shall serve notice upon the licensee of the time
7 and place of such hearing and of the particular charge in the
8 complaint.

9 (235 ILCS 5/7-8A new)

10 Sec. 7-8A. Hemp products license appeal commission. For
11 each city, village, or incorporated town having a population
12 of 500,000 or more inhabitants, there is established a hemp
13 products license appeal commission consisting of the chairman
14 of the Hemp Products Commission, the most senior member of the
15 Hemp Products Commission who is not of the same political
16 party as the chairman, and one person who is a resident of the
17 particular city, village, or incorporated town selected by the
18 council or president and board of trustees, as the case may be,
19 who shall serve for a term of 4 years and until his successor
20 is selected and takes office. Neither the mayor, president of
21 the board of trustees, nor any member of the council or board
22 of trustees shall be eligible for membership on a hemp
23 products license appeal commission. Each of the 2 members of
24 the Hemp Products Commission shall receive a \$200 per diem for
25 their work on the hemp products license appeal commission, and

1 the other member shall receive an annual salary, which shall
2 be paid by the particular city, village, or incorporated town.
3 The secretary of the Hemp Products Commission shall be ex
4 officio the secretary for each hemp products license appeal
5 commission.

6 (235 ILCS 5/7-9A new)

7 Sec. 7-9A. Appeals of an order or action of a local hemp
8 products control commissioner. Except as provided in this
9 Section, any order or action of a local hemp products control
10 commissioner levying a fine or refusing to levy a fine on a
11 licensee, granting or refusing to grant a license, revoking or
12 suspending or refusing to revoke or suspend a license or
13 refusing for more than 30 days to grant a hearing upon a
14 complaint to revoke or suspend a license may, within 20 days
15 after notice of such order or action, be appealed by any
16 resident of the political subdivision under the jurisdiction
17 of the local hemp products control commissioner or any person
18 interested, to the Hemp Products Commission.

19 In any case where a licensee appeals to the Hemp Products
20 Commission from an order or action of the local hemp products
21 control commission having the effect of suspending or revoking
22 a license, denying a renewal application, or refusing to grant
23 a license, the licensee shall resume the operation of the
24 licensed business pending the decision of the Hemp Products
25 Commission and the expiration of the time allowed for an

1 application for rehearing. If an application for rehearing is
2 filed, the licensee shall continue the operation of the
3 licensed business until the denial of the application or, if
4 the rehearing is granted, until the decision on rehearing.

5 In any case in which a licensee appeals to the Hemp
6 Products Commission a suspension or revocation by a local hemp
7 products control commissioner that is the second or subsequent
8 such suspension or revocation placed on that licensee within
9 the preceding 12-month period, the licensee shall consider the
10 suspension or revocation to be in effect until a reversal of
11 the local hemp products control commissioner's action has been
12 issued by the Hemp Products Commission and shall cease all
13 activity otherwise authorized by the license. The Hemp
14 Products Commission shall expedite, to the greatest extent
15 possible, its consideration of any appeal that is an appeal of
16 a second or subsequent suspension or revocation within the
17 past 12-month period.

18 The appeal shall be limited to a review of the official
19 record of the proceedings of such local hemp products control
20 commissioner if the county board, city council, or board of
21 trustees, as the case may be, has adopted a resolution
22 requiring that such review be on the record. If such
23 resolution is adopted, a certified official record of the
24 proceedings taken and prepared by a certified court reporter
25 or certified shorthand reporter shall be filed by the local
26 hemp products control commissioner within 5 days after notice

1 of the filing of such appeal, if the appellant licensee pays
2 for the cost of the transcript. The Hemp Products Commission
3 shall review the propriety of the order or action of the local
4 hemp products control commissioner and shall consider the
5 following questions:

6 (1) whether the local hemp products control
7 commissioner has proceeded in the manner provided by law;

8 (2) whether the order is supported by the findings;
9 and

10 (3) whether the findings are supported by substantial
11 evidence in the light of the whole record.

12 The only evidence that may be considered in the review
13 shall be the evidence found in the certified official record
14 of the proceedings of the local hemp products control
15 commissioner. No new or additional evidence shall be admitted
16 or considered. The Hemp Products Commission shall render a
17 decision affirming, reversing, or modifying the order or
18 action reviewed within 30 days after the appeal was heard.

19 If the appeal is from an order of a local hemp products
20 control commissioner of a city, village, or incorporated town
21 of 500,000 or more inhabitants granting or refusing to grant a
22 license or refusing for more than 30 days to grant a hearing
23 upon a complaint to revoke or suspend a license, the matter of
24 the propriety of such order or action shall be tried de novo by
25 the hemp products license appeal commission as expeditiously
26 as circumstances permit. If the appeal is from an order or

1 action of a local hemp products control commissioner of a
2 city, village, or incorporated town of 500,000 or more
3 inhabitants imposing a fine or refusing to impose a fine on a
4 licensee or revoking or suspending, or refusing to revoke or
5 suspend, a license, the hemp products license appeal
6 commission shall determine the appeal by a review of the
7 official record of the proceedings of the local hemp products
8 control commissioner. A certified record of the proceedings
9 shall be promptly filed with the hemp products license appeal
10 commission by such local hemp products control commissioner
11 after notice of the filing of such appeal if the appellant
12 licensee pays for the cost of the transcript and promptly
13 delivers the transcript to the local hemp products control
14 commission or its attorney. The review by the hemp products
15 license appeal commission shall be limited to the questions:

16 (1) whether the local hemp products control
17 commissioner has proceeded in the manner provided by law;

18 (2) whether the order is supported by the findings;
19 and

20 (3) whether the findings are supported by substantial
21 evidence in the light of the whole record. No new or
22 additional evidence in support of or in opposition to such
23 order or action under appeal shall be received other than
24 that contained in such record of the proceedings. Within
25 30 days after such appeal was heard, the hemp products
26 license appeal commission shall render its decision in

1 accordance with the provisions of Section 7-5A.

2 In cities, villages, and incorporated towns having a
3 population of 500,000 or more inhabitants, appeals from any
4 order or action shall lie to the hemp products license appeal
5 commission of such city, village or incorporated town. All of
6 the provisions of this Section and Section 7-10A relative to
7 proceedings upon appeals before the Hemp Products Commission
8 and relative to appeals from the decisions of the Hemp
9 Products Commission shall apply also to proceedings upon
10 appeals before any hemp products license appeal commission and
11 appeals from the decisions of hemp products license appeal
12 commission.

13 In any trial de novo hearing before the Hemp Products
14 Commission or hemp products license appeal commission, the
15 local hemp products control commissioner shall be entitled to
16 10 days' notice and to be heard. All such trial de novo
17 hearings shall be open to the public and the Hemp Products
18 Commission and the hemp products license appeal commission
19 shall reduce all evidence offered thereto to writing.

20 If, after a trial de novo hearing or review as provided in
21 this Act, the Hemp Products Commission or the hemp products
22 license appeal commission (as the case may be) decides that
23 the license has been improperly issued, denied, revoked,
24 suspended, or refused to be revoked or suspended; that a
25 hearing to revoke or suspend has been improperly refused; or
26 that the licensee has been improperly fined or not fined, it

1 shall enter an order in conformity with such findings, which
2 order shall be in writing.

3 A certified copy of the order shall be transmitted to the
4 particular local hemp products control commissioner, and it
5 shall be the duty of the local hemp products control
6 commissioner to take such action as may be necessary to
7 conform with the order.

8 In any trial de novo hearing before the Hemp Products
9 Commission or the hemp products license appeal commission, the
10 licensee shall submit to examination and produce books and
11 records material to the business conducted under the license
12 in like manner as before the local hemp products control
13 commissioner, and the failure of the licensee to submit to
14 such an examination or to produce such books and records, or to
15 appear at the hearing on such appeal, shall constitute an
16 admission that the licensee has violated the provisions of
17 this Act. If the appeal is from an order of the local hemp
18 products control commissioner denying a renewal application,
19 the licensee shall have on deposit with the local hemp
20 products control commissioner an amount sufficient to cover
21 the license fee for the renewal period and any bond that may be
22 required.

23 (235 ILCS 5/7-10A new)

24 Sec. 7-10A. Service upon a party. A copy of the rule,
25 regulation, order, or decision of the Hemp Products Commission

1 or the hemp products license appeal commission, in any
2 proceeding before it, certified under the seal of said
3 commission, shall be served upon each party of record to the
4 proceeding before the commission and service upon any attorney
5 of record for any such party shall be deemed service upon such
6 party. Each party appearing before said commission shall enter
7 his appearance and indicate to the commission his address for
8 the service of a copy of any rule, regulation, order, decision
9 or notice and the mailing of a copy of any rule, regulation or
10 order of said commission or of any notice by said commission,
11 in the proceeding, to the party at such address shall be deemed
12 service thereof upon such party.

13 Within 20 days after the service of any rule, regulation,
14 order or decision of said commission upon any party to the
15 proceeding, such party may apply for a rehearing in respect to
16 any matters determined by said commission. If a rehearing is
17 granted, the commission shall hold the rehearing and render a
18 decision within 20 days from the filing of the application for
19 rehearing with the secretary of the commission. The time for
20 holding such rehearing and rendering a decision may be
21 extended for a period not to exceed 30 days, for good cause
22 shown, and by notice in writing to all parties of interest. No
23 action for the judicial review of any decision of said
24 commission shall be allowed unless the party commencing such
25 action has first filed an application for a rehearing and the
26 commission has acted upon said application. Only one rehearing

1 may be granted by the commission on application of any one
2 party.

3 (235 ILCS 5/7-11) (from Ch. 43, par. 154a)

4 Sec. 7-11. Judicial review. All final administrative
5 decisions of the State Commission or Hemp Products Commission
6 under this Act shall be subject to judicial review pursuant to
7 the provisions of the Administrative Review Law and the rules
8 adopted pursuant thereto. Judicial review may be requested by
9 any party in interest, including but not limited to the local
10 liquor control commissioner or local hemp products control
11 commissioner. The term "administrative decision" is defined as
12 in Section 3-101 of the Code of Civil Procedure.

13 (Source: P.A. 86-1279.)

14 (235 ILCS 5/7-12A new)

15 Sec. 7-12A. License revocation. Whenever any hemp products
16 licensee has been convicted by any court of a willful
17 violation of any of the provisions of this Act, the licensee
18 shall, in addition to the penalties for such offense, incur a
19 forfeiture of the licensee's State and local license and all
20 moneys that have been paid for those licenses; the local hemp
21 products commission shall thereupon revoke the license or the
22 Hemp Products Commission shall revoke the license as the case
23 may be.

1 (235 ILCS 5/7-13A new)

2 Sec. 7-13A. Granting licenses after revocation; waiting
3 period; discretion. When any hemp products license has been
4 revoked for any cause, no hemp products license shall be
5 granted to any person for the period of one year thereafter for
6 the conduct of the business of cultivating, growing,
7 manufacturing, processing, distributing, or selling adult-use
8 hemp products in the premises described in the revoked license
9 unless the revocation order has been vacated or unless the
10 revocation order was entered as to the licensee only.

11 (235 ILCS 5/7-14A new)

12 Sec. 7-14A. Separate license for each premise; transfer to
13 other premises. Hemp products retail licenses issued hereunder
14 apply only to the premises described in the application and in
15 the license issued thereon, and only one location shall be so
16 described in each license. After a hemp products retail
17 license has been granted for particular premises, the Hemp
18 Products Commission or the local hemp products control
19 commissioner, as the case may be, upon proper showing, may
20 endorse upon the license permission to abandon the premises
21 therein described and remove therefrom to other premises
22 approved by the Hemp Products Commission or the local hemp
23 products control commissioner, but in order to obtain such
24 approval the licensee shall file with the Hemp Products
25 Commission and local hemp products control commissioner a

1 request in writing and a statement under oath that shall show
2 that the premises to which removal is to be made comply in all
3 respects with the requirements of this Act. A transfer may
4 only be requested to a premise within the same jurisdiction
5 that issued the original local hemp products retail license.

6 (235 ILCS 5/8-1A new)

7 Sec. 8-1A. Taxation of hemp products; payments.

8 (a) Beginning January 1, 2027, a tax is imposed on the
9 privilege of selling standard hemp cannabinoid products,
10 including hemp derivatives, at the rate of 4% of the gross
11 receipts from the retail sale of standard hemp cannabinoid
12 products.

13 (b) Beginning January 1, 2027, a tax is imposed on the
14 privilege of selling adult-use hemp cannabinoid products at
15 the rate of 6% of the gross receipts from the retail sale of
16 adult-use hemp cannabinoid products.

17 (c) Beginning January 1, 2027, a tax is imposed on the
18 privilege of selling hemp cannabinoid products pursuant to
19 Section 13-309 at the rate of 6% of the gross receipts from the
20 retail sale of hemp cannabinoid products.

21 (d) The taxes imposed under this Section shall be in
22 addition to all other occupation and privilege taxes imposed
23 by the State of Illinois or by any unit of local government.

24 (e) Sellers of taxable hemp products under this Section
25 are responsible for collecting the applicable tax rate at the

1 point of sale and remitting the collected taxes to the
2 Department of Revenue on a monthly basis.

3 (f) Sellers must maintain accurate records of all
4 transactions subject to the taxes under this Section,
5 including classifications as standard or adult-use, for a
6 period of no less than 3 years.

7 (g) The Department of Revenue shall have the authority to
8 assess, collect, and enforce the taxes imposed by this Act in
9 accordance with the existing tax enforcement provisions of
10 State law. Any person or entity found to be in violation of
11 this Act, including failing to collect, report, and remit
12 taxes, shall be subject to penalties as prescribed by State
13 law. The Department of Revenue shall adopt rules implementing
14 this Section.

15 (235 ILCS 5/8-11A new)

16 Sec. 8-11A. Hemp products; recordkeeping. Every person
17 licensed as a hemp products grower or cultivator, hemp
18 products processor or manufacturer, hemp products distributor
19 or wholesaler, or adult-use hemp products retailer hereunder
20 shall keep books and records which shall be available to
21 investigators and auditors of the Department during regular
22 business hours, and shall retain such books and records at his
23 or her place of business in Illinois for a period of not less
24 than 3 years. Such books and records shall be so kept as
25 correctly to disclose:

1 (1) the quantity and kind of hemp products received,
2 showing the name and address of the party from whom
3 received and the license number on which purchased;

4 (2) the quantity and kind of hemp products used;

5 (3) the quantity and kind of hemp products on hand at
6 the close of each business day; and

7 (4) the names of products or purposes for which hemp
8 products are used.

9 Any person licensed as a hemp products grower or cultivator,
10 hemp products processor or manufacturer, hemp products
11 distributor or wholesaler, or adult-use hemp products retailer
12 under this Act who violates this Section shall pay as a penalty
13 to the Department of Revenue, the sum of \$0.20 per serving of
14 each hemp product so diverted.

15 (235 ILCS 5/8-12A new)

16 Sec. 8-12A. Adult-use hemp products retailers; report to
17 the Department of Revenue. It shall be the duty of every
18 adult-use hemp products retailer who sells hemp products in
19 the State of Illinois to prepare and file with the Department
20 of Revenue for each month, not later than the fifteenth day of
21 the month following that for which it is made, a report stating
22 therein the name of the hemp products retailer making the
23 report, the period of time covered by the report, the name and
24 business address of each purchaser of such hemp products, the
25 name and business address of each adult-use hemp products

1 retailer of such hemp products, the kind and quantity of hemp
2 products sold to each purchaser, and the date or dates of sale.
3 Such report shall be made upon forms prescribed and made
4 available by the Department and shall contain such other
5 information as may reasonably be required by the Department.
6 The Department may establish procedures for electronic
7 transmissions of such information directly to the Department.
8 Such reports or information received by the Department shall
9 be made available by the Department to the Hemp Products
10 Commission upon the Hemp Products Commission's request.

11 Every adult-use hemp products retailer filing or required
12 to file a report under this Section shall deliver and make
13 available to the Department, upon the Department's request,
14 the records supporting the report, within 30 days of the
15 request. The books, records, supporting papers, and documents
16 containing information and data relating to such reports shall
17 be kept and preserved for a period of 3 years, unless their
18 destruction sooner is authorized, in writing, by the Director,
19 and shall be open and available to inspection by the Director
20 of Revenue or the Hemp Products Commission or any duly
21 authorized officer, agent or employee of the Department or the
22 Hemp Products Commission, at all times during business hours
23 of the day.

24 Any person who violates any of the provisions of this
25 Section or any of the rules and regulations of the Department
26 for the administration and enforcement of the provisions of

1 this Section is guilty of a Class C misdemeanor. In case of a
2 continuing violation each day's continuance thereof shall be a
3 separate and distinct offense.

4 (235 ILCS 5/Art. XIII heading new)

5 ARTICLE XIII. HEMP PRODUCTS

6 (235 ILCS 5/Art. XIII Pt. 1 heading new)

7 ARTICLE XIII Pt. 1. Definitions; scope.

8 (235 ILCS 5/13-105 new)

9 Sec. 13-105. Definitions. As used in this Article:

10 "20-1 ratio" means a ratio of 20 parts of any combination
11 of cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol
12 (CBN), cannabigerol (CBG), cannabichromene (CBC),
13 cannabicyclol (CBL), cannabivarin (CBV), cannabidivarin
14 (CBDV), cannabicitran (CBT) to 1 part of any combination of
15 delta-9 tetrahydrocannabinol (delta-9 THC),
16 tetrahydrocannabinolic acid (THCA), tetrahydrocannabivarin
17 (THCV), delta-7 tetrahydrocannabinol (delta-7 THC), delta-8
18 tetrahydrocannibinol (delta-8 THC), or delta-10
19 tetrahydrocannibinol (delta-10 THC).

20 "Adult-use hemp cannabinoid product" means a finished
21 product for sale containing hemp cannabinoids that (i)
22 contains any phytocannabinoid derived from hemp that is
23 naturally occurring in the plant, including, but not limited

1 to, delta-9 tetrahydrocannabinol (delta-9 THC),
2 tetrahydrocannabinolic acid (THCA), tetrahydrocannabivarin
3 (THCV), delta-7 tetrahydrocannabinol (delta-7 THC), delta-8
4 tetrahydrocannibinol (delta-8 THC), or delta-10
5 tetrahydrocannibinol (delta-10 THC) (ii) containing naturally
6 occurring or manufactured cannabinoids; (iii) containing a
7 delta-9 THC concentration no greater than 0.3% by dry weight;
8 and (iv) containing more than a 20:1 ratio, as defined in this
9 Section, with a concentration of not more than 0.3% on a
10 dry-weight basis.

11 "Adult-use hemp cannabinoid product" does not include any
12 product intended for topical application.

13 "Batch" means a specific quantity of hemp plants that are
14 cultivated from the same seed or plant stock, that are
15 cultivated together, that are intended to be harvested
16 together, and that receive identical propagation and
17 cultivation treatment; or a specific quantity of hemp
18 cannabinoid product, as defined by the manufacturer, that is
19 manufactured at the same time and using the same methods,
20 equipment, and ingredients, that is uniform and intended to
21 meet specifications for identity, strength, purity, and
22 composition, and that is manufactured, packaged, and labeled
23 according to a single batch production record executed and
24 documented.

25 "Beverage additive" means any hemp cannabinoid product
26 that is intended to be added to a beverage and not intended for

1 direct or undiluted consumption.

2 "Business", "hemp products licensee", or "licensee" means
3 any of the following licensed under this Article:

4 (1) a hemp products grower or cultivator;

5 (2) a hemp products processor or manufacturer;

6 (3) a hemp products distributor or wholesaler; or

7 (4) an adult-use hemp products retailer.

8 "Cannabinoid product" means a natural (non-synthetic)
9 product (including an inhalable, food, beverage, or dietary
10 supplement) made or derived from hemp that contains some form,
11 type, or amount of cannabinoid or cannabinoids, which is
12 intended for ingestion by, or use in or on the body of, human
13 or animal.

14 "Cannabis" has the meaning given to that term in Section
15 1-10 of the Cannabis Regulation and Tax Act.

16 "Certificate of analysis" or "COA" means a document from
17 an independent testing laboratory that provides detailed
18 results of hemp and hemp product testing, including batch
19 number, date received, and method of analysis, ensuring that
20 the product and the hemp used to manufacture the product
21 comply with the State's safety and potency standards.

22 "Counter" means the point of purchase at a retail
23 establishment.

24 "Delta-9 THC" means delta-9 tetrahydrocannabinol.

25 "Department" means the Illinois Department of Agriculture.

26 "Distributor" or "wholesaler" means a person or entity

1 that purchases hemp cannabinoid products from hemp licensees
2 and sells them to licensed hemp businesses.

3 "FDA" means the United States Food and Drug
4 Administration, a federal agency of the United States
5 Department of Health and Human Services.

6 "Food service establishment" means an establishment where
7 food is prepared and served on the premises.

8 "Hemp" means the plant Cannabis sativa L. and any part of
9 that plant, including the seeds thereof and all derivatives,
10 extracts, cannabinoids, isomers, acids, salts, and salts of
11 isomers, whether growing or not, with a delta-9
12 tetrahydrocannabinol concentration of not more than 0.3
13 percent on a dry-weight basis.

14 "Hemp cannabinoid" means any naturally occurring
15 cannabinoid found in or derived from hemp, including, but not
16 limited to, delta-9 tetrahydrocannabinol (delta-9 THC),
17 tetrahydrocannabinolic acid (THCA), cannabidiol (CBD),
18 cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol
19 (CBG), cannabichromene (CBC), cannabicyclol (CBL),
20 cannabivarin (CBV), tetrahydrocannabivarin (THCV),
21 cannabidivarin (CBDV), cannabicitran (CBT), delta-8
22 tetrahydrocannabinol (delta-8 THC), and delta-10
23 tetrahydrocannabinol (delta-10 THC). "Hemp cannabinoid" does
24 not include hemp as defined in this Act.

25 "Hemp product" or "hemp cannabinoid product" means
26 adult-use hemp cannabinoid product and standard hemp

1 cannabinoid product.

2 "Independent testing laboratory" means a laboratory that
3 meets all of the following conditions:

4 (1) holds an International Organization for
5 Standardization (ISO) 17025 accreditation or is registered
6 with the Drug Enforcement Administration in accordance
7 with 21 CFR 1301.13;

8 (2) does not have a direct or indirect interest in the
9 entity whose product or material is being tested;

10 (3) does not have a direct or indirect interest in a
11 facility that cultivates, processes, distributes,
12 dispenses, or sells standard or adult-use hemp cannabinoid
13 products in this State or any other jurisdiction; and

14 (4) performs tetrahydrocannabinol concentration
15 sampling and testing using the high-performance liquid
16 chromatography (HPLC) method or the gas
17 chromatography-mass spectrometry (GC-MS) method, as
18 appropriate for the material being tested, in a manner
19 that ensures that the testing does not alter the chemical
20 composition of the cannabinoids.

21 "Ingestion" means the process of consuming an adult-use
22 hemp cannabinoid product or standard hemp cannabinoid product
23 through the mouth by swallowing into the gastrointestinal
24 system.

25 "Inhalation" means the process of consuming an adult-use
26 hemp cannabinoid product or standard hemp cannabinoid product

1 through the respiratory system via the mouth or nasal
2 passageway.

3 "Intermediate hemp" means products that are sold and
4 purchased between hemp products licensees, that are derived
5 from hemp, that are used as inputs for other intermediate hemp
6 products or finished hemp products, and that are not to be sold
7 to the general public.

8 "Intermediate hemp" includes products such as crude,
9 distillate, isolate, full and broad spectrum oils, terpene
10 extracts, crystallines, nanoemulsion concentrates, resins and
11 dissolvable powders. The 0.3% delta-9 THC concentration limit
12 does not apply for intermediate hemp products being sold or
13 transferred between licensed hemp business establishments,
14 whether in-state or out-of-state. Intermediate hemp products
15 shall not be sold at retail or direct to consumer in any way.

16 "Large business" means any applicant for hemp products
17 licensure or a hemp products licensee under this Act that
18 grosses \$4,000,000 or more per year.

19 "License" means a hemp products license issued in
20 accordance with this Act.

21 "Manufacture" means to compound, blend, extract, infuse,
22 cook, or otherwise make or prepare products containing a hemp
23 cannabinoid. "Manufacture" includes the processes of
24 extraction, infusion, packaging, repackaging, labeling, and
25 relabeling of products containing a hemp cannabinoid.

26 "Manufacturer" means any person who engages in the process

1 of manufacturing, preparing, or packaging standard or
2 adult-use hemp cannabinoid products.

3 "Medium business" means any applicant for hemp products
4 licensure or a hemp products licensee under this Act that
5 grosses \$1,000,000 or more per year but less than \$4,000,000
6 per year.

7 "Proof of age" means a valid driver's license or other
8 government-issued identification card that contains a
9 photograph of the person and confirms the person's age as 21
10 years of age or older.

11 "Purified" and "converted cannabinoids" means molecular
12 compounds derived from naturally occurring plant-based
13 cannabinoids. Through a process of purification and chemical
14 or physical conversion, these cannabinoids are isolated or
15 extracted to produce stable, manufactured products. These are
16 necessary, beneficial manufacturing practices as long as the
17 resulting products are free from harmful constituents, such as
18 chemical byproducts or residues.

19 "Ready-to-eat product" or "ready-to-eat hemp-infused
20 product" means a type of standard hemp cannabinoid or
21 adult-use cannabinoid product that is intended for immediate
22 human consumption, (including time and temperature controlled
23 foods as defined in Section 1-201.10 of the federal Food Code)
24 and on-tap beverages that use intermediate hemp products as an
25 input to be produced and served in a ready-to-eat
26 establishment as described in Section 13-309.

1 "Retail establishment" means a place of business open to
2 the general public for the sale of goods or services.

3 "Retailer" means a person or entity that sells adult-use
4 hemp cannabinoid products for consumption and not for resale,
5 and may also sell standard hemp cannabinoid products.

6 "Safe harbor hemp product" means a hemp compound or hemp
7 cannabinoid, whether a finished product or in the process of
8 being produced, that is manufactured for distribution,
9 produced for distribution, packaged for distribution,
10 processed for distribution, treated for distribution,
11 transported for distribution, or held for distribution in this
12 State for export from this State but that is not sold at retail
13 in this State.

14 "Safe harbor manufacturer or storage facility" means a
15 facility that manufactures for distribution, produces for
16 distribution, packages for distribution, processes for
17 distribution, prepares for distribution, treats for
18 distribution, transports for distribution, or holds for
19 distribution a safe harbor hemp product.

20 "Serving" means a quantity of a standard or adult-use hemp
21 cannabinoid product recommended for consumption at a single
22 time as indicated on the packaging as a single piece, that is
23 easily identified as breakable by indent, or that is
24 quantifiable by a standard unit of fluid measure.

25 "Small business" means any applicant for hemp products
26 licensure or a hemp products licensee under this Act that

1 grosses less than \$1,000,000 per year.

2 "Standard hemp cannabinoid product" means a finished
3 product for sale made or derived from hemp cannabinoids that
4 (i) contains any phytocannabinoid derived from hemp that is
5 naturally occurring in the plant, including, but not limited
6 to, cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol
7 (CBN), cannabigerol (CBG), cannabichromene (CBC),
8 cannabicyclol (CBL), cannabivarin (CBV), cannabidivarin
9 (CBDV), cannabicitran (CBT); (ii) contains naturally occurring
10 or manufactured cannabinoids; (iii) contains a delta-9 THC
11 concentration no greater than 0.3% by dry weight; and (iv)
12 contains less than or equal to a 20:1 ratio with a
13 concentration of not more than 0.3% on a dry-weight basis.
14 "Standard hemp cannabinoid product" shall include any product
15 intended for topical application.

