

1 AN ACT concerning the United States Space Force.

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

4 Section 3. The Statute on Statutes is amended by adding  
5 Section 1.45 as follows:

6 (5 ILCS 70/1.45 new)

7 Sec. 1.45. Reference to armed forces or uniformed  
8 services. Whenever there is a reference in any Act to "armed  
9 forces", "armed forces of the United States", "U.S. Armed  
10 Forces", "United States Armed Forces", or "uniformed  
11 services", these terms shall be construed to include the  
12 United States Space Force.

13 Section 5. The Flag Display Act is amended by changing  
14 Section 10 as follows:

15 (5 ILCS 465/10)

16 Sec. 10. Death of resident military member, law  
17 enforcement officer, firefighter, or members of EMS crews.

18 (a) The Governor shall issue an official notice to fly the  
19 following flags at half-staff upon the death of a resident of  
20 this State killed (i) by hostile fire as a member of the United  
21 States armed forces, (ii) in the line of duty as a law

1 enforcement officer, (iii) in the line of duty as a  
2 firefighter, (iv) in the line of duty as a member of an  
3 Emergency Medical Services (EMS) crew, or (v) during on duty  
4 training for active military duty: the United States national  
5 flag, the State flag of Illinois, and, in the case of the death  
6 of the member of the United States armed forces, the  
7 appropriate military flag as defined in subsection (b) of  
8 Section 18.6 of the Condominium Property Act and the Honor and  
9 Remember Flag designated under Section 16 of this Act. Upon  
10 the Governor's notice, each person or entity required by this  
11 Act to ensure the display of the United States national flag on  
12 a flagstaff shall ensure that the flags described in the  
13 notice are displayed at half-staff on the day designated for  
14 the resident's funeral and the 2 days preceding that day.

15 (b) The Department of Veterans' Affairs shall notify the  
16 Governor of the death by hostile fire of an Illinois resident  
17 member of the United States armed forces. In lieu of notice  
18 being provided by the Department of Veterans' Affairs, any  
19 other State or Federal entity, agency, or person holding such  
20 information may notify the Governor of the death by hostile  
21 fire of an Illinois resident member of the United States armed  
22 forces. If such notice is provided to the Governor by an  
23 entity, agency, or person other than the Department of  
24 Veterans' Affairs, then the obligation to notify the Governor  
25 of an Illinois resident soldier's death under this subsection  
26 (b) shall be considered fulfilled. The Illinois State Police

1 shall notify the Governor of the death in the line of duty of  
2 an Illinois resident law enforcement officer. The Office of  
3 the State Fire Marshal shall notify the Governor of the death  
4 in the line of duty of an Illinois resident firefighter. The  
5 Department of Public Health shall notify the Governor of the  
6 death in the line of duty of an Illinois resident member of an  
7 Emergency Medical Services (EMS) crew. Notice to the Governor  
8 shall include at least the resident's name and Illinois  
9 address, the date designated for the funeral, and the  
10 circumstances of the death.

11 (c) For the purpose of this Section, the United States  
12 armed forces includes: (i) the United States Army, Navy,  
13 Marine Corps, Air Force, Space Force, and Coast Guard; (ii)  
14 any reserve component of each of the forces listed in item (i);  
15 and (iii) the National Guard.

16 (d) Nothing in this Section requires the removal or  
17 relocation of any existing flags currently displayed in the  
18 State. This Section does not apply to a State facility if the  
19 requirements of this Section cannot be satisfied without a  
20 physical modification to that facility.

21 (Source: P.A. 102-538, eff. 8-20-21; 103-409, eff. 1-1-24.)

22 Section 10. The Secretary of State Merit Employment Code  
23 is amended by changing Section 10b.7 as follows:

24 (15 ILCS 310/10b.7) (from Ch. 124, par. 110b.7)

1           Sec. 10b.7. For the granting of appropriate preference in  
2 entrance examinations to qualified persons who have been  
3 members of the armed forces of the United States or to  
4 qualified persons who, while citizens of the United States,  
5 were members of the armed forces of allies of the United States  
6 in time of hostilities with a foreign country, and to certain  
7 other persons as set forth in this Section.

8           (a) As used in this Section:

9           (1) "Time of hostilities with a foreign country" means  
10 any period of time in the past, present, or future during  
11 which a declaration of war by the United States Congress  
12 has been or is in effect or during which an emergency  
13 condition has been or is in effect that is recognized by  
14 the issuance of a Presidential proclamation or a  
15 Presidential executive order and in which the armed forces  
16 expeditionary medal or other campaign service medals are  
17 awarded according to Presidential executive order.

18           (2) "Armed forces of the United States" means the  
19 United States Army, Navy, Air Force, Space Force, Marine  
20 Corps, Coast Guard. Service in the Merchant Marine that  
21 constitutes active duty under Section 401 of federal  
22 Public Law 95-202 shall also be considered service in the  
23 Armed Forces of the United States for purposes of this  
24 Section.

25           (b) The preference granted under this Section shall be in  
26 the form of points added to the final grades of the persons if

1 they otherwise qualify and are entitled to appear on the list  
2 of those eligible for appointments.

3 (c) A veteran is qualified for a preference of 10 points if  
4 the veteran currently holds proof of a service connected  
5 disability from the United States Department of Veterans  
6 Affairs or an allied country or if the veteran is a recipient  
7 of the Purple Heart.

8 (d) A veteran who has served during a time of hostilities  
9 with a foreign country is qualified for a preference of 5  
10 points if the veteran served under one or more of the following  
11 conditions:

12 (1) The veteran served a total of at least 6 months, or

13 (2) The veteran served for the duration of hostilities  
14 regardless of the length of engagement, or

15 (3) The veteran was discharged on the basis of  
16 hardship, or

17 (4) The veteran was released from active duty because  
18 of a service connected disability and was discharged under  
19 honorable conditions.

20 (e) A person not eligible for a preference under  
21 subsection (c) or (d) is qualified for a preference of 3 points  
22 if the person has served in the armed forces of the United  
23 States, the Illinois National Guard, or any reserve component  
24 of the armed forces of the United States and the person: (1)  
25 served for at least 6 months and has been discharged under  
26 honorable conditions or (2) has been discharged on the ground

1 of hardship or (3) was released from active duty because of a  
2 service connected disability. An active member of the National  
3 Guard or a reserve component of the armed forces of the United  
4 States is eligible for the preference if the member meets the  
5 service requirements of this subsection (e).

6 (f) The rank order of persons entitled to a preference on  
7 eligible lists shall be determined on the basis of their  
8 augmented ratings. When the Director establishes eligible  
9 lists on the basis of category ratings such as "superior",  
10 "excellent", "well-qualified", and "qualified", the veteran  
11 eligibles in each such category shall be preferred for  
12 appointment before the non-veteran eligibles in the same  
13 category.

14 (g) Employees in positions covered by jurisdiction B who,  
15 while in good standing, leave to engage in military service  
16 during a period of hostility, shall be given credit for  
17 seniority purposes for time served in the armed forces.

18 (h) A surviving unremarried spouse of a veteran who  
19 suffered a service connected death or the spouse of a veteran  
20 who suffered a service connected disability that prevents the  
21 veteran from qualifying for civil service employment shall be  
22 entitled to the same preference to which the veteran would  
23 have been entitled under this Section.

24 (i) A preference shall also be given to the following  
25 individuals: 10 points for one parent of an unmarried veteran  
26 who suffered a service connected death or a service connected

1 disability that prevents the veteran from qualifying for civil  
2 service employment. The first parent to receive a civil  
3 service appointment shall be the parent entitled to the  
4 preference.

5 (Source: P.A. 87-796.)

6 Section 15. The Comptroller Merit Employment Code is  
7 amended by changing Section 10b.7 as follows:

8 (15 ILCS 410/10b.7) (from Ch. 15, par. 432)

9 Sec. 10b.7. For the granting of appropriate preference in  
10 entrance examinations to qualified veterans or persons who  
11 have been members of the armed forces of the United States or  
12 to qualified persons who, while citizens of the United States,  
13 were members of the armed forces of allies of the United States  
14 in time of hostilities with a foreign country, and to certain  
15 other persons as set forth in this Section.

16 (a) As used in this Section:

17 (1) "Time of hostilities with a foreign country" means  
18 any period of time in the past, present, or future during  
19 which a declaration of war by the United States Congress  
20 has been or is in effect or during which an emergency  
21 condition has been or is in effect that is recognized by  
22 the issuance of a Presidential proclamation or a  
23 Presidential executive order and in which the armed forces  
24 expeditionary medal or other campaign service medals are

1 awarded according to Presidential executive order.

2 (2) "Armed forces of the United States" means the  
3 United States Army, Navy, Air Force, Space Force, Marine  
4 Corps, Coast Guard. Service in the Merchant Marine that  
5 constitutes active duty under Section 401 of federal  
6 Public Law 95-202 shall also be considered service in the  
7 Armed Forces of the United States for purposes of this  
8 Section.

9 (3) "Veteran" means a person who has served as a member of  
10 the armed forces of the United States, the Illinois National  
11 Guard, or a reserve component of the armed forces of the United  
12 States.

13 (b) The preference granted under this Section shall be in  
14 the form of points added to the final grades of the persons if  
15 they otherwise qualify and are entitled to appear on the list  
16 of those eligible for appointments.

17 (c) A veteran is qualified for a preference of 10 points if  
18 the veteran currently holds proof of a service connected  
19 disability from the United States Department of Veterans  
20 Affairs or an allied country or if the veteran is a recipient  
21 of the Purple Heart.

22 (d) A veteran who has served during a time of hostilities  
23 with a foreign country is qualified for a preference of 5  
24 points if the veteran served under one or more of the following  
25 conditions:

26 (1) The veteran served a total of at least 6 months, or



1           (2) The veteran served for the duration of hostilities  
2           regardless of the length of engagement, or

3           (3) The veteran was discharged on the basis of  
4           hardship, or

5           (4) The veteran was released from active duty because  
6           of a service connected disability and was discharged under  
7           honorable conditions.

8           (e) A person not eligible for a preference under  
9           subsection (c) or (d) is qualified for a preference of 3 points  
10          if the person has served in the armed forces of the United  
11          States, the Illinois National Guard, or any reserve component  
12          of the armed forces of the United States and the person: (1)  
13          served for at least 6 months and has been discharged under  
14          honorable conditions; (2) has been discharged on the ground of  
15          hardship; (3) was released from active duty because of a  
16          service connected disability; or (4) served a minimum of 4  
17          years in the Illinois National Guard or reserve component of  
18          the armed forces of the United States regardless of whether or  
19          not the person was mobilized to active duty. An active member  
20          of the National Guard or a reserve component of the armed  
21          forces of the United States is eligible for the preference if  
22          the member meets the service requirements of this subsection  
23          (e).

24          (f) The rank order of persons entitled to a preference on  
25          eligible lists shall be determined on the basis of their  
26          augmented ratings. When the Director establishes eligible

1 lists on the basis of category ratings such as "superior",  
2 "excellent", "well-qualified", and "qualified", the veteran  
3 eligibles in each such category shall be preferred for  
4 appointment before the non-veteran eligibles in the same  
5 category.

6 (g) Employees in positions covered by jurisdiction B who,  
7 while in good standing, leave to engage in military service  
8 during a period of hostility, shall be given credit for  
9 seniority purposes for time served in the armed forces.

10 (h) A surviving unremarried spouse of a veteran who  
11 suffered a service connected death or the spouse of a veteran  
12 who suffered a service connected disability that prevents the  
13 veteran from qualifying for civil service employment shall be  
14 entitled to the same preference to which the veteran would  
15 have been entitled under this Section.

16 (i) A preference shall also be given to the following  
17 individuals: 10 points for one parent of an unmarried veteran  
18 who suffered a service connected death or a service connected  
19 disability that prevents the veteran from qualifying for civil  
20 service employment. The first parent to receive a civil  
21 service appointment shall be the parent entitled to the  
22 preference.

23 (Source: P.A. 100-763, eff. 8-10-18.)

24 Section 20. The State Treasurer Employment Code is amended  
25 by changing Section 9b.5 as follows:

1 (15 ILCS 510/9b.5) (from Ch. 130, par. 109b.5)

2 Sec. 9b.5. For the granting of appropriate preference in  
3 entrance examinations to qualified persons who have been  
4 members of the armed forces of the United States or to  
5 qualified persons who, while citizens of the United States,  
6 were members of the armed forces of allies of the United States  
7 in time of hostilities with a foreign country, and to certain  
8 other persons as set forth in this Section.

9 (a) As used in this Section:

10 (1) "Time of hostilities with a foreign country" means  
11 any period of time in the past, present, or future during  
12 which a declaration of war by the United States Congress  
13 has been or is in effect or during which an emergency  
14 condition has been or is in effect that is recognized by  
15 the issuance of a Presidential proclamation or a  
16 Presidential executive order and in which the armed forces  
17 expeditionary medal or other campaign service medals are  
18 awarded according to Presidential executive order.

19 (2) "Armed forces of the United States" means the  
20 United States Army, Navy, Air Force, Space Force, Marine  
21 Corps, Coast Guard. Service in the Merchant Marine that  
22 constitutes active duty under Section 401 of federal  
23 Public Law 95-202 shall also be considered service in the  
24 Armed Forces of the United States for purposes of this  
25 Section.

1           (b) The preference granted under this Section shall be in  
2 the form of points added to the final grades of the persons if  
3 they otherwise qualify and are entitled to appear on the list  
4 of those eligible for appointments.

5           (c) A veteran is qualified for a preference of 10 points if  
6 the veteran currently holds proof of a service connected  
7 disability from the United States Department of Veterans  
8 Affairs or an allied country or if the veteran is a recipient  
9 of the Purple Heart.

10          (d) A veteran who has served during a time of hostilities  
11 with a foreign country is qualified for a preference of 5  
12 points if the veteran served under one or more of the following  
13 conditions:

14           (1) The veteran served a total of at least 6 months, or

15           (2) The veteran served for the duration of hostilities  
16 regardless of the length of engagement, or

17           (3) The veteran was discharged on the basis of  
18 hardship, or

19           (4) The veteran was released from active duty because  
20 of a service connected disability and was discharged under  
21 honorable conditions.

22          (e) A person not eligible for a preference under  
23 subsection (c) or (d) is qualified for a preference of 3 points  
24 if the person has served in the armed forces of the United  
25 States, the Illinois National Guard, or any reserve component  
26 of the armed forces of the United States if the person: (1)

1 served for at least 6 months and has been discharged under  
2 honorable conditions or (2) has been discharged on the ground  
3 of hardship or (3) was released from active duty because of a  
4 service connected disability. An active member of the National  
5 Guard or a reserve component of the armed forces of the United  
6 States is eligible for the preference if the member meets the  
7 service requirements of this subsection (e).

8 (f) The rank order of persons entitled to a preference on  
9 eligible lists shall be determined on the basis of their  
10 augmented ratings. When the Director establishes eligible  
11 lists on the basis of category ratings such as "superior",  
12 "excellent", "well-qualified", and "qualified", the veteran  
13 eligibles in each such category shall be preferred for  
14 appointment before the non-veteran eligibles in the same  
15 category.

16 (g) Employees in positions covered by this Code who, while  
17 in good standing, leave to engage in military service during a  
18 period of hostility, shall be given credit for seniority  
19 purposes for time served in the armed forces.

20 (h) A surviving unremarried spouse of a veteran who  
21 suffered a service connected death or the spouse of a veteran  
22 who suffered a service connected disability that prevents the  
23 veteran from qualifying for civil service employment shall be  
24 entitled to the same preference to which the veteran would  
25 have been entitled under this Section.

26 (i) A preference shall also be given to the following

1 individuals: 10 points for one parent of an unmarried veteran  
2 who suffered a service connected death or a service connected  
3 disability that prevents the veteran from qualifying for civil  
4 service employment. The first parent to receive a civil  
5 service appointment shall be the parent entitled to the  
6 preference.

7 (Source: P.A. 87-796.)

8 Section 25. The Personnel Code is amended by changing  
9 Section 8b.7 as follows:

10 (20 ILCS 415/8b.7) (from Ch. 127, par. 63b108b.7)

11 Sec. 8b.7. Veteran preference. For the granting of  
12 appropriate preference to qualified veterans, persons who have  
13 been members of the armed forces of the United States or to  
14 qualified persons who, while citizens of the United States,  
15 were members of the armed forces of allies of the United States  
16 in time of hostilities with a foreign country, and to certain  
17 other persons as set forth in this Section.

18 (a) As used in this Section:

19 (1) "Time of hostilities with a foreign country" means  
20 any period of time in the past, present, or future during  
21 which a declaration of war by the United States Congress  
22 has been or is in effect or during which an emergency  
23 condition has been or is in effect that is recognized by  
24 the issuance of a Presidential proclamation or a

1 Presidential executive order and in which the armed forces  
2 expeditionary medal or other campaign service medals are  
3 awarded according to Presidential executive order.

4 (2) "Armed forces of the United States" means the  
5 United States Army, Navy, Air Force, Space Force, Marine  
6 Corps, and Coast Guard. Service in the Merchant Marine  
7 that constitutes active duty under Section 401 of federal  
8 Public Law 95-202 shall also be considered service in the  
9 Armed Forces of the United States for purposes of this  
10 Section.

11 (3) "Veteran" means a member of the armed forces of  
12 the United States, the Illinois National Guard, or a  
13 reserve component of the armed forces of the United  
14 States.

15 (b) The preference granted under this Section shall be in  
16 the form of points, or the equivalent, added to the applicable  
17 scores of the persons if they otherwise qualify and are  
18 entitled to be considered for appointment.

19 (c) A veteran is qualified for a preference of 10 points if  
20 the veteran currently holds proof of a service connected  
21 disability from the United States Department of Veterans  
22 Affairs or an allied country or if the veteran is a recipient  
23 of the Purple Heart.

24 (d) A veteran who has served during a time of hostilities  
25 with a foreign country is qualified for a preference of 5  
26 points if the veteran served under one or more of the following

1 conditions:

2 (1) The veteran served a total of at least 6 months, or

3 (2) The veteran served for the duration of hostilities  
4 regardless of the length of engagement, or

5 (3) The veteran was discharged on the basis of  
6 hardship, or

7 (4) The veteran was released from active duty because  
8 of a service connected disability and was discharged under  
9 honorable conditions.

10 (e) A person not eligible for a preference under  
11 subsection (c) or (d) is qualified for a preference of 3 points  
12 if the person has served in the armed forces of the United  
13 States, the Illinois National Guard, or any reserve component  
14 of the armed forces of the United States if the person: (1)  
15 served for at least 6 months and has been discharged under  
16 honorable conditions; (2) has been discharged on the ground of  
17 hardship; (3) was released from active duty because of a  
18 service connected disability; or (4) served a minimum of 4  
19 years in the Illinois National Guard or reserve component of  
20 the armed forces of the United States regardless of whether or  
21 not the person was mobilized to active duty. An active member  
22 of the National Guard or a reserve component of the armed  
23 forces of the United States is eligible for the preference if  
24 the member meets the service requirements of this subsection  
25 (e).

26 (f) The augmented ratings shall be used when determining



1 the rank order of persons to be appointed.

2 (g) Employees in positions covered by jurisdiction B who,  
3 while in good standing, leave to engage in military service  
4 during a period of hostility, shall be given credit for  
5 seniority purposes for time served in the armed forces.

6 (h) A surviving unremarried spouse of a veteran who  
7 suffered a service connected death or the spouse of a veteran  
8 who suffered a service connected disability that prevents the  
9 veteran from qualifying for civil service employment shall be  
10 entitled to the same preference to which the veteran would  
11 have been entitled under this Section.

12 (i) A preference shall also be given to the following  
13 individuals: 10 points for one parent of an unmarried veteran  
14 who suffered a service connected death or a service connected  
15 disability that prevents the veteran from qualifying for civil  
16 service employment. The first parent to receive a civil  
17 service appointment shall be the parent entitled to the  
18 preference.

19 (j) The Department of Central Management Services shall  
20 adopt rules and implement procedures to verify that any person  
21 seeking a preference under this Section is entitled to the  
22 preference. A person seeking a preference under this Section  
23 shall provide documentation or execute any consents or other  
24 documents required by the Department of Central Management  
25 Services or any other State department or agency to enable the  
26 department or agency to verify that the person is entitled to

1 the preference.

