

# SB1969



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1969

Introduced 2/9/2023, by Sen. Steve McClure

### SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-112

Amends the State Finance Act. Increases the percentage of moneys that are transferred from the Cannabis Regulation Fund to the Local Government Distributive Fund. Provides that moneys allocated to counties under those provisions shall be directed to a fund under the control of the Sheriff. Effective immediately.

LRB103 25649 HLH 51998 b

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The State Finance Act is amended by changing  
5 Section 6z-112 as follows:

6 (30 ILCS 105/6z-112)

7 Sec. 6z-112. The Cannabis Regulation Fund.

8 (a) There is created the Cannabis Regulation Fund in the  
9 State treasury, subject to appropriations unless otherwise  
10 provided in this Section. All moneys collected under the  
11 Cannabis Regulation and Tax Act shall be deposited into the  
12 Cannabis Regulation Fund, consisting of taxes, license fees,  
13 other fees, and any other amounts required to be deposited or  
14 transferred into the Fund.

15 (b) Whenever the Department of Revenue determines that a  
16 refund should be made under the Cannabis Regulation and Tax  
17 Act to a claimant, the Department of Revenue shall submit a  
18 voucher for payment to the State Comptroller, who shall cause  
19 the order to be drawn for the amount specified and to the  
20 person named in the notification from the Department of  
21 Revenue. This subsection (b) shall constitute an irrevocable  
22 and continuing appropriation of all amounts necessary for the  
23 payment of refunds out of the Fund as authorized under this

1 subsection (b).

2 (c) On or before the 25th day of each calendar month, the  
3 Department of Revenue shall prepare and certify to the State  
4 Comptroller the transfer and allocations of stated sums of  
5 money from the Cannabis Regulation Fund to other named funds  
6 in the State treasury. The amount subject to transfer shall be  
7 the amount of the taxes, license fees, other fees, and any  
8 other amounts paid into the Fund during the second preceding  
9 calendar month, minus the refunds made under subsection (b)  
10 during the second preceding calendar month by the Department.  
11 The transfers shall be certified as follows:

12 (1) The Department of Revenue shall first determine  
13 the allocations which shall remain in the Cannabis  
14 Regulation Fund, subject to appropriations, to pay for the  
15 direct and indirect costs associated with the  
16 implementation, administration, and enforcement of the  
17 Cannabis Regulation and Tax Act by the Department of  
18 Revenue, the Department of State Police, the Department of  
19 Financial and Professional Regulation, the Department of  
20 Agriculture, the Department of Public Health, the  
21 Department of Commerce and Economic Opportunity, and the  
22 Illinois Criminal Justice Information Authority.

23 (2) After the allocations have been made as provided  
24 in paragraph (1) of this subsection (c), of the remainder  
25 of the amount subject to transfer for the month as  
26 determined in this subsection (c), the Department shall

1 certify the transfer into the Cannabis Expungement Fund  
2 1/12 of the fiscal year amount appropriated from the  
3 Cannabis Expungement Fund for payment of costs incurred by  
4 State courts, the Attorney General, State's Attorneys,  
5 civil legal aid, as defined by Section 15 of the Public  
6 Interest Attorney Assistance Act, and the Department of  
7 State Police to facilitate petitions for expungement of  
8 Minor Cannabis Offenses pursuant to Public Act 101-27, as  
9 adjusted by any supplemental appropriation, plus  
10 cumulative deficiencies in such transfers for prior  
11 months.

12 (3) After the allocations have been made as provided  
13 in paragraphs (1) and (2) of this subsection (c), the  
14 Department of Revenue shall certify to the State  
15 Comptroller and the State Treasurer shall transfer the  
16 amounts that the Department of Revenue determines shall be  
17 transferred into the following named funds according to  
18 the following:

19 (A) 2% shall be transferred to the Drug Treatment  
20 Fund to be used by the Department of Human Services  
21 for: (i) developing and administering a scientifically  
22 and medically accurate public education campaign  
23 educating youth and adults about the health and safety  
24 risks of alcohol, tobacco, illegal drug use (including  
25 prescription drugs), and cannabis, including use by  
26 pregnant women; and (ii) data collection and analysis

1 of the public health impacts of legalizing the  
2 recreational use of cannabis. Expenditures for these  
3 purposes shall be subject to appropriations.

4 (B) 15% ~~8%~~ shall be transferred to the Local  
5 Government Distributive Fund and allocated as provided  
6 in Section 2 of the State Revenue Sharing Act. Moneys  
7 allocated to a county under this subparagraph shall be  
8 directed to a fund that is under the control of the  
9 sheriff of that county. The moneys shall be used to  
10 fund crime prevention programs, training, and  
11 interdiction efforts, including detection,  
12 enforcement, and prevention efforts, relating to the  
13 illegal cannabis market and driving under the  
14 influence of cannabis.

15 (C) 25% shall be transferred to the Criminal  
16 Justice Information Projects Fund to be used for the  
17 purposes of the Restore, Reinvest, and Renew Program  
18 to address economic development, violence prevention  
19 services, re-entry services, youth development, and  
20 civil legal aid, as defined by Section 15 of the Public  
21 Interest Attorney Assistance Act. The Restore,  
22 Reinvest, and Renew Program shall address these issues  
23 through targeted investments and intervention programs  
24 and promotion of an employment infrastructure and  
25 capacity building related to the social determinants  
26 of health in impacted community areas. Expenditures

1 for these purposes shall be subject to appropriations.

2 (D) 20% shall be transferred to the Department of  
3 Human Services Community Services Fund, to be used to  
4 address substance abuse and prevention and mental  
5 health concerns, including treatment, education, and  
6 prevention to address the negative impacts of  
7 substance abuse and mental health issues, including  
8 concentrated poverty, violence, and the historical  
9 overuse of criminal justice responses in certain  
10 communities, on the individual, family, and community,  
11 including federal, State, and local governments,  
12 health care institutions and providers, and  
13 correctional facilities. Expenditures for these  
14 purposes shall be subject to appropriations.

15 (E) 10% shall be transferred to the Budget  
16 Stabilization Fund.

17 (F) 28% ~~35%~~, or any remaining balance, shall be  
18 transferred to the General Revenue Fund.

19 As soon as may be practical, but no later than 10 days  
20 after receipt, by the State Comptroller of the transfer  
21 certification provided for in this subsection (c) to be given  
22 to the State Comptroller by the Department of Revenue, the  
23 State Comptroller shall direct and the State Treasurer shall  
24 transfer the respective amounts in accordance with the  
25 directions contained in such certification.

26 (d) On July 1, 2019 the Department of Revenue shall

1 certify to the State Comptroller and the State Treasurer shall  
2 transfer \$5,000,000 from the Compassionate Use of Medical  
3 Cannabis Fund to the Cannabis Regulation Fund.

4 (e) Notwithstanding any other law to the contrary and  
5 except as otherwise provided in this Section, this Fund is not  
6 subject to sweeps, administrative charge-backs, or any other  
7 fiscal or budgetary maneuver that would in any way transfer  
8 any amounts from this Fund into any other fund of the State.

9 (f) The Cannabis Regulation Fund shall retain a balance of  
10 \$1,000,000 for the purposes of administrative costs.

11 (g) In Fiscal Year 2024 the allocations in subsection (c)  
12 of this Section shall be reviewed and adjusted if the General  
13 Assembly finds there is a greater need for funding for a  
14 specific purpose in the State as it relates to Public Act  
15 101-27.

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

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