16 "Synthetic cannabinoids" means cannabinoids that do not
17 naturally occur on the cannabis plant, and that are entirely
18 lab-made chemicals that should be prohibited. The chemical
19 composition of synthetic cannabinoids can vary widely, and
20 because they are often produced in unregulated and clandestine
21 laboratories, their exact content and potency are typically
22 unknown.

23 "Tincture" means a standard or adult-use hemp cannabinoid
24 product that is in the form of liquid, that is not a beverage
25 or intended for drinking but that is intended for human
26 consumption, and that contains hemp suspended in a consumable

1 base liquid.

2 "Vapor-generating electronic device" means any device of
3 product that employs an electronic, chemical, or mechanical
4 means of producing vapor or aerosol from a hemp product or any
5 other substance, including, but not limited to, an electronic
6 cigarette, electronic cigar, electronic cigarillo, electronic
7 pipe, or other similar device or product; any replacement
8 cartridge for such device or product; and any other container
9 of a solution or other substance intended to be used with or
10 within such device or product.

11 "White-label product" means a product or service that is
12 produced by one company but packaged, branded, and sold by
13 another company as if it were their own.

14 (235 ILCS 5/13-110 new)

15 Sec. 13-110. Scope. No person shall grow, cultivate,
16 manufacture, process, bottle, blend, sell, barter, transport,
17 transfer into this State from a point outside this State,
18 deliver, furnish, or possess any hemp product unless such
19 person has registered with the Hemp Products Commission in
20 compliance with this Act or except as otherwise specifically
21 provided in this Act.

22 (235 ILCS 5/Art. XIII Pt. 2 heading new)

23 ARTICLE XIII Pt. 2. Hemp Products Commission.

1 (235 ILCS 5/13-201 new)

2 Sec. 13-201. Creation of the Hemp Products Commission.
3 There is hereby created a Hemp Products Commission, which
4 shall be a division of the State Commission, consisting of 3
5 members to be appointed by the Governor with the advice and
6 consent of the Senate. The Executive Director of the State
7 Commission shall be the Executive Director of the Hemp
8 Products Commission. The Executive Director of the Hemp
9 Products Commission shall have authority to use the staff of
10 the State Commission to effectively administer this Article.

11 (235 ILCS 5/13-202 new)

12 Sec. 13-202. Appointments; terms; vacancies. As soon as
13 practical after the effective date of this amendatory Act of
14 the 104th General Assembly, the Chairman of the State
15 Commission shall be the Chairman of the Hemp Products
16 Commission and, in addition, the Governor shall appoint one
17 representative of the Department of Public Health and one
18 representative of the Department of Agriculture. The Chairman
19 shall hold office for the same term as Chairman of the State
20 Commission and each other member to hold office for a period of
21 4 years. Except for the Chairman, at the expiration of the term
22 of any commissioner, the Governor shall reappoint that
23 commissioner or appoint a successor of that commissioner for a
24 period of 6 years.

1 (235 ILCS 5/13-203 new)

2 Sec. 13-203. Quorum; Secretary. A majority of the Hemp
3 Products Commission shall constitute a quorum to transact
4 business, but no vacancy shall impair the right of the
5 remaining commissioners to exercise all of the powers of the
6 Hemp Products Commission; and every act of a majority of the
7 members of the Hemp Products Commission shall be deemed to be
8 the act of the Hemp Products Commission. The secretary of the
9 State Commission shall be the secretary of the Hemp Products
10 Commission who shall keep a record of all proceedings,
11 transactions, communications, and official acts of the Hemp
12 Products Commission and who shall be custodian of all records
13 and perform such other duties as the Hemp Products Commission
14 may prescribe.

15 (235 ILCS 5/13-204 new)

16 Sec. 13-204. Authority and powers. The Hemp Products
17 Commission shall have the same authority conferred upon the
18 State Commission under this Act with respect to alcoholic
19 liquor as provided in Sections 3-4 and 3-4.1 but only with
20 respect to hemp products and shall use the personnel of the
21 State Commission in the exercise of its authority under this
22 Article. Sections 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, and 3-11 of
23 this Act apply to the Hemp Products Commission.

24 (235 ILCS 5/13-205 new)

1 Sec. 13-205. Additional powers and duties. The Hemp
2 Products Commission shall have the same authority conferred
3 upon the State Commission under this Act with respect to
4 alcoholic liquor as provided in Section 3-12 but only with
5 respect to hemp products. The Hemp Products Commission shall
6 also have the following powers, functions, and duties:

7 (1) To receive applications and approve licenses under
8 this Article to hemp products growers or cultivators, hemp
9 products processors or manufacturers, hemp products
10 distributors or wholesalers, and adult-use hemp products
11 retailers and to suspend or revoke such licenses upon the
12 Hemp Products Commission's determination, upon notice
13 after hearing, that a licensee has violated any provision
14 of this Act or any State law, local law, or rule or
15 regulation issued pursuant thereto and in effect for 30
16 days prior to such violation relating to hemp products.
17 Any action by the Hemp Products Commission to suspend or
18 revoke a license shall be limited to the license related
19 to hemp products. An action for a violation of this
20 Article shall be commenced by the Hemp Products Commission
21 within 2 years after the date the Hemp Products Commission
22 knew or could have known of the violation.

23 (2) To adopt such rules consistent with the provisions
24 of this Article as it relates to hemp products that are
25 necessary to carry on its functions and duties to the end
26 that the health, safety, and welfare of the People of the

1 State of Illinois shall be protected and temperance in the
2 consumption of hemp products shall be fostered and
3 promoted and to distribute copies of such rules and
4 regulations to all licensees affected thereby.

5 (235 ILCS 5/Art. XIII Pt. 3 heading new)

6 ARTICLE XIII Pt. 3. Licenses.

7 (235 ILCS 5/13-301 new)

8 Sec. 13-301. Local control. Nothing in this Act shall
9 preempt the authority of home rule units in regard to hemp
10 products. Article 4 of this Act shall not apply to hemp
11 products except with respect to Sections 4-1, 4-2A, 4-3, 4-4A,
12 4-5A, 4-6A, and 4-7A; Article 6 shall not apply to hemp
13 products except with respect to Sections 6-2A, 6-2.5A, 6-11A,
14 and 6-12; Article 7 shall not apply to hemp products licenses
15 except with respect to Sections 7-5A, 7-7A, 7-8A, 7-9A, 7-10A,
16 7-11, 7-12A, 7-13A, and 7-14A, which shall apply to hemp
17 cannabinoid products in the same manner as alcoholic
18 beverages. Article 9 of this Act does not apply to hemp
19 products licensees.

20 (235 ILCS 5/13-302 new)

21 Sec. 13-302. License requirements.

22 (a) The 4 types of licenses with respect to hemp, as
23 established by rule of the Hemp Products Commission, shall be

1 as follows:

2 (1) Hemp products grower or cultivator licenses are
3 adult-use hemp cannabinoid product or standard hemp
4 cannabinoid products cultivator licenses as licensed under
5 the Industrial Hemp Act.

6 (2) Hemp products processor or manufacturer licenses
7 are standard hemp cannabinoid products or adult-use hemp
8 cannabinoid processor or manufacturer licenses as licensed
9 under the Industrial Hemp Act.

10 (3) Hemp products distributor or wholesaler licenses
11 are standard hemp cannabinoid products or adult-use hemp
12 cannabinoid products distributor or wholesaler licenses as
13 licensed under this Act.

14 (4) Adult-use hemp products retailer licenses are
15 adult-use hemp cannabinoid products retailer licenses as
16 licensed under this Act.

17 A license shall not be required for the retail sale of
18 standard hemp cannabinoid products.

19 (b) To obtain a license in any of the categories under this
20 Section, an applicant shall provide documents to the Hemp
21 Products Commission that show ownership, financial
22 information, and compliance with safety and zoning
23 regulations, as established by rule of the Hemp Products
24 Commission. Required documents shall be, according to rule of
25 the Hemp Products Commission, as follows:

26 (1) Identification: an applicant for a license must

1 provide photo identification (ID) for each person who owns
2 at least 5% of the business.

3 (2) Business structure: an applicant for a license
4 must provide lease, purchase agreement, and business
5 structure documents.

6 (3) Financial information: an applicant for a license
7 must provide a Illinois business tax number or the
8 equivalent and federal Employer Identification Number
9 (EIN).

10 (4) Safety and compliance: an applicant for a license
11 must provide a site plan.

12 (5) Training: an applicant for a license must provide
13 basic required hemp and cannabis training provided by a
14 State-certified training program.

15 (c) Any liquor licensee must obtain a hemp retailer
16 license to sell adult-use hemp cannabinoid products at retail.
17 A liquor license shall not permit the sale of adult-use hemp
18 cannabinoid products.

19 (d) The Hemp Products Commission shall adopt rules
20 implementing this Section.

21 (235 ILCS 5/13-303 new)

22 Sec. 13-303. Licensure approval. The Hemp Products
23 Commission shall approve any application for licensure within
24 14 days upon the applicant providing all of the following to
25 the Hemp Products Commission: (1) evidence that the applicant

1 has fully complied with the requirements of Section 302 of
2 this Article; (2) evidence that the applicant has complied
3 with all rules adopted by the Hemp Products Commission to
4 implement Section 302 of this Article; (3) evidence that the
5 applicant is in good standing with the Department of Revenue;
6 and (4) an affirmation that it is in compliance with the all
7 requirements in this Act.

8 (235 ILCS 5/13-304 new)

9 Sec. 13-304. License application. Any applicant that
10 grows, cultivates, manufactures, processes, distributes, sells
11 wholesale, or sells at retail hemp products within this State
12 or outside this State, if not licensed under this Act, and no
13 other person, may submit an application for licensure to the
14 Hemp Products Commission in a form and in a manner prescribed
15 by the Hemp Products Commission. The Hemp Products Commission
16 shall have authority to administer any application and to
17 issue rules relating to the process, approval and in the event
18 of denial, a hearing regarding any denial of an application
19 for licensure. Any denial by the Hemp Products Commission is
20 subject to the Administrative Review Law.

21 (235 ILCS 5/13-305 new)

22 Sec. 13-305. License fees and issuance.

23 (a) Licenses issued by the Hemp Products Commission shall
24 be of the following classes and fees:

1 (1) Hemp products grower or cultivator.

2 (A) Small business: \$1,000.

3 (B) Medium business: \$2,500.

4 (C) Large business: \$5,000.

5 (2) Hemp products processor or manufacturer.

6 (A) Small business: \$1,000.

7 (B) Medium business: \$3,500.

8 (C) Large business: \$10,000.

9 (3) Hemp products distributor or wholesaler.

10 (A) Small business: \$1,000.

11 (B) Medium business: \$3,500.

12 (C) Large business: \$10,000.

13 (4) Adult-use hemp products retailer.

14 (A) Small business: \$1,000 per location.

15 (B) Medium business: \$2,500 per location.

16 (C) Large business: \$5,000 per location.

17 (b) Licenses shall be valid from the date of issuance
18 through the last day of the 11th month that begins after the
19 month in which the license is issued unless sooner revoked or
20 suspended as provided in this Act. Licenses shall state
21 thereon the class to which they belong, the names of the
22 licensee, and the addresses and description of the premises
23 for which they are granted and shall state the dates of their
24 issuance and expiration.

25 (c) In the event of the loss or destruction of a license
26 certificate issued pursuant to this Section, the Hemp Products

1 Commission, upon written application stating such fact and
2 accompanied by the required fee, shall issue a duplicate of
3 the license. The fee for the issuance of a duplicate license
4 shall be \$12 if the original license fee was \$200 or less and
5 \$24 if the original license fee was more than \$200.

6 (d) If a licensee fails to submit a license renewal
7 application to the Hemp Products Commission before or on the
8 expiration date of the current license, the licensee shall be
9 assessed a late filing fee of \$25. Late applications and
10 instruments of payment shall be returned to the licensee. Late
11 filing fees shall be in addition to any fines or penalties
12 ordered for operating without a valid license.

13 (235 ILCS 5/13-306 new)

14 Sec. 13-306. License permissions.

15 (a) In this Section:

16 "Delivery" means the movement of hemp product purchased
17 from a hemp products licensee to a consumer through the
18 following methods:

19 (1) delivery within the hemp products retailer
20 licensee's parking lot, including curbside, for pickup by
21 the consumer;

22 (2) delivery by an owner, officer, director
23 shareholder, or employee of the hemp products retailer
24 licensee; or

25 (3) delivery by a third-party contractor, independent

1 contractor, or agent with whom the licensed hemp products.

2 Under paragraph (1), (2), or (3), delivery shall not

3 include the use of common carriers.

4 "Shipping" means the movement of hemp products from a hemp
5 products licensee to a consumer via a common carrier.

6 (b) A hemp products grower or cultivator license shall
7 allow the manufacture, importation in bulk, storage,
8 distribution, and sale of hemp products to persons outside the
9 State, as permitted by federal law and to hemp products
10 licensees in this State as follows:

11 (1) A hemp products grower or cultivator may make
12 sales and deliveries of hemp products containing a delta-9
13 THC concentration no greater than 0.3% by dry weight to
14 hemp products processors or manufacturer licensees, hemp
15 products distributor or wholesaler licensees, and
16 adult-use hemp products retailer licensees.

17 (2) A hemp products grower or cultivator may make
18 retail sales and retail deliveries pursuant to subsection
19 (f) of this Section only if the grower or cultivator
20 possesses a valid adult-use hemp products retailer
21 license. A hemp products grower or cultivator may not make
22 retail sales or retail deliveries without an adult-use
23 hemp products retailer license.

24 (c) A hemp products processor or manufacturer license
25 shall allow the wholesale purchase from hemp product growers
26 or cultivators; the extraction, infusion, packaging,

1 repackaging, labeling, and relabeling of hemp products; and
2 the storage of hemp products and sale of hemp products to hemp
3 products distributors and wholesalers and adult-use hemp
4 products retailers in this State and to persons outside the
5 State, as permitted by federal law.

6 A hemp products processor or manufacturer may make retail
7 sales and retail deliveries pursuant to subsection (f) of this
8 Section so long as the processor or manufacturer possesses a
9 valid adult-use hemp products retailer license. A hemp
10 products processor or manufacturer may not make retail sales
11 or retail deliveries without an adult-use hemp products
12 retailer license.

13 (d) A hemp products distributor or wholesaler license
14 shall allow the wholesale purchase from hemp product growers
15 or cultivators and storage of hemp products and sale of hemp
16 products to adult-use hemp products retailers in this State
17 and to persons outside the State, as permitted by federal law,
18 and shall allow the importation of hemp products by the
19 licensee into this State from any point in the United States
20 outside this State, and the purchase of hemp product
21 containing a delta-9 THC concentration no greater than 0.3% by
22 dry weight and containing no more than the maximum allowable
23 amount of delta-9 THC per serving and container as provided in
24 Section 13-308.

25 A hemp products distributor or wholesaler may make retail
26 sales and retail deliveries pursuant to subsection (f) of this

1 Section provided so long as the distributor or wholesaler
2 possesses a valid adult-use hemp products retailer license. A
3 hemp products distributor or wholesaler may not make retail
4 sales or retail deliveries without an adult-use hemp products
5 retailer license.

6 (e) An adult-use hemp products retail license shall allow
7 the licensee to sell and offer for sale at retail, only in the
8 premises specified in the adult-use hemp products retail
9 license, hemp products that contain a total delta-9 THC
10 concentration no greater than 0.3% by dry weight and that do
11 not exceed the maximum allowable amount of delta-9 THC per
12 serving and container as provided in Section 13-308, but not
13 for resale in any form, as well as in any manner permitted
14 under subsection (f) of this Section.

15 (f) Nothing in this Act shall deny, limit, remove, or
16 restrict the ability of an adult-use hemp products retailer to
17 transfer, deliver, or ship hemp products containing a total
18 delta-9 THC concentration no greater than 0.3% by dry weight
19 and that do not exceed serving and package limits in Section
20 13-308 of this Act to the purchaser for use, consumption, or
21 inhalation subject to any applicable local law or ordinance.
22 Nothing in this Act shall deny, limit, remove, or restrict the
23 ability of a holder of a hemp products licensee to deliver hemp
24 products to the purchaser for use or consumption.

25 (g) Any hemp products licensee shall be permitted to sell
26 standard-use hemp products at retail.

1 (235 ILCS 5/13-307 new)

2 Sec. 13-307. Prohibitions.

3 (a) It is a violation of this Article for any adult-use
4 hemp products retailer to deliver to a non-licensee for
5 on-premises consumption any hemp product in combination, in
6 any way, with any alcoholic beverage.

7 (b) All permitted happy hours under Section 6-28.5 are
8 prohibited in connection with adult-use hemp products.

9 (c) No hemp product may be given, sold, transferred, or
10 delivered to any person under 21 years of age. A licensee shall
11 refuse to sell adult-use hemp products to any person unless
12 the person produces a government-issued identification showing
13 that the person is 21 years of age or older, which must be
14 verified at the point of sale.

15 (d) No person shall process, manufacture, label,
16 distribute for sale, sell, offer for sale, market, or
17 advertise any hemp product within this State without obtaining
18 a license under this Article, except as otherwise provided in
19 this Article.

20 (e) A licensee shall not distribute for sale or offer for
21 sale intermediate hemp products to a person or entity that is
22 not registered as a hemp products processor or manufacturer
23 under this Article. A licensee shall not market or advertise
24 intermediate hemp products for purchase by any adult-use hemp
25 products retailer or non-licensee.

1 (f) A licensee shall not process, manufacture, distribute
2 for sale, sell, offer for sale, market, or advertise any hemp
3 product unless the product complies with the labeling,
4 packaging, minimum testing, and other requirements of this
5 Article and any administrative rules adopted by the Hemp
6 Products Commission.

7 (g) A product that contains a delta-9 THC concentration
8 greater than 0.3% by dry weight shall be regulated as cannabis
9 as defined in the Cannabis Regulation and Tax Act as of April
10 30, 2025, whether or not the product is made with or derived
11 from hemp, industrial hemp, or derived from natural or
12 synthetic sources.

13 (h) It shall be a violation of this Act to sell at retail
14 any hemp flower or a product containing hemp flower that is not
15 accompanied by a certificate of analysis issued within the
16 previous one-year period demonstrating that the hemp flower or
17 product containing hemp flower has a concentration of no more
18 than three-tenths of one percent (0.3%) on a dry-weight basis
19 of delta-9 tetrahydrocannabinol.

20 (i) Hemp products shall not be sold within this State if
21 hemp cannabinoid, THC, or other contaminants are detected at
22 levels greater than provided for by this Article or rules or
23 guidance adopted by the Department of Public Health.

24 (235 ILCS 5/13-308 new)

25 Sec. 13-308. Hemp products requirements.

1 (a) Adult-use hemp products manufactured, processed,
2 distributed, sold, or offered for sale in this State shall:

3 (1) be manufactured in accordance with this Article;

4 (2) be subject to the following minimum requirements:

5 (A) contain a delta-9 THC concentration of no
6 greater than 0.3% by dry weight for any product that is
7 intended for human or pet consumption by any means;

8 (B) not contain any alcoholic liquor;

9 (C) not contain added caffeine, tobacco, or
10 nicotine in the product;

11 (D) accurately reflect testing results and not
12 contain less than 80% or more than 120% of the
13 concentration of total cannabinoid content as listed
14 on the product label;

15 (E) be prepackaged and not added to food or any
16 other consumable products at the point of sale, except
17 as provided in Section 309 of this Article; and

18 (F) comply with product testing standards set
19 forth in this Article.

20 (b) Adult-use hemp cannabinoid beverages must:

21 (1) contain no more than 10 milligrams of
22 tetrahydrocannabinol per 12 ounces;

23 (2) be in a container that holds no more than 12
24 ounces; and

25 (3) be in a package with no more than 10 containers per
26 package.

1 (c) Adult-use hemp product vapor-generating electronic
2 devices must:

3 (1) be in a vapor-generating electronic device that
4 contains no more than 3 grams;

5 (2) be in a container that holds no more than 25
6 vapor-generating electronic devices; and

7 (3) be in a package that contains no more than one
8 container.

9 (d) Adult-use hemp product edibles must be in an amount
10 not greater than 25 mg of THC per serving and 40 servings per
11 package.

12 (e) Adult-use hemp product tinctures must:

13 (1) contain no more than 100 milligrams of delta-9
14 tetrahydrocannabinol per 35 grams, but in no case shall a
15 milliliter contain more than 3 milligrams;

16 (2) be in a container that holds no more than 35 grams;
17 and

18 (3) be in a package that holds no more than one
19 container.

20 (f) Adult-use beverage additives must:

21 (1) contain no more than 10 mg per serving; and

22 (2) be in a container that contains no more than 40
23 servings.

24 (g) A hemp products processor or manufacturer shall do all
25 of the following with regard to adult-use hemp products
26 manufactured, processed, distributed, sold, or offered for

1 sale in this State:

2 (1) maintain sufficient records to demonstrate that
3 any hemp or hemp extract used by the licensee was grown,
4 derived, extracted, and transported in accordance with
5 applicable laws and licensing requirements of the
6 jurisdiction or jurisdictions from which such hemp or hemp
7 extract was sourced and for hemp received from an
8 out-of-state grower, processors or manufacturers shall
9 also maintain records of the out-of-state grower
10 registration or license number in the respective
11 jurisdiction;

12 (2) keep all designated extracting, processing and
13 manufacturing areas safe and sanitary, including, but not
14 limited to, ensuring that those areas are adequately lit,
15 cleaned, and smoke-free;

16 (3) not use synthetic cannabinoids in the extraction,
17 processing or manufacturing of any hemp product; and

18 (4) maintain any and all records required by this Act
19 for at least 3 years and immediately produce such records
20 upon request of the Hemp Products Commission.

21 (h) The Hemp Products Commission may adopt rules in
22 accordance with the Illinois Administrative Procedure Act and
23 prescribe forms relating to the administration and enforcement
24 of this Article as it deems appropriate.

1 Sec. 13-309. Ready-to-eat hemp-infused products
2 requirements.

3 (a) Licensing Requirement. Any establishment preparing or
4 servicing ready-to-eat hemp-infused products must hold a valid
5 hemp processing or manufacturing license and a valid adult-use
6 hemp products retail license issued by the State of Illinois.
7 Ready-to-eat hemp-infused products made in compliance with
8 this Act shall be considered fit for human consumption and
9 shall not be considered injurious to health or deleterious for
10 human consumption.

11 (b) Dosing Standards. All ready-to-eat hemp-infused
12 products must be dosed using metered measuring equipment to
13 ensure accuracy and consistency.

14 (c) Standard Operating Procedures ("SOPs"). Establishments
15 must develop and maintain written SOPs outlining dosing
16 procedures to ensure compliance with State rules.

17 (d) Staff Training. It is the employer's responsibility to
18 ensure that all staff involved in the handling, dosing, or
19 servicing of ready-to-eat hemp-infused products are properly
20 trained. The employer must also maintain records of staff
21 training.

22 (e) Testing Requirements. Any intermediate hemp product
23 used to dose or infuse a ready-to-eat product must have
24 undergone initial testing to ensure compliance with State
25 regulatory standards.

26 (f) Compliance with health and food safety requirements.

1 All ready-to-eat hemp-infused products establishments shall
2 fully comply with all State and local health and food safety
3 regulations to which they are subject.

4 (235 ILCS 5/Art. XIII Pt. 4 heading new)

5 ARTICLE XIII Pt. 4. Labeling; testing; advertising.

6 (235 ILCS 5/13-401 new)

7 Sec. 13-401. Laboratory standards and certificate of
8 analysis accessibility and labeling.

9 (a) Laboratories for the purposes of testing or analysis
10 under this Act must operate independently of the product
11 manufacturer to ensure unbiased testing results.

12 (b) Manufacturers must make the certificate of analysis,
13 as well as any white-label linking documentation, accessible
14 to consumers, either through a website link or code on the
15 product packaging.

16 (c) Product labels must include a batch or lot number that
17 corresponds to the certificate of analysis.

18 (1) Manufacturers are required to retain copies of the
19 certificate of analysis for each batch of product for a
20 minimum of 3 years.

21 (2) Certificates of analysis shall be made available
22 to the Hemp Products Commission upon request for
23 compliance verification.

24 (d) The Hemp Products Commission shall be responsible for

1 enforcing compliance with the requirements under this Section.
2 The Hemp Products Commission shall adopt rules implementing
3 this Section, and the Hemp Products Commission shall adopt
4 rules regarding non-compliance with the requirements of this
5 Section, including fines, mandatory product recalls, or
6 suspension of manufacturing licenses in accordance with this
7 Act.

8 (e) This Section shall apply to standard hemp cannabinoid
9 products and adult-use hemp cannabinoid products.

10 (235 ILCS 5/13-402 new)

11 Sec. 13-402. Product packaging and labeling.

12 (a) The Hemp Products Commission shall be authorized to
13 audit and inspect labels for compliance with this Act. In the
14 event of any violation of this Section, the Hemp Products
15 Commission may issue a citation against the offender as
16 official notice of the offense committed and to require the
17 offender to correct the offense within 180 days.

18 (b) Unless otherwise specified in this Act, each standard
19 or adult-use hemp cannabinoid product shall be labeled before
20 sale and each label shall be securely affixed to the package
21 and shall state in legible English:

22 (1) the name and mailing address or website of the
23 manufacturer or distributor;

24 (2) the common or usual name of the item and the name
25 of the standard or adult-use hemp cannabinoid product;

1 (3) net weight or volume and net count (if applicable)
2 of individual items on the label, including: (A) the
3 content and amount (in milligrams) of all cannabinoids
4 exceeding one milligram per serving or dose.

5 (4) instructions for suggested use, including serving
6 size and how to divide into servings (if applicable);

7 (5) information regarding the batch;

8 (6) a best-by date that conforms with any applicable
9 federal law and that shall be not more than 2 years from
10 the date of publication of the product's COA;

11 (7) all other ingredients of the item, including any
12 colors, artificial flavors and preservatives, listed in
13 descending order by predominance of weight shown with
14 common or usual names; however, ingredients listed on the
15 label may be combined into similar categories, including,
16 but not limited to, hemp extract or emulsion, natural
17 colors, artificial colors, natural flavors, or artificial
18 flavors;

19 (8) for standard or adult-use hemp cannabinoid
20 products:

21 (A) the date of testing and the identification of
22 the independent testing laboratory;

23 (B) microbiological, mycotoxins, and pesticide and
24 solvent residue analysis; and

25 (C) cannabinoid content listed on the product
26 label shall not be less than 80% nor more than 120% of

1 cannabinoid content noted in that product batch's COA;
2 there shall be no more than a 20% error variance under
3 this subparagraph (C); and

4 (9) confirmation of testing analysis and information
5 about where to view full test results. The required
6 packaging and labeling elements under paragraphs (8) and
7 (9) of this subsection (b) may be satisfied by means of a
8 QR code linking to a website where the information is
9 available for a consumer.