2 (k) If an applicant claims to be a veteran, the Department  
3 of Central Management Services must verify that status before  
4 granting a veteran preference by requiring a certified copy of  
5 the applicant's most recent DD214 (Certificate of Release or  
6 Discharge from Active Duty), NGB-22 (Proof of National Guard  
7 Service), or other evidence of the applicant's most recent  
8 honorable discharge from the Armed Forces of the United States  
9 that is determined to be acceptable by the Department of  
10 Central Management Services.

11 (Source: P.A. 103-108, eff. 6-27-23.)

12 Section 30. The Department of Commerce and Economic  
13 Opportunity Law of the Civil Administrative Code of Illinois  
14 is amended by changing Section 605-503 as follows:

15 (20 ILCS 605/605-503)

16 Sec. 605-503. Entrepreneurship assistance centers.

17 (a) The Department shall establish and support, subject to  
18 appropriation, entrepreneurship assistance centers, including  
19 the issuance of grants, at career education agencies and  
20 not-for-profit corporations, including, but not limited to,  
21 local development corporations, chambers of commerce,  
22 community-based business outreach centers, and other  
23 community-based organizations. The purpose of the centers  
24 shall be to train minority group members, women, individuals

1 with a disability, dislocated workers, veterans, and youth  
2 entrepreneurs in the principles and practice of  
3 entrepreneurship in order to prepare those persons to pursue  
4 self-employment opportunities and to pursue a minority  
5 business enterprise or a women-owned business enterprise. The  
6 centers shall provide for training in all aspects of business  
7 development and small business management as defined by the  
8 Department.

9 (b) The Department shall establish criteria for selection  
10 and designation of the centers which shall include, but not be  
11 limited to:

12 (1) the level of support for the center from local  
13 post-secondary education institutions, businesses, and  
14 government;

15 (2) the level of financial assistance provided at the  
16 local and federal level to support the operations of the  
17 center;

18 (3) the applicant's understanding of program goals and  
19 objectives articulated by the Department;

20 (4) the plans of the center to supplement State and  
21 local funding through fees for services which may be based  
22 on a sliding scale based on ability to pay;

23 (5) the need for and anticipated impact of the center  
24 on the community in which it will function;

25 (6) the quality of the proposed work plan and staff of  
26 the center; and

1           (7) the extent of economic distress in the area to be  
2 served.

3           (c) Each center shall:

4           (1) be operated by a board of directors representing  
5 community leaders in business, education, finance, and  
6 government;

7           (2) be incorporated as a not-for-profit corporation;

8           (3) be located in an area accessible to eligible  
9 clients;

10           (4) establish an advisory group of community business  
11 experts, at least one-half of whom shall be representative  
12 of the clientele to be served by the center, which shall  
13 constitute a support network to provide counseling and  
14 mentoring services to minority group members, women,  
15 individuals with a disability, dislocated workers,  
16 veterans, and youth entrepreneurs from the concept stage  
17 of development through the first one to 2 years of  
18 existence on a regular basis and as needed thereafter; and

19           (5) establish a referral system and linkages to  
20 existing area small business assistance programs and  
21 financing sources.

22           (d) Each entrepreneurship assistance center shall provide  
23 needed services to eligible clients, including, but not  
24 limited to: (i) orientation and screening of prospective  
25 entrepreneurs; (ii) analysis of business concepts and  
26 technical feasibility; (iii) market analysis; (iv) management

1 analysis and counseling; (v) business planning and financial  
2 planning assistance; (vi) referrals to financial resources;  
3 (vii) referrals to existing educational programs for training  
4 in such areas as marketing, accounting, and other training  
5 programs as may be necessary and available; and (viii)  
6 referrals to business incubator facilities, when appropriate,  
7 for the purpose of entering into agreements to access shared  
8 support services.

9 (e) Applications for grants made under this Section shall  
10 be made in the manner and on forms prescribed by the  
11 Department. The application shall include, but shall not be  
12 limited to:

13 (1) a description of the training programs available  
14 within the geographic area to be served by the center to  
15 which eligible clients may be referred;

16 (2) designation of a program director;

17 (3) plans for providing ongoing technical assistance  
18 to program graduates, including linkages with providers of  
19 other entrepreneurial assistance programs and with  
20 providers of small business technical assistance and  
21 services;

22 (4) a program budget, including matching funds,  
23 in-kind and otherwise, to be provided by the applicant;  
24 and

25 (5) any other requirements as deemed necessary by the  
26 Department.

1 (f) Grants made under this Section shall be disbursed for  
2 payment of the cost of services and expenses of the program  
3 director, the instructors of the participating career  
4 education agency or not-for-profit corporation, the faculty  
5 and support personnel thereof, and any other person in the  
6 service of providing instruction and counseling in furtherance  
7 of the program.

8 (g) The Department shall monitor the performance of each  
9 entrepreneurial assistance center and require quarterly  
10 reports from each center at such time and in such a manner as  
11 prescribed by the Department.

12 The Department shall also evaluate the entrepreneurial  
13 assistance centers established under this Section and report  
14 annually beginning on January 1, 2023, and on or before  
15 January 1 of each year thereafter, the results of the  
16 evaluation to the Governor and the General Assembly. The  
17 report shall discuss the extent to which the centers serve  
18 minority group members, women, individuals with a disability,  
19 dislocated workers, veterans, and youth entrepreneurs; the  
20 extent to which the training program is coordinated with other  
21 assistance programs targeted to small and new businesses; the  
22 ability of the program to leverage other sources of funding  
23 and support; and the success of the program in aiding  
24 entrepreneurs to start up new businesses, including the number  
25 of new business start-ups resulting from the program. The  
26 report shall recommend changes and improvements in the

1 training program and in the quality of supplemental technical  
2 assistance offered to graduates of the training programs. The  
3 report shall be made available to the public on the  
4 Department's website. Between evaluation due dates, the  
5 Department shall maintain the necessary records and data  
6 required to satisfy the evaluation requirements.

7 (h) For purposes of this Section:

8 "Entrepreneurship assistance center" or "center" means the  
9 business development centers or programs which provide  
10 assistance to primarily minority group members, women,  
11 individuals with a disability, dislocated workers, veterans,  
12 and youth entrepreneurs under this Section.

13 "Disability" means, with respect to an individual: (i) a  
14 physical or mental impairment that substantially limits one or  
15 more of the major life activities of an individual; (ii) a  
16 record of such an impairment; or (iii) being regarded as  
17 having an impairment.

18 "Minority business enterprise" has the same meaning as  
19 provided for "minority-owned business" under Section 2 of the  
20 Business Enterprise for Minorities, Women, and Persons with  
21 Disabilities Act.

22 "Minority group member" has the same meaning as provided  
23 for "minority person" under Section 2 of the Business  
24 Enterprise for Minorities, Women, and Persons with  
25 Disabilities Act.

26 "Women-owned business enterprise" has the same meaning as

1 provided for "women-owned business" under Section 2 of the  
2 Business Enterprise for Minorities, Women, and Persons with  
3 Disabilities Act.

4 "Veteran" means a person who served in and who has  
5 received an honorable or general discharge from, the United  
6 States Army, Navy, Air Force, Space Force, Marines, Coast  
7 Guard, or reserves thereof, or who served in the Army National  
8 Guard, Air National Guard, or Illinois National Guard.

9 "Youth entrepreneur" means a person who is between the  
10 ages of 16 and 29 years old and is seeking community support to  
11 start a business in Illinois.

12 (Source: P.A. 102-272, eff. 1-1-22; 102-821, eff. 1-1-23;  
13 103-154, eff. 6-30-23.)

14 Section 35. The Illinois Procurement Code is amended by  
15 changing Section 45-57 as follows:

16 (30 ILCS 500/45-57)

17 Sec. 45-57. Veterans.

18 (a) Set-aside goal. It is the goal of the State to promote  
19 and encourage the continued economic development of small  
20 businesses owned and controlled by qualified veterans and that  
21 qualified service-disabled veteran-owned small businesses  
22 (referred to as SDVOSB) and veteran-owned small businesses  
23 (referred to as VOSB) participate in the State's procurement  
24 process as both prime contractors and subcontractors. Not less



1 than 3% of the total dollar amount of State contracts, as  
2 defined by the Commission on Equity and Inclusion, shall be  
3 established as a goal to be awarded to SDVOSB and VOSB. That  
4 portion of a contract under which the contractor subcontracts  
5 with a SDVOSB or VOSB may be counted toward the goal of this  
6 subsection. The Commission on Equity and Inclusion shall adopt  
7 rules to implement compliance with this subsection by all  
8 State agencies.

9 (b) Fiscal year reports. By each November 1, each chief  
10 procurement officer shall report to the Commission on Equity  
11 and Inclusion on all of the following for the immediately  
12 preceding fiscal year, and by each March 1 the Commission on  
13 Equity and Inclusion shall compile and report that information  
14 to the General Assembly:

15 (1) The total number of VOSB, and the number of  
16 SDVOSB, who submitted bids for contracts under this Code.

17 (2) The total number of VOSB, and the number of  
18 SDVOSB, who entered into contracts with the State under  
19 this Code and the total value of those contracts.

20 (b-5) The Commission on Equity and Inclusion shall submit  
21 an annual report to the Governor and the General Assembly that  
22 shall include the following:

23 (1) a year-by-year comparison of the number of  
24 certifications the State has issued to veteran-owned small  
25 businesses and service-disabled veteran-owned small  
26 businesses;

1           (2) the obstacles, if any, the Commission on Equity  
2           and Inclusion faces when certifying veteran-owned  
3           businesses and possible rules or changes to rules to  
4           address those issues;

5           (3) a year-by-year comparison of awarded contracts to  
6           certified veteran-owned small businesses and  
7           service-disabled veteran-owned small businesses; and

8           (4) any other information that the Commission on  
9           Equity and Inclusion deems necessary to assist  
10          veteran-owned small businesses and service-disabled  
11          veteran-owned small businesses to become certified with  
12          the State.

13          The Commission on Equity and Inclusion shall conduct a  
14          minimum of 2 outreach events per year to ensure that  
15          veteran-owned small businesses and service-disabled  
16          veteran-owned small businesses know about the procurement  
17          opportunities and certification requirements with the State.  
18          The Commission on Equity and Inclusion may receive  
19          appropriations for outreach.

20          (c) Yearly review and recommendations. Each year, each  
21          chief procurement officer shall review the progress of all  
22          State agencies under its jurisdiction in meeting the goal  
23          described in subsection (a), with input from statewide  
24          veterans' service organizations and from the business  
25          community, including businesses owned by qualified veterans,  
26          and shall make recommendations to be included in the

1 Commission on Equity and Inclusion's report to the General  
2 Assembly regarding continuation, increases, or decreases of  
3 the percentage goal. The recommendations shall be based upon  
4 the number of businesses that are owned by qualified veterans  
5 and on the continued need to encourage and promote businesses  
6 owned by qualified veterans.

7 (d) Governor's recommendations. To assist the State in  
8 reaching the goal described in subsection (a), the Governor  
9 shall recommend to the General Assembly changes in programs to  
10 assist businesses owned by qualified veterans.

11 (e) Definitions. As used in this Section:

12 "Armed forces of the United States" means the United  
13 States Army, Navy, Air Force, Space Force, Marine Corps, Coast  
14 Guard, or service in active duty as defined under 38 U.S.C.  
15 Section 101. Service in the Merchant Marine that constitutes  
16 active duty under Section 401 of federal Public Act 95-202  
17 shall also be considered service in the armed forces for  
18 purposes of this Section.

19 "Certification" means a determination made by the Illinois  
20 Department of Veterans' Affairs and the Commission on Equity  
21 and Inclusion that a business entity is a qualified  
22 service-disabled veteran-owned small business or a qualified  
23 veteran-owned small business for whatever purpose. A SDVOSB or  
24 VOSB owned and controlled by women, minorities, or persons  
25 with disabilities, as those terms are defined in Section 2 of  
26 the Business Enterprise for Minorities, Women, and Persons

1 with Disabilities Act, may also select and designate whether  
2 that business is to be certified as a "women-owned business",  
3 "minority-owned business", or "business owned by a person with  
4 a disability", as defined in Section 2 of the Business  
5 Enterprise for Minorities, Women, and Persons with  
6 Disabilities Act.

7 "Control" means the exclusive, ultimate, majority, or sole  
8 control of the business, including but not limited to capital  
9 investment and all other financial matters, property,  
10 acquisitions, contract negotiations, legal matters,  
11 officer-director-employee selection and comprehensive hiring,  
12 operation responsibilities, cost-control matters, income and  
13 dividend matters, financial transactions, and rights of other  
14 shareholders or joint partners. Control shall be real,  
15 substantial, and continuing, not pro forma. Control shall  
16 include the power to direct or cause the direction of the  
17 management and policies of the business and to make the  
18 day-to-day as well as major decisions in matters of policy,  
19 management, and operations. Control shall be exemplified by  
20 possessing the requisite knowledge and expertise to run the  
21 particular business, and control shall not include simple  
22 majority or absentee ownership.

23 "Qualified service-disabled veteran" means a veteran who  
24 has been found to have 10% or more service-connected  
25 disability by the United States Department of Veterans Affairs  
26 or the United States Department of Defense.

1 "Qualified service-disabled veteran-owned small business"  
2 or "SDVOSB" means a small business (i) that is at least 51%  
3 owned by one or more qualified service-disabled veterans  
4 living in Illinois or, in the case of a corporation, at least  
5 51% of the stock of which is owned by one or more qualified  
6 service-disabled veterans living in Illinois; (ii) that has  
7 its home office in Illinois; and (iii) for which items (i) and  
8 (ii) are factually verified annually by the Commission on  
9 Equity and Inclusion.

10 "Qualified veteran-owned small business" or "VOSB" means a  
11 small business (i) that is at least 51% owned by one or more  
12 qualified veterans living in Illinois or, in the case of a  
13 corporation, at least 51% of the stock of which is owned by one  
14 or more qualified veterans living in Illinois; (ii) that has  
15 its home office in Illinois; and (iii) for which items (i) and  
16 (ii) are factually verified annually by the Commission on  
17 Equity and Inclusion.

18 "Service-connected disability" means a disability incurred  
19 in the line of duty in the active military, naval, or air  
20 service as described in 38 U.S.C. 101(16).

21 "Small business" means a business that has annual gross  
22 sales of less than \$150,000,000 as evidenced by the federal  
23 income tax return of the business. A firm with gross sales in  
24 excess of this cap may apply to the Commission on Equity and  
25 Inclusion for certification for a particular contract if the  
26 firm can demonstrate that the contract would have significant

1 impact on SDVOSB or VOSB as suppliers or subcontractors or in  
2 employment of veterans or service-disabled veterans.

3 "State agency" has the meaning provided in Section  
4 1-15.100 of this Code.

5 "Time of hostilities with a foreign country" means any  
6 period of time in the past, present, or future during which a  
7 declaration of war by the United States Congress has been or is  
8 in effect or during which an emergency condition has been or is  
9 in effect that is recognized by the issuance of a Presidential  
10 proclamation or a Presidential executive order and in which  
11 the armed forces expeditionary medal or other campaign service  
12 medals are awarded according to Presidential executive order.

13 "Veteran" means a person who (i) has been a member of the  
14 armed forces of the United States or, while a citizen of the  
15 United States, was a member of the armed forces of allies of  
16 the United States in time of hostilities with a foreign  
17 country and (ii) has served under one or more of the following  
18 conditions: (a) the veteran served a total of at least 6  
19 months; (b) the veteran served for the duration of hostilities  
20 regardless of the length of the engagement; (c) the veteran  
21 was discharged on the basis of hardship; or (d) the veteran was  
22 released from active duty because of a service connected  
23 disability and was discharged under honorable conditions.

24 (f) Certification program. The Illinois Department of  
25 Veterans' Affairs and the Commission on Equity and Inclusion  
26 shall work together to devise a certification procedure to

1 assure that businesses taking advantage of this Section are  
2 legitimately classified as qualified service-disabled  
3 veteran-owned small businesses or qualified veteran-owned  
4 small businesses.

5 The Commission on Equity and Inclusion shall:

6 (1) compile and maintain a comprehensive list of  
7 certified veteran-owned small businesses and  
8 service-disabled veteran-owned small businesses;

9 (2) assist veteran-owned small businesses and  
10 service-disabled veteran-owned small businesses in  
11 complying with the procedures for bidding on State  
12 contracts;

13 (3) provide training for State agencies regarding the  
14 goal setting process and compliance with veteran-owned  
15 small business and service-disabled veteran-owned small  
16 business goals; and

17 (4) implement and maintain an electronic portal on the  
18 Commission on Equity and Inclusion's website for the  
19 purpose of completing and submitting veteran-owned small  
20 business and service-disabled veteran-owned small business  
21 certificates.

22 The Commission on Equity and Inclusion, in consultation  
23 with the Department of Veterans' Affairs, may develop programs  
24 and agreements to encourage cities, counties, towns,  
25 townships, and other certifying entities to adopt uniform  
26 certification procedures and certification recognition

1 programs.

2 (f-5) A business shall be certified by the Commission on  
3 Equity and Inclusion as a service-disabled veteran-owned small  
4 business or a veteran-owned small business for purposes of  
5 this Section if the Commission on Equity and Inclusion  
6 determines that the business has been certified as a  
7 service-disabled veteran-owned small business or a  
8 veteran-owned small business by the Vets First Verification  
9 Program of the United States Department of Veterans Affairs,  
10 and the business has provided to the Commission on Equity and  
11 Inclusion the following:

12 (1) documentation showing certification as a  
13 service-disabled veteran-owned small business or a  
14 veteran-owned small business by the Vets First  
15 Verification Program of the United States Department of  
16 Veterans Affairs;

17 (2) proof that the business has its home office in  
18 Illinois; and

19 (3) proof that the qualified veterans or qualified  
20 service-disabled veterans live in the State of Illinois.

21 The policies of the Commission on Equity and Inclusion  
22 regarding recognition of the Vets First Verification Program  
23 of the United States Department of Veterans Affairs shall be  
24 reviewed annually by the Commission on Equity and Inclusion,  
25 and recognition of service-disabled veteran-owned small  
26 businesses and veteran-owned small businesses certified by the



1 Vets First Verification Program of the United States  
2 Department of Veterans Affairs may be discontinued by the  
3 Commission on Equity and Inclusion by rule upon a finding that  
4 the certification standards of the Vets First Verification  
5 Program of the United States Department of Veterans Affairs do  
6 not meet the certification requirements established by the  
7 Commission on Equity and Inclusion.

8 (g) Penalties.

9 (1) Administrative penalties. The chief procurement  
10 officers appointed pursuant to Section 10-20 shall suspend  
11 any person who commits a violation of Section 17-10.3 or  
12 subsection (d) of Section 33E-6 of the Criminal Code of  
13 2012 relating to this Section from bidding on, or  
14 participating as a contractor, subcontractor, or supplier  
15 in, any State contract or project for a period of not less  
16 than 3 years, and, if the person is certified as a  
17 service-disabled veteran-owned small business or a  
18 veteran-owned small business, then the Commission on  
19 Equity and Inclusion shall revoke the business's  
20 certification for a period of not less than 3 years. An  
21 additional or subsequent violation shall extend the  
22 periods of suspension and revocation for a period of not  
23 less than 5 years. The suspension and revocation shall  
24 apply to the principals of the business and any subsequent  
25 business formed or financed by, or affiliated with, those  
26 principals.

1           (2) Reports of violations. Each State agency shall  
2 report any alleged violation of Section 17-10.3 or  
3 subsection (d) of Section 33E-6 of the Criminal Code of  
4 2012 relating to this Section to the chief procurement  
5 officers appointed pursuant to Section 10-20. The chief  
6 procurement officers appointed pursuant to Section 10-20  
7 shall subsequently report all such alleged violations to  
8 the Attorney General, who shall determine whether to bring  
9 a civil action against any person for the violation.

10           (3) List of suspended persons. The chief procurement  
11 officers appointed pursuant to Section 10-20 shall monitor  
12 the status of all reported violations of Section 17-10.3  
13 or subsection (d) of Section 33E-6 of the Criminal Code of  
14 1961 or the Criminal Code of 2012 relating to this Section  
15 and shall maintain and make available to all State  
16 agencies a central listing of all persons that committed  
17 violations resulting in suspension.

