

HB5277



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5277

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-112

Amends the State Finance Act. In provisions regarding the Cannabis Regulation Fund, provides that of the 20% of specified moneys transferred to the Department of Human Services Community Services Fund 10% shall be allocated to substance abuse treatment providers and facilities and 10% shall be allocated to community mental health centers and behavioral health clinics. Effective immediately.

LRB101 18727 CPF 68182 b

A BILL FOR

1 AN ACT concerning finance.

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 renumbering
5 and changing Section 6z-107 as added by Public Act 101-27 as
6 follows:

7 (30 ILCS 105/6z-112)

8 Sec. 6z-112 ~~6z-107~~. The Cannabis Regulation Fund.

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

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

1 refunds out of the Fund as authorized under this subsection
2 (b).

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

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

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

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

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

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

1 pregnant women; and (ii) data collection and analysis
2 of the public health impacts of legalizing the
3 recreational use of cannabis. Expenditures for these
4 purposes shall be subject to appropriations.

5 (B) 8% shall be transferred to the Local Government
6 Distributive Fund and allocated as provided in Section
7 2 of the State Revenue Sharing Act. The moneys shall be
8 used to fund crime prevention programs, training, and
9 interdiction efforts, including detection,
10 enforcement, and prevention efforts, relating to the
11 illegal cannabis market and driving under the
12 influence of cannabis.

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

26 (D) 20% shall be transferred to the Department of

1 Human Services Community Services Fund, allocated
2 equally as follows: 10% to substance abuse treatment
3 providers and facilities licensed or certified under
4 77 Ill. Adm. Code 2060; and 10% to community mental
5 health centers licensed or certified under 59 Ill. Adm.
6 Code 132 and behavioral health clinics licensed or
7 certified under 89 Ill. Adm. Code 140.499. Moneys so
8 allocated shall ~~to~~ be used to address substance abuse
9 and prevention and mental health concerns, including
10 treatment, education, and prevention to address the
11 negative impacts of substance abuse and mental health
12 issues, including concentrated poverty, violence, and
13 the historical overuse of criminal justice responses
14 in certain communities, on the individual, family, and
15 community, including federal, State, and local
16 governments, health care institutions and providers,
17 and correctional facilities. Expenditures for these
18 purposes shall be subject to appropriations.

19 (E) 10% shall be transferred to the Budget
20 Stabilization Fund.

21 (F) 35%, or any remaining balance, shall be
22 transferred to the General Revenue Fund.

23 As soon as may be practical, but no later than 10 days
24 after receipt, by the State Comptroller of the transfer
25 certification provided for in this subsection (c) to be given
26 to the State Comptroller by the Department of Revenue, the

1 State Comptroller shall direct and the State Treasurer shall
2 transfer the respective amounts in accordance with the
3 directions contained in such certification.

4 (d) On July 1, 2019 the Department of Revenue shall certify
5 to the State Comptroller and the State Treasurer shall transfer
6 \$5,000,000 from the Compassionate Use of Medical Cannabis Fund
7 to the Cannabis Regulation Fund.

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

13 (f) The Cannabis Regulation Fund shall retain a balance of
14 \$1,000,000 for the purposes of administrative costs.

15 (g) In Fiscal Year 2024 the allocations in subsection (c)
16 of this Section shall be reviewed and adjusted if the General
17 Assembly finds there is a greater need for funding for a
18 specific purpose in the State as it relates to Public Act
19 101-27 ~~this amendatory Act of the 101st General Assembly.~~

20 (Source: P.A. 101-27, eff. 6-25-19; revised 9-23-19.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.