10 (c) All packaged standard or adult-use hemp cannabinoid
11 products must contain warning statements specified in this
12 Section, of a size that is legible and readily visible to a
13 consumer inspecting a package, which may not be covered or
14 obscured in any way.

15 (d) Standard hemp cannabinoid products must have warning
16 statements on the packaging in a form and manner that clearly
17 communicates the following:

18 (1) the product contains hemp cannabinoids or
19 hemp-derived cannabinoids;

20 (2) an internationally recognized symbol for cannabis,
21 such as ASTM D8441 or other universal symbols to
22 differentiate between standard and adult-use hemp
23 cannabinoid products;

24 (3) a warning to consumers to consult a physician
25 before using if pregnant or breastfeeding;

26 (4) a warning not to use if operating a motor vehicle

1 or machinery, unless the product contains 0% THC;

2 (5) a statement that "This product has not been
3 evaluated by the Food and Drug Administration. This
4 product is not intended to diagnose, treat, cure,
5 mitigate, or prevent any disease."; and

6 (6) directions for reporting adverse events.

7 (e) Adult-use hemp cannabinoid products must have warning
8 statements on the packaging in a form and manner that clearly
9 communicates the following:

10 (1) that the product contains hemp cannabinoids or
11 hemp-derived cannabinoids;

12 (2) a warning to consumers not to use if pregnant or
13 breastfeeding;

14 (3) a warning not to use if operating a motor vehicle
15 or machinery;

16 (4) the product is for use by adults 21 or over;

17 (5) a statement to keep out of the reach of children
18 and pets; and

19 (6) a statement that "This product has not been
20 evaluated by the Food and Drug Administration. This
21 product is not intended to diagnose, treat, cure,
22 mitigate, or prevent any disease.".

23 (f) Adult-use hemp cannabinoid products of the following
24 product types must have warning statements on the packaging in
25 a form and manner that clearly communicates the following:

26 (1) Adult-use hemp cannabinoid products for inhalation

1 must contain a statement that clearly communicates smoking
2 is hazardous to your health.

3 (2) Adult-use hemp cannabinoid products for ingestion
4 must contain a statement that communicates the effects of
5 cannabinoids may be delayed.

6 (3) Adult-use hemp cannabinoid products for ingestion
7 must contain a statement that states if the product was
8 produced in a facility that may also process common food
9 allergens, such as dairy, wheat, and soy, or a list of
10 known allergens in the product.

11 The required packaging elements of this subsection (f)
12 may be satisfied by means of a QR code linking to a website
13 where the information is available for a consumer.

14 (g) Hemp extract intended for human consumption must have
15 warning statements on the packaging in a form and manner that
16 clearly communicates the following:

17 (1) If cannabinoids are marketed, for every
18 cannabinoid with more than one milligram per serving, the
19 number of milligrams of each cannabinoid per serving and
20 the serving size must be declared on the label.

21 (2) The label and advertisement shall not contain
22 claims indicating the product is intended for diagnosis,
23 cure, mitigation, treatment, or prevention of disease,
24 unless such claims are approved by the U.S. Food and Drug
25 Administration; and, if unapproved claims are included,
26 then the product shall be considered misbranded.

1 (3) Hemp extract intended solely for inhalation must
2 communicate the product is not intended for ingestion and
3 for consumers not to eat.

4 (h) Hemp extract intended for human consumption that is
5 not clearly labeled as intended for inhalation or ingestion
6 must meet all of the requirements for hemp products intended
7 for both inhalation and ingestion. If there are different
8 requirements for hemp products intended for inhalation and
9 hemp products intended for ingestion, the stricter standard
10 shall apply.

11 (i) Processed hemp, live hemp products, raw hemp products,
12 and processed hemp products are exempt from the requirements
13 of this Section.

14 (j) Packaging of products under this Act must be:

15 (1) child-resistant and tamper-evident;

16 (2) plainly labeled with necessary product
17 information;

18 (3) free of depictions that designed or likely to
19 appeal to minors, including cartoons, toys, or children,
20 or any other likeness to images, characters, or phrases
21 that are popularly used to advertise to children, or any
22 imitation of candy packaging or labeling, or that promotes
23 the consumption of cannabis; and

24 (4) free of any information or depiction that is false
25 or misleading.

26 (k) The Hemp Products Commission shall adopt rules

1 implementing this Section.

2 (1) Unless otherwise specified in this Section, this
3 Section shall apply to standard hemp cannabinoid products and
4 adult-use hemp cannabinoid products.

5 (235 ILCS 5/13-403 new)

6 Sec. 13-403. Labeling for intermediate hemp products.
7 Intermediate hemp cannabinoid products shall be labeled and
8 each label shall be securely affixed to the package and shall
9 state in legible English:

- 10 (1) the name and mailing address of the manufacturer;
11 (2) the common or usual name of the item and the name
12 of the intermediate hemp cannabinoid product;
13 (3) the use-by date;
14 (4) the storage instructions;
15 (5) the batch information;
16 (6) the net weight;
17 (7) a list of any hemp-derived cannabinoid exceeding
18 one milligram per gram of potency;
19 (8) the total amount of each cannabinoid with a
20 potency exceeding one milligram per gram per container;
21 (9) all other ingredients of the item, including any
22 colors, artificial flavors and preservatives, listed in
23 descending order by predominance of weight shown with
24 common or usual names;
25 (10) for intermediate hemp cannabinoid products:

1 (A) the date of testing and the identification of
2 the independent testing laboratory; and

3 (B) the laboratory's microbiological, mycotoxins,
4 and pesticide and solvent residue analysis; and

5 (11) intermediate hemp cannabinoid products must have
6 warning statements on the packaging in a form and manner
7 clearly communicating the following:

8 (A) this product contains hemp cannabinoids;

9 (B) a warning for use as an ingredient;

10 (C) a warning that the product is not for
11 consumption without dilution; and

12 (D) poison control contact information.

13 The Hemp Products Commission shall adopt rules
14 implementing this Section.

15 (235 ILCS 5/13-404 new)

16 Sec. 13-404. Advertising and marketing.

17 (a) All hemp products sold under this Act must be tested
18 for contaminants and potency, include labels detailing THC
19 content and appropriate warnings, and comply with State health
20 and safety standards.

21 (b) No hemp business establishment nor any other person or
22 entity shall place or maintain, or cause to be placed or
23 maintained, an advertisement for hemp or standard or adult-use
24 hemp cannabinoid products in any form through any medium:

25 (1) within 1,000 feet of the perimeter of a school

1 grounds, a playground, a recreation center or facility, a
2 child care center, a public park or public library, or a
3 game arcade to which admission is not restricted to
4 persons 21 years of age or older;

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

7 (3) on or in a publicly owned or publicly operated
8 property; or

9 (4) that contains information that:

10 (A) is false or misleading;

11 (B) promotes excessive consumption;

12 (C) depicts a person under 21 years of age
13 consuming standard or adult-use hemp cannabinoid
14 products; or

15 (D) includes any image designed or likely to
16 appeal to minors, including cartoons, toys, or
17 children, or any other likeness to images, characters,
18 or phrases that are popularly used to advertise to
19 children, or any imitation of candy packaging or
20 labeling, or that promotes the consumption of
21 cannabis. The restrictions under this subsection (b)
22 do not apply to an educational message.

23 (c) The Hemp Products Commission shall adopt rules
24 implementing this Section.

25 (d) Unless otherwise specified in any subsection, this
26 Section shall apply to standard hemp cannabinoid products and

1 adult-use hemp cannabinoid products.

2 (235 ILCS 5/Art. XIII Pt. 5 heading new)

3 ARTICLE XIII Pt. 5. Social Equity.

4 (235 ILCS 5/13-501 new)

5 Sec. 13-501. Social and economic equity.

6 (a) In this Section:

7 "Communities disproportionately impacted" or
8 "disproportionately impacted area" includes, but is not
9 limited to, a history of arrests, convictions, and other law
10 enforcement practices in a certain geographic area, including,
11 but not limited to, precincts, zip codes, neighborhoods, and
12 political subdivisions, reflecting a disparate enforcement of
13 cannabis prohibition during a certain time period, when
14 compared to the rest of the State. "Communities
15 disproportionately impacted" also includes communities
16 determined under guidelines adopted by the Hemp Products
17 Commission by rule to determine how to assess which
18 communities have been disproportionately impacted and how to
19 assess if someone is a member of a community
20 disproportionately impacted.

21 "Distressed farmer" means (i) an Illinois State resident
22 or business enterprise, including a sole proprietorship,
23 partnership, limited liability company or corporation, that
24 meets the small farm classification developed by the Economic

1 Research Service of the United States Department of
2 Agriculture, has filed a schedule F with farm receipts for the
3 last 3 years, qualifies for an agriculture assessment and
4 meets other qualifications determined rule of the Hemp
5 Products Commission to demonstrate that the distressed farmer
6 operates a farm operation and has been disproportionately
7 impacted, including, but not limited to, incurring operating
8 losses by low commodity prices, facing the loss of farmland
9 through development or suburban sprawl, and meeting any other
10 qualifications determined by rule of the Hemp Products
11 Commission; or (ii) an Illinois State resident or business
12 enterprise, including a sole proprietorship, partnership,
13 limited liability company or corporation, that is a small farm
14 operator and a member of a group that has been historically
15 underrepresented in farm ownership and meets any other
16 qualifications determined by rule of the Hemp Products
17 Commission.

18 "Minority group member" means a United States citizen or
19 permanent resident noncitizen who is and can demonstrate
20 membership in one of the following groups:

21 (1) black persons having origins in any of the black
22 African racial groups;

23 (2) Hispanic persons of Mexican, Puerto Rican,
24 Dominican, Cuban, Central or South American of either
25 Indian or Hispanic origin, regardless of race;

26 (3) Native American or Alaskan native persons having

1 origins in any of the original peoples of North America;

2 or

3 (4) Asian and Pacific Islander persons having origins
4 in any of the Far East countries, Southeast Asia, the
5 Indian subcontinent, or the Pacific Islands.

6 "Minority-owned business" means a business enterprise,
7 including a sole proprietorship, partnership, limited
8 liability company or corporation that is:

9 (1) at least 51% owned by one or more minority group
10 members;

11 (2) an enterprise in which such minority ownership is
12 real, substantial, and continuing;

13 (3) an enterprise in which such minority ownership has
14 and exercises the authority to control independently the
15 day-to-day business decisions of the enterprise;

16 (4) an enterprise authorized to do business in this
17 State and independently owned and operated; and

18 (5) an enterprise that is a small business.

19 "Minority-owned business" includes a firm owned by a
20 minority group member who is also a woman, even if that firm is
21 also included in the definition of "women-owned business".

22 "Service-disabled veteran" means a veteran who has been
23 found to have 10% or more service-connected disability by the
24 United States Department of Veterans Affairs or the United
25 States Department of Defense.

26 "Veteran" means a person who (i) has been a member of the

1 armed forces of the United States or, while a citizen of the
2 United States, was a member of the armed forces of allies of
3 the United States in time of hostilities with a foreign
4 country and (ii) has served under one or more of the following
5 conditions:

6 (1) the veteran served a total of at least 6 months;

7 (2) the veteran served for the duration of hostilities
8 regardless of the length of the engagement;

9 (3) the veteran was discharged on the basis of
10 hardship; or

11 (4) the veteran was released from active duty because
12 of a service-connected disability and was discharged under
13 honorable conditions.

14 "Women-owned business" means a business enterprise,
15 including a sole proprietorship, partnership, limited
16 liability company or corporation that is:

17 (1) at least 51% owned by one or more United States
18 citizens or permanent resident noncitizens who are women;

19 (2) an enterprise in which the ownership interest of
20 such women is real, substantial and continuing;

21 (3) an enterprise in which such women ownership has
22 and exercises the authority to control independently the
23 day-to-day business decisions of the enterprise;

24 (4) an enterprise authorized to do business in this
25 State and independently owned and operated; and

26 (5) an enterprise that is a small business.

1 "Women-owned business" includes a firm owned by a minority
2 group member who is also a woman, even if that firm is also
3 included in the definition of "minority-owned business".

4 (b) The social and economic equity strategy of this Article
5 aims to foster diverse commerce, ownership, and employment
6 opportunities in the hemp industry, as established by rule of
7 the Hemp Products Commission. The social and economic equity
8 strategy shall ensure the inclusion of:

9 (1) individuals from communities disproportionately
10 affected by cannabis prohibition enforcement;

11 (2) minority-owned businesses;

12 (3) women-owned businesses;

13 (4) enterprises qualifying as both minority and
14 women-owned;

15 (5) distressed farmers;

16 (6) service-disabled veterans;

17 (7) individuals who have an income below 80% of the
18 median income of the area of residence, adjusted for
19 family size, as such adjusted income and median income for
20 the area are determined from time to time by the United
21 States Department of Housing and Urban Development for
22 purposes of Section 8 of the United States Housing Act of
23 1937; and

24 (8) individuals who have been personally or familiarly
25 impacted by a marijuana-related conviction before the
26 effective date of this Act.

1 (c) The Hemp Products Commission shall establish an
2 incubator program to actively encourage social and economic
3 equity businesses, as established by rule of the Hemp Products
4 Commission. For those granted hemp licenses, the program will
5 deliver direct support through structured mentoring,
6 educational workshops, small business coaching, financial
7 planning assistance, and compliance guidance. The Hemp
8 Products Commission shall also adopt rules to ensure the
9 following:

10 (1) Certain social equity applicants, as determined by
11 the Commission in accordance with this Act, will have
12 their license fees waived to reduce financial barriers.

13 (2) The Hemp Products Commission shall establish a
14 Social Equity Financial Assistance Program dedicated to
15 assisting with business operations and testing costs for
16 qualified persons in the hemp industry, as determined by
17 the Hemp Products Commission in accordance with this Act.

18 (3) The Commission shall emphasize mentoring and
19 apprenticeship programs to support social equity
20 applicants.

21 (d) This Section is intended to promote equitable access
22 to Illinois' hemp industry by prioritizing individuals and
23 businesses from communities disproportionately impacted by
24 cannabis prohibition.

25 (e) Social equity applicant. A business or individual
26 qualifies as a social equity applicant if they meet at least

1 one of the following criteria:

2 (1) Disproportionately impacted individual.

3 (A) The individual resides or has resided in a
4 Disproportionately Impacted Area; or

5 (B) The individual can demonstrate that they or
6 their parent, child, or spouse was arrested or
7 convicted of a non-violent cannabis-related offense in
8 Illinois before the legalization of cannabis and hemp.

9 (2) Business ownership and control.

10 (A) The applying business must be at least 51%
11 owned, operated, and controlled by one or more
12 individuals who qualify under paragraph (1) of
13 subsection (b); or

14 (B) The business must demonstrate that at least
15 50% of its employees reside in Disproportionately
16 Impacted Areas or have past cannabis-related
17 convictions.

18 (3) Generational impact consideration. The applicant
19 can demonstrate a family history of economic hardship or
20 business exclusion due to cannabis prohibition.

21 (f) Priority licensing and support. Social equity
22 applicants who meet the criteria in subsection (e) shall
23 receive:

24 (1) Expedited application processing and priority
25 consideration for hemp business licenses.

26 (2) Access to low-interest loans, grants, and

1 technical assistance programs to support business
2 development.

3 (3) Waivers or reductions in application and licensing
4 fees to reduce financial barriers to entry.

5 (g) Compliance and enforcement. To prevent exploitation of
6 this program, the Hemp Products Commission shall establish
7 strict compliance measures, including:

8 (1) Annual audits to ensure that Social Equity
9 Applicants continue to meet the criteria to qualify as a
10 Social Equity Applicant.

11 (2) Penalties for businesses that engage in fraudulent
12 ownership arrangements or attempt to circumvent program
13 requirements.

14 (h) The Hemp Products Commission shall actively promote
15 applicants who foster racial, ethnic, and gender diversity in
16 the workforce.

17 (i) The Hemp Products Commission shall adopt rules
18 implementing this Section.

19 (235 ILCS 5/Art. XIII Pt. 6 heading new)

20 ARTICLE XIII Pt. 6. Safe Harbor.

21 (235 ILCS 5/13-601 new)

22 Sec. 13-601. Safe harbor hemp products and safe harbor
23 manufacturer or storage facilities. This Article does not
24 apply to the following:

- 1 (1) a safe harbor hemp product; and
2 (2) a safe harbor manufacturer or storage facility.

3 Section 55. The Cannabis Regulation and Tax Act is amended
4 by changing Sections 1-10 and 10-20 as follows:

5 (410 ILCS 705/1-10)

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

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

11 "Adult Use Dispensing Organization License" means a
12 license issued by the Department of Financial and Professional
13 Regulation that permits a person to act as a dispensing
14 organization under this Act and any administrative rule made
15 in furtherance of this Act.

16 "Advertise" means to engage in promotional activities
17 including, but not limited to: newspaper, radio, Internet and
18 electronic media, and television advertising; the distribution
19 of fliers and circulars; billboard advertising; and the
20 display of window and interior signs. "Advertise" does not
21 mean exterior signage displaying only the name of the licensed
22 cannabis business establishment.

23 "Application points" means the number of points a
24 Dispensary Applicant receives on an application for a

1 Conditional Adult Use Dispensing Organization License.

2 "BLS Region" means a region in Illinois used by the United
3 States Bureau of Labor Statistics to gather and categorize
4 certain employment and wage data. The 17 such regions in
5 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
6 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
7 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
8 Rockford, St. Louis, Springfield, Northwest Illinois
9 nonmetropolitan area, West Central Illinois nonmetropolitan
10 area, East Central Illinois nonmetropolitan area, and South
11 Illinois nonmetropolitan area.

12 "By lot" means a randomized method of choosing between 2
13 or more Eligible Tied Applicants or 2 or more Qualifying
14 Applicants.

15 "Cannabis" means marijuana, hashish, and other substances
16 that are identified as including any parts of the plant
17 Cannabis sativa and including derivatives or subspecies, such
18 as indica, of all strains of cannabis, whether growing or not;
19 the seeds thereof, the resin extracted from any part of the
20 plant; and any compound, manufacture, salt, derivative,
21 mixture, or preparation of the plant, its seeds, or resin,
22 including tetrahydrocannabinol (THC) and all other naturally
23 produced cannabinol derivatives, whether produced directly or
24 indirectly by extraction; however, "cannabis" does not include
25 the mature stalks of the plant, fiber produced from the
26 stalks, oil or cake made from the seeds of the plant, any other

1 compound, manufacture, salt, derivative, mixture, or
2 preparation of the mature stalks (except the resin extracted
3 from it), fiber, oil or cake, or the sterilized seed of the
4 plant that is incapable of germination. "Cannabis" does not
5 include industrial hemp as defined and authorized under the
6 Industrial Hemp Act. "Cannabis" also means cannabis flower,
7 concentrate, and cannabis-infused products.

8 "Cannabis business establishment" means a cultivation
9 center, craft grower, processing organization, infuser
10 organization, dispensing organization, or transporting
11 organization.

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

21 "Cannabis container" means a sealed or resealable,
22 traceable, container, or package used for the purpose of
23 containment of cannabis or cannabis-infused product during
24 transportation.

25 "Cannabis flower" means marijuana, hashish, and other
26 substances that are identified as including any parts of the

1 plant Cannabis sativa and including derivatives or subspecies,
2 such as indica, of all strains of cannabis; including raw
3 kief, leaves, and buds, but not resin that has been extracted
4 from any part of such plant; nor any compound, manufacture,
5 salt, derivative, mixture, or preparation of such plant, its
6 seeds, or resin.

7 "Cannabis-infused product" means a beverage, food, oil,
8 ointment, tincture, topical formulation, or another product
9 containing cannabis or cannabis concentrate that is not
10 intended to be smoked.

11 "Cannabis paraphernalia" means equipment, products, or
12 materials intended to be used for planting, propagating,
13 cultivating, growing, harvesting, manufacturing, producing,
14 processing, preparing, testing, analyzing, packaging,
15 repackaging, storing, containing, concealing, ingesting, or
16 otherwise introducing cannabis into the human body.

17 "Cannabis plant monitoring system" or "plant monitoring
18 system" means a system that includes, but is not limited to,
19 testing and data collection established and maintained by the
20 cultivation center, craft grower, or processing organization
21 and that is available to the Department of Revenue, the
22 Department of Agriculture, the Department of Financial and
23 Professional Regulation, and the Illinois State Police for the
24 purposes of documenting each cannabis plant and monitoring
25 plant development throughout the life cycle of a cannabis
26 plant cultivated for the intended use by a customer from seed

1 planting to final packaging.

2 "Cannabis testing facility" means an entity registered by
3 the Department of Agriculture to test cannabis for potency and
4 contaminants.

5 "Clone" means a plant section from a female cannabis plant
6 not yet rootbound, growing in a water solution or other
7 propagation matrix, that is capable of developing into a new
8 plant.

9 "Community College Cannabis Vocational Training Pilot
10 Program faculty participant" means a person who is 21 years of
11 age or older, licensed by the Department of Agriculture, and
12 is employed or contracted by an Illinois community college to
13 provide student instruction using cannabis plants at an
14 Illinois Community College.

15 "Community College Cannabis Vocational Training Pilot
16 Program faculty participant Agent Identification Card" means a
17 document issued by the Department of Agriculture that
18 identifies a person as a Community College Cannabis Vocational
19 Training Pilot Program faculty participant.

20 "Conditional Adult Use Dispensing Organization License"
21 means a contingent license awarded to applicants for an Adult
22 Use Dispensing Organization License that reserves the right to
23 an Adult Use Dispensing Organization License if the applicant
24 meets certain conditions described in this Act, but does not
25 entitle the recipient to begin purchasing or selling cannabis
26 or cannabis-infused products.

1 "Conditional Adult Use Cultivation Center License" means a
2 license awarded to top-scoring applicants for an Adult Use
3 Cultivation Center License that reserves the right to an Adult
4 Use Cultivation Center License if the applicant meets certain
5 conditions as determined by the Department of Agriculture by
6 rule, but does not entitle the recipient to begin growing,
7 processing, or selling cannabis or cannabis-infused products.

8 "Craft grower" means a facility operated by an
9 organization or business that is licensed by the Department of
10 Agriculture to cultivate, dry, cure, and package cannabis and
11 perform other necessary activities to make cannabis available
12 for sale at a dispensing organization or use at a processing
13 organization. A craft grower may contain up to 5,000 square
14 feet of canopy space on its premises for plants in the
15 flowering state. The Department of Agriculture may authorize
16 an increase or decrease of flowering stage cultivation space
17 in increments of 3,000 square feet by rule based on market
18 need, craft grower capacity, and the licensee's history of
19 compliance or noncompliance, with a maximum space of 14,000
20 square feet for cultivating plants in the flowering stage,
21 which must be cultivated in all stages of growth in an enclosed
22 and secure area. A craft grower may share premises with a
23 processing organization or a dispensing organization, or both,
24 provided each licensee stores currency and cannabis or
25 cannabis-infused products in a separate secured vault to which
26 the other licensee does not have access or all licensees

1 sharing a vault share more than 50% of the same ownership.

2 "Craft grower agent" means a principal officer, board
3 member, employee, or other agent of a craft grower who is 21
4 years of age or older.

5 "Craft Grower Agent Identification Card" means a document
6 issued by the Department of Agriculture that identifies a
7 person as a craft grower agent.

8 "Cultivation center" means a facility operated by an
9 organization or business that is licensed by the Department of
10 Agriculture to cultivate, process, transport (unless otherwise
11 limited by this Act), and perform other necessary activities
12 to provide cannabis and cannabis-infused products to cannabis
13 business establishments.

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

17 "Cultivation Center Agent Identification Card" means a
18 document issued by the Department of Agriculture that
19 identifies a person as a cultivation center agent.

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

21 "Dispensary" means a facility operated by a dispensing
22 organization at which activities licensed by this Act may
23 occur.

24 "Dispensary Applicant" means the Proposed Dispensing
25 Organization Name as stated on an application for a
26 Conditional Adult Use Dispensing Organization License.

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

14 "Dispensing organization agent" means a principal officer,
15 employee, or agent of a dispensing organization who is 21
16 years of age or older.

17 "Dispensing organization agent identification card" means
18 a document issued by the Department of Financial and
19 Professional Regulation that identifies a person as a
20 dispensing organization agent.

21 "Disproportionately Impacted Area" means a census tract or
22 comparable geographic area that satisfies the following
23 criteria as determined by the Department of Commerce and
24 Economic Opportunity, that:

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

26 (A) the area has a poverty rate of at least 20%

1 according to the latest federal decennial census; or
2 (B) 75% or more of the children in the area
3 participate in the federal free lunch program
4 according to reported statistics from the State Board
5 of Education; or

6 (C) at least 20% of the households in the area
7 receive assistance under the Supplemental Nutrition
8 Assistance Program; or

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

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

19 "Early Approval Adult Use Cultivation Center License"
20 means a license that permits a medical cannabis cultivation
21 center licensed under the Compassionate Use of Medical
22 Cannabis Program Act as of the effective date of this Act to
23 begin cultivating, infusing, packaging, transporting (unless
24 otherwise provided in this Act), processing, and selling
25 cannabis or cannabis-infused product to cannabis business
26 establishments for resale to purchasers as permitted by this

1 Act as of January 1, 2020.

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

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

16 "Eligible Tied Applicant" means a Tied Applicant that is
17 eligible to participate in the process by which a remaining
18 available license is distributed by lot pursuant to a Tied
19 Applicant Lottery.

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

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

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

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

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

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

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

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

1 internode of the plant; or

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

7 "Individual" means a natural person.

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

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

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

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

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

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

1 delinquent for any offense that is eligible for expungement
2 under this Act.

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

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

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

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

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

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

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

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

26 "Processing organization agent" means a principal officer,

1 board member, employee, or agent of a processing organization.

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

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

9 "Qualifying Applicant" means an applicant that submitted
10 an application pursuant to Section 15-30 that received at
11 least 85% of 250 application points available under Section
12 15-30 as the applicant's final score and meets the definition
13 of "Social Equity Applicant" as set forth under this Section.

14 "Qualifying Social Equity Justice Involved Applicant"
15 means an applicant that submitted an application pursuant to
16 Section 15-30 that received at least 85% of 250 application
17 points available under Section 15-30 as the applicant's final
18 score and meets the criteria of either paragraph (1) or (2) of
19 the definition of "Social Equity Applicant" as set forth under
20 this Section.

21 "Qualified Social Equity Applicant" means a Social Equity
22 Applicant who has been awarded a conditional license under
23 this Act to operate a cannabis business establishment.

24 "Resided" means an individual's primary residence was
25 located within the relevant geographic area as established by
26 2 of the following:

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

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

5 (3) school records;

6 (4) a voter registration card;

7 (5) an Illinois driver's license, an Illinois
8 Identification Card, or an Illinois Person with a
9 Disability Identification Card;

10 (6) a paycheck stub;

11 (7) a utility bill;

12 (8) tax records; or

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

15 "Smoking" means the inhalation of smoke caused by the
16 combustion of cannabis.

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

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

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

25 (i) have been arrested for, convicted of, or
26 adjudicated delinquent for any offense that is

- 1 eligible for expungement under this Act; or
- 2 (ii) is a member of an impacted family;
- 3 (3) for applicants with a minimum of 10 full-time
- 4 employees, an applicant with at least 51% of current
- 5 employees who:
- 6 (i) currently reside in a Disproportionately
- 7 Impacted Area; or
- 8 (ii) have been arrested for, convicted of, or
- 9 adjudicated delinquent for any offense that is
- 10 eligible for expungement under this Act or member of
- 11 an impacted family.