18           (4) Use of suspended persons. During the period of a  
19 person's suspension under paragraph (1) of this  
20 subsection, a State agency shall not enter into any  
21 contract with that person or with any contractor using the  
22 services of that person as a subcontractor.

23           (5) Duty to check list. Each State agency shall check  
24 the central listing provided by the chief procurement  
25 officers appointed pursuant to Section 10-20 under  
26 paragraph (3) of this subsection to verify that a person

1 being awarded a contract by that State agency, or to be  
2 used as a subcontractor or supplier on a contract being  
3 awarded by that State agency, is not under suspension  
4 pursuant to paragraph (1) of this subsection.

5 (h) On and after the effective date of this amendatory Act  
6 of the 102nd General Assembly, all powers, duties, rights, and  
7 responsibilities of the Department of Central Management  
8 Services with respect to the requirements of this Section are  
9 transferred to the Commission on Equity and Inclusion.

10 All books, records, papers, documents, property (real and  
11 personal), contracts, causes of action, and pending business  
12 pertaining to the powers, duties, rights, and responsibilities  
13 transferred by this amendatory Act from the Department of  
14 Central Management Services to the Commission on Equity and  
15 Inclusion, including, but not limited to, material in  
16 electronic or magnetic format and necessary computer hardware  
17 and software, shall be transferred to the Commission on Equity  
18 and Inclusion.

19 The powers, duties, rights, and responsibilities  
20 transferred from the Department of Central Management Services  
21 by this amendatory Act shall be vested in and shall be  
22 exercised by the Commission on Equity and Inclusion.

23 Whenever reports or notices are now required to be made or  
24 given or papers or documents furnished or served by any person  
25 to or upon the Department of Central Management Services in  
26 connection with any of the powers, duties, rights, and

1 responsibilities transferred by this amendatory Act, the same  
2 shall be made, given, furnished, or served in the same manner  
3 to or upon the Commission on Equity and Inclusion.

4 This amendatory Act of the 102nd General Assembly does not  
5 affect any act done, ratified, or canceled or any right  
6 occurring or established or any action or proceeding had or  
7 commenced in an administrative, civil, or criminal cause by  
8 the Department of Central Management Services before this  
9 amendatory Act takes effect; such actions or proceedings may  
10 be prosecuted and continued by the Commission on Equity and  
11 Inclusion.

12 Any rules of the Department of Central Management Services  
13 that relate to its powers, duties, rights, and  
14 responsibilities under this Section and are in full force on  
15 the effective date of this amendatory Act of the 102nd General  
16 Assembly shall become the rules of the Commission on Equity  
17 and Inclusion. This amendatory Act does not affect the  
18 legality of any such rules in the Illinois Administrative  
19 Code. Any proposed rules filed with the Secretary of State by  
20 the Department of Central Management Services that are pending  
21 in the rulemaking process on the effective date of this  
22 amendatory Act and pertain to the powers, duties, rights, and  
23 responsibilities transferred, shall be deemed to have been  
24 filed by the Commission on Equity and Inclusion. As soon as  
25 practicable hereafter, the Commission on Equity and Inclusion  
26 shall revise and clarify the rules transferred to it under

1 this amendatory Act to reflect the reorganization of powers,  
2 duties, rights, and responsibilities affected by this  
3 amendatory Act, using the procedures for recodification of  
4 rules available under the Illinois Administrative Procedure  
5 Act, except that existing title, part, and section numbering  
6 for the affected rules may be retained. The Commission on  
7 Equity and Inclusion may propose and adopt under the Illinois  
8 Administrative Procedure Act such other rules of the  
9 Department of Central Management Services that will now be  
10 administered by the Commission on Equity and Inclusion.

11 (Source: P.A. 102-166, eff. 7-26-21; 102-671, eff. 11-30-21;  
12 103-570, eff. 1-1-24.)

13 Section 40. The Use Tax Act is amended by changing Section  
14 3-5 as follows:

15 (35 ILCS 105/3-5)

16 Sec. 3-5. Exemptions. Use of the following tangible  
17 personal property is exempt from the tax imposed by this Act:

18 (1) Personal property purchased from a corporation,  
19 society, association, foundation, institution, or  
20 organization, other than a limited liability company, that is  
21 organized and operated as a not-for-profit service enterprise  
22 for the benefit of persons 65 years of age or older if the  
23 personal property was not purchased by the enterprise for the  
24 purpose of resale by the enterprise.

1           (2) Personal property purchased by a not-for-profit  
2 Illinois county fair association for use in conducting,  
3 operating, or promoting the county fair.

4           (3) Personal property purchased by a not-for-profit arts  
5 or cultural organization that establishes, by proof required  
6 by the Department by rule, that it has received an exemption  
7 under Section 501(c)(3) of the Internal Revenue Code and that  
8 is organized and operated primarily for the presentation or  
9 support of arts or cultural programming, activities, or  
10 services. These organizations include, but are not limited to,  
11 music and dramatic arts organizations such as symphony  
12 orchestras and theatrical groups, arts and cultural service  
13 organizations, local arts councils, visual arts organizations,  
14 and media arts organizations. On and after July 1, 2001 (the  
15 effective date of Public Act 92-35), however, an entity  
16 otherwise eligible for this exemption shall not make tax-free  
17 purchases unless it has an active identification number issued  
18 by the Department.

19           (4) Except as otherwise provided in this Act, personal  
20 property purchased by a governmental body, by a corporation,  
21 society, association, foundation, or institution organized and  
22 operated exclusively for charitable, religious, or educational  
23 purposes, or by a not-for-profit corporation, society,  
24 association, foundation, institution, or organization that has  
25 no compensated officers or employees and that is organized and  
26 operated primarily for the recreation of persons 55 years of

1 age or older. A limited liability company may qualify for the  
2 exemption under this paragraph only if the limited liability  
3 company is organized and operated exclusively for educational  
4 purposes. On and after July 1, 1987, however, no entity  
5 otherwise eligible for this exemption shall make tax-free  
6 purchases unless it has an active exemption identification  
7 number issued by the Department.

8 (5) Until July 1, 2003, a passenger car that is a  
9 replacement vehicle to the extent that the purchase price of  
10 the car is subject to the Replacement Vehicle Tax.

11 (6) Until July 1, 2003 and beginning again on September 1,  
12 2004 through August 30, 2014, graphic arts machinery and  
13 equipment, including repair and replacement parts, both new  
14 and used, and including that manufactured on special order,  
15 certified by the purchaser to be used primarily for graphic  
16 arts production, and including machinery and equipment  
17 purchased for lease. Equipment includes chemicals or chemicals  
18 acting as catalysts but only if the chemicals or chemicals  
19 acting as catalysts effect a direct and immediate change upon  
20 a graphic arts product. Beginning on July 1, 2017, graphic  
21 arts machinery and equipment is included in the manufacturing  
22 and assembling machinery and equipment exemption under  
23 paragraph (18).

24 (7) Farm chemicals.

25 (8) Legal tender, currency, medallions, or gold or silver  
26 coinage issued by the State of Illinois, the government of the

1 United States of America, or the government of any foreign  
2 country, and bullion.

3 (9) Personal property purchased from a teacher-sponsored  
4 student organization affiliated with an elementary or  
5 secondary school located in Illinois.

6 (10) A motor vehicle that is used for automobile renting,  
7 as defined in the Automobile Renting Occupation and Use Tax  
8 Act.

9 (11) Farm machinery and equipment, both new and used,  
10 including that manufactured on special order, certified by the  
11 purchaser to be used primarily for production agriculture or  
12 State or federal agricultural programs, including individual  
13 replacement parts for the machinery and equipment, including  
14 machinery and equipment purchased for lease, and including  
15 implements of husbandry defined in Section 1-130 of the  
16 Illinois Vehicle Code, farm machinery and agricultural  
17 chemical and fertilizer spreaders, and nurse wagons required  
18 to be registered under Section 3-809 of the Illinois Vehicle  
19 Code, but excluding other motor vehicles required to be  
20 registered under the Illinois Vehicle Code. Horticultural  
21 polyhouses or hoop houses used for propagating, growing, or  
22 overwintering plants shall be considered farm machinery and  
23 equipment under this item (11). Agricultural chemical tender  
24 tanks and dry boxes shall include units sold separately from a  
25 motor vehicle required to be licensed and units sold mounted  
26 on a motor vehicle required to be licensed if the selling price



1 of the tender is separately stated.

2 Farm machinery and equipment shall include precision  
3 farming equipment that is installed or purchased to be  
4 installed on farm machinery and equipment, including, but not  
5 limited to, tractors, harvesters, sprayers, planters, seeders,  
6 or spreaders. Precision farming equipment includes, but is not  
7 limited to, soil testing sensors, computers, monitors,  
8 software, global positioning and mapping systems, and other  
9 such equipment.

10 Farm machinery and equipment also includes computers,  
11 sensors, software, and related equipment used primarily in the  
12 computer-assisted operation of production agriculture  
13 facilities, equipment, and activities such as, but not limited  
14 to, the collection, monitoring, and correlation of animal and  
15 crop data for the purpose of formulating animal diets and  
16 agricultural chemicals.

17 Beginning on January 1, 2024, farm machinery and equipment  
18 also includes electrical power generation equipment used  
19 primarily for production agriculture.

20 This item (11) is exempt from the provisions of Section  
21 3-90.

22 (12) Until June 30, 2013, fuel and petroleum products sold  
23 to or used by an air common carrier, certified by the carrier  
24 to be used for consumption, shipment, or storage in the  
25 conduct of its business as an air common carrier, for a flight  
26 destined for or returning from a location or locations outside

1 the United States without regard to previous or subsequent  
2 domestic stopovers.

3 Beginning July 1, 2013, fuel and petroleum products sold  
4 to or used by an air carrier, certified by the carrier to be  
5 used for consumption, shipment, or storage in the conduct of  
6 its business as an air common carrier, for a flight that (i) is  
7 engaged in foreign trade or is engaged in trade between the  
8 United States and any of its possessions and (ii) transports  
9 at least one individual or package for hire from the city of  
10 origination to the city of final destination on the same  
11 aircraft, without regard to a change in the flight number of  
12 that aircraft.

13 (13) Proceeds of mandatory service charges separately  
14 stated on customers' bills for the purchase and consumption of  
15 food and beverages purchased at retail from a retailer, to the  
16 extent that the proceeds of the service charge are in fact  
17 turned over as tips or as a substitute for tips to the  
18 employees who participate directly in preparing, serving,  
19 hosting or cleaning up the food or beverage function with  
20 respect to which the service charge is imposed.

21 (14) Until July 1, 2003, oil field exploration, drilling,  
22 and production equipment, including (i) rigs and parts of  
23 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
24 pipe and tubular goods, including casing and drill strings,  
25 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
26 lines, (v) any individual replacement part for oil field

1 exploration, drilling, and production equipment, and (vi)  
2 machinery and equipment purchased for lease; but excluding  
3 motor vehicles required to be registered under the Illinois  
4 Vehicle Code.

5 (15) Photoprocessing machinery and equipment, including  
6 repair and replacement parts, both new and used, including  
7 that manufactured on special order, certified by the purchaser  
8 to be used primarily for photoprocessing, and including  
9 photoprocessing machinery and equipment purchased for lease.

10 (16) Until July 1, 2028, coal and aggregate exploration,  
11 mining, off-highway hauling, processing, maintenance, and  
12 reclamation equipment, including replacement parts and  
13 equipment, and including equipment purchased for lease, but  
14 excluding motor vehicles required to be registered under the  
15 Illinois Vehicle Code. The changes made to this Section by  
16 Public Act 97-767 apply on and after July 1, 2003, but no claim  
17 for credit or refund is allowed on or after August 16, 2013  
18 (the effective date of Public Act 98-456) for such taxes paid  
19 during the period beginning July 1, 2003 and ending on August  
20 16, 2013 (the effective date of Public Act 98-456).

21 (17) Until July 1, 2003, distillation machinery and  
22 equipment, sold as a unit or kit, assembled or installed by the  
23 retailer, certified by the user to be used only for the  
24 production of ethyl alcohol that will be used for consumption  
25 as motor fuel or as a component of motor fuel for the personal  
26 use of the user, and not subject to sale or resale.

1           (18) Manufacturing and assembling machinery and equipment  
2 used primarily in the process of manufacturing or assembling  
3 tangible personal property for wholesale or retail sale or  
4 lease, whether that sale or lease is made directly by the  
5 manufacturer or by some other person, whether the materials  
6 used in the process are owned by the manufacturer or some other  
7 person, or whether that sale or lease is made apart from or as  
8 an incident to the seller's engaging in the service occupation  
9 of producing machines, tools, dies, jigs, patterns, gauges, or  
10 other similar items of no commercial value on special order  
11 for a particular purchaser. The exemption provided by this  
12 paragraph (18) includes production related tangible personal  
13 property, as defined in Section 3-50, purchased on or after  
14 July 1, 2019. The exemption provided by this paragraph (18)  
15 does not include machinery and equipment used in (i) the  
16 generation of electricity for wholesale or retail sale; (ii)  
17 the generation or treatment of natural or artificial gas for  
18 wholesale or retail sale that is delivered to customers  
19 through pipes, pipelines, or mains; or (iii) the treatment of  
20 water for wholesale or retail sale that is delivered to  
21 customers through pipes, pipelines, or mains. The provisions  
22 of Public Act 98-583 are declaratory of existing law as to the  
23 meaning and scope of this exemption. Beginning on July 1,  
24 2017, the exemption provided by this paragraph (18) includes,  
25 but is not limited to, graphic arts machinery and equipment,  
26 as defined in paragraph (6) of this Section.

1           (19) Personal property delivered to a purchaser or  
2 purchaser's donee inside Illinois when the purchase order for  
3 that personal property was received by a florist located  
4 outside Illinois who has a florist located inside Illinois  
5 deliver the personal property.

6           (20) Semen used for artificial insemination of livestock  
7 for direct agricultural production.

8           (21) Horses, or interests in horses, registered with and  
9 meeting the requirements of any of the Arabian Horse Club  
10 Registry of America, Appaloosa Horse Club, American Quarter  
11 Horse Association, United States Trotting Association, or  
12 Jockey Club, as appropriate, used for purposes of breeding or  
13 racing for prizes. This item (21) is exempt from the  
14 provisions of Section 3-90, and the exemption provided for  
15 under this item (21) applies for all periods beginning May 30,  
16 1995, but no claim for credit or refund is allowed on or after  
17 January 1, 2008 for such taxes paid during the period  
18 beginning May 30, 2000 and ending on January 1, 2008.

19           (22) Computers and communications equipment utilized for  
20 any hospital purpose and equipment used in the diagnosis,  
21 analysis, or treatment of hospital patients purchased by a  
22 lessor who leases the equipment, under a lease of one year or  
23 longer executed or in effect at the time the lessor would  
24 otherwise be subject to the tax imposed by this Act, to a  
25 hospital that has been issued an active tax exemption  
26 identification number by the Department under Section 1g of

1 the Retailers' Occupation Tax Act. If the equipment is leased  
2 in a manner that does not qualify for this exemption or is used  
3 in any other non-exempt manner, the lessor shall be liable for  
4 the tax imposed under this Act or the Service Use Tax Act, as  
5 the case may be, based on the fair market value of the property  
6 at the time the non-qualifying use occurs. No lessor shall  
7 collect or attempt to collect an amount (however designated)  
8 that purports to reimburse that lessor for the tax imposed by  
9 this Act or the Service Use Tax Act, as the case may be, if the  
10 tax has not been paid by the lessor. If a lessor improperly  
11 collects any such amount from the lessee, the lessee shall  
12 have a legal right to claim a refund of that amount from the  
13 lessor. If, however, that amount is not refunded to the lessee  
14 for any reason, the lessor is liable to pay that amount to the  
15 Department.

16 (23) Personal property purchased by a lessor who leases  
17 the property, under a lease of one year or longer executed or  
18 in effect at the time the lessor would otherwise be subject to  
19 the tax imposed by this Act, to a governmental body that has  
20 been issued an active sales tax exemption identification  
21 number by the Department under Section 1g of the Retailers'  
22 Occupation Tax Act. If the property is leased in a manner that  
23 does not qualify for this exemption or used in any other  
24 non-exempt manner, the lessor shall be liable for the tax  
25 imposed under this Act or the Service Use Tax Act, as the case  
26 may be, based on the fair market value of the property at the

1 time the non-qualifying use occurs. No lessor shall collect or  
2 attempt to collect an amount (however designated) that  
3 purports to reimburse that lessor for the tax imposed by this  
4 Act or the Service Use Tax Act, as the case may be, if the tax  
5 has not been paid by the lessor. If a lessor improperly  
6 collects any such amount from the lessee, the lessee shall  
7 have a legal right to claim a refund of that amount from the  
8 lessor. If, however, that amount is not refunded to the lessee  
9 for any reason, the lessor is liable to pay that amount to the  
10 Department.

11 (24) Beginning with taxable years ending on or after  
12 December 31, 1995 and ending with taxable years ending on or  
13 before December 31, 2004, personal property that is donated  
14 for disaster relief to be used in a State or federally declared  
15 disaster area in Illinois or bordering Illinois by a  
16 manufacturer or retailer that is registered in this State to a  
17 corporation, society, association, foundation, or institution  
18 that has been issued a sales tax exemption identification  
19 number by the Department that assists victims of the disaster  
20 who reside within the declared disaster area.

21 (25) Beginning with taxable years ending on or after  
22 December 31, 1995 and ending with taxable years ending on or  
23 before December 31, 2004, personal property that is used in  
24 the performance of infrastructure repairs in this State,  
25 including, but not limited to, municipal roads and streets,  
26 access roads, bridges, sidewalks, waste disposal systems,

1 water and sewer line extensions, water distribution and  
2 purification facilities, storm water drainage and retention  
3 facilities, and sewage treatment facilities, resulting from a  
4 State or federally declared disaster in Illinois or bordering  
5 Illinois when such repairs are initiated on facilities located  
6 in the declared disaster area within 6 months after the  
7 disaster.

8 (26) Beginning July 1, 1999, game or game birds purchased  
9 at a "game breeding and hunting preserve area" as that term is  
10 used in the Wildlife Code. This paragraph is exempt from the  
11 provisions of Section 3-90.

12 (27) A motor vehicle, as that term is defined in Section  
13 1-146 of the Illinois Vehicle Code, that is donated to a  
14 corporation, limited liability company, society, association,  
15 foundation, or institution that is determined by the  
16 Department to be organized and operated exclusively for  
17 educational purposes. For purposes of this exemption, "a  
18 corporation, limited liability company, society, association,  
19 foundation, or institution organized and operated exclusively  
20 for educational purposes" means all tax-supported public  
21 schools, private schools that offer systematic instruction in  
22 useful branches of learning by methods common to public  
23 schools and that compare favorably in their scope and  
24 intensity with the course of study presented in tax-supported  
25 schools, and vocational or technical schools or institutes  
26 organized and operated exclusively to provide a course of



1 study of not less than 6 weeks duration and designed to prepare  
2 individuals to follow a trade or to pursue a manual,  
3 technical, mechanical, industrial, business, or commercial  
4 occupation.

5 (28) Beginning January 1, 2000, personal property,  
6 including food, purchased through fundraising events for the  
7 benefit of a public or private elementary or secondary school,  
8 a group of those schools, or one or more school districts if  
9 the events are sponsored by an entity recognized by the school  
10 district that consists primarily of volunteers and includes  
11 parents and teachers of the school children. This paragraph  
12 does not apply to fundraising events (i) for the benefit of  
13 private home instruction or (ii) for which the fundraising  
14 entity purchases the personal property sold at the events from  
15 another individual or entity that sold the property for the  
16 purpose of resale by the fundraising entity and that profits  
17 from the sale to the fundraising entity. This paragraph is  
18 exempt from the provisions of Section 3-90.

19 (29) Beginning January 1, 2000 and through December 31,  
20 2001, new or used automatic vending machines that prepare and  
21 serve hot food and beverages, including coffee, soup, and  
22 other items, and replacement parts for these machines.  
23 Beginning January 1, 2002 and through June 30, 2003, machines  
24 and parts for machines used in commercial, coin-operated  
25 amusement and vending business if a use or occupation tax is  
26 paid on the gross receipts derived from the use of the

1 commercial, coin-operated amusement and vending machines. This  
2 paragraph is exempt from the provisions of Section 3-90.

