



Rep. Curtis J. Tarver, II

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10200HB0109ham001

LRB102 02791 RJF 23373 a

1 AMENDMENT TO HOUSE BILL 109

2 AMENDMENT NO. _____. Amend House Bill 109 by replacing
3 everything after the enacting clause with the following:

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

1 Act to a claimant, the Department of Revenue shall submit a
2 voucher for payment to the State Comptroller, who shall cause
3 the order to be drawn for the amount specified and to the
4 person named in the notification from the Department of
5 Revenue. This subsection (b) shall constitute an irrevocable
6 and continuing appropriation of all amounts necessary for the
7 payment of refunds out of the Fund as authorized under this
8 subsection (b).

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

19 (1) The Department of Revenue shall first determine
20 the allocations which shall remain in the Cannabis
21 Regulation Fund, subject to appropriations, to pay for the
22 direct and indirect costs associated with the
23 implementation, administration, and enforcement of the
24 Cannabis Regulation and Tax Act by the Department of
25 Revenue, the Department of State Police, the Department of
26 Financial and Professional Regulation, the Department of

1 Agriculture, the Department of Public Health, the
2 Department of Commerce and Economic Opportunity, and the
3 Illinois Criminal Justice Information Authority.

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

19 (3) After the allocations have been made as provided
20 in paragraphs (1) and (2) of this subsection (c), the
21 Department of Revenue shall certify to the State
22 Comptroller and the State Treasurer shall transfer the
23 amounts that the Department of Revenue determines shall be
24 transferred into the following named funds according to
25 the following:

26 (A) 2% shall be transferred to the Drug Treatment

1 Fund to be used by the Department of Human Services
2 for: (i) developing and administering a scientifically
3 and medically accurate public education campaign
4 educating youth and adults about the health and safety
5 risks of alcohol, tobacco, illegal drug use (including
6 prescription drugs), and cannabis, including use by
7 pregnant women; and (ii) data collection and analysis
8 of the public health impacts of legalizing the
9 recreational use of cannabis. Expenditures for these
10 purposes shall be subject to appropriations.

11 (B) 8% shall be transferred to the Local
12 Government Distributive Fund and allocated as provided
13 in Section 2 of the State Revenue Sharing Act. Of the
14 moneys, 2% shall be used to fund law enforcement
15 training programs that include (i) the use of
16 de-escalation techniques to prevent or reduce the need
17 for force whenever safe and feasible, (ii) specific
18 training on officer safety techniques including cover,
19 concealment, and time, and (iii) training focused on
20 high risk traffic stops; 2% shall be used for the
21 purchase of body cameras; 2% shall be for law
22 enforcement to use at their discretion; 1% shall be
23 allocated to counties for costs associated with
24 pretrial services; and 1% shall be allocated to
25 counties for costs associated with juvenile
26 expungements ~~The moneys shall be used to fund crime~~

1 ~~prevention programs, training, and interdiction~~
2 ~~efforts, including detection, enforcement, and~~
3 ~~prevention efforts, relating to the illegal cannabis~~
4 ~~market and driving under the influence of cannabis.~~

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

18 (D) 20% shall be transferred to the Department of
19 Human Services Community Services Fund, to be used to
20 address substance abuse and prevention and mental
21 health concerns, including treatment, education, and
22 prevention to address the negative impacts of
23 substance abuse and mental health issues, including
24 concentrated poverty, violence, and the historical
25 overuse of criminal justice responses in certain
26 communities, on the individual, family, and community,

1 including federal, State, and local governments,
2 health care institutions and providers, and
3 correctional facilities. Expenditures for these
4 purposes shall be subject to appropriations.

5 (E) 10% shall be transferred to the Budget
6 Stabilization Fund.

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

9 As soon as may be practical, but no later than 10 days
10 after receipt, by the State Comptroller of the transfer
11 certification provided for in this subsection (c) to be given
12 to the State Comptroller by the Department of Revenue, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer the respective amounts in accordance with the
15 directions contained in such certification.

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

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

25 (f) The Cannabis Regulation Fund shall retain a balance of
26 \$1,000,000 for the purposes of administrative costs.

1 (g) In Fiscal Year 2024 the allocations in subsection (c)
2 of this Section shall be reviewed and adjusted if the General
3 Assembly finds there is a greater need for funding for a
4 specific purpose in the State as it relates to Public Act
5 101-27 ~~this amendatory Act of the 101st General Assembly.~~
6 (Source: P.A. 101-27, eff. 6-25-19; revised 9-23-19.)".