12 Nothing in this Act shall be construed to preempt or limit

13 the duties of any employer under the Job Opportunities for

14 Qualified Applicants Act. Nothing in this Act shall permit an

15 employer to require an employee to disclose sealed or expunged

16 offenses, unless otherwise required by law.

17 "Tied Applicant" means an application submitted by a

18 Dispensary Applicant pursuant to Section 15-30 that received

19 the same number of application points under Section 15-30 as

20 the Dispensary Applicant's final score as one or more

21 top-scoring applications in the same BLS Region and would have

22 been awarded a license but for the one or more other

23 top-scoring applications that received the same number of

24 application points. Each application for which a Dispensary

25 Applicant was required to pay a required application fee for

26 the application period ending January 2, 2020 shall be

1 considered an application of a separate Tied Applicant.

2 "Tied Applicant Lottery" means the process established
3 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult
4 Use Dispensing Organization Licenses pursuant to Sections
5 15-25 and 15-30 among Eligible Tied Applicants.

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

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

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

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

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

1 "Vegetative stage" means the stage of cultivation in which
2 a cannabis plant is propagated to produce additional cannabis
3 plants or reach a sufficient size for production. This
4 includes seedlings, clones, mothers, and other immature
5 cannabis plants as follows:

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

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

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
15 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
16 5-13-22.)

17 (410 ILCS 705/10-20)

18 Sec. 10-20. Identification; false identification; penalty.

19 (a) To protect personal privacy, the Department of
20 Financial and Professional Regulation shall not require a
21 purchaser to provide a dispensing organization with personal
22 information other than government-issued identification to
23 determine the purchaser's age, and a dispensing organization
24 shall not obtain and record personal information about a
25 purchaser without the purchaser's consent. A dispensing

1 organization shall use an electronic reader or electronic
2 scanning device to scan a purchaser's government-issued
3 identification, if applicable, to determine the purchaser's
4 age and the validity of the identification. Any identifying or
5 personal information of a purchaser obtained or received in
6 accordance with this Section shall not be retained, used,
7 shared or disclosed for any purpose except as authorized by
8 this Act.

9 (b) A person who is under 21 years of age may not present
10 or offer to a cannabis business establishment or the cannabis
11 business establishment's principal or employee any written or
12 oral evidence of age that is false, fraudulent, or not
13 actually the person's own, for the purpose of:

14 (1) purchasing, attempting to purchase, or otherwise
15 obtaining or attempting to obtain cannabis or any cannabis
16 product; or

17 (2) gaining access to a cannabis business
18 establishment.

19 (c) A violation of this Section is a Class A misdemeanor
20 consistent with Section 6-20 of the Liquor and Hemp Products
21 Control Act ~~of 1934~~.

22 (d) The Secretary of State may suspend or revoke the
23 driving privileges of any person for a violation of this
24 Section under Section 6-206 of the Illinois Vehicle Code and
25 the rules adopted under it.

26 (e) No agent or employee of the licensee shall be

1 disciplined or discharged for selling or furnishing cannabis
2 or cannabis products to a person under 21 years of age if the
3 agent or employee demanded and was shown, before furnishing
4 cannabis or cannabis products to a person under 21 years of
5 age, adequate written evidence of age and identity of the
6 person. This subsection (e) does not apply if the agent or
7 employee accepted the written evidence knowing it to be false
8 or fraudulent. Adequate written evidence of age and identity
9 of the person is a document issued by a federal, State, county,
10 or municipal government, or subdivision or agency thereof,
11 including, but not limited to, a motor vehicle operator's
12 license, a registration certificate issued under the Military
13 Selective Service Act, or an identification card issued to a
14 member of the Armed Forces. Proof that the licensee or his or
15 her employee or agent was shown and reasonably relied upon
16 such written evidence in any transaction forbidden by this
17 Section is an affirmative defense in any criminal prosecution
18 therefor or to any proceedings for the suspension or
19 revocation of any license based thereon.

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

21 Section 60. The Firearm Concealed Carry Act is amended by
22 changing Section 65 as follows:

23 (430 ILCS 66/65)

24 Sec. 65. Prohibited areas.

1 (a) A licensee under this Act shall not knowingly carry a
2 firearm on or into:

3 (1) Any building, real property, and parking area
4 under the control of a public or private elementary or
5 secondary school.

6 (2) Any building, real property, and parking area
7 under the control of a pre-school or child care facility,
8 including any room or portion of a building under the
9 control of a pre-school or child care facility. Nothing in
10 this paragraph shall prevent the operator of a child care
11 facility in a family home from owning or possessing a
12 firearm in the home or license under this Act, if no child
13 under child care at the home is present in the home or the
14 firearm in the home is stored in a locked container when a
15 child under child care at the home is present in the home.

16 (3) Any building, parking area, or portion of a
17 building under the control of an officer of the executive
18 or legislative branch of government, provided that nothing
19 in this paragraph shall prohibit a licensee from carrying
20 a concealed firearm onto the real property, bikeway, or
21 trail in a park regulated by the Department of Natural
22 Resources or any other designated public hunting area or
23 building where firearm possession is permitted as
24 established by the Department of Natural Resources under
25 Section 1.8 of the Wildlife Code.

26 (4) Any building designated for matters before a

1 circuit court, an appellate court, or the Supreme Court,
2 or any building or portion of a building under the control
3 of the Supreme Court.

4 (5) Any building or portion of a building under the
5 control of a unit of local government.

6 (6) Any building, real property, and parking area
7 under the control of an adult or juvenile detention or
8 correctional institution, prison, or jail.

9 (7) Any building, real property, and parking area
10 under the control of a public or private hospital or
11 hospital affiliate, mental health facility, or nursing
12 home.

13 (8) Any bus, train, or form of transportation paid for
14 in whole or in part with public funds, and any building,
15 real property, and parking area under the control of a
16 public transportation facility paid for in whole or in
17 part with public funds.

18 (9) Any building, real property, and parking area
19 under the control of an establishment that serves alcohol
20 on its premises, if more than 50% of the establishment's
21 gross receipts within the prior 3 months are ~~is~~ from the
22 sale of alcohol. The owner of an establishment who
23 knowingly fails to prohibit concealed firearms on its
24 premises as provided in this paragraph or who knowingly
25 makes a false statement or record to avoid the prohibition
26 on concealed firearms under this paragraph is subject to

1 the penalty under subsection (c-5) of Section 10-1 of the
2 Liquor and Hemp Products Control Act ~~of 1934~~.

3 (10) Any public gathering or special event conducted
4 on property open to the public that requires the issuance
5 of a permit from the unit of local government, provided
6 this prohibition shall not apply to a licensee who must
7 walk through a public gathering in order to access his or
8 her residence, place of business, or vehicle.

9 (11) Any building or real property that has been
10 issued a special event retailer's ~~Special Event Retailer's~~
11 license as defined in Section 1-3.17.1 of the Liquor and
12 Hemp Products Control Act during the time designated for
13 the sale of alcohol by the special event retailer's
14 ~~Special Event Retailer's~~ license, or a special ~~Special~~ use
15 permit license as defined in subsection (q) of Section 5-1
16 of the Liquor and Hemp Products Control Act during the
17 time designated for the sale of alcohol by the special
18 ~~Special~~ use permit license.

19 (12) Any public playground.

20 (13) Any public park, athletic area, or athletic
21 facility under the control of a municipality or park
22 district, provided nothing in this Section shall prohibit
23 a licensee from carrying a concealed firearm while on a
24 trail or bikeway if only a portion of the trail or bikeway
25 includes a public park.

26 (14) Any real property under the control of the Cook

1 County Forest Preserve District.

2 (15) Any building, classroom, laboratory, medical
3 clinic, hospital, artistic venue, athletic venue,
4 entertainment venue, officially recognized
5 university-related organization property, whether owned or
6 leased, and any real property, including parking areas,
7 sidewalks, and common areas under the control of a public
8 or private community college, college, or university.

9 (16) Any building, real property, or parking area
10 under the control of a gaming facility licensed under the
11 Illinois Gambling Act or the Illinois Horse Racing Act of
12 1975, including an inter-track wagering location licensee.

13 (17) Any stadium, arena, or the real property or
14 parking area under the control of a stadium, arena, or any
15 collegiate or professional sporting event.

16 (18) Any building, real property, or parking area
17 under the control of a public library.

18 (19) Any building, real property, or parking area
19 under the control of an airport.

20 (20) Any building, real property, or parking area
21 under the control of an amusement park.

22 (21) Any building, real property, or parking area
23 under the control of a zoo or museum.

24 (22) Any street, driveway, parking area, property,
25 building, or facility, owned, leased, controlled, or used
26 by a nuclear energy, storage, weapons, or development site

1 or facility regulated by the federal Nuclear Regulatory
2 Commission. The licensee shall not under any circumstance
3 store a firearm or ammunition in his or her vehicle or in a
4 compartment or container within a vehicle located anywhere
5 in or on the street, driveway, parking area, property,
6 building, or facility described in this paragraph.

7 (23) Any area where firearms are prohibited under
8 federal law.

9 (a-5) Nothing in this Act shall prohibit a public or
10 private community college, college, or university from:

11 (1) prohibiting persons from carrying a firearm within
12 a vehicle owned, leased, or controlled by the college or
13 university;

14 (2) developing resolutions, regulations, or policies
15 regarding student, employee, or visitor misconduct and
16 discipline, including suspension and expulsion;

17 (3) developing resolutions, regulations, or policies
18 regarding the storage or maintenance of firearms, which
19 must include designated areas where persons can park
20 vehicles that carry firearms; and

21 (4) permitting the carrying or use of firearms for the
22 purpose of instruction and curriculum of officially
23 recognized programs, including, but not limited to,
24 military science and law enforcement training programs, or
25 in any designated area used for hunting purposes or target
26 shooting.

1 (a-10) The owner of private real property of any type may
2 prohibit the carrying of concealed firearms on the property
3 under his or her control. The owner must post a sign in
4 accordance with subsection (d) of this Section indicating that
5 firearms are prohibited on the property, unless the property
6 is a private residence.

7 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
8 this Section except under paragraph (22) or (23) of subsection
9 (a), any licensee prohibited from carrying a concealed firearm
10 into the parking area of a prohibited location specified in
11 subsection (a), (a-5), or (a-10) of this Section shall be
12 permitted to carry a concealed firearm on or about his or her
13 person within a vehicle into the parking area and may store a
14 firearm or ammunition concealed in a case within a locked
15 vehicle or locked container out of plain view within the
16 vehicle in the parking area. A licensee may carry a concealed
17 firearm in the immediate area surrounding his or her vehicle
18 within a prohibited parking lot area only for the limited
19 purpose of storing or retrieving a firearm within the
20 vehicle's trunk. For purposes of this subsection, "case"
21 includes a glove compartment or console that completely
22 encloses the concealed firearm or ammunition, the trunk of the
23 vehicle, or a firearm carrying box, shipping box, or other
24 container.

25 (c) A licensee shall not be in violation of this Section
26 while he or she is traveling along a public right of way that

1 touches or crosses any of the premises under subsection (a),
2 (a-5), or (a-10) of this Section if the concealed firearm is
3 carried on his or her person in accordance with the provisions
4 of this Act or is being transported in a vehicle by the
5 licensee in accordance with all other applicable provisions of
6 law.

7 (d) Signs stating that the carrying of firearms is
8 prohibited shall be clearly and conspicuously posted at the
9 entrance of a building, premises, or real property specified
10 in this Section as a prohibited area, unless the building or
11 premises is a private residence. Signs shall be of a uniform
12 design as established by the Illinois State Police and shall
13 be 4 inches by 6 inches in size. The Illinois State Police
14 shall adopt rules for standardized signs to be used under this
15 subsection.

16 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21;
17 revised 7-11-25.)

18 Section 65. The Illinois Vehicle Code is amended by
19 changing Sections 6-106.1, 6-107, 6-206, 6-209.1, 6-508, and
20 11-502 as follows:

21 (625 ILCS 5/6-106.1)

22 (Text of Section before amendment by P.A. 104-256)

23 Sec. 6-106.1. School bus driver permit.

24 (a) The Secretary of State shall issue a school bus driver

1 permit for the operation of first or second division vehicles
2 being operated as school buses or a permit valid only for the
3 operation of first division vehicles being operated as school
4 buses to those applicants who have met all the requirements of
5 the application and screening process under this Section to
6 insure the welfare and safety of children who are transported
7 on school buses throughout the State of Illinois. Applicants
8 shall obtain the proper application required by the Secretary
9 of State from their prospective or current employer and submit
10 the completed application to the prospective or current
11 employer along with the necessary fingerprint submission as
12 required by the Illinois State Police to conduct
13 fingerprint-based criminal background checks on current and
14 future information available in the State system and current
15 information available through the Federal Bureau of
16 Investigation's system. Applicants who have completed the
17 fingerprinting requirements shall not be subjected to the
18 fingerprinting process when applying for subsequent permits or
19 submitting proof of successful completion of the annual
20 refresher course. Individuals who on July 1, 1995 (the
21 effective date of Public Act 88-612) possess a valid school
22 bus driver permit that has been previously issued by the
23 appropriate Regional School Superintendent are not subject to
24 the fingerprinting provisions of this Section as long as the
25 permit remains valid and does not lapse. The applicant shall
26 be required to pay all related application and fingerprinting

1 fees as established by rule, including, but not limited to,
2 the amounts established by the Illinois State Police and the
3 Federal Bureau of Investigation to process fingerprint-based
4 criminal background investigations. All fees paid for
5 fingerprint processing services under this Section shall be
6 deposited into the State Police Services Fund for the cost
7 incurred in processing the fingerprint-based criminal
8 background investigations. All other fees paid under this
9 Section shall be deposited into the Road Fund for the purpose
10 of defraying the costs of the Secretary of State in
11 administering this Section. All applicants must:

12 1. be 21 years of age or older;

13 2. possess a valid and properly classified driver's
14 license issued by the Secretary of State;

15 3. possess a valid driver's license, which has not
16 been revoked, suspended, or canceled for 3 years
17 immediately prior to the date of application, or have not
18 had his or her commercial motor vehicle driving privileges
19 disqualified within the 3 years immediately prior to the
20 date of application;

21 4. unless the applicant holds a valid commercial
22 driver's license or a commercial driver's license that
23 expired in the preceding 30 days issued by another state
24 with a school bus and passenger endorsement, successfully
25 pass a first division or second division written test,
26 administered by the Secretary of State, on school bus

1 operation, school bus safety, and special traffic laws
2 relating to school buses and submit to a review of the
3 applicant's driving habits by the Secretary of State at
4 the time the written test is given. For purposes of this
5 paragraph, "state" means a state of the United States and
6 the District of Columbia;

7 5. demonstrate ability to exercise reasonable care in
8 the operation of school buses in accordance with rules
9 promulgated by the Secretary of State;

10 6. demonstrate physical fitness to operate school
11 buses by submitting the results of a medical examination,
12 including tests for drug use for each applicant not
13 subject to such testing pursuant to federal law, conducted
14 by a licensed physician, a licensed advanced practice
15 registered nurse, or a licensed physician assistant within
16 90 days of the date of application according to standards
17 promulgated by the Secretary of State;

18 7. affirm under penalties of perjury that he or she
19 has not made a false statement or knowingly concealed a
20 material fact in any application for permit;

21 8. have completed an initial classroom course,
22 including first aid procedures, in school bus driver
23 safety as promulgated by the Secretary of State and, after
24 satisfactory completion of said initial course, an annual
25 refresher course; such courses and the agency or
26 organization conducting such courses shall be approved by

1 the Secretary of State; failure to complete the annual
2 refresher course shall result in cancellation of the
3 permit until such course is completed;

4 9. not have been under an order of court supervision
5 for or convicted of 2 or more serious traffic offenses, as
6 defined by rule, within one year prior to the date of
7 application that may endanger the life or safety of any of
8 the driver's passengers within the duration of the permit
9 period;

10 10. not have been under an order of court supervision
11 for or convicted of reckless driving, aggravated reckless
12 driving, driving while under the influence of alcohol,
13 other drug or drugs, intoxicating compound or compounds or
14 any combination thereof, or reckless homicide resulting
15 from the operation of a motor vehicle within 3 years of the
16 date of application;

17 11. not have been convicted of committing or
18 attempting to commit any one or more of the following
19 offenses: (i) those offenses defined in Sections 8-1,
20 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
21 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
23 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
24 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
25 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
26 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22,

1 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05,
2 12-3.1, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
3 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6,
4 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,
5 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33,
6 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
7 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
8 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
9 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
10 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
11 of Section 24-3, and those offenses contained in Article
12 29D of the Criminal Code of 1961 or the Criminal Code of
13 2012; (ii) those offenses defined in the Cannabis Control
14 Act except those offenses defined in subsections (a) and
15 (b) of Section 4, and subsection (a) of Section 5 of the
16 Cannabis Control Act; (iii) those offenses defined in the
17 Illinois Controlled Substances Act; (iv) those offenses
18 defined in the Methamphetamine Control and Community
19 Protection Act; (v) any offense committed or attempted in
20 any other state or against the laws of the United States,
21 which if committed or attempted in this State would be
22 punishable as one or more of the foregoing offenses; (vi)
23 the offenses defined in Section 4.1 and 5.1 of the Wrongs
24 to Children Act or Section 11-9.1A of the Criminal Code of
25 1961 or the Criminal Code of 2012; (vii) those offenses
26 defined in Section 6-16 of the Liquor Control and Hemp

1 Products Control Act of 1934; and (viii) those offenses
2 defined in the Methamphetamine Precursor Control Act;

3 12. not have been repeatedly involved as a driver in
4 motor vehicle collisions or been repeatedly convicted of
5 offenses against laws and ordinances regulating the
6 movement of traffic, to a degree which indicates lack of
7 ability to exercise ordinary and reasonable care in the
8 safe operation of a motor vehicle or disrespect for the
9 traffic laws and the safety of other persons upon the
10 highway;

11 13. not have, through the unlawful operation of a
12 motor vehicle, caused a crash resulting in the death of
13 any person;

14 14. not have, within the last 5 years, been adjudged
15 to be afflicted with or suffering from any mental
16 disability or disease;

17 15. consent, in writing, to the release of results of
18 reasonable suspicion drug and alcohol testing under
19 Section 6-106.1c of this Code by the employer of the
20 applicant to the Secretary of State; and

21 16. not have been convicted of committing or
22 attempting to commit within the last 20 years: (i) an
23 offense defined in subsection (c) of Section 4, subsection
24 (b) of Section 5, and subsection (a) of Section 8 of the
25 Cannabis Control Act; or (ii) any offenses in any other
26 state or against the laws of the United States that, if

1 committed or attempted in this State, would be punishable
2 as one or more of the foregoing offenses.

3 (a-5) If an applicant's driver's license has been
4 suspended within the 3 years immediately prior to the date of
5 application for the sole reason of failure to pay child
6 support, that suspension shall not bar the applicant from
7 receiving a school bus driver permit.

8 (a-10) By January 1, 2024, the Secretary of State, in
9 conjunction with the Illinois State Board of Education, shall
10 develop a separate classroom course and refresher course for
11 operation of vehicles of the first division being operated as
12 school buses. Regional superintendents of schools, working
13 with the Illinois State Board of Education, shall offer the
14 course.

15 (b) A school bus driver permit shall be valid for a period
16 specified by the Secretary of State as set forth by rule. It
17 shall be renewable upon compliance with subsection (a) of this
18 Section.

19 (c) A school bus driver permit shall contain the holder's
20 driver's license number, legal name, residence address, zip
21 code, and date of birth, a brief description of the holder, and
22 a space for signature. The Secretary of State may require a
23 suitable photograph of the holder.

24 (d) The employer shall be responsible for conducting a
25 pre-employment interview with prospective school bus driver
26 candidates, distributing school bus driver applications and

1 medical forms to be completed by the applicant, and submitting
2 the applicant's fingerprint cards to the Illinois State Police
3 that are required for the criminal background investigations.
4 The employer shall certify in writing to the Secretary of
5 State that all pre-employment conditions have been
6 successfully completed including the successful completion of
7 an Illinois specific criminal background investigation through
8 the Illinois State Police and the submission of necessary
9 fingerprints to the Federal Bureau of Investigation for
10 criminal history information available through the Federal
11 Bureau of Investigation system. The applicant shall present
12 the certification to the Secretary of State at the time of
13 submitting the school bus driver permit application.

14 (e) Permits shall initially be provisional upon receiving
15 certification from the employer that all pre-employment
16 conditions have been successfully completed, and upon
17 successful completion of all training and examination
18 requirements for the classification of the vehicle to be
19 operated, the Secretary of State shall provisionally issue a
20 School Bus Driver Permit. The permit shall remain in a
21 provisional status pending the completion of the Federal
22 Bureau of Investigation's criminal background investigation
23 based upon fingerprinting specimens submitted to the Federal
24 Bureau of Investigation by the Illinois State Police. The
25 Federal Bureau of Investigation shall report the findings
26 directly to the Secretary of State. The Secretary of State

1 shall remove the bus driver permit from provisional status
2 upon the applicant's successful completion of the Federal
3 Bureau of Investigation's criminal background investigation.

4 (f) A school bus driver permit holder shall notify the
5 employer and the Secretary of State if he or she is issued an
6 order of court supervision for or convicted in another state
7 of an offense that would make him or her ineligible for a
8 permit under subsection (a) of this Section. The written
9 notification shall be made within 5 days of the entry of the
10 order of court supervision or conviction. Failure of the
11 permit holder to provide the notification is punishable as a
12 petty offense for a first violation and a Class B misdemeanor
13 for a second or subsequent violation.

14 (g) Cancellation; suspension; notice and procedure.

15 (1) The Secretary of State shall cancel a school bus
16 driver permit of an applicant whose criminal background
17 investigation discloses that he or she is not in
18 compliance with the provisions of subsection (a) of this
19 Section.

20 (2) The Secretary of State shall cancel a school bus
21 driver permit when he or she receives notice that the
22 permit holder fails to comply with any provision of this
23 Section or any rule promulgated for the administration of
24 this Section.

25 (3) The Secretary of State shall cancel a school bus
26 driver permit if the permit holder's restricted commercial

1 or commercial driving privileges are withdrawn or
2 otherwise invalidated.

3 (4) The Secretary of State may not issue a school bus
4 driver permit for a period of 3 years to an applicant who
5 fails to obtain a negative result on a drug test as
6 required in item 6 of subsection (a) of this Section or
7 under federal law.

8 (5) The Secretary of State shall forthwith suspend a
9 school bus driver permit for a period of 3 years upon
10 receiving notice that the holder has failed to obtain a
11 negative result on a drug test as required in item 6 of
12 subsection (a) of this Section or under federal law.

13 (6) The Secretary of State shall suspend a school bus
14 driver permit for a period of 3 years upon receiving
15 notice from the employer that the holder failed to perform
16 the inspection procedure set forth in subsection (a) or
17 (b) of Section 12-816 of this Code.

18 (7) The Secretary of State shall suspend a school bus
19 driver permit for a period of 3 years upon receiving
20 notice from the employer that the holder refused to submit
21 to an alcohol or drug test as required by Section 6-106.1c
22 or has submitted to a test required by that Section which
23 disclosed an alcohol concentration of more than 0.00 or
24 disclosed a positive result on a National Institute on
25 Drug Abuse five-drug panel, utilizing federal standards
26 set forth in 49 CFR 40.87.

1 The Secretary of State shall notify the State
2 Superintendent of Education and the permit holder's
3 prospective or current employer that the applicant (1) has
4 failed a criminal background investigation or (2) is no longer
5 eligible for a school bus driver permit; and of the related
6 cancellation of the applicant's provisional school bus driver
7 permit. The cancellation shall remain in effect pending the
8 outcome of a hearing pursuant to Section 2-118 of this Code.
9 The scope of the hearing shall be limited to the issuance
10 criteria contained in subsection (a) of this Section. A
11 petition requesting a hearing shall be submitted to the
12 Secretary of State and shall contain the reason the individual
13 feels he or she is entitled to a school bus driver permit. The
14 permit holder's employer shall notify in writing to the
15 Secretary of State that the employer has certified the removal
16 of the offending school bus driver from service prior to the
17 start of that school bus driver's next work shift. An
18 employing school board that fails to remove the offending
19 school bus driver from service is subject to the penalties
20 defined in Section 3-14.23 of the School Code. A school bus
21 contractor who violates a provision of this Section is subject
22 to the penalties defined in Section 6-106.11.

23 All valid school bus driver permits issued under this
24 Section prior to January 1, 1995, shall remain effective until
25 their expiration date unless otherwise invalidated.

26 (h) When a school bus driver permit holder who is a service

1 member is called to active duty, the employer of the permit
2 holder shall notify the Secretary of State, within 30 days of
3 notification from the permit holder, that the permit holder
4 has been called to active duty. Upon notification pursuant to
5 this subsection, (i) the Secretary of State shall characterize
6 the permit as inactive until a permit holder renews the permit
7 as provided in subsection (i) of this Section, and (ii) if a
8 permit holder fails to comply with the requirements of this
9 Section while called to active duty, the Secretary of State
10 shall not characterize the permit as invalid.

11 (i) A school bus driver permit holder who is a service
12 member returning from active duty must, within 90 days, renew
13 a permit characterized as inactive pursuant to subsection (h)
14 of this Section by complying with the renewal requirements of
15 subsection (b) of this Section.

16 (j) For purposes of subsections (h) and (i) of this
17 Section:

18 "Active duty" means active duty pursuant to an executive
19 order of the President of the United States, an act of the
20 Congress of the United States, or an order of the Governor.

21 "Service member" means a member of the Armed Services or
22 reserve forces of the United States or a member of the Illinois
23 National Guard.

24 (k) A private carrier employer of a school bus driver
25 permit holder, having satisfied the employer requirements of
26 this Section, shall be held to a standard of ordinary care for

1 intentional acts committed in the course of employment by the
2 bus driver permit holder. This subsection (k) shall in no way
3 limit the liability of the private carrier employer for
4 violation of any provision of this Section or for the
5 negligent hiring or retention of a school bus driver permit
6 holder.

7 (Source: P.A. 103-605, eff. 7-1-24; 103-825, eff. 1-1-25;
8 104-260, eff. 8-15-25.)