3 (30) Beginning January 1, 2001 and through June 30, 2016,  
4 food for human consumption that is to be consumed off the  
5 premises where it is sold (other than alcoholic beverages,  
6 soft drinks, and food that has been prepared for immediate  
7 consumption) and prescription and nonprescription medicines,  
8 drugs, medical appliances, and insulin, urine testing  
9 materials, syringes, and needles used by diabetics, for human  
10 use, when purchased for use by a person receiving medical  
11 assistance under Article V of the Illinois Public Aid Code who  
12 resides in a licensed long-term care facility, as defined in  
13 the Nursing Home Care Act, or in a licensed facility as defined  
14 in the ID/DD Community Care Act, the MC/DD Act, or the  
15 Specialized Mental Health Rehabilitation Act of 2013.

16 (31) Beginning on August 2, 2001 (the effective date of  
17 Public Act 92-227), computers and communications equipment  
18 utilized for any hospital purpose and equipment used in the  
19 diagnosis, analysis, or treatment of hospital patients  
20 purchased by a lessor who leases the equipment, under a lease  
21 of one year or longer executed or in effect at the time the  
22 lessor would otherwise be subject to the tax imposed by this  
23 Act, to a hospital that has been issued an active tax exemption  
24 identification number by the Department under Section 1g of  
25 the Retailers' Occupation Tax Act. If the equipment is leased  
26 in a manner that does not qualify for this exemption or is used

1 in any other nonexempt manner, the lessor shall be liable for  
2 the tax imposed under this Act or the Service Use Tax Act, as  
3 the case may be, based on the fair market value of the property  
4 at the time the nonqualifying use occurs. No lessor shall  
5 collect or attempt to collect an amount (however designated)  
6 that purports to reimburse that lessor for the tax imposed by  
7 this Act or the Service Use Tax Act, as the case may be, if the  
8 tax has not been paid by the lessor. If a lessor improperly  
9 collects any such amount from the lessee, the lessee shall  
10 have a legal right to claim a refund of that amount from the  
11 lessor. If, however, that amount is not refunded to the lessee  
12 for any reason, the lessor is liable to pay that amount to the  
13 Department. This paragraph is exempt from the provisions of  
14 Section 3-90.

15 (32) Beginning on August 2, 2001 (the effective date of  
16 Public Act 92-227), personal property purchased by a lessor  
17 who leases the property, under a lease of one year or longer  
18 executed or in effect at the time the lessor would otherwise be  
19 subject to the tax imposed by this Act, to a governmental body  
20 that has been issued an active sales tax exemption  
21 identification number by the Department under Section 1g of  
22 the Retailers' Occupation Tax Act. If the property is leased  
23 in a manner that does not qualify for this exemption or used in  
24 any other nonexempt manner, the lessor shall be liable for the  
25 tax imposed under this Act or the Service Use Tax Act, as the  
26 case may be, based on the fair market value of the property at

1 the time the nonqualifying use occurs. No lessor shall collect  
2 or attempt to collect an amount (however designated) that  
3 purports to reimburse that lessor for the tax imposed by this  
4 Act or the Service Use Tax Act, as the case may be, if the tax  
5 has not been paid by the lessor. If a lessor improperly  
6 collects any such amount from the lessee, the lessee shall  
7 have a legal right to claim a refund of that amount from the  
8 lessor. If, however, that amount is not refunded to the lessee  
9 for any reason, the lessor is liable to pay that amount to the  
10 Department. This paragraph is exempt from the provisions of  
11 Section 3-90.

12 (33) On and after July 1, 2003 and through June 30, 2004,  
13 the use in this State of motor vehicles of the second division  
14 with a gross vehicle weight in excess of 8,000 pounds and that  
15 are subject to the commercial distribution fee imposed under  
16 Section 3-815.1 of the Illinois Vehicle Code. Beginning on  
17 July 1, 2004 and through June 30, 2005, the use in this State  
18 of motor vehicles of the second division: (i) with a gross  
19 vehicle weight rating in excess of 8,000 pounds; (ii) that are  
20 subject to the commercial distribution fee imposed under  
21 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that  
22 are primarily used for commercial purposes. Through June 30,  
23 2005, this exemption applies to repair and replacement parts  
24 added after the initial purchase of such a motor vehicle if  
25 that motor vehicle is used in a manner that would qualify for  
26 the rolling stock exemption otherwise provided for in this

1 Act. For purposes of this paragraph, the term "used for  
2 commercial purposes" means the transportation of persons or  
3 property in furtherance of any commercial or industrial  
4 enterprise, whether for-hire or not.

5 (34) Beginning January 1, 2008, tangible personal property  
6 used in the construction or maintenance of a community water  
7 supply, as defined under Section 3.145 of the Environmental  
8 Protection Act, that is operated by a not-for-profit  
9 corporation that holds a valid water supply permit issued  
10 under Title IV of the Environmental Protection Act. This  
11 paragraph is exempt from the provisions of Section 3-90.

12 (35) Beginning January 1, 2010 and continuing through  
13 December 31, 2029, materials, parts, equipment, components,  
14 and furnishings incorporated into or upon an aircraft as part  
15 of the modification, refurbishment, completion, replacement,  
16 repair, or maintenance of the aircraft. This exemption  
17 includes consumable supplies used in the modification,  
18 refurbishment, completion, replacement, repair, and  
19 maintenance of aircraft. However, until January 1, 2024, this  
20 exemption excludes any materials, parts, equipment,  
21 components, and consumable supplies used in the modification,  
22 replacement, repair, and maintenance of aircraft engines or  
23 power plants, whether such engines or power plants are  
24 installed or uninstalled upon any such aircraft. "Consumable  
25 supplies" include, but are not limited to, adhesive, tape,  
26 sandpaper, general purpose lubricants, cleaning solution,

1 latex gloves, and protective films.

2 Beginning January 1, 2010 and continuing through December  
3 31, 2023, this exemption applies only to the use of qualifying  
4 tangible personal property by persons who modify, refurbish,  
5 complete, repair, replace, or maintain aircraft and who (i)  
6 hold an Air Agency Certificate and are empowered to operate an  
7 approved repair station by the Federal Aviation  
8 Administration, (ii) have a Class IV Rating, and (iii) conduct  
9 operations in accordance with Part 145 of the Federal Aviation  
10 Regulations. From January 1, 2024 through December 31, 2029,  
11 this exemption applies only to the use of qualifying tangible  
12 personal property by: (A) persons who modify, refurbish,  
13 complete, repair, replace, or maintain aircraft and who (i)  
14 hold an Air Agency Certificate and are empowered to operate an  
15 approved repair station by the Federal Aviation  
16 Administration, (ii) have a Class IV Rating, and (iii) conduct  
17 operations in accordance with Part 145 of the Federal Aviation  
18 Regulations; and (B) persons who engage in the modification,  
19 replacement, repair, and maintenance of aircraft engines or  
20 power plants without regard to whether or not those persons  
21 meet the qualifications of item (A).

22 The exemption does not include aircraft operated by a  
23 commercial air carrier providing scheduled passenger air  
24 service pursuant to authority issued under Part 121 or Part  
25 129 of the Federal Aviation Regulations. The changes made to  
26 this paragraph (35) by Public Act 98-534 are declarative of

1 existing law. It is the intent of the General Assembly that the  
2 exemption under this paragraph (35) applies continuously from  
3 January 1, 2010 through December 31, 2024; however, no claim  
4 for credit or refund is allowed for taxes paid as a result of  
5 the disallowance of this exemption on or after January 1, 2015  
6 and prior to February 5, 2020 (the effective date of Public Act  
7 101-629).

8 (36) Tangible personal property purchased by a  
9 public-facilities corporation, as described in Section  
10 11-65-10 of the Illinois Municipal Code, for purposes of  
11 constructing or furnishing a municipal convention hall, but  
12 only if the legal title to the municipal convention hall is  
13 transferred to the municipality without any further  
14 consideration by or on behalf of the municipality at the time  
15 of the completion of the municipal convention hall or upon the  
16 retirement or redemption of any bonds or other debt  
17 instruments issued by the public-facilities corporation in  
18 connection with the development of the municipal convention  
19 hall. This exemption includes existing public-facilities  
20 corporations as provided in Section 11-65-25 of the Illinois  
21 Municipal Code. This paragraph is exempt from the provisions  
22 of Section 3-90.

23 (37) Beginning January 1, 2017 and through December 31,  
24 2026, menstrual pads, tampons, and menstrual cups.

25 (38) Merchandise that is subject to the Rental Purchase  
26 Agreement Occupation and Use Tax. The purchaser must certify

1 that the item is purchased to be rented subject to a  
2 rental-purchase ~~rental-purchase~~ agreement, as defined in the  
3 Rental-Purchase ~~Rental Purchase~~ Agreement Act, and provide  
4 proof of registration under the Rental Purchase Agreement  
5 Occupation and Use Tax Act. This paragraph is exempt from the  
6 provisions of Section 3-90.

7 (39) Tangible personal property purchased by a purchaser  
8 who is exempt from the tax imposed by this Act by operation of  
9 federal law. This paragraph is exempt from the provisions of  
10 Section 3-90.

11 (40) Qualified tangible personal property used in the  
12 construction or operation of a data center that has been  
13 granted a certificate of exemption by the Department of  
14 Commerce and Economic Opportunity, whether that tangible  
15 personal property is purchased by the owner, operator, or  
16 tenant of the data center or by a contractor or subcontractor  
17 of the owner, operator, or tenant. Data centers that would  
18 have qualified for a certificate of exemption prior to January  
19 1, 2020 had Public Act 101-31 been in effect may apply for and  
20 obtain an exemption for subsequent purchases of computer  
21 equipment or enabling software purchased or leased to upgrade,  
22 supplement, or replace computer equipment or enabling software  
23 purchased or leased in the original investment that would have  
24 qualified.

25 The Department of Commerce and Economic Opportunity shall  
26 grant a certificate of exemption under this item (40) to



1 qualified data centers as defined by Section 605-1025 of the  
2 Department of Commerce and Economic Opportunity Law of the  
3 Civil Administrative Code of Illinois.

4 For the purposes of this item (40):

5 "Data center" means a building or a series of  
6 buildings rehabilitated or constructed to house working  
7 servers in one physical location or multiple sites within  
8 the State of Illinois.

9 "Qualified tangible personal property" means:  
10 electrical systems and equipment; climate control and  
11 chilling equipment and systems; mechanical systems and  
12 equipment; monitoring and secure systems; emergency  
13 generators; hardware; computers; servers; data storage  
14 devices; network connectivity equipment; racks; cabinets;  
15 telecommunications cabling infrastructure; raised floor  
16 systems; peripheral components or systems; software;  
17 mechanical, electrical, or plumbing systems; battery  
18 systems; cooling systems and towers; temperature control  
19 systems; other cabling; and other data center  
20 infrastructure equipment and systems necessary to operate  
21 qualified tangible personal property, including fixtures;  
22 and component parts of any of the foregoing, including  
23 installation, maintenance, repair, refurbishment, and  
24 replacement of qualified tangible personal property to  
25 generate, transform, transmit, distribute, or manage  
26 electricity necessary to operate qualified tangible

1 personal property; and all other tangible personal  
2 property that is essential to the operations of a computer  
3 data center. The term "qualified tangible personal  
4 property" also includes building materials physically  
5 incorporated into ~~in to~~ the qualifying data center. To  
6 document the exemption allowed under this Section, the  
7 retailer must obtain from the purchaser a copy of the  
8 certificate of eligibility issued by the Department of  
9 Commerce and Economic Opportunity.

10 This item (40) is exempt from the provisions of Section  
11 3-90.

12 (41) Beginning July 1, 2022, breast pumps, breast pump  
13 collection and storage supplies, and breast pump kits. This  
14 item (41) is exempt from the provisions of Section 3-90. As  
15 used in this item (41):

16 "Breast pump" means an electrically controlled or  
17 manually controlled pump device designed or marketed to be  
18 used to express milk from a human breast during lactation,  
19 including the pump device and any battery, AC adapter, or  
20 other power supply unit that is used to power the pump  
21 device and is packaged and sold with the pump device at the  
22 time of sale.

23 "Breast pump collection and storage supplies" means  
24 items of tangible personal property designed or marketed  
25 to be used in conjunction with a breast pump to collect  
26 milk expressed from a human breast and to store collected

1 milk until it is ready for consumption.

2 "Breast pump collection and storage supplies"  
3 includes, but is not limited to: breast shields and breast  
4 shield connectors; breast pump tubes and tubing adapters;  
5 breast pump valves and membranes; backflow protectors and  
6 backflow protector adaptors; bottles and bottle caps  
7 specific to the operation of the breast pump; and breast  
8 milk storage bags.

9 "Breast pump collection and storage supplies" does not  
10 include: (1) bottles and bottle caps not specific to the  
11 operation of the breast pump; (2) breast pump travel bags  
12 and other similar carrying accessories, including ice  
13 packs, labels, and other similar products; (3) breast pump  
14 cleaning supplies; (4) nursing bras, bra pads, breast  
15 shells, and other similar products; and (5) creams,  
16 ointments, and other similar products that relieve  
17 breastfeeding-related symptoms or conditions of the  
18 breasts or nipples, unless sold as part of a breast pump  
19 kit that is pre-packaged by the breast pump manufacturer  
20 or distributor.

21 "Breast pump kit" means a kit that: (1) contains no  
22 more than a breast pump, breast pump collection and  
23 storage supplies, a rechargeable battery for operating the  
24 breast pump, a breastmilk cooler, bottle stands, ice  
25 packs, and a breast pump carrying case; and (2) is  
26 pre-packaged as a breast pump kit by the breast pump

1 manufacturer or distributor.

2 (42) Tangible personal property sold by or on behalf of  
3 the State Treasurer pursuant to the Revised Uniform Unclaimed  
4 Property Act. This item (42) is exempt from the provisions of  
5 Section 3-90.

6 (43) Beginning on January 1, 2024, tangible personal  
7 property purchased by an active duty member of the armed  
8 forces of the United States who presents valid military  
9 identification and purchases the property using a form of  
10 payment where the federal government is the payor. The member  
11 of the armed forces must complete, at the point of sale, a form  
12 prescribed by the Department of Revenue documenting that the  
13 transaction is eligible for the exemption under this  
14 paragraph. Retailers must keep the form as documentation of  
15 the exemption in their records for a period of not less than 6  
16 years. "Armed forces of the United States" means the United  
17 States Army, Navy, Air Force, Space Force, Marine Corps, or  
18 Coast Guard. This paragraph is exempt from the provisions of  
19 Section 3-90.

20 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
21 Section 70-5, eff. 4-19-22; 102-700, Article 75, Section 75-5,  
22 eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
23 Section 5-5, eff. 6-7-23; 103-9, Article 15, Section 15-5,  
24 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
25 revised 12-12-23.)

1 Section 45. The Service Use Tax Act is amended by changing  
2 Section 3-5 as follows:

3 (35 ILCS 110/3-5)

4 Sec. 3-5. Exemptions. Use of the following tangible  
5 personal property is exempt from the tax imposed by this Act:

6 (1) Personal property purchased from a corporation,  
7 society, association, foundation, institution, or  
8 organization, other than a limited liability company, that is  
9 organized and operated as a not-for-profit service enterprise  
10 for the benefit of persons 65 years of age or older if the  
11 personal property was not purchased by the enterprise for the  
12 purpose of resale by the enterprise.

13 (2) Personal property purchased by a non-profit Illinois  
14 county fair association for use in conducting, operating, or  
15 promoting the county fair.

16 (3) Personal property purchased by a not-for-profit arts  
17 or cultural organization that establishes, by proof required  
18 by the Department by rule, that it has received an exemption  
19 under Section 501(c)(3) of the Internal Revenue Code and that  
20 is organized and operated primarily for the presentation or  
21 support of arts or cultural programming, activities, or  
22 services. These organizations include, but are not limited to,  
23 music and dramatic arts organizations such as symphony  
24 orchestras and theatrical groups, arts and cultural service  
25 organizations, local arts councils, visual arts organizations,

1 and media arts organizations. On and after July 1, 2001 (the  
2 effective date of Public Act 92-35), however, an entity  
3 otherwise eligible for this exemption shall not make tax-free  
4 purchases unless it has an active identification number issued  
5 by the Department.

6 (4) Legal tender, currency, medallions, or gold or silver  
7 coinage issued by the State of Illinois, the government of the  
8 United States of America, or the government of any foreign  
9 country, and bullion.

10 (5) Until July 1, 2003 and beginning again on September 1,  
11 2004 through August 30, 2014, graphic arts machinery and  
12 equipment, including repair and replacement parts, both new  
13 and used, and including that manufactured on special order or  
14 purchased for lease, certified by the purchaser to be used  
15 primarily for graphic arts production. Equipment includes  
16 chemicals or chemicals acting as catalysts but only if the  
17 chemicals or chemicals acting as catalysts effect a direct and  
18 immediate change upon a graphic arts product. Beginning on  
19 July 1, 2017, graphic arts machinery and equipment is included  
20 in the manufacturing and assembling machinery and equipment  
21 exemption under Section 2 of this Act.

22 (6) Personal property purchased from a teacher-sponsored  
23 student organization affiliated with an elementary or  
24 secondary school located in Illinois.

25 (7) Farm machinery and equipment, both new and used,  
26 including that manufactured on special order, certified by the

1 purchaser to be used primarily for production agriculture or  
2 State or federal agricultural programs, including individual  
3 replacement parts for the machinery and equipment, including  
4 machinery and equipment purchased for lease, and including  
5 implements of husbandry defined in Section 1-130 of the  
6 Illinois Vehicle Code, farm machinery and agricultural  
7 chemical and fertilizer spreaders, and nurse wagons required  
8 to be registered under Section 3-809 of the Illinois Vehicle  
9 Code, but excluding other motor vehicles required to be  
10 registered under the Illinois Vehicle Code. Horticultural  
11 polyhouses or hoop houses used for propagating, growing, or  
12 overwintering plants shall be considered farm machinery and  
13 equipment under this item (7). Agricultural chemical tender  
14 tanks and dry boxes shall include units sold separately from a  
15 motor vehicle required to be licensed and units sold mounted  
16 on a motor vehicle required to be licensed if the selling price  
17 of the tender is separately stated.

18 Farm machinery and equipment shall include precision  
19 farming equipment that is installed or purchased to be  
20 installed on farm machinery and equipment, including, but not  
21 limited to, tractors, harvesters, sprayers, planters, seeders,  
22 or spreaders. Precision farming equipment includes, but is not  
23 limited to, soil testing sensors, computers, monitors,  
24 software, global positioning and mapping systems, and other  
25 such equipment.

26 Farm machinery and equipment also includes computers,

1 sensors, software, and related equipment used primarily in the  
2 computer-assisted operation of production agriculture  
3 facilities, equipment, and activities such as, but not limited  
4 to, the collection, monitoring, and correlation of animal and  
5 crop data for the purpose of formulating animal diets and  
6 agricultural chemicals.

7 Beginning on January 1, 2024, farm machinery and equipment  
8 also includes electrical power generation equipment used  
9 primarily for production agriculture.

10 This item (7) is exempt from the provisions of Section  
11 3-75.

12 (8) Until June 30, 2013, fuel and petroleum products sold  
13 to or used by an air common carrier, certified by the carrier  
14 to be used for consumption, shipment, or storage in the  
15 conduct of its business as an air common carrier, for a flight  
16 destined for or returning from a location or locations outside  
17 the United States without regard to previous or subsequent  
18 domestic stopovers.

19 Beginning July 1, 2013, fuel and petroleum products sold  
20 to or used by an air carrier, certified by the carrier to be  
21 used for consumption, shipment, or storage in the conduct of  
22 its business as an air common carrier, for a flight that (i) is  
23 engaged in foreign trade or is engaged in trade between the  
24 United States and any of its possessions and (ii) transports  
25 at least one individual or package for hire from the city of  
26 origination to the city of final destination on the same



1 aircraft, without regard to a change in the flight number of  
2 that aircraft.

