



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5860

Introduced 11/10/2020, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-112

Amends the State Finance Act. Modifies the allocation of moneys from the Cannabis Regulation Fund. Provides that 4% (currently 8%) of specified moneys shall be transferred to the Local Government Distributive Fund to be used for law enforcement training programs (currently, crime prevention programs, training, and interdiction efforts). Provides that 24% (currently, 20%) of specified moneys shall be transferred to the Department of Human Services Community Services Fund to be used for specified purposes. Makes conforming changes.

LRB101 22373 RJF 73436 b

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 changing
5 Section 6z-112 as follows:

6 (30 ILCS 105/6z-112)

7 Sec. 6z-112 ~~6z-107~~. 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 Act
17 to a claimant, the Department of Revenue shall submit a voucher
18 for payment to the State Comptroller, who shall cause the order
19 to be drawn for the amount specified and to the person named in
20 the notification from the Department of Revenue. This
21 subsection (b) shall constitute an irrevocable and continuing
22 appropriation of all amounts necessary for the payment of
23 refunds out of the Fund as authorized under this subsection

1 (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 in
6 the State treasury. The amount subject to transfer shall be the
7 amount of the taxes, license fees, other fees, and any other
8 amounts paid into the Fund during the second preceding calendar
9 month, minus the refunds made under subsection (b) during the
10 second preceding calendar month by the Department. The
11 transfers shall be certified as follows:

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

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

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

12 (3) After the allocations have been made as provided in
13 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 the
18 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) 4% ~~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. The
7 moneys shall be used to fund law enforcement training
8 programs that include: (i) the use of de-escalation
9 techniques to prevent or reduce the need for force
10 whenever safe and feasible; (ii) specific training on
11 officer safety techniques including cover,
12 concealment, and time; and (iii) training focused on
13 high risk traffic stops ~~crime prevention programs,~~
14 ~~training, and interdiction efforts, including~~
15 ~~detection, enforcement, and prevention efforts,~~
16 ~~relating to the illegal cannabis market and driving~~
17 ~~under the influence of cannabis.~~

18 (C) 25% shall be transferred to the Criminal
19 Justice Information Projects Fund to be used for the
20 purposes of the Restore, Reinvest, and Renew Program to
21 address economic development, violence prevention
22 services, re-entry services, youth development, and
23 civil legal aid, as defined by Section 15 of the Public
24 Interest Attorney Assistance Act. The Restore,
25 Reinvest, and Renew Program shall address these issues
26 through targeted investments and intervention programs

1 and promotion of an employment infrastructure and
2 capacity building related to the social determinants
3 of health in impacted community areas. Expenditures
4 for these purposes shall be subject to appropriations.

5 (D) 24% ~~20%~~ shall be transferred to the Department
6 of Human Services Community Services Fund, to be used
7 to address substance abuse and prevention and mental
8 health concerns, including treatment, education, and
9 prevention to address the negative impacts of
10 substance abuse and mental health issues, including
11 concentrated poverty, violence, and the historical
12 overuse of criminal justice responses in certain
13 communities, on the individual, family, and community,
14 including federal, State, and local governments,
15 health care institutions and providers, and
16 correctional facilities. Expenditures for these
17 purposes shall be subject to appropriations.

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

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

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

1 transfer the respective amounts in accordance with the
2 directions contained in such certification.

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

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

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

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

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