9 (Text of Section after amendment by P.A. 104-256)

10 Sec. 6-106.1. School bus driver permit.

11 (a) The Secretary of State shall issue a school bus driver
12 permit for the operation of first or second division vehicles
13 being operated as school buses, a permit valid only for the
14 operation of first division vehicles being operated as school
15 buses, or a school bus permit with a restriction valid for the
16 operation of a first division vehicle being operated as a
17 school bus or a multifunction school activity bus designed to
18 carry up to 15 passengers, including the driver, when being
19 used for curriculum-related activities as set forth in Section
20 11-1414.1 of this Code, to those applicants who have met all
21 the requirements of the application and screening process
22 under this Section to insure the welfare and safety of
23 children who are transported on school buses throughout the
24 State of Illinois. Applicants shall obtain the proper
25 application required by the Secretary of State from their

1 prospective or current employer and submit the completed
2 application to the prospective or current employer along with
3 the necessary fingerprint submission as required by the
4 Illinois State Police to conduct fingerprint-based criminal
5 background checks on current and future information available
6 in the State system and current information available through
7 the Federal Bureau of Investigation's system. Applicants who
8 have completed the fingerprinting requirements shall not be
9 subjected to the fingerprinting process when applying for
10 subsequent permits or submitting proof of successful
11 completion of the annual refresher course. Individuals who on
12 July 1, 1995 (the effective date of Public Act 88-612) possess
13 a valid school bus driver permit that has been previously
14 issued by the appropriate Regional School Superintendent are
15 not subject to the fingerprinting provisions of this Section
16 as long as the permit remains valid and does not lapse. The
17 applicant shall be required to pay all related application and
18 fingerprinting fees as established by rule, including, but not
19 limited to, the amounts established by the Illinois State
20 Police and the Federal Bureau of Investigation to process
21 fingerprint-based criminal background investigations. All fees
22 paid for fingerprint processing services under this Section
23 shall be deposited into the State Police Services Fund for the
24 cost incurred in processing the fingerprint-based criminal
25 background investigations. All other fees paid under this
26 Section shall be deposited into the Road Fund for the purpose

1 of defraying the costs of the Secretary of State in
2 administering this Section. All applicants must:

3 1. be 21 years of age or older;

4 2. possess a valid and properly classified driver's
5 license issued by the Secretary of State;

6 3. possess a valid driver's license, which has not
7 been revoked, suspended, or canceled for 3 years
8 immediately prior to the date of application, or have not
9 had his or her commercial motor vehicle driving privileges
10 disqualified within the 3 years immediately prior to the
11 date of application;

12 4. unless the applicant holds a valid commercial
13 driver's license or a commercial driver's license that
14 expired in the preceding 30 days issued by another state
15 with a school bus and passenger endorsement, successfully
16 pass a first division or second division written test,
17 administered by the Secretary of State, on school bus
18 operation, school bus safety, and special traffic laws
19 relating to school buses and submit to a review of the
20 applicant's driving habits by the Secretary of State at
21 the time the written test is given. For purposes of this
22 paragraph, "state" means a state of the United States and
23 the District of Columbia;

24 5. demonstrate ability to exercise reasonable care in
25 the operation of school buses in accordance with rules
26 promulgated by the Secretary of State;

1 6. demonstrate physical fitness to operate school
2 buses by submitting the results of a medical examination,
3 including tests for drug use for each applicant not
4 subject to such testing pursuant to federal law, conducted
5 by a licensed physician, a licensed advanced practice
6 registered nurse, or a licensed physician assistant within
7 90 days of the date of application according to standards
8 promulgated by the Secretary of State;

9 7. affirm under penalties of perjury that he or she
10 has not made a false statement or knowingly concealed a
11 material fact in any application for permit;

12 8. have completed an initial classroom course,
13 including first aid procedures, in school bus driver
14 safety as promulgated by the Secretary of State and, after
15 satisfactory completion of said initial course, an annual
16 refresher course; such courses and the agency or
17 organization conducting such courses shall be approved by
18 the Secretary of State; failure to complete the annual
19 refresher course shall result in cancellation of the
20 permit until such course is completed;

21 9. not have been under an order of court supervision
22 for or convicted of 2 or more serious traffic offenses, as
23 defined by rule, within one year prior to the date of
24 application that may endanger the life or safety of any of
25 the driver's passengers within the duration of the permit
26 period;

1 10. not have been under an order of court supervision
2 for or convicted of reckless driving, aggravated reckless
3 driving, driving while under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds or
5 any combination thereof, or reckless homicide resulting
6 from the operation of a motor vehicle within 3 years of the
7 date of application;

8 11. not have been convicted of committing or
9 attempting to commit any one or more of the following
10 offenses: (i) those offenses defined in Sections 8-1,
11 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
12 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
14 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
15 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
16 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
17 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22,
18 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05,
19 12-3.1, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
20 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6,
21 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,
22 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33,
23 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
24 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
25 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
26 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,

1 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
2 of Section 24-3, and those offenses contained in Article
3 29D of the Criminal Code of 1961 or the Criminal Code of
4 2012; (ii) those offenses defined in the Cannabis Control
5 Act except those offenses defined in subsections (a) and
6 (b) of Section 4, and subsection (a) of Section 5 of the
7 Cannabis Control Act; (iii) those offenses defined in the
8 Illinois Controlled Substances Act; (iv) those offenses
9 defined in the Methamphetamine Control and Community
10 Protection Act; (v) any offense committed or attempted in
11 any other state or against the laws of the United States,
12 which if committed or attempted in this State would be
13 punishable as one or more of the foregoing offenses; (vi)
14 the offenses defined in Section 4.1 and 5.1 of the Wrongs
15 to Children Act or Section 11-9.1A of the Criminal Code of
16 1961 or the Criminal Code of 2012; (vii) those offenses
17 defined in Section 6-16 of the Liquor Control and Hemp
18 Products Control Act ~~of 1934~~; and (viii) those offenses
19 defined in the Methamphetamine Precursor Control Act;

20 12. not have been repeatedly involved as a driver in
21 motor vehicle collisions or been repeatedly convicted of
22 offenses against laws and ordinances regulating the
23 movement of traffic, to a degree which indicates lack of
24 ability to exercise ordinary and reasonable care in the
25 safe operation of a motor vehicle or disrespect for the
26 traffic laws and the safety of other persons upon the

1 highway;

2 13. not have, through the unlawful operation of a
3 motor vehicle, caused a crash resulting in the death of
4 any person;

5 14. not have, within the last 5 years, been adjudged
6 to be afflicted with or suffering from any mental
7 disability or disease;

8 15. consent, in writing, to the release of results of
9 reasonable suspicion drug and alcohol testing under
10 Section 6-106.1c of this Code by the employer of the
11 applicant to the Secretary of State; and

12 16. not have been convicted of committing or
13 attempting to commit within the last 20 years: (i) an
14 offense defined in subsection (c) of Section 4, subsection
15 (b) of Section 5, and subsection (a) of Section 8 of the
16 Cannabis Control Act; or (ii) any offenses in any other
17 state or against the laws of the United States that, if
18 committed or attempted in this State, would be punishable
19 as one or more of the foregoing offenses.

20 (a-5) If an applicant's driver's license has been
21 suspended within the 3 years immediately prior to the date of
22 application for the sole reason of failure to pay child
23 support, that suspension shall not bar the applicant from
24 receiving a school bus driver permit.

25 (a-10) By January 1, 2024, the Secretary of State, in
26 conjunction with the Illinois State Board of Education, shall

1 develop a separate classroom course and refresher course for
2 operation of vehicles of the first division being operated as
3 school buses. Regional superintendents of schools, working
4 with the Illinois State Board of Education, shall offer the
5 course.

6 (b) A school bus driver permit shall be valid for a period
7 specified by the Secretary of State as set forth by rule. It
8 shall be renewable upon compliance with subsection (a) of this
9 Section.

10 (c) A school bus driver permit shall contain the holder's
11 driver's license number, legal name, residence address, zip
12 code, and date of birth, a brief description of the holder, and
13 a space for signature. The Secretary of State may require a
14 suitable photograph of the holder.

15 (d) The employer shall be responsible for conducting a
16 pre-employment interview with prospective school bus driver
17 candidates, distributing school bus driver applications and
18 medical forms to be completed by the applicant, and submitting
19 the applicant's fingerprint cards to the Illinois State Police
20 that are required for the criminal background investigations.
21 The employer shall certify in writing to the Secretary of
22 State that all pre-employment conditions have been
23 successfully completed including the successful completion of
24 an Illinois specific criminal background investigation through
25 the Illinois State Police and the submission of necessary
26 fingerprints to the Federal Bureau of Investigation for

1 criminal history information available through the Federal
2 Bureau of Investigation system. The applicant shall present
3 the certification to the Secretary of State at the time of
4 submitting the school bus driver permit application.

5 (e) Permits shall initially be provisional upon receiving
6 certification from the employer that all pre-employment
7 conditions have been successfully completed, and upon
8 successful completion of all training and examination
9 requirements for the classification of the vehicle to be
10 operated, the Secretary of State shall provisionally issue a
11 School Bus Driver Permit. The permit shall remain in a
12 provisional status pending the completion of the Federal
13 Bureau of Investigation's criminal background investigation
14 based upon fingerprinting specimens submitted to the Federal
15 Bureau of Investigation by the Illinois State Police. The
16 Federal Bureau of Investigation shall report the findings
17 directly to the Secretary of State. The Secretary of State
18 shall remove the bus driver permit from provisional status
19 upon the applicant's successful completion of the Federal
20 Bureau of Investigation's criminal background investigation.

21 (f) A school bus driver permit holder shall notify the
22 employer and the Secretary of State if he or she is issued an
23 order of court supervision for or convicted in another state
24 of an offense that would make him or her ineligible for a
25 permit under subsection (a) of this Section. The written
26 notification shall be made within 5 days of the entry of the

1 order of court supervision or conviction. Failure of the
2 permit holder to provide the notification is punishable as a
3 petty offense for a first violation and a Class B misdemeanor
4 for a second or subsequent violation.

5 (g) Cancellation; suspension; notice and procedure.

6 (1) The Secretary of State shall cancel a school bus
7 driver permit of an applicant whose criminal background
8 investigation discloses that he or she is not in
9 compliance with the provisions of subsection (a) of this
10 Section.

11 (2) The Secretary of State shall cancel a school bus
12 driver permit when he or she receives notice that the
13 permit holder fails to comply with any provision of this
14 Section or any rule promulgated for the administration of
15 this Section.

16 (3) The Secretary of State shall cancel a school bus
17 driver permit if the permit holder's restricted commercial
18 or commercial driving privileges are withdrawn or
19 otherwise invalidated.

20 (4) The Secretary of State may not issue a school bus
21 driver permit for a period of 3 years to an applicant who
22 fails to obtain a negative result on a drug test as
23 required in item 6 of subsection (a) of this Section or
24 under federal law.

25 (5) The Secretary of State shall forthwith suspend a
26 school bus driver permit for a period of 3 years upon

1 receiving notice that the holder has failed to obtain a
2 negative result on a drug test as required in item 6 of
3 subsection (a) of this Section or under federal law.

4 (6) The Secretary of State shall suspend a school bus
5 driver permit for a period of 3 years upon receiving
6 notice from the employer that the holder failed to perform
7 the inspection procedure set forth in subsection (a) or
8 (b) of Section 12-816 of this Code.

9 (7) The Secretary of State shall suspend a school bus
10 driver permit for a period of 3 years upon receiving
11 notice from the employer that the holder refused to submit
12 to an alcohol or drug test as required by Section 6-106.1c
13 or has submitted to a test required by that Section which
14 disclosed an alcohol concentration of more than 0.00 or
15 disclosed a positive result on a National Institute on
16 Drug Abuse five-drug panel, utilizing federal standards
17 set forth in 49 CFR 40.87.

18 The Secretary of State shall notify the State
19 Superintendent of Education and the permit holder's
20 prospective or current employer that the applicant (1) has
21 failed a criminal background investigation or (2) is no longer
22 eligible for a school bus driver permit; and of the related
23 cancellation of the applicant's provisional school bus driver
24 permit. The cancellation shall remain in effect pending the
25 outcome of a hearing pursuant to Section 2-118 of this Code.
26 The scope of the hearing shall be limited to the issuance

1 criteria contained in subsection (a) of this Section. A
2 petition requesting a hearing shall be submitted to the
3 Secretary of State and shall contain the reason the individual
4 feels he or she is entitled to a school bus driver permit. The
5 permit holder's employer shall notify in writing to the
6 Secretary of State that the employer has certified the removal
7 of the offending school bus driver from service prior to the
8 start of that school bus driver's next work shift. An
9 employing school board that fails to remove the offending
10 school bus driver from service is subject to the penalties
11 defined in Section 3-14.23 of the School Code. A school bus
12 contractor who violates a provision of this Section is subject
13 to the penalties defined in Section 6-106.11.

14 All valid school bus driver permits issued under this
15 Section prior to January 1, 1995, shall remain effective until
16 their expiration date unless otherwise invalidated.

17 (h) When a school bus driver permit holder who is a service
18 member is called to active duty, the employer of the permit
19 holder shall notify the Secretary of State, within 30 days of
20 notification from the permit holder, that the permit holder
21 has been called to active duty. Upon notification pursuant to
22 this subsection, (i) the Secretary of State shall characterize
23 the permit as inactive until a permit holder renews the permit
24 as provided in subsection (i) of this Section, and (ii) if a
25 permit holder fails to comply with the requirements of this
26 Section while called to active duty, the Secretary of State

1 shall not characterize the permit as invalid.

2 (i) A school bus driver permit holder who is a service
3 member returning from active duty must, within 90 days, renew
4 a permit characterized as inactive pursuant to subsection (h)
5 of this Section by complying with the renewal requirements of
6 subsection (b) of this Section.

7 (j) For purposes of subsections (h) and (i) of this
8 Section:

9 "Active duty" means active duty pursuant to an executive
10 order of the President of the United States, an act of the
11 Congress of the United States, or an order of the Governor.

12 "Service member" means a member of the Armed Services or
13 reserve forces of the United States or a member of the Illinois
14 National Guard.

15 (k) A private carrier employer of a school bus driver
16 permit holder, having satisfied the employer requirements of
17 this Section, shall be held to a standard of ordinary care for
18 intentional acts committed in the course of employment by the
19 bus driver permit holder. This subsection (k) shall in no way
20 limit the liability of the private carrier employer for
21 violation of any provision of this Section or for the
22 negligent hiring or retention of a school bus driver permit
23 holder.

24 (l) The Secretary may adopt rules to implement this
25 Section.

26 (Source: P.A. 103-605, eff. 7-1-24; 103-825, eff. 1-1-25;

1 104-256, eff. 7-1-26; 104-260, eff. 8-15-25; revised 9-12-25.)

2 (625 ILCS 5/6-107)

3 Sec. 6-107. Graduated license.

4 (a) The purpose of the Graduated Licensing Program is to
5 develop safe and mature driving habits in young, inexperienced
6 drivers and reduce or prevent motor vehicle crashes,
7 fatalities, and injuries by:

8 (1) providing for an increase in the time of practice
9 period before granting permission to obtain a driver's
10 license;

11 (2) strengthening driver licensing and testing
12 standards for persons under the age of 21 years;

13 (3) sanctioning driving privileges of drivers under
14 age 21 who have committed serious traffic violations or
15 other specified offenses; and

16 (4) setting stricter standards to promote the public's
17 health and safety.

18 (b) The application of any person under the age of 18
19 years, and not legally emancipated, for a driver's license or
20 permit to operate a motor vehicle issued under the laws of this
21 State, shall be accompanied by the written consent of either
22 parent of the applicant; otherwise by the guardian having
23 custody of the applicant, or in the event there is no parent or
24 guardian, then by another responsible adult. The written
25 consent must accompany any application for a driver's license

1 under this subsection (b), regardless of whether or not the
2 required written consent also accompanied the person's
3 previous application for an instruction permit.

4 No graduated driver's license shall be issued to any
5 applicant under 18 years of age, unless the applicant is at
6 least 16 years of age and has:

7 (1) Held a valid instruction permit for a minimum of 9
8 months.

9 (2) Passed an approved driver education course and
10 submits proof of having passed the course as may be
11 required.

12 (3) Certification by the parent, legal guardian, or
13 responsible adult that the applicant has had a minimum of
14 50 hours of behind-the-wheel practice time, at least 10
15 hours of which have been at night, and is sufficiently
16 prepared and able to safely operate a motor vehicle.

17 (b-1) No graduated driver's license shall be issued to any
18 applicant who is under 18 years of age and not legally
19 emancipated, unless the applicant has graduated from a
20 secondary school of this State or any other state, is enrolled
21 in a course leading to a State of Illinois High School Diploma,
22 has obtained a State of Illinois High School Diploma, is
23 enrolled in an elementary or secondary school or college or
24 university of this State or any other state and is not a
25 chronic or habitual truant as provided in Section 26-2a of the
26 School Code, or is receiving home instruction and submits

1 proof of meeting any of those requirements at the time of
2 application.

3 An applicant under 18 years of age who provides proof
4 acceptable to the Secretary that the applicant has resumed
5 regular school attendance or home instruction or that his or
6 her application was denied in error shall be eligible to
7 receive a graduated license if other requirements are met. The
8 Secretary shall adopt rules for implementing this subsection
9 (b-1).

10 (c) No graduated driver's license or permit shall be
11 issued to any applicant under 18 years of age who has committed
12 the offense of operating a motor vehicle without a valid
13 license or permit in violation of Section 6-101 of this Code or
14 a similar out of state offense and no graduated driver's
15 license or permit shall be issued to any applicant under 18
16 years of age who has committed an offense that would otherwise
17 result in a mandatory revocation of a license or permit as
18 provided in Section 6-205 of this Code or who has been either
19 convicted of or adjudicated a delinquent based upon a
20 violation of the Cannabis Control Act, the Illinois Controlled
21 Substances Act, the Use of Intoxicating Compounds Act, or the
22 Methamphetamine Control and Community Protection Act while
23 that individual was in actual physical control of a motor
24 vehicle. For purposes of this Section, any person placed on
25 probation under Section 10 of the Cannabis Control Act,
26 Section 410 of the Illinois Controlled Substances Act, or

1 Section 70 of the Methamphetamine Control and Community
2 Protection Act shall not be considered convicted. Any person
3 found guilty of such an offense, while in actual physical
4 control of a motor vehicle, shall have an entry made in the
5 court record by the judge that the offense did occur while the
6 person was in actual physical control of a motor vehicle and
7 order the clerk of the court to report the violation to the
8 Secretary of State as such.

9 (d) No graduated driver's license shall be issued for 9
10 months to any applicant under the age of 18 years who has
11 committed and subsequently been convicted of an offense
12 against traffic regulations governing the movement of
13 vehicles, any violation of this Section or Section 12-603.1 of
14 this Code, or who has received a disposition of court
15 supervision for a violation of Section 6-20 of the Illinois
16 Liquor Control and Hemp Products Control Act ~~of 1934~~ or a
17 similar provision of a local ordinance.

18 (e) No graduated driver's license holder under the age of
19 18 years shall operate any motor vehicle, except a motor
20 driven cycle or motorcycle, with more than one passenger in
21 the front seat of the motor vehicle and no more passengers in
22 the back seats than the number of available seat safety belts
23 as set forth in Section 12-603 of this Code. If a graduated
24 driver's license holder over the age of 18 committed an
25 offense against traffic regulations governing the movement of
26 vehicles or any violation of this Section or Section 12-603.1

1 of this Code in the 6 months prior to the graduated driver's
2 license holder's 18th birthday, and was subsequently convicted
3 of the violation, the provisions of this paragraph shall
4 continue to apply until such time as a period of 6 consecutive
5 months has elapsed without an additional violation and
6 subsequent conviction of an offense against traffic
7 regulations governing the movement of vehicles or any
8 violation of this Section or Section 12-603.1 of this Code.

9 (f) (Blank).

10 (g) If a graduated driver's license holder is under the
11 age of 18 when he or she receives the license, for the first 12
12 months he or she holds the license or until he or she reaches
13 the age of 18, whichever occurs sooner, the graduated license
14 holder may not operate a motor vehicle with more than one
15 passenger in the vehicle who is under the age of 20, unless any
16 additional passenger or passengers are siblings,
17 step-siblings, children, or stepchildren of the driver. If a
18 graduated driver's license holder committed an offense against
19 traffic regulations governing the movement of vehicles or any
20 violation of this Section or Section 12-603.1 of this Code
21 during the first 12 months the license is held and
22 subsequently is convicted of the violation, the provisions of
23 this paragraph shall remain in effect until such time as a
24 period of 6 consecutive months has elapsed without an
25 additional violation and subsequent conviction of an offense
26 against traffic regulations governing the movement of vehicles

1 or any violation of this Section or Section 12-603.1 of this
2 Code.

3 (h) It shall be an offense for a person that is age 15, but
4 under age 20, to be a passenger in a vehicle operated by a
5 driver holding a graduated driver's license during the first
6 12 months the driver holds the license or until the driver
7 reaches the age of 18, whichever occurs sooner, if another
8 passenger under the age of 20 is present, excluding a sibling,
9 step-sibling, child, or step-child of the driver.

10 (i) No graduated driver's license shall be issued to any
11 applicant under the age of 18 years if the applicant has been
12 issued a traffic citation for which a disposition has not been
13 rendered at the time of application.

14 (Source: P.A. 102-982, eff. 7-1-23; 102-1100, eff. 1-1-23;
15 103-154, eff. 6-30-23.)

16 (625 ILCS 5/6-206)

17 (Text of Section before amendment by P.A. 104-400)

18 Sec. 6-206. Discretionary authority to suspend or revoke
19 license or permit; right to a hearing.

20 (a) The Secretary of State is authorized to suspend or
21 revoke the driving privileges of any person without
22 preliminary hearing upon a showing of the person's records or
23 other sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
25 revocation of a driver's license or permit is required

1 upon conviction;

2 2. Has been convicted of not less than 3 offenses
3 against traffic regulations governing the movement of
4 vehicles committed within any 12-month period. No
5 revocation or suspension shall be entered more than 6
6 months after the date of last conviction;

7 3. Has been repeatedly involved as a driver in motor
8 vehicle collisions or has been repeatedly convicted of
9 offenses against laws and ordinances regulating the
10 movement of traffic, to a degree that indicates lack of
11 ability to exercise ordinary and reasonable care in the
12 safe operation of a motor vehicle or disrespect for the
13 traffic laws and the safety of other persons upon the
14 highway;

15 4. Has by the unlawful operation of a motor vehicle
16 caused or contributed to a crash resulting in injury
17 requiring immediate professional treatment in a medical
18 facility or doctor's office to any person, except that any
19 suspension or revocation imposed by the Secretary of State
20 under the provisions of this subsection shall start no
21 later than 6 months after being convicted of violating a
22 law or ordinance regulating the movement of traffic, which
23 violation is related to the crash, or shall start not more
24 than one year after the date of the crash, whichever date
25 occurs later;

26 5. Has permitted an unlawful or fraudulent use of a

1 driver's license, identification card, or permit;

2 6. Has been lawfully convicted of an offense or
3 offenses in another state, including the authorization
4 contained in Section 6-203.1, which if committed within
5 this State would be grounds for suspension or revocation;

6 7. Has refused or failed to submit to an examination
7 provided for by Section 6-207 or has failed to pass the
8 examination;

9 8. Is ineligible for a driver's license or permit
10 under the provisions of Section 6-103;

11 9. Has made a false statement or knowingly concealed a
12 material fact or has used false information or
13 identification in any application for a license,
14 identification card, or permit;

15 10. Has possessed, displayed, or attempted to
16 fraudulently use any license, identification card, or
17 permit not issued to the person;

18 11. Has operated a motor vehicle upon a highway of
19 this State when the person's driving privilege or
20 privilege to obtain a driver's license or permit was
21 revoked or suspended unless the operation was authorized
22 by a monitoring device driving permit, judicial driving
23 permit issued prior to January 1, 2009, probationary
24 license to drive, or restricted driving permit issued
25 under this Code;

26 12. Has submitted to any portion of the application

1 process for another person or has obtained the services of
2 another person to submit to any portion of the application
3 process for the purpose of obtaining a license,
4 identification card, or permit for some other person;

5 13. Has operated a motor vehicle upon a highway of
6 this State when the person's driver's license or permit
7 was invalid under the provisions of Sections 6-107.1 and
8 6-110;

9 14. Has committed a violation of Section 6-301,
10 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
11 14B of the Illinois Identification Card Act or a similar
12 offense in another state if, at the time of the offense,
13 the person held an Illinois driver's license or
14 identification card;

15 15. Has been convicted of violating Section 21-2 of
16 the Criminal Code of 1961 or the Criminal Code of 2012
17 relating to criminal trespass to vehicles if the person
18 exercised actual physical control over the vehicle during
19 the commission of the offense, in which case the
20 suspension shall be for one year;

21 16. Has been convicted of violating Section 11-204 of
22 this Code relating to fleeing from a peace officer;

23 17. Has refused to submit to a test, or tests, as
24 required under Section 11-501.1 of this Code and the
25 person has not sought a hearing as provided for in Section
26 11-501.1;

1 18. (Blank);

2 19. Has committed a violation of paragraph (a) or (b)
3 of Section 6-101 relating to driving without a driver's
4 license;

5 20. Has been convicted of violating Section 6-104
6 relating to classification of driver's license;

7 21. Has been convicted of violating Section 11-402 of
8 this Code relating to leaving the scene of a crash
9 resulting in damage to a vehicle in excess of \$1,000, in
10 which case the suspension shall be for one year;

11 22. Has used a motor vehicle in violating paragraph
12 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
13 the Criminal Code of 1961 or the Criminal Code of 2012
14 relating to unlawful possession of weapons, in which case
15 the suspension shall be for one year;

16 23. Has, as a driver, been convicted of committing a
17 violation of paragraph (a) of Section 11-502 of this Code
18 for a second or subsequent time within one year of a
19 similar violation;

20 24. Has been convicted by a court-martial or punished
21 by non-judicial punishment by military authorities of the
22 United States at a military installation in Illinois or in
23 another state of or for a traffic-related offense that is
24 the same as or similar to an offense specified under
25 Section 6-205 or 6-206 of this Code;

26 25. Has permitted any form of identification to be

1 used by another in the application process in order to
2 obtain or attempt to obtain a license, identification
3 card, or permit;

4 26. Has altered or attempted to alter a license or has
5 possessed an altered license, identification card, or
6 permit;

7 27. (Blank);

8 28. Has been convicted for a first time of the illegal
9 possession, while operating or in actual physical control,
10 as a driver, of a motor vehicle, of any controlled
11 substance prohibited under the Illinois Controlled
12 Substances Act, any cannabis prohibited under the Cannabis
13 Control Act, or any methamphetamine prohibited under the
14 Methamphetamine Control and Community Protection Act, in
15 which case the person's driving privileges shall be
16 suspended for one year. Any defendant found guilty of this
17 offense while operating a motor vehicle shall have an
18 entry made in the court record by the presiding judge that
19 this offense did occur while the defendant was operating a
20 motor vehicle and order the clerk of the court to report
21 the violation to the Secretary of State;

22 29. Has been convicted of the following offenses that
23 were committed while the person was operating or in actual
24 physical control, as a driver, of a motor vehicle:
25 criminal sexual assault, predatory criminal sexual assault
26 of a child, aggravated criminal sexual assault, criminal

1 sexual abuse, aggravated criminal sexual abuse, juvenile
2 pimping, soliciting for a sexually exploited child,
3 promoting commercial sexual exploitation of a child as
4 described in subdivision (a)(1), (a)(2), or (a)(3) of
5 Section 11-14.4 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, and the manufacture, sale or
7 delivery of controlled substances or instruments used for
8 illegal drug use or abuse in which case the driver's
9 driving privileges shall be suspended for one year;

10 30. Has been convicted a second or subsequent time for
11 any combination of the offenses named in paragraph 29 of
12 this subsection, in which case the person's driving
13 privileges shall be suspended for 5 years;