3 (9) Proceeds of mandatory service charges separately  
4 stated on customers' bills for the purchase and consumption of  
5 food and beverages acquired as an incident to the purchase of a  
6 service from a serviceman, to the extent that the proceeds of  
7 the service charge are in fact turned over as tips or as a  
8 substitute for tips to the employees who participate directly  
9 in preparing, serving, hosting or cleaning up the food or  
10 beverage function with respect to which the service charge is  
11 imposed.

12 (10) Until July 1, 2003, oil field exploration, drilling,  
13 and production equipment, including (i) rigs and parts of  
14 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
15 pipe and tubular goods, including casing and drill strings,  
16 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
17 lines, (v) any individual replacement part for oil field  
18 exploration, drilling, and production equipment, and (vi)  
19 machinery and equipment purchased for lease; but excluding  
20 motor vehicles required to be registered under the Illinois  
21 Vehicle Code.

22 (11) Proceeds from the sale of photoprocessing machinery  
23 and equipment, including repair and replacement parts, both  
24 new and used, including that manufactured on special order,  
25 certified by the purchaser to be used primarily for  
26 photoprocessing, and including photoprocessing machinery and

1 equipment purchased for lease.

2 (12) Until July 1, 2028, coal and aggregate exploration,  
3 mining, off-highway hauling, processing, maintenance, and  
4 reclamation equipment, including replacement parts and  
5 equipment, and including equipment purchased for lease, but  
6 excluding motor vehicles required to be registered under the  
7 Illinois Vehicle Code. The changes made to this Section by  
8 Public Act 97-767 apply on and after July 1, 2003, but no claim  
9 for credit or refund is allowed on or after August 16, 2013  
10 (the effective date of Public Act 98-456) for such taxes paid  
11 during the period beginning July 1, 2003 and ending on August  
12 16, 2013 (the effective date of Public Act 98-456).

13 (13) Semen used for artificial insemination of livestock  
14 for direct agricultural production.

15 (14) Horses, or interests in horses, registered with and  
16 meeting the requirements of any of the Arabian Horse Club  
17 Registry of America, Appaloosa Horse Club, American Quarter  
18 Horse Association, United States Trotting Association, or  
19 Jockey Club, as appropriate, used for purposes of breeding or  
20 racing for prizes. This item (14) is exempt from the  
21 provisions of Section 3-75, and the exemption provided for  
22 under this item (14) applies for all periods beginning May 30,  
23 1995, but no claim for credit or refund is allowed on or after  
24 January 1, 2008 (the effective date of Public Act 95-88) for  
25 such taxes paid during the period beginning May 30, 2000 and  
26 ending on January 1, 2008 (the effective date of Public Act

1 95-88).

2 (15) Computers and communications equipment utilized for  
3 any hospital purpose and equipment used in the diagnosis,  
4 analysis, or treatment of hospital patients purchased by a  
5 lessor who leases the equipment, under a lease of one year or  
6 longer executed or in effect at the time the lessor would  
7 otherwise be subject to the tax imposed by this Act, to a  
8 hospital that has been issued an active tax exemption  
9 identification number by the Department under Section 1g of  
10 the Retailers' Occupation Tax Act. If the equipment is leased  
11 in a manner that does not qualify for this exemption or is used  
12 in any other non-exempt manner, the lessor shall be liable for  
13 the tax imposed under this Act or the Use Tax Act, as the case  
14 may be, based on the fair market value of the property at the  
15 time the non-qualifying use occurs. No lessor shall collect or  
16 attempt to collect an amount (however designated) that  
17 purports to reimburse that lessor for the tax imposed by this  
18 Act or the Use Tax Act, as the case may be, if the tax has not  
19 been paid by the lessor. If a lessor improperly collects any  
20 such amount from the lessee, the lessee shall have a legal  
21 right to claim a refund of that amount from the lessor. If,  
22 however, that amount is not refunded to the lessee for any  
23 reason, the lessor is liable to pay that amount to the  
24 Department.

25 (16) Personal property purchased by a lessor who leases  
26 the property, under a lease of one year or longer executed or

1 in effect at the time the lessor would otherwise be subject to  
2 the tax imposed by this Act, to a governmental body that has  
3 been issued an active tax exemption identification number by  
4 the Department under Section 1g of the Retailers' Occupation  
5 Tax Act. If the property is leased in a manner that does not  
6 qualify for this exemption or is used in any other non-exempt  
7 manner, the lessor shall be liable for the tax imposed under  
8 this Act or the Use Tax Act, as the case may be, based on the  
9 fair market value of the property at the time the  
10 non-qualifying use occurs. No lessor shall collect or attempt  
11 to collect an amount (however designated) that purports to  
12 reimburse that lessor for the tax imposed by this Act or the  
13 Use Tax Act, as the case may be, if the tax has not been paid  
14 by the lessor. If a lessor improperly collects any such amount  
15 from the lessee, the lessee shall have a legal right to claim a  
16 refund of that amount from the lessor. If, however, that  
17 amount is not refunded to the lessee for any reason, the lessor  
18 is liable to pay that amount to the Department.

19 (17) Beginning with taxable years ending on or after  
20 December 31, 1995 and ending with taxable years ending on or  
21 before December 31, 2004, personal property that is donated  
22 for disaster relief to be used in a State or federally declared  
23 disaster area in Illinois or bordering Illinois by a  
24 manufacturer or retailer that is registered in this State to a  
25 corporation, society, association, foundation, or institution  
26 that has been issued a sales tax exemption identification

1 number by the Department that assists victims of the disaster  
2 who reside within the declared disaster area.

3 (18) Beginning with taxable years ending on or after  
4 December 31, 1995 and ending with taxable years ending on or  
5 before December 31, 2004, personal property that is used in  
6 the performance of infrastructure repairs in this State,  
7 including, but not limited to, municipal roads and streets,  
8 access roads, bridges, sidewalks, waste disposal systems,  
9 water and sewer line extensions, water distribution and  
10 purification facilities, storm water drainage and retention  
11 facilities, and sewage treatment facilities, resulting from a  
12 State or federally declared disaster in Illinois or bordering  
13 Illinois when such repairs are initiated on facilities located  
14 in the declared disaster area within 6 months after the  
15 disaster.

16 (19) Beginning July 1, 1999, game or game birds purchased  
17 at a "game breeding and hunting preserve area" as that term is  
18 used in the Wildlife Code. This paragraph is exempt from the  
19 provisions of Section 3-75.

20 (20) A motor vehicle, as that term is defined in Section  
21 1-146 of the Illinois Vehicle Code, that is donated to a  
22 corporation, limited liability company, society, association,  
23 foundation, or institution that is determined by the  
24 Department to be organized and operated exclusively for  
25 educational purposes. For purposes of this exemption, "a  
26 corporation, limited liability company, society, association,

1 foundation, or institution organized and operated exclusively  
2 for educational purposes" means all tax-supported public  
3 schools, private schools that offer systematic instruction in  
4 useful branches of learning by methods common to public  
5 schools and that compare favorably in their scope and  
6 intensity with the course of study presented in tax-supported  
7 schools, and vocational or technical schools or institutes  
8 organized and operated exclusively to provide a course of  
9 study of not less than 6 weeks duration and designed to prepare  
10 individuals to follow a trade or to pursue a manual,  
11 technical, mechanical, industrial, business, or commercial  
12 occupation.

13 (21) Beginning January 1, 2000, personal property,  
14 including food, purchased through fundraising events for the  
15 benefit of a public or private elementary or secondary school,  
16 a group of those schools, or one or more school districts if  
17 the events are sponsored by an entity recognized by the school  
18 district that consists primarily of volunteers and includes  
19 parents and teachers of the school children. This paragraph  
20 does not apply to fundraising events (i) for the benefit of  
21 private home instruction or (ii) for which the fundraising  
22 entity purchases the personal property sold at the events from  
23 another individual or entity that sold the property for the  
24 purpose of resale by the fundraising entity and that profits  
25 from the sale to the fundraising entity. This paragraph is  
26 exempt from the provisions of Section 3-75.

1           (22) Beginning January 1, 2000 and through December 31,  
2           2001, new or used automatic vending machines that prepare and  
3           serve hot food and beverages, including coffee, soup, and  
4           other items, and replacement parts for these machines.  
5           Beginning January 1, 2002 and through June 30, 2003, machines  
6           and parts for machines used in commercial, coin-operated  
7           amusement and vending business if a use or occupation tax is  
8           paid on the gross receipts derived from the use of the  
9           commercial, coin-operated amusement and vending machines. This  
10          paragraph is exempt from the provisions of Section 3-75.

11          (23) Beginning August 23, 2001 and through June 30, 2016,  
12          food for human consumption that is to be consumed off the  
13          premises where it is sold (other than alcoholic beverages,  
14          soft drinks, and food that has been prepared for immediate  
15          consumption) and prescription and nonprescription medicines,  
16          drugs, medical appliances, and insulin, urine testing  
17          materials, syringes, and needles used by diabetics, for human  
18          use, when purchased for use by a person receiving medical  
19          assistance under Article V of the Illinois Public Aid Code who  
20          resides in a licensed long-term care facility, as defined in  
21          the Nursing Home Care Act, or in a licensed facility as defined  
22          in the ID/DD Community Care Act, the MC/DD Act, or the  
23          Specialized Mental Health Rehabilitation Act of 2013.

24          (24) Beginning on August 2, 2001 (the effective date of  
25          Public Act 92-227), computers and communications equipment  
26          utilized for any hospital purpose and equipment used in the

1 diagnosis, analysis, or treatment of hospital patients  
2 purchased by a lessor who leases the equipment, under a lease  
3 of one year or longer executed or in effect at the time the  
4 lessor would otherwise be subject to the tax imposed by this  
5 Act, to a hospital that has been issued an active tax exemption  
6 identification number by the Department under Section 1g of  
7 the Retailers' Occupation Tax Act. If the equipment is leased  
8 in a manner that does not qualify for this exemption or is used  
9 in any other nonexempt manner, the lessor shall be liable for  
10 the tax imposed under this Act or the Use Tax Act, as the case  
11 may be, based on the fair market value of the property at the  
12 time the nonqualifying use occurs. No lessor shall collect or  
13 attempt to collect an amount (however designated) that  
14 purports to reimburse that lessor for the tax imposed by this  
15 Act or the Use Tax Act, as the case may be, if the tax has not  
16 been paid by the lessor. If a lessor improperly collects any  
17 such amount from the lessee, the lessee shall have a legal  
18 right to claim a refund of that amount from the lessor. If,  
19 however, that amount is not refunded to the lessee for any  
20 reason, the lessor is liable to pay that amount to the  
21 Department. This paragraph is exempt from the provisions of  
22 Section 3-75.

23 (25) Beginning on August 2, 2001 (the effective date of  
24 Public Act 92-227), personal property purchased by a lessor  
25 who leases the property, under a lease of one year or longer  
26 executed or in effect at the time the lessor would otherwise be



1 subject to the tax imposed by this Act, to a governmental body  
2 that has been issued an active tax exemption identification  
3 number by the Department under Section 1g of the Retailers'  
4 Occupation Tax Act. If the property is leased in a manner that  
5 does not qualify for this exemption or is used in any other  
6 nonexempt manner, the lessor shall be liable for the tax  
7 imposed under this Act or the Use Tax Act, as the case may be,  
8 based on the fair market value of the property at the time the  
9 nonqualifying use occurs. No lessor shall collect or attempt  
10 to collect an amount (however designated) that purports to  
11 reimburse that lessor for the tax imposed by this Act or the  
12 Use Tax Act, as the case may be, if the tax has not been paid  
13 by the lessor. If a lessor improperly collects any such amount  
14 from the lessee, the lessee shall have a legal right to claim a  
15 refund of that amount from the lessor. If, however, that  
16 amount is not refunded to the lessee for any reason, the lessor  
17 is liable to pay that amount to the Department. This paragraph  
18 is exempt from the provisions of Section 3-75.

19 (26) Beginning January 1, 2008, tangible personal property  
20 used in the construction or maintenance of a community water  
21 supply, as defined under Section 3.145 of the Environmental  
22 Protection Act, that is operated by a not-for-profit  
23 corporation that holds a valid water supply permit issued  
24 under Title IV of the Environmental Protection Act. This  
25 paragraph is exempt from the provisions of Section 3-75.

26 (27) Beginning January 1, 2010 and continuing through

1 December 31, 2029, materials, parts, equipment, components,  
2 and furnishings incorporated into or upon an aircraft as part  
3 of the modification, refurbishment, completion, replacement,  
4 repair, or maintenance of the aircraft. This exemption  
5 includes consumable supplies used in the modification,  
6 refurbishment, completion, replacement, repair, and  
7 maintenance of aircraft. However, until January 1, 2024, this  
8 exemption excludes any materials, parts, equipment,  
9 components, and consumable supplies used in the modification,  
10 replacement, repair, and maintenance of aircraft engines or  
11 power plants, whether such engines or power plants are  
12 installed or uninstalled upon any such aircraft. "Consumable  
13 supplies" include, but are not limited to, adhesive, tape,  
14 sandpaper, general purpose lubricants, cleaning solution,  
15 latex gloves, and protective films.

16 Beginning January 1, 2010 and continuing through December  
17 31, 2023, this exemption applies only to the use of qualifying  
18 tangible personal property transferred incident to the  
19 modification, refurbishment, completion, replacement, repair,  
20 or maintenance of aircraft by persons who (i) hold an Air  
21 Agency Certificate and are empowered to operate an approved  
22 repair station by the Federal Aviation Administration, (ii)  
23 have a Class IV Rating, and (iii) conduct operations in  
24 accordance with Part 145 of the Federal Aviation Regulations.  
25 From January 1, 2024 through December 31, 2029, this exemption  
26 applies only to the use of qualifying tangible personal

1 property by: (A) persons who modify, refurbish, complete,  
2 repair, replace, or maintain aircraft and who (i) hold an Air  
3 Agency Certificate and are empowered to operate an approved  
4 repair station by the Federal Aviation Administration, (ii)  
5 have a Class IV Rating, and (iii) conduct operations in  
6 accordance with Part 145 of the Federal Aviation Regulations;  
7 and (B) persons who engage in the modification, replacement,  
8 repair, and maintenance of aircraft engines or power plants  
9 without regard to whether or not those persons meet the  
10 qualifications of item (A).

11 The exemption does not include aircraft operated by a  
12 commercial air carrier providing scheduled passenger air  
13 service pursuant to authority issued under Part 121 or Part  
14 129 of the Federal Aviation Regulations. The changes made to  
15 this paragraph (27) by Public Act 98-534 are declarative of  
16 existing law. It is the intent of the General Assembly that the  
17 exemption under this paragraph (27) applies continuously from  
18 January 1, 2010 through December 31, 2024; however, no claim  
19 for credit or refund is allowed for taxes paid as a result of  
20 the disallowance of this exemption on or after January 1, 2015  
21 and prior to February 5, 2020 (the effective date of Public Act  
22 101-629).

23 (28) Tangible personal property purchased by a  
24 public-facilities corporation, as described in Section  
25 11-65-10 of the Illinois Municipal Code, for purposes of  
26 constructing or furnishing a municipal convention hall, but

1 only if the legal title to the municipal convention hall is  
2 transferred to the municipality without any further  
3 consideration by or on behalf of the municipality at the time  
4 of the completion of the municipal convention hall or upon the  
5 retirement or redemption of any bonds or other debt  
6 instruments issued by the public-facilities corporation in  
7 connection with the development of the municipal convention  
8 hall. This exemption includes existing public-facilities  
9 corporations as provided in Section 11-65-25 of the Illinois  
10 Municipal Code. This paragraph is exempt from the provisions  
11 of Section 3-75.

12 (29) Beginning January 1, 2017 and through December 31,  
13 2026, menstrual pads, tampons, and menstrual cups.

14 (30) Tangible personal property transferred to a purchaser  
15 who is exempt from the tax imposed by this Act by operation of  
16 federal law. This paragraph is exempt from the provisions of  
17 Section 3-75.

18 (31) Qualified tangible personal property used in the  
19 construction or operation of a data center that has been  
20 granted a certificate of exemption by the Department of  
21 Commerce and Economic Opportunity, whether that tangible  
22 personal property is purchased by the owner, operator, or  
23 tenant of the data center or by a contractor or subcontractor  
24 of the owner, operator, or tenant. Data centers that would  
25 have qualified for a certificate of exemption prior to January  
26 1, 2020 had Public Act 101-31 been in effect, may apply for and

1 obtain an exemption for subsequent purchases of computer  
2 equipment or enabling software purchased or leased to upgrade,  
3 supplement, or replace computer equipment or enabling software  
4 purchased or leased in the original investment that would have  
5 qualified.

6 The Department of Commerce and Economic Opportunity shall  
7 grant a certificate of exemption under this item (31) to  
8 qualified data centers as defined by Section 605-1025 of the  
9 Department of Commerce and Economic Opportunity Law of the  
10 Civil Administrative Code of Illinois.

11 For the purposes of this item (31):

12 "Data center" means a building or a series of  
13 buildings rehabilitated or constructed to house working  
14 servers in one physical location or multiple sites within  
15 the State of Illinois.

16 "Qualified tangible personal property" means:  
17 electrical systems and equipment; climate control and  
18 chilling equipment and systems; mechanical systems and  
19 equipment; monitoring and secure systems; emergency  
20 generators; hardware; computers; servers; data storage  
21 devices; network connectivity equipment; racks; cabinets;  
22 telecommunications cabling infrastructure; raised floor  
23 systems; peripheral components or systems; software;  
24 mechanical, electrical, or plumbing systems; battery  
25 systems; cooling systems and towers; temperature control  
26 systems; other cabling; and other data center

1 infrastructure equipment and systems necessary to operate  
2 qualified tangible personal property, including fixtures;  
3 and component parts of any of the foregoing, including  
4 installation, maintenance, repair, refurbishment, and  
5 replacement of qualified tangible personal property to  
6 generate, transform, transmit, distribute, or manage  
7 electricity necessary to operate qualified tangible  
8 personal property; and all other tangible personal  
9 property that is essential to the operations of a computer  
10 data center. The term "qualified tangible personal  
11 property" also includes building materials physically  
12 incorporated into ~~in to~~ the qualifying data center. To  
13 document the exemption allowed under this Section, the  
14 retailer must obtain from the purchaser a copy of the  
15 certificate of eligibility issued by the Department of  
16 Commerce and Economic Opportunity.

17 This item (31) is exempt from the provisions of Section  
18 3-75.

19 (32) Beginning July 1, 2022, breast pumps, breast pump  
20 collection and storage supplies, and breast pump kits. This  
21 item (32) is exempt from the provisions of Section 3-75. As  
22 used in this item (32):

23 "Breast pump" means an electrically controlled or  
24 manually controlled pump device designed or marketed to be  
25 used to express milk from a human breast during lactation,  
26 including the pump device and any battery, AC adapter, or

1 other power supply unit that is used to power the pump  
2 device and is packaged and sold with the pump device at the  
3 time of sale.

4 "Breast pump collection and storage supplies" means  
5 items of tangible personal property designed or marketed  
6 to be used in conjunction with a breast pump to collect  
7 milk expressed from a human breast and to store collected  
8 milk until it is ready for consumption.

9 "Breast pump collection and storage supplies"  
10 includes, but is not limited to: breast shields and breast  
11 shield connectors; breast pump tubes and tubing adapters;  
12 breast pump valves and membranes; backflow protectors and  
13 backflow protector adaptors; bottles and bottle caps  
14 specific to the operation of the breast pump; and breast  
15 milk storage bags.

16 "Breast pump collection and storage supplies" does not  
17 include: (1) bottles and bottle caps not specific to the  
18 operation of the breast pump; (2) breast pump travel bags  
19 and other similar carrying accessories, including ice  
20 packs, labels, and other similar products; (3) breast pump  
21 cleaning supplies; (4) nursing bras, bra pads, breast  
22 shells, and other similar products; and (5) creams,  
23 ointments, and other similar products that relieve  
24 breastfeeding-related symptoms or conditions of the  
25 breasts or nipples, unless sold as part of a breast pump  
26 kit that is pre-packaged by the breast pump manufacturer

1 or distributor.

2 "Breast pump kit" means a kit that: (1) contains no  
3 more than a breast pump, breast pump collection and  
4 storage supplies, a rechargeable battery for operating the  
5 breast pump, a breastmilk cooler, bottle stands, ice  
6 packs, and a breast pump carrying case; and (2) is  
7 pre-packaged as a breast pump kit by the breast pump  
8 manufacturer or distributor.

9 (33) Tangible personal property sold by or on behalf of  
10 the State Treasurer pursuant to the Revised Uniform Unclaimed  
11 Property Act. This item (33) is exempt from the provisions of  
12 Section 3-75.

13 (34) Beginning on January 1, 2024, tangible personal  
14 property purchased by an active duty member of the armed  
15 forces of the United States who presents valid military  
16 identification and purchases the property using a form of  
17 payment where the federal government is the payor. The member  
18 of the armed forces must complete, at the point of sale, a form  
19 prescribed by the Department of Revenue documenting that the  
20 transaction is eligible for the exemption under this  
21 paragraph. Retailers must keep the form as documentation of  
22 the exemption in their records for a period of not less than 6  
23 years. "Armed forces of the United States" means the United  
24 States Army, Navy, Air Force, Space Force, Marine Corps, or  
25 Coast Guard. This paragraph is exempt from the provisions of  
26 Section 3-75.



1 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
2 Section 70-10, eff. 4-19-22; 102-700, Article 75, Section  
3 75-10, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
4 Section 5-10, eff. 6-7-23; 103-9, Article 15, Section 15-10,  
5 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
6 revised 12-12-23.)

7 Section 50. The Service Occupation Tax Act is amended by  
8 changing Section 3-5 as follows:

9 (35 ILCS 115/3-5)

10 Sec. 3-5. Exemptions. The following tangible personal  
11 property is exempt from the tax imposed by this Act:

12 (1) Personal property sold by a corporation, society,  
13 association, foundation, institution, or organization, other  
14 than a limited liability company, that is organized and  
15 operated as a not-for-profit service enterprise for the  
16 benefit of persons 65 years of age or older if the personal  
17 property was not purchased by the enterprise for the purpose  
18 of resale by the enterprise.

19 (2) Personal property purchased by a not-for-profit  
20 Illinois county fair association for use in conducting,  
21 operating, or promoting the county fair.

22 (3) Personal property purchased by any not-for-profit arts  
23 or cultural organization that establishes, by proof required  
24 by the Department by rule, that it has received an exemption

1 under Section 501(c)(3) of the Internal Revenue Code and that  
2 is organized and operated primarily for the presentation or  
3 support of arts or cultural programming, activities, or  
4 services. These organizations include, but are not limited to,  
5 music and dramatic arts organizations such as symphony  
6 orchestras and theatrical groups, arts and cultural service  
7 organizations, local arts councils, visual arts organizations,  
8 and media arts organizations. On and after July 1, 2001 (the  
9 effective date of Public Act 92-35), however, an entity  
10 otherwise eligible for this exemption shall not make tax-free  
11 purchases unless it has an active identification number issued  
12 by the Department.

13 (4) Legal tender, currency, medallions, or gold or silver  
14 coinage issued by the State of Illinois, the government of the  
15 United States of America, or the government of any foreign  
16 country, and bullion.

17 (5) Until July 1, 2003 and beginning again on September 1,  
18 2004 through August 30, 2014, graphic arts machinery and  
19 equipment, including repair and replacement parts, both new  
20 and used, and including that manufactured on special order or  
21 purchased for lease, certified by the purchaser to be used  
22 primarily for graphic arts production. Equipment includes  
23 chemicals or chemicals acting as catalysts but only if the  
24 chemicals or chemicals acting as catalysts effect a direct and  
25 immediate change upon a graphic arts product. Beginning on  
26 July 1, 2017, graphic arts machinery and equipment is included

1 in the manufacturing and assembling machinery and equipment  
2 exemption under Section 2 of this Act.

3 (6) Personal property sold by a teacher-sponsored student  
4 organization affiliated with an elementary or secondary school  
5 located in Illinois.

6 (7) Farm machinery and equipment, both new and used,  
7 including that manufactured on special order, certified by the  
8 purchaser to be used primarily for production agriculture or  
9 State or federal agricultural programs, including individual  
10 replacement parts for the machinery and equipment, including  
11 machinery and equipment purchased for lease, and including  
12 implements of husbandry defined in Section 1-130 of the  
13 Illinois Vehicle Code, farm machinery and agricultural  
14 chemical and fertilizer spreaders, and nurse wagons required  
15 to be registered under Section 3-809 of the Illinois Vehicle  
16 Code, but excluding other motor vehicles required to be  
17 registered under the Illinois Vehicle Code. Horticultural  
18 polyhouses or hoop houses used for propagating, growing, or  
19 overwintering plants shall be considered farm machinery and  
20 equipment under this item (7). Agricultural chemical tender  
21 tanks and dry boxes shall include units sold separately from a  
22 motor vehicle required to be licensed and units sold mounted  
23 on a motor vehicle required to be licensed if the selling price  
24 of the tender is separately stated.

25 Farm machinery and equipment shall include precision  
26 farming equipment that is installed or purchased to be

1 installed on farm machinery and equipment, including, but not  
2 limited to, tractors, harvesters, sprayers, planters, seeders,  
3 or spreaders. Precision farming equipment includes, but is not  
4 limited to, soil testing sensors, computers, monitors,  
5 software, global positioning and mapping systems, and other  
6 such equipment.

7 Farm machinery and equipment also includes computers,  
8 sensors, software, and related equipment used primarily in the  
9 computer-assisted operation of production agriculture  
10 facilities, equipment, and activities such as, but not limited  
11 to, the collection, monitoring, and correlation of animal and  
12 crop data for the purpose of formulating animal diets and  
13 agricultural chemicals.

14 Beginning on January 1, 2024, farm machinery and equipment  
15 also includes electrical power generation equipment used  
16 primarily for production agriculture.

17 This item (7) is exempt from the provisions of Section  
18 3-55.

19 (8) Until June 30, 2013, fuel and petroleum products sold  
20 to or used by an air common carrier, certified by the carrier  
21 to be used for consumption, shipment, or storage in the  
22 conduct of its business as an air common carrier, for a flight  
23 destined for or returning from a location or locations outside  
24 the United States without regard to previous or subsequent  
25 domestic stopovers.

26 Beginning July 1, 2013, fuel and petroleum products sold

1 to or used by an air carrier, certified by the carrier to be  
2 used for consumption, shipment, or storage in the conduct of  
3 its business as an air common carrier, for a flight that (i) is  
4 engaged in foreign trade or is engaged in trade between the  
5 United States and any of its possessions and (ii) transports  
6 at least one individual or package for hire from the city of  
7 origination to the city of final destination on the same  
8 aircraft, without regard to a change in the flight number of  
9 that aircraft.

10 (9) Proceeds of mandatory service charges separately  
11 stated on customers' bills for the purchase and consumption of  
12 food and beverages, to the extent that the proceeds of the  
13 service charge are in fact turned over as tips or as a  
14 substitute for tips to the employees who participate directly  
15 in preparing, serving, hosting or cleaning up the food or  
16 beverage function with respect to which the service charge is  
17 imposed.

18 (10) Until July 1, 2003, oil field exploration, drilling,  
19 and production equipment, including (i) rigs and parts of  
20 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
21 pipe and tubular goods, including casing and drill strings,  
22 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
23 lines, (v) any individual replacement part for oil field  
24 exploration, drilling, and production equipment, and (vi)  
25 machinery and equipment purchased for lease; but excluding  
26 motor vehicles required to be registered under the Illinois

1 Vehicle Code.

2 (11) Photoprocessing machinery and equipment, including  
3 repair and replacement parts, both new and used, including  
4 that manufactured on special order, certified by the purchaser  
5 to be used primarily for photoprocessing, and including  
6 photoprocessing machinery and equipment purchased for lease.

7 (12) Until July 1, 2028, coal and aggregate exploration,  
8 mining, off-highway hauling, processing, maintenance, and  
9 reclamation equipment, including replacement parts and  
10 equipment, and including equipment purchased for lease, but  
11 excluding motor vehicles required to be registered under the  
12 Illinois Vehicle Code. The changes made to this Section by  
13 Public Act 97-767 apply on and after July 1, 2003, but no claim  
14 for credit or refund is allowed on or after August 16, 2013  
15 (the effective date of Public Act 98-456) for such taxes paid  
16 during the period beginning July 1, 2003 and ending on August  
17 16, 2013 (the effective date of Public Act 98-456).

18 (13) Beginning January 1, 1992 and through June 30, 2016,  
19 food for human consumption that is to be consumed off the  
20 premises where it is sold (other than alcoholic beverages,  
21 soft drinks and food that has been prepared for immediate  
22 consumption) and prescription and non-prescription medicines,  
23 drugs, medical appliances, and insulin, urine testing  
24 materials, syringes, and needles used by diabetics, for human  
25 use, when purchased for use by a person receiving medical  
26 assistance under Article V of the Illinois Public Aid Code who

1 resides in a licensed long-term care facility, as defined in  
2 the Nursing Home Care Act, or in a licensed facility as defined  
3 in the ID/DD Community Care Act, the MC/DD Act, or the  
4 Specialized Mental Health Rehabilitation Act of 2013.

5 (14) Semen used for artificial insemination of livestock  
6 for direct agricultural production.

7 (15) Horses, or interests in horses, registered with and  
8 meeting the requirements of any of the Arabian Horse Club  
9 Registry of America, Appaloosa Horse Club, American Quarter  
10 Horse Association, United States Trotting Association, or  
11 Jockey Club, as appropriate, used for purposes of breeding or  
12 racing for prizes. This item (15) is exempt from the  
13 provisions of Section 3-55, and the exemption provided for  
14 under this item (15) applies for all periods beginning May 30,  
15 1995, but no claim for credit or refund is allowed on or after  
16 January 1, 2008 (the effective date of Public Act 95-88) for  
17 such taxes paid during the period beginning May 30, 2000 and  
18 ending on January 1, 2008 (the effective date of Public Act  
19 95-88).

20 (16) Computers and communications equipment utilized for  
21 any hospital purpose and equipment used in the diagnosis,  
22 analysis, or treatment of hospital patients sold to a lessor  
23 who leases the equipment, under a lease of one year or longer  
24 executed or in effect at the time of the purchase, to a  
25 hospital that has been issued an active tax exemption  
26 identification number by the Department under Section 1g of

1 the Retailers' Occupation Tax Act.

2 (17) Personal property sold to a lessor who leases the  
3 property, under a lease of one year or longer executed or in  
4 effect at the time of the purchase, to a governmental body that  
5 has been issued an active tax exemption identification number  
6 by the Department under Section 1g of the Retailers'  
7 Occupation Tax Act.

8 (18) Beginning with taxable years ending on or after  
9 December 31, 1995 and ending with taxable years ending on or  
10 before December 31, 2004, personal property that is donated  
11 for disaster relief to be used in a State or federally declared  
12 disaster area in Illinois or bordering Illinois by a  
13 manufacturer or retailer that is registered in this State to a  
14 corporation, society, association, foundation, or institution  
15 that has been issued a sales tax exemption identification  
16 number by the Department that assists victims of the disaster  
17 who reside within the declared disaster area.

18 (19) Beginning with taxable years ending on or after  
19 December 31, 1995 and ending with taxable years ending on or  
20 before December 31, 2004, personal property that is used in  
21 the performance of infrastructure repairs in this State,  
22 including, but not limited to, municipal roads and streets,  
23 access roads, bridges, sidewalks, waste disposal systems,  
24 water and sewer line extensions, water distribution and  
25 purification facilities, storm water drainage and retention  
26 facilities, and sewage treatment facilities, resulting from a



1 State or federally declared disaster in Illinois or bordering  
2 Illinois when such repairs are initiated on facilities located  
3 in the declared disaster area within 6 months after the  
4 disaster.

5 (20) Beginning July 1, 1999, game or game birds sold at a  
6 "game breeding and hunting preserve area" as that term is used  
7 in the Wildlife Code. This paragraph is exempt from the  
8 provisions of Section 3-55.

9 (21) A motor vehicle, as that term is defined in Section  
10 1-146 of the Illinois Vehicle Code, that is donated to a  
11 corporation, limited liability company, society, association,  
12 foundation, or institution that is determined by the  
13 Department to be organized and operated exclusively for  
14 educational purposes. For purposes of this exemption, "a  
15 corporation, limited liability company, society, association,  
16 foundation, or institution organized and operated exclusively  
17 for educational purposes" means all tax-supported public  
18 schools, private schools that offer systematic instruction in  
19 useful branches of learning by methods common to public  
20 schools and that compare favorably in their scope and  
21 intensity with the course of study presented in tax-supported  
22 schools, and vocational or technical schools or institutes  
23 organized and operated exclusively to provide a course of  
24 study of not less than 6 weeks duration and designed to prepare  
25 individuals to follow a trade or to pursue a manual,  
26 technical, mechanical, industrial, business, or commercial

1 occupation.

2 (22) Beginning January 1, 2000, personal property,  
3 including food, purchased through fundraising events for the  
4 benefit of a public or private elementary or secondary school,  
5 a group of those schools, or one or more school districts if  
6 the events are sponsored by an entity recognized by the school  
7 district that consists primarily of volunteers and includes  
8 parents and teachers of the school children. This paragraph  
9 does not apply to fundraising events (i) for the benefit of  
10 private home instruction or (ii) for which the fundraising  
11 entity purchases the personal property sold at the events from  
12 another individual or entity that sold the property for the  
13 purpose of resale by the fundraising entity and that profits  
14 from the sale to the fundraising entity. This paragraph is  
15 exempt from the provisions of Section 3-55.

16 (23) Beginning January 1, 2000 and through December 31,  
17 2001, new or used automatic vending machines that prepare and  
18 serve hot food and beverages, including coffee, soup, and  
19 other items, and replacement parts for these machines.  
20 Beginning January 1, 2002 and through June 30, 2003, machines  
21 and parts for machines used in commercial, coin-operated  
22 amusement and vending business if a use or occupation tax is  
23 paid on the gross receipts derived from the use of the  
24 commercial, coin-operated amusement and vending machines. This  
25 paragraph is exempt from the provisions of Section 3-55.

26 (24) Beginning on August 2, 2001 (the effective date of

1 Public Act 92-227), computers and communications equipment  
2 utilized for any hospital purpose and equipment used in the  
3 diagnosis, analysis, or treatment of hospital patients sold to  
4 a lessor who leases the equipment, under a lease of one year or  
5 longer executed or in effect at the time of the purchase, to a  
6 hospital that has been issued an active tax exemption  
7 identification number by the Department under Section 1g of  
8 the Retailers' Occupation Tax Act. This paragraph is exempt  
9 from the provisions of Section 3-55.

10 (25) Beginning on August 2, 2001 (the effective date of  
11 Public Act 92-227), personal property sold to a lessor who  
12 leases the property, under a lease of one year or longer  
13 executed or in effect at the time of the purchase, to a  
14 governmental body that has been issued an active tax exemption  
15 identification number by the Department under Section 1g of  
16 the Retailers' Occupation Tax Act. This paragraph is exempt  
17 from the provisions of Section 3-55.

18 (26) Beginning on January 1, 2002 and through June 30,  
19 2016, tangible personal property purchased from an Illinois  
20 retailer by a taxpayer engaged in centralized purchasing  
21 activities in Illinois who will, upon receipt of the property  
22 in Illinois, temporarily store the property in Illinois (i)  
23 for the purpose of subsequently transporting it outside this  
24 State for use or consumption thereafter solely outside this  
25 State or (ii) for the purpose of being processed, fabricated,  
26 or manufactured into, attached to, or incorporated into other

1 tangible personal property to be transported outside this  
2 State and thereafter used or consumed solely outside this  
3 State. The Director of Revenue shall, pursuant to rules  
4 adopted in accordance with the Illinois Administrative  
5 Procedure Act, issue a permit to any taxpayer in good standing  
6 with the Department who is eligible for the exemption under  
7 this paragraph (26). The permit issued under this paragraph  
8 (26) shall authorize the holder, to the extent and in the  
9 manner specified in the rules adopted under this Act, to  
10 purchase tangible personal property from a retailer exempt  
11 from the taxes imposed by this Act. Taxpayers shall maintain  
12 all necessary books and records to substantiate the use and  
13 consumption of all such tangible personal property outside of  
14 the State of Illinois.

15 (27) Beginning January 1, 2008, tangible personal property  
16 used in the construction or maintenance of a community water  
17 supply, as defined under Section 3.145 of the Environmental  
18 Protection Act, that is operated by a not-for-profit  
19 corporation that holds a valid water supply permit issued  
20 under Title IV of the Environmental Protection Act. This  
21 paragraph is exempt from the provisions of Section 3-55.

22 (28) Tangible personal property sold to a  
23 public-facilities corporation, as described in Section  
24 11-65-10 of the Illinois Municipal Code, for purposes of  
25 constructing or furnishing a municipal convention hall, but  
26 only if the legal title to the municipal convention hall is

1 transferred to the municipality without any further  
2 consideration by or on behalf of the municipality at the time  
3 of the completion of the municipal convention hall or upon the  
4 retirement or redemption of any bonds or other debt  
5 instruments issued by the public-facilities corporation in  
6 connection with the development of the municipal convention  
7 hall. This exemption includes existing public-facilities  
8 corporations as provided in Section 11-65-25 of the Illinois  
9 Municipal Code. This paragraph is exempt from the provisions  
10 of Section 3-55.

11 (29) Beginning January 1, 2010 and continuing through  
12 December 31, 2029, materials, parts, equipment, components,  
13 and furnishings incorporated into or upon an aircraft as part  
14 of the modification, refurbishment, completion, replacement,  
15 repair, or maintenance of the aircraft. This exemption  
16 includes consumable supplies used in the modification,  
17 refurbishment, completion, replacement, repair, and  
18 maintenance of aircraft. However, until January 1, 2024, this  
19 exemption excludes any materials, parts, equipment,  
20 components, and consumable supplies used in the modification,  
21 replacement, repair, and maintenance of aircraft engines or  
22 power plants, whether such engines or power plants are  
23 installed or uninstalled upon any such aircraft. "Consumable  
24 supplies" include, but are not limited to, adhesive, tape,  
25 sandpaper, general purpose lubricants, cleaning solution,  
26 latex gloves, and protective films.

1           Beginning January 1, 2010 and continuing through December  
2 31, 2023, this exemption applies only to the transfer of  
3 qualifying tangible personal property incident to the  
4 modification, refurbishment, completion, replacement, repair,  
5 or maintenance of an aircraft by persons who (i) hold an Air  
6 Agency Certificate and are empowered to operate an approved  
7 repair station by the Federal Aviation Administration, (ii)  
8 have a Class IV Rating, and (iii) conduct operations in  
9 accordance with Part 145 of the Federal Aviation Regulations.  
10 The exemption does not include aircraft operated by a  
11 commercial air carrier providing scheduled passenger air  
12 service pursuant to authority issued under Part 121 or Part  
13 129 of the Federal Aviation Regulations. From January 1, 2024  
14 through December 31, 2029, this exemption applies only to the  
15 use of qualifying tangible personal property by: (A) persons  
16 who modify, refurbish, complete, repair, replace, or maintain  
17 aircraft and who (i) hold an Air Agency Certificate and are  
18 empowered to operate an approved repair station by the Federal  
19 Aviation Administration, (ii) have a Class IV Rating, and  
20 (iii) conduct operations in accordance with Part 145 of the  
21 Federal Aviation Regulations; and (B) persons who engage in  
22 the modification, replacement, repair, and maintenance of  
23 aircraft engines or power plants without regard to whether or  
24 not those persons meet the qualifications of item (A).

25           The changes made to this paragraph (29) by Public Act  
26 98-534 are declarative of existing law. It is the intent of the

1 General Assembly that the exemption under this paragraph (29)  
2 applies continuously from January 1, 2010 through December 31,  
3 2024; however, no claim for credit or refund is allowed for  
4 taxes paid as a result of the disallowance of this exemption on  
5 or after January 1, 2015 and prior to February 5, 2020 (the  
6 effective date of Public Act 101-629).

7 (30) Beginning January 1, 2017 and through December 31,  
8 2026, menstrual pads, tampons, and menstrual cups.