14 31. Has refused to submit to a test as required by
15 Section 11-501.6 of this Code or Section 5-16c of the Boat
16 Registration and Safety Act or has submitted to a test
17 resulting in an alcohol concentration of 0.08 or more or
18 any amount of a drug, substance, or compound resulting
19 from the unlawful use or consumption of cannabis as listed
20 in the Cannabis Control Act, a controlled substance as
21 listed in the Illinois Controlled Substances Act, an
22 intoxicating compound as listed in the Use of Intoxicating
23 Compounds Act, or methamphetamine as listed in the
24 Methamphetamine Control and Community Protection Act, in
25 which case the penalty shall be as prescribed in Section
26 6-208.1;

1 32. Has been convicted of Section 24-1.2 of the
2 Criminal Code of 1961 or the Criminal Code of 2012
3 relating to the aggravated discharge of a firearm if the
4 offender was located in a motor vehicle at the time the
5 firearm was discharged, in which case the suspension shall
6 be for 3 years;

7 33. Has as a driver, who was less than 21 years of age
8 on the date of the offense, been convicted a first time of
9 a violation of paragraph (a) of Section 11-502 of this
10 Code or a similar provision of a local ordinance;

11 34. Has committed a violation of Section 11-1301.5 of
12 this Code or a similar provision of a local ordinance;

13 35. Has committed a violation of Section 11-1301.6 of
14 this Code or a similar provision of a local ordinance;

15 36. Is under the age of 21 years at the time of arrest
16 and has been convicted of not less than 2 offenses against
17 traffic regulations governing the movement of vehicles
18 committed within any 24-month period. No revocation or
19 suspension shall be entered more than 6 months after the
20 date of last conviction;

21 37. Has committed a violation of subsection (c) of
22 Section 11-907 of this Code that resulted in damage to the
23 property of another or the death or injury of another;

24 38. Has been convicted of a violation of Section 6-20
25 of the Liquor Control and Hemp Products Control Act ~~of~~
26 ~~1934~~ or a similar provision of a local ordinance and the

1 person was an occupant of a motor vehicle at the time of
2 the violation;

3 39. Has committed a second or subsequent violation of
4 Section 11-1201 of this Code;

5 40. Has committed a violation of subsection (a-1) of
6 Section 11-908 of this Code;

7 41. Has committed a second or subsequent violation of
8 Section 11-605.1 of this Code, a similar provision of a
9 local ordinance, or a similar violation in any other state
10 within 2 years of the date of the previous violation, in
11 which case the suspension shall be for 90 days;

12 42. Has committed a violation of subsection (a-1) of
13 Section 11-1301.3 of this Code or a similar provision of a
14 local ordinance;

15 43. Has received a disposition of court supervision
16 for a violation of subsection (a), (d), or (e) of Section
17 6-20 of the Liquor Control and Hemp Products Control Act
18 ~~of 1934~~ or a similar provision of a local ordinance and the
19 person was an occupant of a motor vehicle at the time of
20 the violation, in which case the suspension shall be for a
21 period of 3 months;

22 44. Is under the age of 21 years at the time of arrest
23 and has been convicted of an offense against traffic
24 regulations governing the movement of vehicles after
25 having previously had his or her driving privileges
26 suspended or revoked pursuant to subparagraph 36 of this

1 Section;

2 45. Has, in connection with or during the course of a
3 formal hearing conducted under Section 2-118 of this Code:

4 (i) committed perjury; (ii) submitted fraudulent or
5 falsified documents; (iii) submitted documents that have
6 been materially altered; or (iv) submitted, as his or her
7 own, documents that were in fact prepared or composed for
8 another person;

9 46. Has committed a violation of subsection (j) of
10 Section 3-413 of this Code;

11 47. Has committed a violation of subsection (a) of
12 Section 11-502.1 of this Code;

13 48. Has submitted a falsified or altered medical
14 examiner's certificate to the Secretary of State or
15 provided false information to obtain a medical examiner's
16 certificate;

17 49. Has been convicted of a violation of Section
18 11-1002 or 11-1002.5 that resulted in a Type A injury to
19 another, in which case the driving privileges of the
20 person shall be suspended for 12 months;

21 50. Has committed a violation of subsection (b-5) of
22 Section 12-610.2 that resulted in great bodily harm,
23 permanent disability, or disfigurement, in which case the
24 driving privileges of the person shall be suspended for 12
25 months;

26 51. Has committed a violation of Section 10-15 Of the

1 Cannabis Regulation and Tax Act or a similar provision of
2 a local ordinance while in a motor vehicle; or

3 52. Has committed a violation of subsection (b) of
4 Section 10-20 of the Cannabis Regulation and Tax Act or a
5 similar provision of a local ordinance.

6 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
7 and 27 of this subsection, license means any driver's license,
8 any traffic ticket issued when the person's driver's license
9 is deposited in lieu of bail, a suspension notice issued by the
10 Secretary of State, a duplicate or corrected driver's license,
11 a probationary driver's license, or a temporary driver's
12 license.

13 (b) If any conviction forming the basis of a suspension or
14 revocation authorized under this Section is appealed, the
15 Secretary of State may rescind or withhold the entry of the
16 order of suspension or revocation, as the case may be,
17 provided that a certified copy of a stay order of a court is
18 filed with the Secretary of State. If the conviction is
19 affirmed on appeal, the date of the conviction shall relate
20 back to the time the original judgment of conviction was
21 entered and the 6-month limitation prescribed shall not apply.

22 (c) 1. Upon suspending or revoking the driver's license or
23 permit of any person as authorized in this Section, the
24 Secretary of State shall immediately notify the person in
25 writing of the revocation or suspension. The notice to be
26 deposited in the United States mail, postage prepaid, to the

1 last known address of the person.

2 2. If the Secretary of State suspends the driver's license
3 of a person under subsection 2 of paragraph (a) of this
4 Section, a person's privilege to operate a vehicle as an
5 occupation shall not be suspended, provided an affidavit is
6 properly completed, the appropriate fee received, and a permit
7 issued prior to the effective date of the suspension, unless 5
8 offenses were committed, at least 2 of which occurred while
9 operating a commercial vehicle in connection with the driver's
10 regular occupation. All other driving privileges shall be
11 suspended by the Secretary of State. Any driver prior to
12 operating a vehicle for occupational purposes only must submit
13 the affidavit on forms to be provided by the Secretary of State
14 setting forth the facts of the person's occupation. The
15 affidavit shall also state the number of offenses committed
16 while operating a vehicle in connection with the driver's
17 regular occupation. The affidavit shall be accompanied by the
18 driver's license. Upon receipt of a properly completed
19 affidavit, the Secretary of State shall issue the driver a
20 permit to operate a vehicle in connection with the driver's
21 regular occupation only. Unless the permit is issued by the
22 Secretary of State prior to the date of suspension, the
23 privilege to drive any motor vehicle shall be suspended as set
24 forth in the notice that was mailed under this Section. If an
25 affidavit is received subsequent to the effective date of this
26 suspension, a permit may be issued for the remainder of the

1 suspension period.

2 The provisions of this subparagraph shall not apply to any
3 driver required to possess a CDL for the purpose of operating a
4 commercial motor vehicle.

5 Any person who falsely states any fact in the affidavit
6 required herein shall be guilty of perjury under Section 6-302
7 and upon conviction thereof shall have all driving privileges
8 revoked without further rights.

9 3. At the conclusion of a hearing under Section 2-118 of
10 this Code, the Secretary of State shall either rescind or
11 continue an order of revocation or shall substitute an order
12 of suspension; or, good cause appearing therefor, rescind,
13 continue, change, or extend the order of suspension. If the
14 Secretary of State does not rescind the order, the Secretary
15 may upon application, to relieve undue hardship (as defined by
16 the rules of the Secretary of State), issue a restricted
17 driving permit granting the privilege of driving a motor
18 vehicle between the petitioner's residence and petitioner's
19 place of employment or within the scope of the petitioner's
20 employment-related duties, or to allow the petitioner to
21 transport himself or herself, or a family member of the
22 petitioner's household to a medical facility, to receive
23 necessary medical care, to allow the petitioner to transport
24 himself or herself to and from alcohol or drug remedial or
25 rehabilitative activity recommended by a licensed service
26 provider, or to allow the petitioner to transport himself or

1 herself or a family member of the petitioner's household to
2 classes, as a student, at an accredited educational
3 institution, or to allow the petitioner to transport children,
4 elderly persons, or persons with disabilities who do not hold
5 driving privileges and are living in the petitioner's
6 household to and from day care ~~daycare~~. The petitioner must
7 demonstrate that no alternative means of transportation is
8 reasonably available and that the petitioner will not endanger
9 the public safety or welfare.

10 (A) If a person's license or permit is revoked or
11 suspended due to 2 or more convictions of violating
12 Section 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense, or
14 Section 9-3 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, where the use of alcohol or other drugs is
16 recited as an element of the offense, or a similar
17 out-of-state offense, or a combination of these offenses,
18 arising out of separate occurrences, that person, if
19 issued a restricted driving permit, may not operate a
20 vehicle unless it has been equipped with an ignition
21 interlock device as defined in Section 1-129.1.

22 (B) If a person's license or permit is revoked or
23 suspended 2 or more times due to any combination of:

24 (i) a single conviction of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense or Section

1 9-3 of the Criminal Code of 1961 or the Criminal Code
2 of 2012, where the use of alcohol or other drugs is
3 recited as an element of the offense, or a similar
4 out-of-state offense; or

5 (ii) a statutory summary suspension or revocation
6 under Section 11-501.1; or

7 (iii) a suspension under Section 6-203.1;

8 arising out of separate occurrences; that person, if
9 issued a restricted driving permit, may not operate a
10 vehicle unless it has been equipped with an ignition
11 interlock device as defined in Section 1-129.1.

12 (B-5) If a person's license or permit is revoked or
13 suspended due to a conviction for a violation of
14 subparagraph (C) or (F) of paragraph (1) of subsection (d)
15 of Section 11-501 of this Code, or a similar provision of a
16 local ordinance or similar out-of-state offense, that
17 person, if issued a restricted driving permit, may not
18 operate a vehicle unless it has been equipped with an
19 ignition interlock device as defined in Section 1-129.1.

20 (C) The person issued a permit conditioned upon the
21 use of an ignition interlock device must pay to the
22 Secretary of State DUI Administration Fund an amount not
23 to exceed \$30 per month. The Secretary shall establish by
24 rule the amount and the procedures, terms, and conditions
25 relating to these fees.

26 (D) If the restricted driving permit is issued for

1 employment purposes, then the prohibition against
2 operating a motor vehicle that is not equipped with an
3 ignition interlock device does not apply to the operation
4 of an occupational vehicle owned or leased by that
5 person's employer when used solely for employment
6 purposes. For any person who, within a 5-year period, is
7 convicted of a second or subsequent offense under Section
8 11-501 of this Code, or a similar provision of a local
9 ordinance or similar out-of-state offense, this employment
10 exemption does not apply until either a one-year period
11 has elapsed during which that person had his or her
12 driving privileges revoked or a one-year period has
13 elapsed during which that person had a restricted driving
14 permit which required the use of an ignition interlock
15 device on every motor vehicle owned or operated by that
16 person.

17 (E) In each case the Secretary may issue a restricted
18 driving permit for a period deemed appropriate, except
19 that all permits shall expire no later than 2 years from
20 the date of issuance. A restricted driving permit issued
21 under this Section shall be subject to cancellation,
22 revocation, and suspension by the Secretary of State in
23 like manner and for like cause as a driver's license
24 issued under this Code may be cancelled, revoked, or
25 suspended; except that a conviction upon one or more
26 offenses against laws or ordinances regulating the

1 movement of traffic shall be deemed sufficient cause for
2 the revocation, suspension, or cancellation of a
3 restricted driving permit. The Secretary of State may, as
4 a condition to the issuance of a restricted driving
5 permit, require the applicant to participate in a
6 designated driver remedial or rehabilitative program. The
7 Secretary of State is authorized to cancel a restricted
8 driving permit if the permit holder does not successfully
9 complete the program.

10 (F) A person subject to the provisions of paragraph 4
11 of subsection (b) of Section 6-208 of this Code may make
12 application for a restricted driving permit at a hearing
13 conducted under Section 2-118 of this Code after the
14 expiration of 5 years from the effective date of the most
15 recent revocation or after 5 years from the date of
16 release from a period of imprisonment resulting from a
17 conviction of the most recent offense, whichever is later,
18 provided the person, in addition to all other requirements
19 of the Secretary, shows by clear and convincing evidence:

20 (i) a minimum of 3 years of uninterrupted
21 abstinence from alcohol and the unlawful use or
22 consumption of cannabis under the Cannabis Control
23 Act, a controlled substance under the Illinois
24 Controlled Substances Act, an intoxicating compound
25 under the Use of Intoxicating Compounds Act, or
26 methamphetamine under the Methamphetamine Control and

1 Community Protection Act; and

2 (ii) the successful completion of any
3 rehabilitative treatment and involvement in any
4 ongoing rehabilitative activity that may be
5 recommended by a properly licensed service provider
6 according to an assessment of the person's alcohol or
7 drug use under Section 11-501.01 of this Code.

8 In determining whether an applicant is eligible for a
9 restricted driving permit under this subparagraph (F), the
10 Secretary may consider any relevant evidence, including,
11 but not limited to, testimony, affidavits, records, and
12 the results of regular alcohol or drug tests. Persons
13 subject to the provisions of paragraph 4 of subsection (b)
14 of Section 6-208 of this Code and who have been convicted
15 of more than one violation of paragraph (3), paragraph
16 (4), or paragraph (5) of subsection (a) of Section 11-501
17 of this Code shall not be eligible to apply for a
18 restricted driving permit under this subparagraph (F).

19 A restricted driving permit issued under this
20 subparagraph (F) shall provide that the holder may only
21 operate motor vehicles equipped with an ignition interlock
22 device as required under paragraph (2) of subsection (c)
23 of Section 6-205 of this Code and subparagraph (A) of
24 paragraph 3 of subsection (c) of this Section. The
25 Secretary may revoke a restricted driving permit or amend
26 the conditions of a restricted driving permit issued under

1 this subparagraph (F) if the holder operates a vehicle
2 that is not equipped with an ignition interlock device, or
3 for any other reason authorized under this Code.

4 A restricted driving permit issued under this
5 subparagraph (F) shall be revoked, and the holder barred
6 from applying for or being issued a restricted driving
7 permit in the future, if the holder is convicted of a
8 violation of Section 11-501 of this Code, a similar
9 provision of a local ordinance, or a similar offense in
10 another state.

11 (c-3) In the case of a suspension under paragraph 43 of
12 subsection (a), reports received by the Secretary of State
13 under this Section shall, except during the actual time the
14 suspension is in effect, be privileged information and for use
15 only by the courts, police officers, prosecuting authorities,
16 the driver licensing administrator of any other state, the
17 Secretary of State, or the parent or legal guardian of a driver
18 under the age of 18. However, beginning January 1, 2008, if the
19 person is a CDL holder, the suspension shall also be made
20 available to the driver licensing administrator of any other
21 state, the U.S. Department of Transportation, and the affected
22 driver or motor carrier or prospective motor carrier upon
23 request.

24 (c-4) In the case of a suspension under paragraph 43 of
25 subsection (a), the Secretary of State shall notify the person
26 by mail that his or her driving privileges and driver's

1 license will be suspended one month after the date of the
2 mailing of the notice.

3 (c-5) The Secretary of State may, as a condition of the
4 reissuance of a driver's license or permit to an applicant
5 whose driver's license or permit has been suspended before he
6 or she reached the age of 21 years pursuant to any of the
7 provisions of this Section, require the applicant to
8 participate in a driver remedial education course and be
9 retested under Section 6-109 of this Code.

10 (d) This Section is subject to the provisions of the
11 Driver License Compact.

12 (e) The Secretary of State shall not issue a restricted
13 driving permit to a person under the age of 16 years whose
14 driving privileges have been suspended or revoked under any
15 provisions of this Code.

16 (f) In accordance with 49 CFR 384, the Secretary of State
17 may not issue a restricted driving permit for the operation of
18 a commercial motor vehicle to a person holding a CDL whose
19 driving privileges have been suspended, revoked, cancelled, or
20 disqualified under any provisions of this Code.

21 (Source: P.A. 102-299, eff. 8-6-21; 102-558, eff. 8-20-21;
22 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff.
23 7-1-23; 103-154, eff. 6-30-23; 103-822, eff. 1-1-25; 103-1071,
24 eff. 7-1-25; revised 10-27-25.)

25 (Text of Section after amendment by P.A. 104-400)

1 Sec. 6-206. Discretionary authority to suspend or revoke
2 license or permit; right to a hearing.

3 (a) The Secretary of State is authorized to suspend or
4 revoke the driving privileges of any person without
5 preliminary hearing upon a showing of the person's records or
6 other sufficient evidence that the person:

7 1. Has committed an offense for which mandatory
8 revocation of a driver's license or permit is required
9 upon conviction;

10 2. Has been convicted of not less than 3 offenses
11 against traffic regulations governing the movement of
12 vehicles committed within any 12-month period. No
13 revocation or suspension shall be entered more than 6
14 months after the date of last conviction;

15 3. Has been repeatedly involved as a driver in motor
16 vehicle collisions or has been repeatedly convicted of
17 offenses against laws and ordinances regulating the
18 movement of traffic, to a degree that indicates lack of
19 ability to exercise ordinary and reasonable care in the
20 safe operation of a motor vehicle or disrespect for the
21 traffic laws and the safety of other persons upon the
22 highway;

23 4. Has by the unlawful operation of a motor vehicle
24 caused or contributed to a crash resulting in injury
25 requiring immediate professional treatment in a medical
26 facility or doctor's office to any person, except that any

1 suspension or revocation imposed by the Secretary of State
2 under the provisions of this subsection shall start no
3 later than 6 months after being convicted of violating a
4 law or ordinance regulating the movement of traffic, which
5 violation is related to the crash, or shall start not more
6 than one year after the date of the crash, whichever date
7 occurs later;

8 5. Has permitted an unlawful or fraudulent use of a
9 driver's license, identification card, or permit;

10 6. Has been lawfully convicted of an offense or
11 offenses in another state, including the authorization
12 contained in Section 6-203.1, which if committed within
13 this State would be grounds for suspension or revocation;

14 7. Has refused or failed to submit to an examination
15 provided for by Section 6-207 or has failed to pass the
16 examination;

17 8. Is ineligible for a driver's license or permit
18 under the provisions of Section 6-103;

19 9. Has made a false statement or knowingly concealed a
20 material fact or has used false information or
21 identification in any application for a license,
22 identification card, or permit;

23 10. Has possessed, displayed, or attempted to
24 fraudulently use any license, identification card, or
25 permit not issued to the person;

26 11. Has operated a motor vehicle upon a highway of

1 this State when the person's driving privilege or
2 privilege to obtain a driver's license or permit was
3 revoked or suspended unless the operation was authorized
4 by a monitoring device driving permit, judicial driving
5 permit issued prior to January 1, 2009, probationary
6 license to drive, or restricted driving permit issued
7 under this Code;

8 12. Has submitted to any portion of the application
9 process for another person or has obtained the services of
10 another person to submit to any portion of the application
11 process for the purpose of obtaining a license,
12 identification card, or permit for some other person;

13 13. Has operated a motor vehicle upon a highway of
14 this State when the person's driver's license or permit
15 was invalid under the provisions of Sections 6-107.1 and
16 6-110;

17 14. Has committed a violation of Section 6-301,
18 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
19 14B of the Illinois Identification Card Act or a similar
20 offense in another state if, at the time of the offense,
21 the person held an Illinois driver's license or
22 identification card;

23 15. Has been convicted of violating Section 21-2 of
24 the Criminal Code of 1961 or the Criminal Code of 2012
25 relating to criminal trespass to vehicles if the person
26 exercised actual physical control over the vehicle during

1 the commission of the offense, in which case the
2 suspension shall be for one year;

3 16. Has been convicted of violating Section 11-204 of
4 this Code relating to fleeing from a peace officer;

5 17. Has refused to submit to a test, or tests, as
6 required under Section 11-501.1 of this Code and the
7 person has not sought a hearing as provided for in Section
8 11-501.1;

9 18. (Blank);

10 19. Has committed a violation of paragraph (a) or (b)
11 of Section 6-101 relating to driving without a driver's
12 license;

13 20. Has been convicted of violating Section 6-104
14 relating to classification of driver's license;

15 21. Has been convicted of violating Section 11-402 of
16 this Code relating to leaving the scene of a crash
17 resulting in damage to a vehicle in excess of \$1,000, in
18 which case the suspension shall be for one year;

19 22. Has used a motor vehicle in violating paragraph
20 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
21 the Criminal Code of 1961 or the Criminal Code of 2012
22 relating to unlawful possession of weapons, in which case
23 the suspension shall be for one year;

24 23. Has, as a driver, been convicted of committing a
25 violation of paragraph (a) of Section 11-502 of this Code
26 for a second or subsequent time within one year of a

1 similar violation;

2 24. Has been convicted by a court-martial or punished
3 by non-judicial punishment by military authorities of the
4 United States at a military installation in Illinois or in
5 another state of or for a traffic-related offense that is
6 the same as or similar to an offense specified under
7 Section 6-205 or 6-206 of this Code;

8 25. Has permitted any form of identification to be
9 used by another in the application process in order to
10 obtain or attempt to obtain a license, identification
11 card, or permit;

12 26. Has altered or attempted to alter a license or has
13 possessed an altered license, identification card, or
14 permit;

15 27. (Blank);

16 28. Has been convicted for a first time of the illegal
17 possession, while operating or in actual physical control,
18 as a driver, of a motor vehicle, of any controlled
19 substance prohibited under the Illinois Controlled
20 Substances Act, any cannabis prohibited under the Cannabis
21 Control Act, or any methamphetamine prohibited under the
22 Methamphetamine Control and Community Protection Act, in
23 which case the person's driving privileges shall be
24 suspended for one year. Any defendant found guilty of this
25 offense while operating a motor vehicle shall have an
26 entry made in the court record by the presiding judge that

1 this offense did occur while the defendant was operating a
2 motor vehicle and order the clerk of the court to report
3 the violation to the Secretary of State;

4 29. Has been convicted of the following offenses that
5 were committed while the person was operating or in actual
6 physical control, as a driver, of a motor vehicle:
7 criminal sexual assault, predatory criminal sexual assault
8 of a child, aggravated criminal sexual assault, criminal
9 sexual abuse, aggravated criminal sexual abuse, juvenile
10 pimping, soliciting for a sexually exploited child,
11 promoting commercial sexual exploitation of a child as
12 described in subdivision (a)(1), (a)(2), or (a)(3) of
13 Section 11-14.4 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, and the manufacture, sale or
15 delivery of controlled substances or instruments used for
16 illegal drug use or abuse in which case the driver's
17 driving privileges shall be suspended for one year;

18 30. Has been convicted a second or subsequent time for
19 any combination of the offenses named in paragraph 29 of
20 this subsection, in which case the person's driving
21 privileges shall be suspended for 5 years;

22 31. Has refused to submit to a test as required by
23 Section 11-501.6 of this Code or Section 5-16c of the Boat
24 Registration and Safety Act or has submitted to a test
25 resulting in an alcohol concentration of 0.08 or more or
26 any amount of a drug, substance, or compound resulting

1 from the unlawful use or consumption of cannabis as listed
2 in the Cannabis Control Act, a controlled substance as
3 listed in the Illinois Controlled Substances Act, an
4 intoxicating compound as listed in the Use of Intoxicating
5 Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act, in
7 which case the penalty shall be as prescribed in Section
8 6-208.1;

9 32. Has been convicted of Section 24-1.2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012
11 relating to the aggravated discharge of a firearm if the
12 offender was located in a motor vehicle at the time the
13 firearm was discharged, in which case the suspension shall
14 be for 3 years;

15 33. Has as a driver, who was less than 21 years of age
16 on the date of the offense, been convicted a first time of
17 a violation of paragraph (a) of Section 11-502 of this
18 Code or a similar provision of a local ordinance;

19 34. Has committed a violation of Section 11-1301.5 of
20 this Code or a similar provision of a local ordinance;

21 35. Has committed a violation of Section 11-1301.6 of
22 this Code or a similar provision of a local ordinance;

23 36. Is under the age of 21 years at the time of arrest
24 and has been convicted of not less than 2 offenses against
25 traffic regulations governing the movement of vehicles
26 committed within any 24-month period. No revocation or

1 suspension shall be entered more than 6 months after the
2 date of last conviction;

3 37. Has committed a violation of subsection (c),
4 (c-5), or (c-10) of Section 11-907 of this Code that
5 resulted in damage to the property of another or the death
6 or injury of another;

7 38. Has been convicted of a violation of Section 6-20
8 of the Liquor Control and Hemp Products Control Act ~~of~~
9 ~~1934~~ or a similar provision of a local ordinance and the
10 person was an occupant of a motor vehicle at the time of
11 the violation;

12 39. Has committed a second or subsequent violation of
13 Section 11-1201 of this Code;

14 40. Has committed a violation of subsection (a-1) of
15 Section 11-908 of this Code;

16 41. Has committed a second or subsequent violation of
17 Section 11-605.1 of this Code, a similar provision of a
18 local ordinance, or a similar violation in any other state
19 within 2 years of the date of the previous violation, in
20 which case the suspension shall be for 90 days;

21 42. Has committed a violation of subsection (a-1) of
22 Section 11-1301.3 of this Code or a similar provision of a
23 local ordinance;

24 43. Has received a disposition of court supervision
25 for a violation of subsection (a), (d), or (e) of Section
26 6-20 of the Liquor Control and Hemp Products Control Act

1 ~~of 1934~~ or a similar provision of a local ordinance and the
2 person was an occupant of a motor vehicle at the time of
3 the violation, in which case the suspension shall be for a
4 period of 3 months;

5 44. Is under the age of 21 years at the time of arrest
6 and has been convicted of an offense against traffic
7 regulations governing the movement of vehicles after
8 having previously had his or her driving privileges
9 suspended or revoked pursuant to subparagraph 36 of this
10 Section;

11 45. Has, in connection with or during the course of a
12 formal hearing conducted under Section 2-118 of this Code:
13 (i) committed perjury; (ii) submitted fraudulent or
14 falsified documents; (iii) submitted documents that have
15 been materially altered; or (iv) submitted, as his or her
16 own, documents that were in fact prepared or composed for
17 another person;

18 46. Has committed a violation of subsection (j) of
19 Section 3-413 of this Code;

20 47. Has committed a violation of subsection (a) of
21 Section 11-502.1 of this Code;

22 48. Has submitted a falsified or altered medical
23 examiner's certificate to the Secretary of State or
24 provided false information to obtain a medical examiner's
25 certificate;

26 49. Has been convicted of a violation of Section

1 11-1002 or 11-1002.5 that resulted in a Type A injury to
2 another, in which case the driving privileges of the
3 person shall be suspended for 12 months;

4 50. Has committed a violation of subsection (b-5) of
5 Section 12-610.2 that resulted in great bodily harm,
6 permanent disability, or disfigurement, in which case the
7 driving privileges of the person shall be suspended for 12
8 months;

9 51. Has committed a violation of Section 10-15 Of the
10 Cannabis Regulation and Tax Act or a similar provision of
11 a local ordinance while in a motor vehicle; or

12 52. Has committed a violation of subsection (b) of
13 Section 10-20 of the Cannabis Regulation and Tax Act or a
14 similar provision of a local ordinance.

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
16 and 27 of this subsection, license means any driver's license,
17 any traffic ticket issued when the person's driver's license
18 is deposited in lieu of bail, a suspension notice issued by the
19 Secretary of State, a duplicate or corrected driver's license,
20 a probationary driver's license, or a temporary driver's
21 license.

22 (b) If any conviction forming the basis of a suspension or
23 revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be,
26 provided that a certified copy of a stay order of a court is

1 filed with the Secretary of State. If the conviction is
2 affirmed on appeal, the date of the conviction shall relate
3 back to the time the original judgment of conviction was
4 entered and the 6-month limitation prescribed shall not apply.

5 (c) 1. Upon suspending or revoking the driver's license or
6 permit of any person as authorized in this Section, the
7 Secretary of State shall immediately notify the person in
8 writing of the revocation or suspension. The notice to be
9 deposited in the United States mail, postage prepaid, to the
10 last known address of the person.

11 2. If the Secretary of State suspends the driver's license
12 of a person under subsection 2 of paragraph (a) of this
13 Section, a person's privilege to operate a vehicle as an
14 occupation shall not be suspended, provided an affidavit is
15 properly completed, the appropriate fee received, and a permit
16 issued prior to the effective date of the suspension, unless 5
17 offenses were committed, at least 2 of which occurred while
18 operating a commercial vehicle in connection with the driver's
19 regular occupation. All other driving privileges shall be
20 suspended by the Secretary of State. Any driver prior to
21 operating a vehicle for occupational purposes only must submit
22 the affidavit on forms to be provided by the Secretary of State
23 setting forth the facts of the person's occupation. The
24 affidavit shall also state the number of offenses committed
25 while operating a vehicle in connection with the driver's
26 regular occupation. The affidavit shall be accompanied by the

1 driver's license. Upon receipt of a properly completed
2 affidavit, the Secretary of State shall issue the driver a
3 permit to operate a vehicle in connection with the driver's
4 regular occupation only. Unless the permit is issued by the
5 Secretary of State prior to the date of suspension, the
6 privilege to drive any motor vehicle shall be suspended as set
7 forth in the notice that was mailed under this Section. If an
8 affidavit is received subsequent to the effective date of this
9 suspension, a permit may be issued for the remainder of the
10 suspension period.

11 The provisions of this subparagraph shall not apply to any
12 driver required to possess a CDL for the purpose of operating a
13 commercial motor vehicle.

14 Any person who falsely states any fact in the affidavit
15 required herein shall be guilty of perjury under Section 6-302
16 and upon conviction thereof shall have all driving privileges
17 revoked without further rights.

18 3. At the conclusion of a hearing under Section 2-118 of
19 this Code, the Secretary of State shall either rescind or
20 continue an order of revocation or shall substitute an order
21 of suspension; or, good cause appearing therefor, rescind,
22 continue, change, or extend the order of suspension. If the
23 Secretary of State does not rescind the order, the Secretary
24 may upon application, to relieve undue hardship (as defined by
25 the rules of the Secretary of State), issue a restricted
26 driving permit granting the privilege of driving a motor

1 vehicle between the petitioner's residence and petitioner's
2 place of employment or within the scope of the petitioner's
3 employment-related duties, or to allow the petitioner to
4 transport himself or herself, or a family member of the
5 petitioner's household to a medical facility, to receive
6 necessary medical care, to allow the petitioner to transport
7 himself or herself to and from alcohol or drug remedial or
8 rehabilitative activity recommended by a licensed service
9 provider, or to allow the petitioner to transport himself or
10 herself or a family member of the petitioner's household to
11 classes, as a student, at an accredited educational
12 institution, or to allow the petitioner to transport children,
13 elderly persons, or persons with disabilities who do not hold
14 driving privileges and are living in the petitioner's
15 household to and from day care ~~daycare~~. The petitioner must
16 demonstrate that no alternative means of transportation is
17 reasonably available and that the petitioner will not endanger
18 the public safety or welfare.

19 (A) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating
21 Section 11-501 of this Code or a similar provision of a
22 local ordinance or a similar out-of-state offense, or
23 Section 9-3 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, where the use of alcohol or other drugs is
25 recited as an element of the offense, or a similar
26 out-of-state offense, or a combination of these offenses,

1 arising out of separate occurrences, that person, if
2 issued a restricted driving permit, may not operate a
3 vehicle unless it has been equipped with an ignition
4 interlock device as defined in Section 1-129.1.

5 (B) If a person's license or permit is revoked or
6 suspended 2 or more times due to any combination of:

7 (i) a single conviction of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense or Section
10 9-3 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, where the use of alcohol or other drugs is
12 recited as an element of the offense, or a similar
13 out-of-state offense; or

14 (ii) a statutory summary suspension or revocation
15 under Section 11-501.1; or

16 (iii) a suspension under Section 6-203.1;

17 arising out of separate occurrences; that person, if
18 issued a restricted driving permit, may not operate a
19 vehicle unless it has been equipped with an ignition
20 interlock device as defined in Section 1-129.1.

21 (B-5) If a person's license or permit is revoked or
22 suspended due to a conviction for a violation of
23 subparagraph (C) or (F) of paragraph (1) of subsection (d)
24 of Section 11-501 of this Code, or a similar provision of a
25 local ordinance or similar out-of-state offense, that
26 person, if issued a restricted driving permit, may not

1 operate a vehicle unless it has been equipped with an
2 ignition interlock device as defined in Section 1-129.1.

3 (C) The person issued a permit conditioned upon the
4 use of an ignition interlock device must pay to the
5 Secretary of State DUI Administration Fund an amount not
6 to exceed \$30 per month. The Secretary shall establish by
7 rule the amount and the procedures, terms, and conditions
8 relating to these fees.

9 (D) If the restricted driving permit is issued for
10 employment purposes, then the prohibition against
11 operating a motor vehicle that is not equipped with an
12 ignition interlock device does not apply to the operation
13 of an occupational vehicle owned or leased by that
14 person's employer when used solely for employment
15 purposes. For any person who, within a 5-year period, is
16 convicted of a second or subsequent offense under Section
17 11-501 of this Code, or a similar provision of a local
18 ordinance or similar out-of-state offense, this employment
19 exemption does not apply until either a one-year period
20 has elapsed during which that person had his or her
21 driving privileges revoked or a one-year period has
22 elapsed during which that person had a restricted driving
23 permit which required the use of an ignition interlock
24 device on every motor vehicle owned or operated by that
25 person.

26 (E) In each case the Secretary may issue a restricted

1 driving permit for a period deemed appropriate, except
2 that all permits shall expire no later than 2 years from
3 the date of issuance. A restricted driving permit issued
4 under this Section shall be subject to cancellation,
5 revocation, and suspension by the Secretary of State in
6 like manner and for like cause as a driver's license
7 issued under this Code may be cancelled, revoked, or
8 suspended; except that a conviction upon one or more
9 offenses against laws or ordinances regulating the
10 movement of traffic shall be deemed sufficient cause for
11 the revocation, suspension, or cancellation of a
12 restricted driving permit. The Secretary of State may, as
13 a condition to the issuance of a restricted driving
14 permit, require the applicant to participate in a
15 designated driver remedial or rehabilitative program. The
16 Secretary of State is authorized to cancel a restricted
17 driving permit if the permit holder does not successfully
18 complete the program.

19 (F) A person subject to the provisions of paragraph 4
20 of subsection (b) of Section 6-208 of this Code may make
21 application for a restricted driving permit at a hearing
22 conducted under Section 2-118 of this Code after the
23 expiration of 5 years from the effective date of the most
24 recent revocation or after 5 years from the date of
25 release from a period of imprisonment resulting from a
26 conviction of the most recent offense, whichever is later,

1 provided the person, in addition to all other requirements
2 of the Secretary, shows by clear and convincing evidence:

3 (i) a minimum of 3 years of uninterrupted
4 abstinence from alcohol and the unlawful use or
5 consumption of cannabis under the Cannabis Control
6 Act, a controlled substance under the Illinois
7 Controlled Substances Act, an intoxicating compound
8 under the Use of Intoxicating Compounds Act, or
9 methamphetamine under the Methamphetamine Control and
10 Community Protection Act; and

11 (ii) the successful completion of any
12 rehabilitative treatment and involvement in any
13 ongoing rehabilitative activity that may be
14 recommended by a properly licensed service provider
15 according to an assessment of the person's alcohol or
16 drug use under Section 11-501.01 of this Code.

17 In determining whether an applicant is eligible for a
18 restricted driving permit under this subparagraph (F), the
19 Secretary may consider any relevant evidence, including,
20 but not limited to, testimony, affidavits, records, and
21 the results of regular alcohol or drug tests. Persons
22 subject to the provisions of paragraph 4 of subsection (b)
23 of Section 6-208 of this Code and who have been convicted
24 of more than one violation of paragraph (3), paragraph
25 (4), or paragraph (5) of subsection (a) of Section 11-501
26 of this Code shall not be eligible to apply for a

1 restricted driving permit under this subparagraph (F).

2 A restricted driving permit issued under this
3 subparagraph (F) shall provide that the holder may only
4 operate motor vehicles equipped with an ignition interlock
5 device as required under paragraph (2) of subsection (c)
6 of Section 6-205 of this Code and subparagraph (A) of
7 paragraph 3 of subsection (c) of this Section. The
8 Secretary may revoke a restricted driving permit or amend
9 the conditions of a restricted driving permit issued under
10 this subparagraph (F) if the holder operates a vehicle
11 that is not equipped with an ignition interlock device, or
12 for any other reason authorized under this Code.

13 A restricted driving permit issued under this
14 subparagraph (F) shall be revoked, and the holder barred
15 from applying for or being issued a restricted driving
16 permit in the future, if the holder is convicted of a
17 violation of Section 11-501 of this Code, a similar
18 provision of a local ordinance, or a similar offense in
19 another state.

20 (c-3) In the case of a suspension under paragraph 43 of
21 subsection (a), reports received by the Secretary of State
22 under this Section shall, except during the actual time the
23 suspension is in effect, be privileged information and for use
24 only by the courts, police officers, prosecuting authorities,
25 the driver licensing administrator of any other state, the
26 Secretary of State, or the parent or legal guardian of a driver

1 under the age of 18. However, beginning January 1, 2008, if the
2 person is a CDL holder, the suspension shall also be made
3 available to the driver licensing administrator of any other
4 state, the U.S. Department of Transportation, and the affected
5 driver or motor carrier or prospective motor carrier upon
6 request.

7 (c-4) In the case of a suspension under paragraph 43 of
8 subsection (a), the Secretary of State shall notify the person
9 by mail that his or her driving privileges and driver's
10 license will be suspended one month after the date of the
11 mailing of the notice.

12 (c-5) The Secretary of State may, as a condition of the
13 reissuance of a driver's license or permit to an applicant
14 whose driver's license or permit has been suspended before he
15 or she reached the age of 21 years pursuant to any of the
16 provisions of this Section, require the applicant to
17 participate in a driver remedial education course and be
18 retested under Section 6-109 of this Code.

19 (d) This Section is subject to the provisions of the
20 Driver License Compact.

21 (e) The Secretary of State shall not issue a restricted
22 driving permit to a person under the age of 16 years whose
23 driving privileges have been suspended or revoked under any
24 provisions of this Code.

25 (f) In accordance with 49 CFR 384, the Secretary of State
26 may not issue a restricted driving permit for the operation of

1 a commercial motor vehicle to a person holding a CDL whose
2 driving privileges have been suspended, revoked, cancelled, or
3 disqualified under any provisions of this Code.

4 (Source: P.A. 103-154, eff. 6-30-23; 103-822, eff. 1-1-25;
5 103-1071, eff. 7-1-25; 104-400, eff. 6-1-26; revised
6 10-27-25.)

7 (625 ILCS 5/6-209.1)

8 Sec. 6-209.1. Restoration of driving privileges;
9 revocation; suspension; cancellation.

10 (a) The Secretary shall rescind the suspension or
11 cancellation of a person's driver's license that has been
12 suspended or canceled before July 1, 2020 (the effective date
13 of Public Act 101-623) due to:

14 (1) the person being convicted of theft of motor fuel
15 under Section 16-25 or 16K-15 of the Criminal Code of 1961
16 or the Criminal Code of 2012;

17 (2) the person, since the issuance of the driver's
18 license, being adjudged to be afflicted with or suffering
19 from any mental disability or disease;

20 (3) a violation of Section 6-16 of the Liquor Control
21 and Hemp Products Control Act ~~of 1934~~ or a similar
22 provision of a local ordinance;

23 (4) the person being convicted of a violation of
24 Section 6-20 of the Liquor Control and Hemp Products
25 Control Act ~~of 1934~~ or a similar provision of a local

1 ordinance, if the person presents a certified copy of a
2 court order that includes a finding that the person was
3 not an occupant of a motor vehicle at the time of the
4 violation;

5 (5) the person receiving a disposition of court
6 supervision for a violation of subsection (a), (d), or (e)
7 of Section 6-20 of the Liquor Control and Hemp Products
8 Control Act ~~of 1934~~ or a similar provision of a local
9 ordinance, if the person presents a certified copy of a
10 court order that includes a finding that the person was
11 not an occupant of a motor vehicle at the time of the
12 violation;

13 (6) the person failing to pay any fine or penalty due
14 or owing as a result of 10 or more violations of a
15 municipality's or county's vehicular standing, parking, or
16 compliance regulations established by ordinance under
17 Section 11-208.3 of this Code;

18 (7) the person failing to satisfy any fine or penalty
19 resulting from a final order issued by the Illinois State
20 Toll Highway Authority relating directly or indirectly to
21 5 or more toll violations, toll evasions, or both;

22 (8) the person being convicted of a violation of
23 Section 4-102 of this Code, if the person presents a
24 certified copy of a court order that includes a finding
25 that the person did not exercise actual physical control
26 of the vehicle at the time of the violation; or

1 (9) the person being convicted of criminal trespass to
2 vehicles under Section 21-2 of the Criminal Code of 2012,
3 if the person presents a certified copy of a court order
4 that includes a finding that the person did not exercise
5 actual physical control of the vehicle at the time of the
6 violation.

7 (b) As soon as practicable and no later than July 1, 2021,
8 the Secretary shall rescind the suspension, cancellation, or
9 prohibition of renewal of a person's driver's license that has
10 been suspended, canceled, or whose renewal has been prohibited
11 before July 1, 2021 (the effective date of Public Act 101-652)
12 due to the person having failed to pay any fine or penalty for
13 traffic violations, automated traffic law enforcement system
14 violations as defined in Sections 11-208.6, 11-208.8,
15 11-208.9, and 11-1201.1, or abandoned vehicle fees.

16 (Source: P.A. 104-417, eff. 8-15-25.)

17 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

18 Sec. 6-508. Commercial Driver's License (CDL);
19 qualification standards.

20 (a) Testing.

21 (1) General. No person shall be issued an original or
22 renewal CDL unless that person is domiciled in this State
23 or is applying for a non-domiciled CDL under Sections
24 6-509 and 6-510 of this Code. The Secretary shall cause to
25 be administered such tests as the Secretary deems

1 necessary to meet the requirements of 49 CFR Part 383,
2 subparts F, G, H, and J.

3 (1.5) Effective July 1, 2014, no person shall be
4 issued an original CDL or an upgraded CDL that requires a
5 skills test unless that person has held a CLP, for a
6 minimum of 14 calendar days, for the classification of
7 vehicle and endorsement, if any, for which the person is
8 seeking a CDL.

9 (2) Third party testing. The Secretary of State may
10 authorize a "third party tester", pursuant to 49 CFR
11 383.75 and 49 CFR 384.228 and 384.229, to administer the
12 skills test or tests specified by the Federal Motor
13 Carrier Safety Administration pursuant to the Commercial
14 Motor Vehicle Safety Act of 1986 and any appropriate
15 federal rule.

16 (3) (i) Effective February 7, 2020, unless the person
17 is exempted by 49 CFR 380.603, no person shall be issued an
18 original (first time issuance) CDL, an upgraded CDL or a
19 school bus (S), passenger (P), or hazardous Materials (H)
20 endorsement unless the person has successfully completed
21 entry-level driver training (ELDT) taught by a training
22 provider listed on the federal Training Provider Registry.

23 (ii) Persons who obtain a CLP before February 7, 2020
24 are not required to complete ELDT if the person obtains a
25 CDL before the CLP or renewed CLP expires.

26 (iii) Except for persons seeking the H endorsement,

1 persons must complete the theory and behind-the-wheel
2 (range and public road) portions of ELDT within one year
3 of completing the first portion.

4 (iv) The Secretary shall adopt rules to implement this
5 subsection.

6 (b) Waiver of Skills Test. The Secretary of State may
7 waive the skills test specified in this Section for a driver
8 applicant for a commercial driver license who meets the
9 requirements of 49 CFR 383.77. The Secretary of State shall
10 waive the skills tests specified in this Section for a driver
11 applicant who has military commercial motor vehicle
12 experience, subject to the requirements of 49 CFR 383.77.

13 (b-1) No person shall be issued a CDL unless the person
14 certifies to the Secretary one of the following types of
15 driving operations in which he or she will be engaged:

- 16 (1) non-excepted interstate;
17 (2) non-excepted intrastate;
18 (3) excepted interstate; or
19 (4) excepted intrastate.

20 (b-2) (Blank).

21 (c) Limitations on issuance of a CDL. A CDL shall not be
22 issued to a person while the person is subject to a
23 disqualification from driving a commercial motor vehicle, or
24 unless otherwise permitted by this Code, while the person's
25 driver's license is suspended, revoked, or cancelled in any
26 state, or any territory or province of Canada; nor may a CLP or

1 CDL be issued to a person who has a CLP or CDL issued by any
2 other state, or foreign jurisdiction, nor may a CDL be issued
3 to a person who has an Illinois CLP unless the person first
4 surrenders all of these licenses or permits. However, a person
5 may hold an Illinois CLP and an Illinois CDL providing the CLP
6 is necessary to train or practice for an endorsement or
7 vehicle classification not present on the current CDL. No CDL
8 shall be issued to or renewed for a person who does not meet
9 the requirement of 49 CFR 391.41(b)(11). The requirement may
10 be met with the aid of a hearing aid.

11 (c-1) The Secretary may issue a CDL with a school bus
12 driver endorsement to allow a person to drive the type of bus
13 described in subsection (d-5) of Section 6-104 of this Code.
14 The CDL with a school bus driver endorsement may be issued only
15 to a person meeting the following requirements:

16 (1) the person has submitted his or her fingerprints
17 to the Illinois State Police in the form and manner
18 prescribed by the Illinois State Police. These
19 fingerprints shall be checked against the fingerprint
20 records now and hereafter filed in the Illinois State
21 Police and Federal Bureau of Investigation criminal
22 history records databases;

23 (2) the person has passed a written test, administered
24 by the Secretary of State, on charter bus operation,
25 charter bus safety, and certain special traffic laws
26 relating to school buses determined by the Secretary of

1 State to be relevant to charter buses, and submitted to a
2 review of the driver applicant's driving habits by the
3 Secretary of State at the time the written test is given;

4 (3) the person has demonstrated physical fitness to
5 operate school buses by submitting the results of a
6 medical examination, including tests for drug use; and

7 (4) the person has not been convicted of committing or
8 attempting to commit any one or more of the following
9 offenses: (i) those offenses defined in Sections 8-1.2,
10 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
11 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
12 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
13 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
14 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
15 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
16 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22, 11-23, 11-24,
17 11-25, 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4, 12-4.1,
18 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
19 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
20 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5,
21 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45,
22 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1,
23 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
24 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
25 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in
26 subsection (b) of Section 8-1, and in subdivisions (a)(1),

1 (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1)
2 of Section 12-3.05, and in subsection (a) and subsection
3 (b), clause (1), of Section 12-4, and in subsection (A),
4 clauses (a) and (b), of Section 24-3, and those offenses
5 contained in Article 29D of the Criminal Code of 1961 or
6 the Criminal Code of 2012; (ii) those offenses defined in
7 the Cannabis Control Act except those offenses defined in
8 subsections (a) and (b) of Section 4, and subsection (a)
9 of Section 5 of the Cannabis Control Act; (iii) those
10 offenses defined in the Illinois Controlled Substances
11 Act; (iv) those offenses defined in the Methamphetamine
12 Control and Community Protection Act; (v) any offense
13 committed or attempted in any other state or against the
14 laws of the United States, which if committed or attempted
15 in this State would be punishable as one or more of the
16 foregoing offenses; (vi) the offenses defined in Sections
17 4.1 and 5.1 of the Wrongs to Children Act or Section
18 11-9.1A of the Criminal Code of 1961 or the Criminal Code
19 of 2012; (vii) those offenses defined in Section 6-16 of
20 the Liquor Control and Hemp Products Control Act ~~of 1934~~;
21 and (viii) those offenses defined in the Methamphetamine
22 Precursor Control Act.

23 The Illinois State Police shall charge a fee for
24 conducting the criminal history records check, which shall be
25 deposited into the State Police Services Fund and may not
26 exceed the actual cost of the records check.

1 (c-2) The Secretary shall issue a CDL with a school bus
2 endorsement to allow a person to drive a school bus as defined
3 in this Section. The CDL shall be issued according to the
4 requirements outlined in 49 CFR 383. A person may not operate a
5 school bus as defined in this Section without a school bus
6 endorsement. The Secretary of State may adopt rules consistent
7 with Federal guidelines to implement this subsection (c-2).

8 (d) (Blank).

9 (Source: P.A. 102-168, eff. 7-27-21; 102-299, eff. 8-6-21;
10 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-825, eff.
11 1-1-25.)

12 (625 ILCS 5/11-502) (from Ch. 95 1/2, par. 11-502)

13 Sec. 11-502. Transportation or possession of alcoholic
14 liquor in a motor vehicle.

15 (a) Except as provided in paragraph (c) and in Sections
16 6-6.5 and 6-33 of the Liquor Control and Hemp Products Control
17 Act ~~of 1934~~, no driver may transport, carry, possess or have
18 any alcoholic liquor within the passenger area of any motor
19 vehicle upon a highway in this State except in the original
20 container and with the seal unbroken.

21 (b) Except as provided in paragraph (c) and in Sections
22 6-6.5 and 6-33 of the Liquor Control and Hemp Products Control
23 Act ~~of 1934~~, no passenger may carry, possess or have any
24 alcoholic liquor within any passenger area of any motor
25 vehicle upon a highway in this State except in the original

1 container and with the seal unbroken.

2 (c) This Section shall not apply to the passengers in a
3 limousine when it is being used for purposes for which a
4 limousine is ordinarily used, the passengers on a chartered
5 bus when it is being used for purposes for which chartered
6 buses are ordinarily used or on a motor home or mini motor home
7 as defined in Section 1-145.01 of this Code. However, the
8 driver of any such vehicle is prohibited from consuming or
9 having any alcoholic liquor in or about the driver's area. Any
10 evidence of alcoholic consumption by the driver shall be prima
11 facie evidence of such driver's failure to obey this Section.
12 For the purposes of this Section, a limousine is a motor
13 vehicle of the first division with the passenger compartment
14 enclosed by a partition or dividing window used in the
15 for-hire transportation of passengers and operated by an
16 individual in possession of a valid Illinois driver's license
17 of the appropriate classification pursuant to Section 6-104 of
18 this Code.

19 (d) (Blank).

20 (e) Any driver who is convicted of violating subsection
21 (a) of this Section for a second or subsequent time within one
22 year of a similar conviction shall be subject to suspension of
23 driving privileges as provided, in paragraph 23 of subsection
24 (a) of Section 6-206 of this Code.

25 (f) Any driver, who is less than 21 years of age at the
26 date of the offense and who is convicted of violating

1 subsection (a) of this Section or a similar provision of a
2 local ordinance, shall be subject to the loss of driving
3 privileges as provided in paragraph 13 of subsection (a) of
4 Section 6-205 of this Code and paragraph 33 of subsection (a)
5 of Section 6-206 of this Code.

6 (Source: P.A. 101-517, eff. 8-23-19.)

7 Section 70. The Criminal Code of 2012 is amended by
8 changing Sections 24-3.4, 31A-0.1, and 32-2 as follows:

9 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

10 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

11 (a) It shall be unlawful for any person who holds a license
12 to sell at retail any alcoholic liquor issued by the Illinois
13 Liquor Control Commission or local liquor control commissioner
14 under the Liquor Control and Hemp Products Control Act ~~of 1934~~
15 or an agent or employee of the licensee to sell or deliver to
16 any other person a firearm in or on the real property of the
17 establishment where the licensee is licensed to sell alcoholic
18 liquors unless the sale or delivery of the firearm is
19 otherwise lawful under this Article and under the Firearm
20 Owners Identification Card Act.

21 (b) Sentence. A violation of subsection (a) of this
22 Section is a Class 4 felony.

23 (Source: P.A. 87-591.)

1 (720 ILCS 5/31A-0.1)

2 Sec. 31A-0.1. Definitions. For the purposes of this
3 Article:

4 "Deliver" or "delivery" means the actual, constructive or
5 attempted transfer of possession of an item of contraband,
6 with or without consideration, whether or not there is an
7 agency relationship.

8 "Employee" means any elected or appointed officer, trustee
9 or employee of a penal institution or of the governing
10 authority of the penal institution, or any person who performs
11 services for the penal institution pursuant to contract with
12 the penal institution or its governing authority.

13 "Item of contraband" means any of the following:

14 (i) "Alcoholic liquor" as that term is defined in
15 Section 1-3.05 of the Liquor Control and Hemp Products
16 Control Act ~~of 1934~~.

17 (ii) "Cannabis" as that term is defined in subsection
18 (a) of Section 3 of the Cannabis Control Act.

19 (iii) "Controlled substance" as that term is defined
20 in the Illinois Controlled Substances Act.

21 (iii-a) "Methamphetamine" as that term is defined in
22 the Illinois Controlled Substances Act or the
23 Methamphetamine Control and Community Protection Act.

24 (iv) "Hypodermic syringe" or hypodermic needle, or any
25 instrument adapted for use of controlled substances or
26 cannabis by subcutaneous injection.

1 (v) "Weapon" means any knife, dagger, dirk, billy,
2 razor, stiletto, broken bottle, or other piece of glass
3 which could be used as a dangerous weapon. This term
4 includes any of the devices or implements designated in
5 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of
6 this Code, or any other dangerous weapon or instrument of
7 like character.

8 (vi) "Firearm" means any device, by whatever name
9 known, which is designed to expel a projectile or
10 projectiles by the action of an explosion, expansion of
11 gas or escape of gas, including but not limited to:

12 (A) any pneumatic gun, spring gun, or B-B gun
13 which expels a single globular projectile not
14 exceeding .18 inch in diameter; or

15 (B) any device used exclusively for signaling or
16 safety and required as recommended by the United
17 States Coast Guard or the Interstate Commerce
18 Commission; or

19 (C) any device used exclusively for the firing of
20 stud cartridges, explosive rivets or industrial
21 ammunition; or

22 (D) any device which is powered by electrical
23 charging units, such as batteries, and which fires one
24 or several barbs attached to a length of wire and
25 which, upon hitting a human, can send out current
26 capable of disrupting the person's nervous system in

1 such a manner as to render him or her incapable of
2 normal functioning, commonly referred to as a stun gun
3 or taser.