9 (31) Tangible personal property transferred to a purchaser  
10 who is exempt from tax by operation of federal law. This  
11 paragraph is exempt from the provisions of Section 3-55.

12 (32) Qualified tangible personal property used in the  
13 construction or operation of a data center that has been  
14 granted a certificate of exemption by the Department of  
15 Commerce and Economic Opportunity, whether that tangible  
16 personal property is purchased by the owner, operator, or  
17 tenant of the data center or by a contractor or subcontractor  
18 of the owner, operator, or tenant. Data centers that would  
19 have qualified for a certificate of exemption prior to January  
20 1, 2020 had Public Act 101-31 been in effect, may apply for and  
21 obtain an exemption for subsequent purchases of computer  
22 equipment or enabling software purchased or leased to upgrade,  
23 supplement, or replace computer equipment or enabling software  
24 purchased or leased in the original investment that would have  
25 qualified.

26 The Department of Commerce and Economic Opportunity shall

1 grant a certificate of exemption under this item (32) to  
2 qualified data centers as defined by Section 605-1025 of the  
3 Department of Commerce and Economic Opportunity Law of the  
4 Civil Administrative Code of Illinois.

5 For the purposes of this item (32):

6 "Data center" means a building or a series of  
7 buildings rehabilitated or constructed to house working  
8 servers in one physical location or multiple sites within  
9 the State of Illinois.

10 "Qualified tangible personal property" means:  
11 electrical systems and equipment; climate control and  
12 chilling equipment and systems; mechanical systems and  
13 equipment; monitoring and secure systems; emergency  
14 generators; hardware; computers; servers; data storage  
15 devices; network connectivity equipment; racks; cabinets;  
16 telecommunications cabling infrastructure; raised floor  
17 systems; peripheral components or systems; software;  
18 mechanical, electrical, or plumbing systems; battery  
19 systems; cooling systems and towers; temperature control  
20 systems; other cabling; and other data center  
21 infrastructure equipment and systems necessary to operate  
22 qualified tangible personal property, including fixtures;  
23 and component parts of any of the foregoing, including  
24 installation, maintenance, repair, refurbishment, and  
25 replacement of qualified tangible personal property to  
26 generate, transform, transmit, distribute, or manage



1 electricity necessary to operate qualified tangible  
2 personal property; and all other tangible personal  
3 property that is essential to the operations of a computer  
4 data center. The term "qualified tangible personal  
5 property" also includes building materials physically  
6 incorporated into ~~in to~~ the qualifying data center. To  
7 document the exemption allowed under this Section, the  
8 retailer must obtain from the purchaser a copy of the  
9 certificate of eligibility issued by the Department of  
10 Commerce and Economic Opportunity.

11 This item (32) is exempt from the provisions of Section  
12 3-55.

13 (33) Beginning July 1, 2022, breast pumps, breast pump  
14 collection and storage supplies, and breast pump kits. This  
15 item (33) is exempt from the provisions of Section 3-55. As  
16 used in this item (33):

17 "Breast pump" means an electrically controlled or  
18 manually controlled pump device designed or marketed to be  
19 used to express milk from a human breast during lactation,  
20 including the pump device and any battery, AC adapter, or  
21 other power supply unit that is used to power the pump  
22 device and is packaged and sold with the pump device at the  
23 time of sale.

24 "Breast pump collection and storage supplies" means  
25 items of tangible personal property designed or marketed  
26 to be used in conjunction with a breast pump to collect

1 milk expressed from a human breast and to store collected  
2 milk until it is ready for consumption.

3 "Breast pump collection and storage supplies"  
4 includes, but is not limited to: breast shields and breast  
5 shield connectors; breast pump tubes and tubing adapters;  
6 breast pump valves and membranes; backflow protectors and  
7 backflow protector adaptors; bottles and bottle caps  
8 specific to the operation of the breast pump; and breast  
9 milk storage bags.

10 "Breast pump collection and storage supplies" does not  
11 include: (1) bottles and bottle caps not specific to the  
12 operation of the breast pump; (2) breast pump travel bags  
13 and other similar carrying accessories, including ice  
14 packs, labels, and other similar products; (3) breast pump  
15 cleaning supplies; (4) nursing bras, bra pads, breast  
16 shells, and other similar products; and (5) creams,  
17 ointments, and other similar products that relieve  
18 breastfeeding-related symptoms or conditions of the  
19 breasts or nipples, unless sold as part of a breast pump  
20 kit that is pre-packaged by the breast pump manufacturer  
21 or distributor.

22 "Breast pump kit" means a kit that: (1) contains no  
23 more than a breast pump, breast pump collection and  
24 storage supplies, a rechargeable battery for operating the  
25 breast pump, a breastmilk cooler, bottle stands, ice  
26 packs, and a breast pump carrying case; and (2) is

1 pre-packaged as a breast pump kit by the breast pump  
2 manufacturer or distributor.

3 (34) Tangible personal property sold by or on behalf of  
4 the State Treasurer pursuant to the Revised Uniform Unclaimed  
5 Property Act. This item (34) is exempt from the provisions of  
6 Section 3-55.

7 (35) Beginning on January 1, 2024, tangible personal  
8 property purchased by an active duty member of the armed  
9 forces of the United States who presents valid military  
10 identification and purchases the property using a form of  
11 payment where the federal government is the payor. The member  
12 of the armed forces must complete, at the point of sale, a form  
13 prescribed by the Department of Revenue documenting that the  
14 transaction is eligible for the exemption under this  
15 paragraph. Retailers must keep the form as documentation of  
16 the exemption in their records for a period of not less than 6  
17 years. "Armed forces of the United States" means the United  
18 States Army, Navy, Air Force, Space Force, Marine Corps, or  
19 Coast Guard. This paragraph is exempt from the provisions of  
20 Section 3-55.

21 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
22 Section 70-15, eff. 4-19-22; 102-700, Article 75, Section  
23 75-15, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
24 Section 5-15, eff. 6-7-23; 103-9, Article 15, Section 15-15,  
25 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
26 revised 12-12-23.)

1           Section 55. The Retailers' Occupation Tax Act is amended  
2 by changing Section 2-5 as follows:

3           (35 ILCS 120/2-5)

4           Sec. 2-5. Exemptions. Gross receipts from proceeds from  
5 the sale of the following tangible personal property are  
6 exempt from the tax imposed by this Act:

7           (1) Farm chemicals.

8           (2) Farm machinery and equipment, both new and used,  
9 including that manufactured on special order, certified by  
10 the purchaser to be used primarily for production  
11 agriculture or State or federal agricultural programs,  
12 including individual replacement parts for the machinery  
13 and equipment, including machinery and equipment purchased  
14 for lease, and including implements of husbandry defined  
15 in Section 1-130 of the Illinois Vehicle Code, farm  
16 machinery and agricultural chemical and fertilizer  
17 spreaders, and nurse wagons required to be registered  
18 under Section 3-809 of the Illinois Vehicle Code, but  
19 excluding other motor vehicles required to be registered  
20 under the Illinois Vehicle Code. Horticultural polyhouses  
21 or hoop houses used for propagating, growing, or  
22 overwintering plants shall be considered farm machinery  
23 and equipment under this item (2). Agricultural chemical  
24 tender tanks and dry boxes shall include units sold

1 separately from a motor vehicle required to be licensed  
2 and units sold mounted on a motor vehicle required to be  
3 licensed, if the selling price of the tender is separately  
4 stated.

5 Farm machinery and equipment shall include precision  
6 farming equipment that is installed or purchased to be  
7 installed on farm machinery and equipment including, but  
8 not limited to, tractors, harvesters, sprayers, planters,  
9 seeders, or spreaders. Precision farming equipment  
10 includes, but is not limited to, soil testing sensors,  
11 computers, monitors, software, global positioning and  
12 mapping systems, and other such equipment.

13 Farm machinery and equipment also includes computers,  
14 sensors, software, and related equipment used primarily in  
15 the computer-assisted operation of production agriculture  
16 facilities, equipment, and activities such as, but not  
17 limited to, the collection, monitoring, and correlation of  
18 animal and crop data for the purpose of formulating animal  
19 diets and agricultural chemicals.

20 Beginning on January 1, 2024, farm machinery and  
21 equipment also includes electrical power generation  
22 equipment used primarily for production agriculture.

23 This item (2) is exempt from the provisions of Section  
24 2-70.

25 (3) Until July 1, 2003, distillation machinery and  
26 equipment, sold as a unit or kit, assembled or installed

1 by the retailer, certified by the user to be used only for  
2 the production of ethyl alcohol that will be used for  
3 consumption as motor fuel or as a component of motor fuel  
4 for the personal use of the user, and not subject to sale  
5 or resale.

6 (4) Until July 1, 2003 and beginning again September  
7 1, 2004 through August 30, 2014, graphic arts machinery  
8 and equipment, including repair and replacement parts,  
9 both new and used, and including that manufactured on  
10 special order or purchased for lease, certified by the  
11 purchaser to be used primarily for graphic arts  
12 production. Equipment includes chemicals or chemicals  
13 acting as catalysts but only if the chemicals or chemicals  
14 acting as catalysts effect a direct and immediate change  
15 upon a graphic arts product. Beginning on July 1, 2017,  
16 graphic arts machinery and equipment is included in the  
17 manufacturing and assembling machinery and equipment  
18 exemption under paragraph (14).

19 (5) A motor vehicle that is used for automobile  
20 renting, as defined in the Automobile Renting Occupation  
21 and Use Tax Act. This paragraph is exempt from the  
22 provisions of Section 2-70.

23 (6) Personal property sold by a teacher-sponsored  
24 student organization affiliated with an elementary or  
25 secondary school located in Illinois.

26 (7) Until July 1, 2003, proceeds of that portion of

1 the selling price of a passenger car the sale of which is  
2 subject to the Replacement Vehicle Tax.

3 (8) Personal property sold to an Illinois county fair  
4 association for use in conducting, operating, or promoting  
5 the county fair.

6 (9) Personal property sold to a not-for-profit arts or  
7 cultural organization that establishes, by proof required  
8 by the Department by rule, that it has received an  
9 exemption under Section 501(c)(3) of the Internal Revenue  
10 Code and that is organized and operated primarily for the  
11 presentation or support of arts or cultural programming,  
12 activities, or services. These organizations include, but  
13 are not limited to, music and dramatic arts organizations  
14 such as symphony orchestras and theatrical groups, arts  
15 and cultural service organizations, local arts councils,  
16 visual arts organizations, and media arts organizations.  
17 On and after July 1, 2001 (the effective date of Public Act  
18 92-35), however, an entity otherwise eligible for this  
19 exemption shall not make tax-free purchases unless it has  
20 an active identification number issued by the Department.

21 (10) Personal property sold by a corporation, society,  
22 association, foundation, institution, or organization,  
23 other than a limited liability company, that is organized  
24 and operated as a not-for-profit service enterprise for  
25 the benefit of persons 65 years of age or older if the  
26 personal property was not purchased by the enterprise for

1 the purpose of resale by the enterprise.

2 (11) Except as otherwise provided in this Section,  
3 personal property sold to a governmental body, to a  
4 corporation, society, association, foundation, or  
5 institution organized and operated exclusively for  
6 charitable, religious, or educational purposes, or to a  
7 not-for-profit corporation, society, association,  
8 foundation, institution, or organization that has no  
9 compensated officers or employees and that is organized  
10 and operated primarily for the recreation of persons 55  
11 years of age or older. A limited liability company may  
12 qualify for the exemption under this paragraph only if the  
13 limited liability company is organized and operated  
14 exclusively for educational purposes. On and after July 1,  
15 1987, however, no entity otherwise eligible for this  
16 exemption shall make tax-free purchases unless it has an  
17 active identification number issued by the Department.

18 (12) (Blank).

19 (12-5) On and after July 1, 2003 and through June 30,  
20 2004, motor vehicles of the second division with a gross  
21 vehicle weight in excess of 8,000 pounds that are subject  
22 to the commercial distribution fee imposed under Section  
23 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,  
24 2004 and through June 30, 2005, the use in this State of  
25 motor vehicles of the second division: (i) with a gross  
26 vehicle weight rating in excess of 8,000 pounds; (ii) that



1 are subject to the commercial distribution fee imposed  
2 under Section 3-815.1 of the Illinois Vehicle Code; and  
3 (iii) that are primarily used for commercial purposes.  
4 Through June 30, 2005, this exemption applies to repair  
5 and replacement parts added after the initial purchase of  
6 such a motor vehicle if that motor vehicle is used in a  
7 manner that would qualify for the rolling stock exemption  
8 otherwise provided for in this Act. For purposes of this  
9 paragraph, "used for commercial purposes" means the  
10 transportation of persons or property in furtherance of  
11 any commercial or industrial enterprise whether for-hire  
12 or not.

13 (13) Proceeds from sales to owners, lessors, or  
14 shippers of tangible personal property that is utilized by  
15 interstate carriers for hire for use as rolling stock  
16 moving in interstate commerce and equipment operated by a  
17 telecommunications provider, licensed as a common carrier  
18 by the Federal Communications Commission, which is  
19 permanently installed in or affixed to aircraft moving in  
20 interstate commerce.

21 (14) Machinery and equipment that will be used by the  
22 purchaser, or a lessee of the purchaser, primarily in the  
23 process of manufacturing or assembling tangible personal  
24 property for wholesale or retail sale or lease, whether  
25 the sale or lease is made directly by the manufacturer or  
26 by some other person, whether the materials used in the

1 process are owned by the manufacturer or some other  
2 person, or whether the sale or lease is made apart from or  
3 as an incident to the seller's engaging in the service  
4 occupation of producing machines, tools, dies, jigs,  
5 patterns, gauges, or other similar items of no commercial  
6 value on special order for a particular purchaser. The  
7 exemption provided by this paragraph (14) does not include  
8 machinery and equipment used in (i) the generation of  
9 electricity for wholesale or retail sale; (ii) the  
10 generation or treatment of natural or artificial gas for  
11 wholesale or retail sale that is delivered to customers  
12 through pipes, pipelines, or mains; or (iii) the treatment  
13 of water for wholesale or retail sale that is delivered to  
14 customers through pipes, pipelines, or mains. The  
15 provisions of Public Act 98-583 are declaratory of  
16 existing law as to the meaning and scope of this  
17 exemption. Beginning on July 1, 2017, the exemption  
18 provided by this paragraph (14) includes, but is not  
19 limited to, graphic arts machinery and equipment, as  
20 defined in paragraph (4) of this Section.

21 (15) Proceeds of mandatory service charges separately  
22 stated on customers' bills for purchase and consumption of  
23 food and beverages, to the extent that the proceeds of the  
24 service charge are in fact turned over as tips or as a  
25 substitute for tips to the employees who participate  
26 directly in preparing, serving, hosting or cleaning up the

1 food or beverage function with respect to which the  
2 service charge is imposed.

3 (16) Tangible personal property sold to a purchaser if  
4 the purchaser is exempt from use tax by operation of  
5 federal law. This paragraph is exempt from the provisions  
6 of Section 2-70.

7 (17) Tangible personal property sold to a common  
8 carrier by rail or motor that receives the physical  
9 possession of the property in Illinois and that transports  
10 the property, or shares with another common carrier in the  
11 transportation of the property, out of Illinois on a  
12 standard uniform bill of lading showing the seller of the  
13 property as the shipper or consignor of the property to a  
14 destination outside Illinois, for use outside Illinois.

15 (18) Legal tender, currency, medallions, or gold or  
16 silver coinage issued by the State of Illinois, the  
17 government of the United States of America, or the  
18 government of any foreign country, and bullion.

19 (19) Until July 1, 2003, oil field exploration,  
20 drilling, and production equipment, including (i) rigs and  
21 parts of rigs, rotary rigs, cable tool rigs, and workover  
22 rigs, (ii) pipe and tubular goods, including casing and  
23 drill strings, (iii) pumps and pump-jack units, (iv)  
24 storage tanks and flow lines, (v) any individual  
25 replacement part for oil field exploration, drilling, and  
26 production equipment, and (vi) machinery and equipment

1 purchased for lease; but excluding motor vehicles required  
2 to be registered under the Illinois Vehicle Code.

3 (20) Photoprocessing machinery and equipment,  
4 including repair and replacement parts, both new and used,  
5 including that manufactured on special order, certified by  
6 the purchaser to be used primarily for photoprocessing,  
7 and including photoprocessing machinery and equipment  
8 purchased for lease.

9 (21) Until July 1, 2028, coal and aggregate  
10 exploration, mining, off-highway hauling, processing,  
11 maintenance, and reclamation equipment, including  
12 replacement parts and equipment, and including equipment  
13 purchased for lease, but excluding motor vehicles required  
14 to be registered under the Illinois Vehicle Code. The  
15 changes made to this Section by Public Act 97-767 apply on  
16 and after July 1, 2003, but no claim for credit or refund  
17 is allowed on or after August 16, 2013 (the effective date  
18 of Public Act 98-456) for such taxes paid during the  
19 period beginning July 1, 2003 and ending on August 16,  
20 2013 (the effective date of Public Act 98-456).

21 (22) Until June 30, 2013, fuel and petroleum products  
22 sold to or used by an air carrier, certified by the carrier  
23 to be used for consumption, shipment, or storage in the  
24 conduct of its business as an air common carrier, for a  
25 flight destined for or returning from a location or  
26 locations outside the United States without regard to

1 previous or subsequent domestic stopovers.

2 Beginning July 1, 2013, fuel and petroleum products  
3 sold to or used by an air carrier, certified by the carrier  
4 to be used for consumption, shipment, or storage in the  
5 conduct of its business as an air common carrier, for a  
6 flight that (i) is engaged in foreign trade or is engaged  
7 in trade between the United States and any of its  
8 possessions and (ii) transports at least one individual or  
9 package for hire from the city of origination to the city  
10 of final destination on the same aircraft, without regard  
11 to a change in the flight number of that aircraft.

12 (23) A transaction in which the purchase order is  
13 received by a florist who is located outside Illinois, but  
14 who has a florist located in Illinois deliver the property  
15 to the purchaser or the purchaser's donee in Illinois.

16 (24) Fuel consumed or used in the operation of ships,  
17 barges, or vessels that are used primarily in or for the  
18 transportation of property or the conveyance of persons  
19 for hire on rivers bordering on this State if the fuel is  
20 delivered by the seller to the purchaser's barge, ship, or  
21 vessel while it is afloat upon that bordering river.

22 (25) Except as provided in item (25-5) of this  
23 Section, a motor vehicle sold in this State to a  
24 nonresident even though the motor vehicle is delivered to  
25 the nonresident in this State, if the motor vehicle is not  
26 to be titled in this State, and if a drive-away permit is

1 issued to the motor vehicle as provided in Section 3-603  
2 of the Illinois Vehicle Code or if the nonresident  
3 purchaser has vehicle registration plates to transfer to  
4 the motor vehicle upon returning to his or her home state.  
5 The issuance of the drive-away permit or having the  
6 out-of-state registration plates to be transferred is  
7 prima facie evidence that the motor vehicle will not be  
8 titled in this State.

9 (25-5) The exemption under item (25) does not apply if  
10 the state in which the motor vehicle will be titled does  
11 not allow a reciprocal exemption for a motor vehicle sold  
12 and delivered in that state to an Illinois resident but  
13 titled in Illinois. The tax collected under this Act on  
14 the sale of a motor vehicle in this State to a resident of  
15 another state that does not allow a reciprocal exemption  
16 shall be imposed at a rate equal to the state's rate of tax  
17 on taxable property in the state in which the purchaser is  
18 a resident, except that the tax shall not exceed the tax  
19 that would otherwise be imposed under this Act. At the  
20 time of the sale, the purchaser shall execute a statement,  
21 signed under penalty of perjury, of his or her intent to  
22 title the vehicle in the state in which the purchaser is a  
23 resident within 30 days after the sale and of the fact of  
24 the payment to the State of Illinois of tax in an amount  
25 equivalent to the state's rate of tax on taxable property  
26 in his or her state of residence and shall submit the

1 statement to the appropriate tax collection agency in his  
2 or her state of residence. In addition, the retailer must  
3 retain a signed copy of the statement in his or her  
4 records. Nothing in this item shall be construed to  
5 require the removal of the vehicle from this state  
6 following the filing of an intent to title the vehicle in  
7 the purchaser's state of residence if the purchaser titles  
8 the vehicle in his or her state of residence within 30 days  
9 after the date of sale. The tax collected under this Act in  
10 accordance with this item (25-5) shall be proportionately  
11 distributed as if the tax were collected at the 6.25%  
12 general rate imposed under this Act.