4 (vii) "Firearm ammunition" means any self-contained
5 cartridge or shotgun shell, by whatever name known, which
6 is designed to be used or adaptable to use in a firearm,
7 including but not limited to:

8 (A) any ammunition exclusively designed for use
9 with a device used exclusively for signaling or safety
10 and required or recommended by the United States Coast
11 Guard or the Interstate Commerce Commission; or

12 (B) any ammunition designed exclusively for use
13 with a stud or rivet driver or other similar
14 industrial ammunition.

15 (viii) "Explosive" means, but is not limited to, bomb,
16 bombshell, grenade, bottle or other container containing
17 an explosive substance of over one-quarter ounce for like
18 purposes such as black powder bombs and Molotov cocktails
19 or artillery projectiles.

20 (ix) "Tool to defeat security mechanisms" means, but
21 is not limited to, handcuff or security restraint key,
22 tool designed to pick locks, popper, or any device or
23 instrument used to or capable of unlocking or preventing
24 from locking any handcuff or security restraints, doors to
25 cells, rooms, gates or other areas of the penal
26 institution.

1 (x) "Cutting tool" means, but is not limited to,
2 hacksaw blade, wirecutter, or device, instrument or file
3 capable of cutting through metal.

4 (xi) "Electronic contraband" for the purposes of
5 Section 31A-1.1 of this Article means, but is not limited
6 to, any electronic, video recording device, computer, or
7 cellular communications equipment, including, but not
8 limited to, cellular telephones, cellular telephone
9 batteries, videotape recorders, pagers, computers, and
10 computer peripheral equipment brought into or possessed in
11 a penal institution without the written authorization of
12 the Chief Administrative Officer. "Electronic contraband"
13 for the purposes of Section 31A-1.2 of this Article,
14 means, but is not limited to, any electronic, video
15 recording device, computer, or cellular communications
16 equipment, including, but not limited to, cellular
17 telephones, cellular telephone batteries, videotape
18 recorders, pagers, computers, and computer peripheral
19 equipment.

20 "Penal institution" means any penitentiary, State farm,
21 reformatory, prison, jail, house of correction, police
22 detention area, half-way house or other institution or place
23 for the incarceration or custody of persons under sentence for
24 offenses awaiting trial or sentence for offenses, under arrest
25 for an offense, a violation of probation, a violation of
26 parole, a violation of aftercare release, or a violation of

1 mandatory supervised release, or awaiting a hearing on the
2 setting of conditions of pretrial release or preliminary
3 hearing; provided that where the place for incarceration or
4 custody is housed within another public building this Article
5 shall not apply to that part of the building unrelated to the
6 incarceration or custody of persons.

7 (Source: P.A. 101-652, eff. 1-1-23.)

8 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

9 Sec. 32-2. Perjury.

10 (a) A person commits perjury when, under oath or
11 affirmation, in a proceeding or in any other matter where by
12 law the oath or affirmation is required, he or she makes a
13 false statement, material to the issue or point in question,
14 knowing the statement is false.

15 (b) Proof of Falsity.

16 An indictment or information for perjury alleging that the
17 offender, under oath, has knowingly made contradictory
18 statements, material to the issue or point in question, in the
19 same or in different proceedings, where the oath or
20 affirmation is required, need not specify which statement is
21 false. At the trial, the prosecution need not establish which
22 statement is false.

23 (c) Admission of Falsity.

24 Where the contradictory statements are made in the same
25 continuous trial, an admission by the offender in that same

1 continuous trial of the falsity of a contradictory statement
2 shall bar prosecution therefor under any provisions of this
3 Code.

4 (d) A person shall be exempt from prosecution under
5 subsection (a) of this Section if he or she is a peace officer
6 who uses a false or fictitious name in the enforcement of the
7 criminal laws, and this use is approved in writing as provided
8 in Section 10-1 of the "The Liquor Control and Hemp Products
9 Control Act of 1934", ~~as amended~~, Section 5 of the Assumed
10 Business Name Act "An Act in relation to the use of an assumed
11 ~~name in the conduct or transaction of business in this State"~~,
12 ~~approved July 17, 1941, as amended~~, or Section 2605-200 of the
13 Illinois State Police Law. However, this exemption shall not
14 apply to testimony in judicial proceedings where the identity
15 of the peace officer is material to the issue, and he or she is
16 ordered by the court to disclose his or her identity.

17 (e) Sentence.

18 Perjury is a Class 3 felony.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 Section 75. The Illinois Controlled Substances Act is
21 amended by changing Section 201 as follows:

22 (720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

23 Sec. 201. (a) The Department shall carry out the
24 provisions of this Article. The Department or its successor

1 agency may, by administrative rule, add additional substances
2 to or delete or reschedule all controlled substances in the
3 Schedules of Sections 204, 206, 208, 210 and 212 of this Act.
4 In making a determination regarding the addition, deletion, or
5 rescheduling of a substance, the Department shall consider the
6 following:

7 (1) the actual or relative potential for misuse;

8 (2) the scientific evidence of its pharmacological
9 effect, if known;

10 (3) the state of current scientific knowledge
11 regarding the substance;

12 (4) the history and current pattern of misuse;

13 (5) the scope, duration, and significance of misuse;

14 (6) the risk to the public health;

15 (7) the potential of the substance to produce
16 psychological or physiological dependence or a substance
17 use disorder;

18 (8) whether the substance is an immediate precursor of
19 a substance already controlled under this Article;

20 (9) the immediate harmful effect in terms of
21 potentially fatal dosage; and

22 (10) the long-range effects in terms of permanent
23 health impairment.

24 (b) (Blank).

25 (c) (Blank).

26 (d) If any substance is scheduled, rescheduled, or deleted

1 as a controlled substance under Federal law and notice thereof
2 is given to the Department, the Department shall similarly
3 control the substance under this Act after the expiration of
4 30 days from publication in the Federal Register of a final
5 order scheduling a substance as a controlled substance or
6 rescheduling or deleting a substance, unless within that 30
7 day period the Department objects, or a party adversely
8 affected files with the Department substantial written
9 objections objecting to inclusion, rescheduling, or deletion.
10 In that case, the Department shall publish the reasons for
11 objection or the substantial written objections and afford all
12 interested parties an opportunity to be heard. At the
13 conclusion of the hearing, the Department shall publish its
14 decision, by means of a rule, which shall be final unless
15 altered by statute. Upon publication of objections by the
16 Department, similar control under this Act whether by
17 inclusion, rescheduling or deletion is stayed until the
18 Department publishes its ruling.

19 (e) (Blank).

20 (f) (Blank).

21 (g) Authority to control under this Section does not
22 extend to distilled spirits, wine, malt beverages, or tobacco
23 as those terms are defined or used in the Liquor Control and
24 Hemp Products Control Act ~~of 1934~~ and the Tobacco Products Tax
25 Act of 1995.

26 (h) Persons registered with the Drug Enforcement

1 Administration to manufacture or distribute controlled
2 substances shall maintain adequate security and provide
3 effective controls and procedures to guard against theft and
4 diversion, but shall not otherwise be required to meet the
5 physical security control requirements (such as cage or vault)
6 for Schedule V controlled substances containing
7 pseudoephedrine or Schedule II controlled substances
8 containing dextromethorphan.

9 (Source: P.A. 103-881, eff. 1-1-25.)

10 Section 80. The Drug or Alcohol Impaired Minor
11 Responsibility Act is amended by changing Section 20 as
12 follows:

13 (740 ILCS 58/20)

14 Sec. 20. Applicability.

15 (a) A person may not bring an action under this Act against
16 a licensee or employee of a licensee under the Liquor Control
17 and Hemp Products Control Act ~~of 1934~~ who supplies alcoholic
18 liquor to a person under 21 years of age for that act if the
19 licensee or employee of the licensee complied with all
20 applicable provisions of the Liquor Control and Hemp Products
21 Control Act ~~of 1934~~.

22 (b) This Act applies only to causes of action that accrue
23 on or after October 1, 2004.

24 (Source: P.A. 93-588, eff. 1-1-04.)

1 Section 85. The Probate Act of 1975 is amended by changing
2 Section 27-6 as follows:

3 (755 ILCS 5/27-6) (from Ch. 110 1/2, par. 27-6)

4 Sec. 27-6. Actions which survive. In addition to the
5 actions which survive by the common law, the following also
6 survive: actions of replevin, actions to recover damages,
7 including punitive damages when applicable, for an injury to
8 the person (except slander and libel), actions to recover
9 damages for an injury to real or personal property or for the
10 detention or conversion of personal property, actions against
11 officers for misfeasance, malfeasance, or nonfeasance of
12 themselves or their deputies, actions for fraud or deceit, and
13 actions provided in Section 6-21 of the Liquor Control and
14 Hemp Products Control Act ~~of 1934~~. Nothing in this Section
15 affects the applicability of Section 2-1115 of the Code of
16 Civil Procedure or Section 2-102 or 2-213 of the Local
17 Governmental and Governmental Employees Tort Immunity Act.
18 Punitive damages are not available in an action for healing
19 art malpractice or legal malpractice or in an action against
20 the State or unit of local government or an employee of the
21 State or an employee of a unit of local government in his or
22 her official capacity.

23 (Source: P.A. 103-514, eff. 8-11-23.)

1 Section 90. The Human Trafficking Resource Center Notice
2 Act is amended by changing Section 5 as follows:

3 (775 ILCS 50/5)

4 Sec. 5. Posted notice required.

5 (a) Each of the following businesses and other
6 establishments shall, upon the availability of the model
7 notice described in Section 15 of this Act, post a notice that
8 complies with the requirements of this Act in a conspicuous
9 place near the public entrance of the establishment, in all
10 restrooms open to the public, or in another conspicuous
11 location in clear view of the public and employees where
12 similar notices are customarily posted:

13 (1) On premise consumption retailer licensees under
14 the Liquor Control and Hemp Products Control Act ~~of 1934~~
15 where the sale of alcoholic liquor is the principal
16 business carried on by the licensee at the premises and
17 primary to the sale of food.

18 (2) Adult entertainment facilities, as defined in
19 Section 5-1097.5 of the Counties Code.

20 (3) Primary airports, as defined in Section 47102(16)
21 of Title 49 of the United States Code.

22 (4) Intercity passenger rail or light rail stations.

23 (5) Bus stations.

24 (6) Truck stops. For purposes of this Act, "truck
25 stop" means a privately-owned and operated facility that

1 provides food, fuel, shower or other sanitary facilities,
2 and lawful overnight truck parking.

3 (7) Emergency rooms within general acute care
4 hospitals, in which case the notice may be posted by
5 electronic means.

6 (8) Urgent care centers, in which case the notice may
7 be posted by electronic means.

8 (9) Farm labor contractors. For purposes of this Act,
9 "farm labor contractor" means: (i) any person who for a
10 fee or other valuable consideration recruits, supplies, or
11 hires, or transports in connection therewith, into or
12 within the State, any farmworker not of the contractor's
13 immediate family to work for, or under the direction,
14 supervision, or control of, a third person; or (ii) any
15 person who for a fee or other valuable consideration
16 recruits, supplies, or hires, or transports in connection
17 therewith, into or within the State, any farmworker not of
18 the contractor's immediate family, and who for a fee or
19 other valuable consideration directs, supervises, or
20 controls all or any part of the work of the farmworker or
21 who disburses wages to the farmworker. However, "farm
22 labor contractor" does not include full-time regular
23 employees of food processing companies when the employees
24 are engaged in recruiting for the companies if those
25 employees are not compensated according to the number of
26 farmworkers they recruit.

1 (10) Privately-operated job recruitment centers.

2 (11) Massage establishments. As used in this Act,
3 "massage establishment" means a place of business in which
4 any method of massage therapy is administered or practiced
5 for compensation. "Massage establishment" does not
6 include: an establishment at which persons licensed under
7 the Medical Practice Act of 1987, the Illinois Physical
8 Therapy Act, or the Naprapathic Practice Act engage in
9 practice under one of those Acts; a business owned by a
10 sole licensed massage therapist; or a cosmetology or
11 esthetics salon registered under the Barber, Cosmetology,
12 Esthetics, Hair Braiding, and Nail Technology Act of 1985.

13 (b) The Department of Transportation shall, upon the
14 availability of the model notice described in Section 15 of
15 this Act, post a notice that complies with the requirements of
16 this Act in a conspicuous place near the public entrance of
17 each roadside rest area or in another conspicuous location in
18 clear view of the public and employees where similar notices
19 are customarily posted.

20 (c) The owner of a hotel or motel shall, upon the
21 availability of the model notice described in Section 15 of
22 this Act, post a notice that complies with the requirements of
23 this Act in a conspicuous and accessible place in or about the
24 premises in clear view of the employees where similar notices
25 are customarily posted.

26 (d) The organizer of a public gathering or special event

1 that is conducted on property open to the public and requires
2 the issuance of a permit from the unit of local government
3 shall post a notice that complies with the requirements of
4 this Act in a conspicuous and accessible place in or about the
5 premises in clear view of the public and employees where
6 similar notices are customarily posted.

7 (e) The administrator of a public or private elementary
8 school or public or private secondary school shall post a
9 printout of the downloadable notice provided by the Department
10 of Human Services under Section 15 that complies with the
11 requirements of this Act in a conspicuous and accessible place
12 chosen by the administrator in the administrative office or
13 another location in view of school employees. School districts
14 and personnel are not subject to the penalties provided under
15 subsection (a) of Section 20.

16 (f) The owner of an establishment registered under the
17 Tattoo and Body Piercing Establishment Registration Act shall
18 post a notice that complies with the requirements of this Act
19 in a conspicuous and accessible place in clear view of
20 establishment employees.

21 (Source: P.A. 102-4, eff. 4-27-21; 102-131, eff. 1-1-22;
22 102-813, eff. 5-13-22.)

23 Section 95. The General Not For Profit Corporation Act of
24 1986 is amended by changing Sections 102.10, 112.35, 113.15,
25 and 113.50 as follows:

1 (805 ILCS 105/102.10) (from Ch. 32, par. 102.10)

2 Sec. 102.10. Articles of Incorporation. The articles of
3 incorporation shall be executed and filed in duplicate in
4 accordance with Section 101.10 of this Act.

5 (a) The articles of incorporation must set forth:

6 (1) A corporate name for the corporation that
7 satisfies the requirements of this Act;

8 (2) The specific purpose or purposes for which the
9 corporation is organized, from among the purposes
10 authorized in Section 103.05 of this Act;

11 (3) The address of the corporation's initial
12 registered office and the name of its initial registered
13 agent at that office;

14 (4) The name and address of each incorporator;

15 (5) The number of directors constituting the first
16 board of directors and the names and addresses of each
17 such director;

18 (6) With respect to any organization a purpose of
19 which is to function as a club, as defined in Section
20 1-3.24 of the "The Liquor Control and Hemp Products
21 Control Act of 1934", ~~as now or hereafter amended~~, a
22 statement that it will comply with the State and local
23 laws and ordinances relating to alcoholic liquors;

24 (7) Whether the corporation is a condominium
25 association as established under the Condominium Property

1 Act, a cooperative housing corporation defined in Section
2 216 of the Internal Revenue Code of 1954 or a homeowner
3 association which administers a common-interest community
4 as defined in subsection (c) of Section 9-102 of the Code
5 of Civil Procedure.

6 (b) The articles of incorporation may set forth:

7 (1) Provisions not inconsistent with law with respect
8 to:

9 (i) Managing and regulating the affairs of the
10 corporation, including any provision for distribution
11 of assets on final dissolution;

12 (ii) Providing that the corporation shall have no
13 members, or shall have one or more classes of members;

14 (iii) Limiting, enlarging or denying the right of
15 the members of any class or classes of members, to
16 vote;

17 (iv) Defining, limiting, and regulating the
18 rights, powers and duties of the corporation, its
19 officers, directors and members; or

20 (v) Superseding any provision of this Act that
21 requires for approval of corporation action a
22 two-thirds vote of members or class of members
23 entitled to vote by specifying any smaller or larger
24 vote requirement not less than a majority of the votes
25 which members entitled to vote on a matter shall vote,
26 either in person or by proxy, at a meeting at which

1 there is a quorum.

2 (2) Any provision that under this Act is required or
3 permitted to be set forth in the articles of incorporation
4 or bylaws.

5 (c) The articles of incorporation need not set forth any
6 of the corporate powers enumerated in this Act.

7 (d) The duration of a corporation is perpetual unless
8 otherwise specified in the articles of incorporation.

9 (e) When the provisions of this Section have been complied
10 with, the Secretary of State shall file the articles of
11 incorporation.

12 (Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03.)

13 (805 ILCS 105/112.35) (from Ch. 32, par. 112.35)

14 Sec. 112.35. Grounds for administrative dissolution. The
15 Secretary of State may dissolve any corporation
16 administratively if:

17 (a) It has failed to file its annual report as
18 required by this Act before the first day of the
19 anniversary month of the corporation of the year in which
20 such annual report becomes due;

21 (b) It has failed to file in the office of the
22 Secretary of State any report after the expiration of the
23 period prescribed in this Act for filing such report;

24 (c) It has failed to pay any fees or charges
25 prescribed by this Act;

1 (d) It has failed to appoint and maintain a registered
2 agent in this State;

3 (e) It has misrepresented any material matter in any
4 application, report, affidavit, or other document filed by
5 the corporation pursuant to this Act;

6 (f) The Secretary of State receives notification from
7 a local liquor commissioner, pursuant to Section 4-4(3) of
8 the "The Liquor Control and Hemp Products Control Act of
9 ~~1934," as now or hereafter amended,~~ that an organization
10 incorporated under this Act and functioning as a club has
11 violated that Act by selling or offering for sale at
12 retail alcoholic liquors without a retailer's license; or

13 (g) It has failed to elect and maintain at least 3
14 directors in accordance with Section 108.10 of this Act.

15 (Source: P.A. 99-608, eff. 7-22-16.)

16 (805 ILCS 105/113.15) (from Ch. 32, par. 113.15)
17 Sec. 113.15. Application for authority.

18 (a) A foreign corporation, in order to procure authority
19 to conduct affairs in this State, shall execute and file in
20 duplicate an application therefor, in accordance with Section
21 101.10 of this Act, and shall also file a copy of its articles
22 of incorporation and all amendments thereto, duly
23 authenticated by the proper officer of the state or country
24 wherein it is incorporated. Such application shall set forth:

25 (1) The name of the corporation, with any additions

1 thereto required in order to comply with Section 104.05 of
2 this Act together with the State or country under the laws
3 of which it is organized;

4 (2) The date of its incorporation and the period of
5 its duration;

6 (3) The address, including street and number, if any,
7 of its principal office;

8 (4) The address, including street and number, or rural
9 route number, of its proposed registered office in this
10 State, and the name of its proposed registered agent in
11 this State at such address;

12 (5) (Blank);

13 (6) The purpose or purposes for which it was organized
14 which it proposes to pursue in the conduct of affairs in
15 this State;

16 (7) The names and respective addresses, including
17 street and number, or rural route number, of its directors
18 and officers;

19 (8) With respect to any foreign corporation a purpose
20 of which is to function as a club, as defined in Section
21 1-3.24 of the "The Liquor Control and Hemp Products
22 Control Act of 1934," ~~as now or hereafter amended,~~ a
23 statement that it will comply with the State and local
24 laws and ordinances relating to alcoholic liquors; and

25 (9) Such additional information as may be necessary or
26 appropriate in order to enable the Secretary of State to

1 determine whether such corporation is entitled to be
2 granted authority to conduct affairs in this State.

3 (b) Such application shall be made on forms prescribed and
4 furnished by the Secretary of State.

5 (c) When the provisions of this Section have been complied
6 with, the Secretary of State shall file the application for
7 authority.

8 (Source: P.A. 92-33, eff. 7-1-01.)

9 (805 ILCS 105/113.50) (from Ch. 32, par. 113.50)

10 Sec. 113.50. Grounds for revocation of authority.

11 (a) The authority of a foreign corporation to conduct
12 affairs in this State may be revoked by the Secretary of State:

13 (1) Upon the failure of an officer or director to whom
14 interrogatories have been propounded by the Secretary of
15 State, as provided in this Act, to answer the same fully
16 and to file such answer in the office of the Secretary of
17 State;

18 (2) If the authority of the corporation was procured
19 through fraud practiced upon the State;

20 (3) If the corporation has continued to exceed or
21 abuse the authority conferred upon it by this Act;

22 (4) Upon the failure of the corporation to keep on
23 file in the office of the Secretary of State duly
24 authenticated copies of each amendment to its articles of
25 incorporation;

1 (5) Upon the failure of the corporation to appoint and
2 maintain a registered agent in this State;

3 (6) Upon the failure of the corporation to file any
4 report after the period prescribed by this Act for the
5 filing of such report;

6 (7) Upon the failure of the corporation to pay any
7 fees or charges prescribed by this Act;

8 (8) For misrepresentation of any material matter in
9 any application, report, affidavit, or other document
10 filed by such corporation pursuant to this Act;

11 (9) Upon the failure of the corporation to renew its
12 assumed name or to apply to change its assumed name
13 pursuant to the provisions of this Act, when the
14 corporation can only conduct affairs within this State
15 under its assumed name in accordance with the provisions
16 of Section 104.05 of this Act;

17 (10) Upon notification from the local liquor
18 commissioner, pursuant to Section 4-4(3) of the Liquor
19 Control and Hemp Products Control Act ~~of 1934~~, that a
20 foreign corporation functioning as a club in this State
21 has violated that Act by selling or offering for sale at
22 retail alcoholic liquors without a retailer's license; or

23 (11) When, in an action by the Attorney General, under
24 the provisions of the Consumer Fraud and Deceptive
25 Business Practices Act, the Solicitation for Charity Act,
26 or the Charitable Trust Act, a court has found that the

1 corporation substantially and willfully violated any of
2 such Acts.

3 (b) The enumeration of grounds for revocation in
4 paragraphs (1) through (11) of subsection (a) shall not
5 preclude any action by the Attorney General which is
6 authorized by any other statute of the State of Illinois or the
7 common law.

8 (Source: P.A. 99-642, eff. 7-28-16.)

9 Section 100. The Beer Industry Fair Dealing Act is amended
10 by changing Section 1.1 as follows:

11 (815 ILCS 720/1.1) (from Ch. 43, par. 301.1)

12 Sec. 1.1. As used in this Act:

13 (1) "Beer" means a beverage obtained by the alcoholic
14 fermentation of an infusion or concoction of barley, or other
15 grain, malt, and hops in water, and includes, among other
16 things, beer, ale, stout, lager beer, porter, all beverages
17 brewed or fermented wholly or in part from malt products, and
18 the like; and for purposes of this Act only, the term "beer"
19 shall also include malt beverage products containing less than
20 one-half of 1% of alcohol by volume and marketed for adult
21 consumption as an alternative beverage to beer.

22 (2) "Agreement" means any contract, agreement,
23 arrangement, operating standards, or amendments to a contract,
24 agreement, arrangement, or operating standards, the effect of

1 which is to substantially change or modify the existing
2 contract, agreement, arrangement, or operating standards,
3 whether expressed or implied, whether oral or written, for a
4 definite or indefinite period between a brewer and a
5 wholesaler pursuant to which a wholesaler has been granted the
6 right to purchase, resell, and distribute as wholesaler or
7 master distributor any brand or brands of beer offered by a
8 brewer. The agreement between a brewer and wholesaler shall
9 not be considered a franchise relationship.

10 (3) "Wholesaler" or "beer wholesaler" means any person,
11 other than a manufacturer licensed under the Liquor Control
12 and Hemp Products Control Act of 1934, who is engaged in this
13 State in purchasing, storing, possessing or warehousing any
14 alcoholic liquors for resale or reselling at wholesale,
15 whether within or without this State.

16 (4) "Brewer" means a person who is engaged in the
17 manufacture of beer, a master distributor as defined in this
18 Section, a successor brewer as defined in this Section, a
19 non-resident dealer under the provisions of the Liquor Control
20 and Hemp Products Control Act of 1934, a foreign importer
21 under the provisions of the Liquor Control and Hemp Products
22 Control Act of 1934, or a person who owns or controls the
23 trademark, brand, or name of beer.

24 (4.5) "Brand" means any word, name, group of letters,
25 symbols, or any combination thereof that is adopted and used
26 by a brewer to identify a specific beer product and to

1 distinguish that beer product from another beer product.

2 (4.7) "Brand extension" means any brand that incorporates
3 all or a substantial part of the features of a pre-existing
4 brand of the same brewer and that relies to a significant
5 extent on the good will associated with the pre-existing
6 brand.

7 (5) "Master Distributor" means a person who, in addition
8 to being a wholesaler, acts in the same or similar capacity as
9 a brewer or outside seller of one or more brands of beer to
10 other wholesalers on a regular basis in the normal course of
11 business.

12 (6) "Successor Brewer" means any person who in any way
13 obtains the distribution rights that a brewer, non-resident
14 dealer, foreign importer, or master distributor once had to
15 manufacture or distribute a brand or brands of beer whether by
16 merger, purchase of corporate shares, purchase of assets, or
17 any other arrangement, including but not limited to any
18 arrangements transferring the ownership or control of the
19 trademark, brand or name of the brand.

20 (7) "Person" means a natural person, partnership,
21 corporation, trust, agency, or other form of business
22 enterprise. Person also includes heirs, assigns, personal
23 representatives and guardians.

24 (8) "Territory" or "sales territory" means the exclusive
25 geographic area of primary sales responsibility designated by
26 the agreement between a wholesaler and brewer for any brand,

1 brands, or brand extensions of the brewer. The "territory" or
2 "sales territory" designated by the agreement may not be
3 designated by address or specific location unless such
4 specific address or location is part of a general and broad
5 territory or sales territory description. The designation of a
6 territory or sales territory in violation of this subsection
7 is prohibited by this Act and deemed discriminatory.

8 (9) "Good cause" exists if the wholesaler or affected
9 party has failed to comply with essential and reasonable
10 requirements imposed upon the wholesaler or affected party by
11 the agreement. The requirements may not be discriminating
12 either by their terms or in the methods of their enforcement as
13 compared with requirements imposed on other similarly situated
14 wholesalers by the brewer. The requirements may not be
15 inconsistent with this Act or in violation of any law or
16 regulation.

17 (10) "Good faith" means honesty in fact and the observance
18 of reasonable commercial standards of fair dealing in the
19 trade as defined and interpreted under Section 2-103 of the
20 Uniform Commercial Code.

21 (11) "Reasonable standards and qualifications" means those
22 criteria applied by the brewer to similarly situated
23 wholesalers during a period of 24 months before the proposed
24 change in manager or successor manager of the wholesaler's
25 business.

26 (12) "Affected party" means a wholesaler, brewer, master

1 distributor, successor brewer, or any person that is a party
2 to an agreement.

3 (13) "Signs" means signs described in Section 6-6 of the
4 Liquor Control and Hemp Products Control Act ~~of 1934~~.

5 (14) "Advertising materials" means advertising materials
6 described in Section 6-6 of the Liquor Control and Hemp
7 Products Control Act ~~of 1934~~.

8 (Source: P.A. 98-843, eff. 1-1-15.)

9 Section 950. No acceleration or delay. Where this Act
10 makes changes in a statute that is represented in this Act by
11 text that is not yet or no longer in effect (for example, a
12 Section represented by multiple versions), the use of that
13 text does not accelerate or delay the taking effect of (i) the
14 changes made by this Act or (ii) provisions derived from any
15 other Public Act.

16 Section 999. Effective date. This Act takes effect January
17 1, 2027.

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