13 (25-7) Beginning on July 1, 2007, no tax is imposed  
14 under this Act on the sale of an aircraft, as defined in  
15 Section 3 of the Illinois Aeronautics Act, if all of the  
16 following conditions are met:

17 (1) the aircraft leaves this State within 15 days  
18 after the later of either the issuance of the final  
19 billing for the sale of the aircraft, or the  
20 authorized approval for return to service, completion  
21 of the maintenance record entry, and completion of the  
22 test flight and ground test for inspection, as  
23 required by 14 CFR 91.407;

24 (2) the aircraft is not based or registered in  
25 this State after the sale of the aircraft; and

26 (3) the seller retains in his or her books and

1 records and provides to the Department a signed and  
2 dated certification from the purchaser, on a form  
3 prescribed by the Department, certifying that the  
4 requirements of this item (25-7) are met. The  
5 certificate must also include the name and address of  
6 the purchaser, the address of the location where the  
7 aircraft is to be titled or registered, the address of  
8 the primary physical location of the aircraft, and  
9 other information that the Department may reasonably  
10 require.

11 For purposes of this item (25-7):

12 "Based in this State" means hangared, stored, or  
13 otherwise used, excluding post-sale customizations as  
14 defined in this Section, for 10 or more days in each  
15 12-month period immediately following the date of the sale  
16 of the aircraft.

17 "Registered in this State" means an aircraft  
18 registered with the Department of Transportation,  
19 Aeronautics Division, or titled or registered with the  
20 Federal Aviation Administration to an address located in  
21 this State.

22 This paragraph (25-7) is exempt from the provisions of  
23 Section 2-70.

24 (26) Semen used for artificial insemination of  
25 livestock for direct agricultural production.

26 (27) Horses, or interests in horses, registered with



1 and meeting the requirements of any of the Arabian Horse  
2 Club Registry of America, Appaloosa Horse Club, American  
3 Quarter Horse Association, United States Trotting  
4 Association, or Jockey Club, as appropriate, used for  
5 purposes of breeding or racing for prizes. This item (27)  
6 is exempt from the provisions of Section 2-70, and the  
7 exemption provided for under this item (27) applies for  
8 all periods beginning May 30, 1995, but no claim for  
9 credit or refund is allowed on or after January 1, 2008  
10 (the effective date of Public Act 95-88) for such taxes  
11 paid during the period beginning May 30, 2000 and ending  
12 on January 1, 2008 (the effective date of Public Act  
13 95-88).

14 (28) Computers and communications equipment utilized  
15 for any hospital purpose and equipment used in the  
16 diagnosis, analysis, or treatment of hospital patients  
17 sold to a lessor who leases the equipment, under a lease of  
18 one year or longer executed or in effect at the time of the  
19 purchase, to a hospital that has been issued an active tax  
20 exemption identification number by the Department under  
21 Section 1g of this Act.

22 (29) Personal property sold to a lessor who leases the  
23 property, under a lease of one year or longer executed or  
24 in effect at the time of the purchase, to a governmental  
25 body that has been issued an active tax exemption  
26 identification number by the Department under Section 1g

1 of this Act.

2 (30) Beginning with taxable years ending on or after  
3 December 31, 1995 and ending with taxable years ending on  
4 or before December 31, 2004, personal property that is  
5 donated for disaster relief to be used in a State or  
6 federally declared disaster area in Illinois or bordering  
7 Illinois by a manufacturer or retailer that is registered  
8 in this State to a corporation, society, association,  
9 foundation, or institution that has been issued a sales  
10 tax exemption identification number by the Department that  
11 assists victims of the disaster who reside within the  
12 declared disaster area.

13 (31) Beginning with taxable years ending on or after  
14 December 31, 1995 and ending with taxable years ending on  
15 or before December 31, 2004, personal property that is  
16 used in the performance of infrastructure repairs in this  
17 State, including, but not limited to, municipal roads and  
18 streets, access roads, bridges, sidewalks, waste disposal  
19 systems, water and sewer line extensions, water  
20 distribution and purification facilities, storm water  
21 drainage and retention facilities, and sewage treatment  
22 facilities, resulting from a State or federally declared  
23 disaster in Illinois or bordering Illinois when such  
24 repairs are initiated on facilities located in the  
25 declared disaster area within 6 months after the disaster.

26 (32) Beginning July 1, 1999, game or game birds sold

1 at a "game breeding and hunting preserve area" as that  
2 term is used in the Wildlife Code. This paragraph is  
3 exempt from the provisions of Section 2-70.

4 (33) A motor vehicle, as that term is defined in  
5 Section 1-146 of the Illinois Vehicle Code, that is  
6 donated to a corporation, limited liability company,  
7 society, association, foundation, or institution that is  
8 determined by the Department to be organized and operated  
9 exclusively for educational purposes. For purposes of this  
10 exemption, "a corporation, limited liability company,  
11 society, association, foundation, or institution organized  
12 and operated exclusively for educational purposes" means  
13 all tax-supported public schools, private schools that  
14 offer systematic instruction in useful branches of  
15 learning by methods common to public schools and that  
16 compare favorably in their scope and intensity with the  
17 course of study presented in tax-supported schools, and  
18 vocational or technical schools or institutes organized  
19 and operated exclusively to provide a course of study of  
20 not less than 6 weeks duration and designed to prepare  
21 individuals to follow a trade or to pursue a manual,  
22 technical, mechanical, industrial, business, or commercial  
23 occupation.

24 (34) Beginning January 1, 2000, personal property,  
25 including food, purchased through fundraising events for  
26 the benefit of a public or private elementary or secondary

1 school, a group of those schools, or one or more school  
2 districts if the events are sponsored by an entity  
3 recognized by the school district that consists primarily  
4 of volunteers and includes parents and teachers of the  
5 school children. This paragraph does not apply to  
6 fundraising events (i) for the benefit of private home  
7 instruction or (ii) for which the fundraising entity  
8 purchases the personal property sold at the events from  
9 another individual or entity that sold the property for  
10 the purpose of resale by the fundraising entity and that  
11 profits from the sale to the fundraising entity. This  
12 paragraph is exempt from the provisions of Section 2-70.

13 (35) Beginning January 1, 2000 and through December  
14 31, 2001, new or used automatic vending machines that  
15 prepare and serve hot food and beverages, including  
16 coffee, soup, and other items, and replacement parts for  
17 these machines. Beginning January 1, 2002 and through June  
18 30, 2003, machines and parts for machines used in  
19 commercial, coin-operated amusement and vending business  
20 if a use or occupation tax is paid on the gross receipts  
21 derived from the use of the commercial, coin-operated  
22 amusement and vending machines. This paragraph is exempt  
23 from the provisions of Section 2-70.

24 (35-5) Beginning August 23, 2001 and through June 30,  
25 2016, food for human consumption that is to be consumed  
26 off the premises where it is sold (other than alcoholic

1 beverages, soft drinks, and food that has been prepared  
2 for immediate consumption) and prescription and  
3 nonprescription medicines, drugs, medical appliances, and  
4 insulin, urine testing materials, syringes, and needles  
5 used by diabetics, for human use, when purchased for use  
6 by a person receiving medical assistance under Article V  
7 of the Illinois Public Aid Code who resides in a licensed  
8 long-term care facility, as defined in the Nursing Home  
9 Care Act, or a licensed facility as defined in the ID/DD  
10 Community Care Act, the MC/DD Act, or the Specialized  
11 Mental Health Rehabilitation Act of 2013.

12 (36) Beginning August 2, 2001, computers and  
13 communications equipment utilized for any hospital purpose  
14 and equipment used in the diagnosis, analysis, or  
15 treatment of hospital patients sold to a lessor who leases  
16 the equipment, under a lease of one year or longer  
17 executed or in effect at the time of the purchase, to a  
18 hospital that has been issued an active tax exemption  
19 identification number by the Department under Section 1g  
20 of this Act. This paragraph is exempt from the provisions  
21 of Section 2-70.

22 (37) Beginning August 2, 2001, personal property sold  
23 to a lessor who leases the property, under a lease of one  
24 year or longer executed or in effect at the time of the  
25 purchase, to a governmental body that has been issued an  
26 active tax exemption identification number by the

1 Department under Section 1g of this Act. This paragraph is  
2 exempt from the provisions of Section 2-70.

3 (38) Beginning on January 1, 2002 and through June 30,  
4 2016, tangible personal property purchased from an  
5 Illinois retailer by a taxpayer engaged in centralized  
6 purchasing activities in Illinois who will, upon receipt  
7 of the property in Illinois, temporarily store the  
8 property in Illinois (i) for the purpose of subsequently  
9 transporting it outside this State for use or consumption  
10 thereafter solely outside this State or (ii) for the  
11 purpose of being processed, fabricated, or manufactured  
12 into, attached to, or incorporated into other tangible  
13 personal property to be transported outside this State and  
14 thereafter used or consumed solely outside this State. The  
15 Director of Revenue shall, pursuant to rules adopted in  
16 accordance with the Illinois Administrative Procedure Act,  
17 issue a permit to any taxpayer in good standing with the  
18 Department who is eligible for the exemption under this  
19 paragraph (38). The permit issued under this paragraph  
20 (38) shall authorize the holder, to the extent and in the  
21 manner specified in the rules adopted under this Act, to  
22 purchase tangible personal property from a retailer exempt  
23 from the taxes imposed by this Act. Taxpayers shall  
24 maintain all necessary books and records to substantiate  
25 the use and consumption of all such tangible personal  
26 property outside of the State of Illinois.

1           (39) Beginning January 1, 2008, tangible personal  
2 property used in the construction or maintenance of a  
3 community water supply, as defined under Section 3.145 of  
4 the Environmental Protection Act, that is operated by a  
5 not-for-profit corporation that holds a valid water supply  
6 permit issued under Title IV of the Environmental  
7 Protection Act. This paragraph is exempt from the  
8 provisions of Section 2-70.

9           (40) Beginning January 1, 2010 and continuing through  
10 December 31, 2029, materials, parts, equipment,  
11 components, and furnishings incorporated into or upon an  
12 aircraft as part of the modification, refurbishment,  
13 completion, replacement, repair, or maintenance of the  
14 aircraft. This exemption includes consumable supplies used  
15 in the modification, refurbishment, completion,  
16 replacement, repair, and maintenance of aircraft. However,  
17 until January 1, 2024, this exemption excludes any  
18 materials, parts, equipment, components, and consumable  
19 supplies used in the modification, replacement, repair,  
20 and maintenance of aircraft engines or power plants,  
21 whether such engines or power plants are installed or  
22 uninstalled upon any such aircraft. "Consumable supplies"  
23 include, but are not limited to, adhesive, tape,  
24 sandpaper, general purpose lubricants, cleaning solution,  
25 latex gloves, and protective films.

26           Beginning January 1, 2010 and continuing through

1 December 31, 2023, this exemption applies only to the sale  
2 of qualifying tangible personal property to persons who  
3 modify, refurbish, complete, replace, or maintain an  
4 aircraft and who (i) hold an Air Agency Certificate and  
5 are empowered to operate an approved repair station by the  
6 Federal Aviation Administration, (ii) have a Class IV  
7 Rating, and (iii) conduct operations in accordance with  
8 Part 145 of the Federal Aviation Regulations. The  
9 exemption does not include aircraft operated by a  
10 commercial air carrier providing scheduled passenger air  
11 service pursuant to authority issued under Part 121 or  
12 Part 129 of the Federal Aviation Regulations. From January  
13 1, 2024 through December 31, 2029, this exemption applies  
14 only to the use of qualifying tangible personal property  
15 by: (A) persons who modify, refurbish, complete, repair,  
16 replace, or maintain aircraft and who (i) hold an Air  
17 Agency Certificate and are empowered to operate an  
18 approved repair station by the Federal Aviation  
19 Administration, (ii) have a Class IV Rating, and (iii)  
20 conduct operations in accordance with Part 145 of the  
21 Federal Aviation Regulations; and (B) persons who engage  
22 in the modification, replacement, repair, and maintenance  
23 of aircraft engines or power plants without regard to  
24 whether or not those persons meet the qualifications of  
25 item (A).

26 The changes made to this paragraph (40) by Public Act



1 98-534 are declarative of existing law. It is the intent  
2 of the General Assembly that the exemption under this  
3 paragraph (40) applies continuously from January 1, 2010  
4 through December 31, 2024; however, no claim for credit or  
5 refund is allowed for taxes paid as a result of the  
6 disallowance of this exemption on or after January 1, 2015  
7 and prior to February 5, 2020 (the effective date of  
8 Public Act 101-629).

9 (41) Tangible personal property sold to a  
10 public-facilities corporation, as described in Section  
11 11-65-10 of the Illinois Municipal Code, for purposes of  
12 constructing or furnishing a municipal convention hall,  
13 but only if the legal title to the municipal convention  
14 hall is transferred to the municipality without any  
15 further consideration by or on behalf of the municipality  
16 at the time of the completion of the municipal convention  
17 hall or upon the retirement or redemption of any bonds or  
18 other debt instruments issued by the public-facilities  
19 corporation in connection with the development of the  
20 municipal convention hall. This exemption includes  
21 existing public-facilities corporations as provided in  
22 Section 11-65-25 of the Illinois Municipal Code. This  
23 paragraph is exempt from the provisions of Section 2-70.

24 (42) Beginning January 1, 2017 and through December  
25 31, 2026, menstrual pads, tampons, and menstrual cups.

26 (43) Merchandise that is subject to the Rental

1 Purchase Agreement Occupation and Use Tax. The purchaser  
2 must certify that the item is purchased to be rented  
3 subject to a rental-purchase ~~rental-purchase~~ agreement, as  
4 defined in the Rental-Purchase ~~Rental-Purchase~~ Agreement  
5 Act, and provide proof of registration under the Rental  
6 Purchase Agreement Occupation and Use Tax Act. This  
7 paragraph is exempt from the provisions of Section 2-70.

8 (44) Qualified tangible personal property used in the  
9 construction or operation of a data center that has been  
10 granted a certificate of exemption by the Department of  
11 Commerce and Economic Opportunity, whether that tangible  
12 personal property is purchased by the owner, operator, or  
13 tenant of the data center or by a contractor or  
14 subcontractor of the owner, operator, or tenant. Data  
15 centers that would have qualified for a certificate of  
16 exemption prior to January 1, 2020 had Public Act 101-31  
17 been in effect, may apply for and obtain an exemption for  
18 subsequent purchases of computer equipment or enabling  
19 software purchased or leased to upgrade, supplement, or  
20 replace computer equipment or enabling software purchased  
21 or leased in the original investment that would have  
22 qualified.

23 The Department of Commerce and Economic Opportunity  
24 shall grant a certificate of exemption under this item  
25 (44) to qualified data centers as defined by Section  
26 605-1025 of the Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of  
2 Illinois.

3 For the purposes of this item (44):

4 "Data center" means a building or a series of  
5 buildings rehabilitated or constructed to house  
6 working servers in one physical location or multiple  
7 sites within the State of Illinois.

8 "Qualified tangible personal property" means:  
9 electrical systems and equipment; climate control and  
10 chilling equipment and systems; mechanical systems and  
11 equipment; monitoring and secure systems; emergency  
12 generators; hardware; computers; servers; data storage  
13 devices; network connectivity equipment; racks;  
14 cabinets; telecommunications cabling infrastructure;  
15 raised floor systems; peripheral components or  
16 systems; software; mechanical, electrical, or plumbing  
17 systems; battery systems; cooling systems and towers;  
18 temperature control systems; other cabling; and other  
19 data center infrastructure equipment and systems  
20 necessary to operate qualified tangible personal  
21 property, including fixtures; and component parts of  
22 any of the foregoing, including installation,  
23 maintenance, repair, refurbishment, and replacement of  
24 qualified tangible personal property to generate,  
25 transform, transmit, distribute, or manage electricity  
26 necessary to operate qualified tangible personal

1 property; and all other tangible personal property  
2 that is essential to the operations of a computer data  
3 center. The term "qualified tangible personal  
4 property" also includes building materials physically  
5 incorporated into the qualifying data center. To  
6 document the exemption allowed under this Section, the  
7 retailer must obtain from the purchaser a copy of the  
8 certificate of eligibility issued by the Department of  
9 Commerce and Economic Opportunity.

10 This item (44) is exempt from the provisions of  
11 Section 2-70.

12 (45) Beginning January 1, 2020 and through December  
13 31, 2020, sales of tangible personal property made by a  
14 marketplace seller over a marketplace for which tax is due  
15 under this Act but for which use tax has been collected and  
16 remitted to the Department by a marketplace facilitator  
17 under Section 2d of the Use Tax Act are exempt from tax  
18 under this Act. A marketplace seller claiming this  
19 exemption shall maintain books and records demonstrating  
20 that the use tax on such sales has been collected and  
21 remitted by a marketplace facilitator. Marketplace sellers  
22 that have properly remitted tax under this Act on such  
23 sales may file a claim for credit as provided in Section 6  
24 of this Act. No claim is allowed, however, for such taxes  
25 for which a credit or refund has been issued to the  
26 marketplace facilitator under the Use Tax Act, or for

1           which the marketplace facilitator has filed a claim for  
2           credit or refund under the Use Tax Act.

3           (46) Beginning July 1, 2022, breast pumps, breast pump  
4           collection and storage supplies, and breast pump kits.  
5           This item (46) is exempt from the provisions of Section  
6           2-70. As used in this item (46):

7           "Breast pump" means an electrically controlled or  
8           manually controlled pump device designed or marketed to be  
9           used to express milk from a human breast during lactation,  
10          including the pump device and any battery, AC adapter, or  
11          other power supply unit that is used to power the pump  
12          device and is packaged and sold with the pump device at the  
13          time of sale.

14          "Breast pump collection and storage supplies" means  
15          items of tangible personal property designed or marketed  
16          to be used in conjunction with a breast pump to collect  
17          milk expressed from a human breast and to store collected  
18          milk until it is ready for consumption.

19          "Breast pump collection and storage supplies"  
20          includes, but is not limited to: breast shields and breast  
21          shield connectors; breast pump tubes and tubing adapters;  
22          breast pump valves and membranes; backflow protectors and  
23          backflow protector adaptors; bottles and bottle caps  
24          specific to the operation of the breast pump; and breast  
25          milk storage bags.

26          "Breast pump collection and storage supplies" does not

1 include: (1) bottles and bottle caps not specific to the  
2 operation of the breast pump; (2) breast pump travel bags  
3 and other similar carrying accessories, including ice  
4 packs, labels, and other similar products; (3) breast pump  
5 cleaning supplies; (4) nursing bras, bra pads, breast  
6 shells, and other similar products; and (5) creams,  
7 ointments, and other similar products that relieve  
8 breastfeeding-related symptoms or conditions of the  
9 breasts or nipples, unless sold as part of a breast pump  
10 kit that is pre-packaged by the breast pump manufacturer  
11 or distributor.

12 "Breast pump kit" means a kit that: (1) contains no  
13 more than a breast pump, breast pump collection and  
14 storage supplies, a rechargeable battery for operating the  
15 breast pump, a breastmilk cooler, bottle stands, ice  
16 packs, and a breast pump carrying case; and (2) is  
17 pre-packaged as a breast pump kit by the breast pump  
18 manufacturer or distributor.

19 (47) Tangible personal property sold by or on behalf  
20 of the State Treasurer pursuant to the Revised Uniform  
21 Unclaimed Property Act. This item (47) is exempt from the  
22 provisions of Section 2-70.

23 (48) Beginning on January 1, 2024, tangible personal  
24 property purchased by an active duty member of the armed  
25 forces of the United States who presents valid military  
26 identification and purchases the property using a form of

1 payment where the federal government is the payor. The  
2 member of the armed forces must complete, at the point of  
3 sale, a form prescribed by the Department of Revenue  
4 documenting that the transaction is eligible for the  
5 exemption under this paragraph. Retailers must keep the  
6 form as documentation of the exemption in their records  
7 for a period of not less than 6 years. "Armed forces of the  
8 United States" means the United States Army, Navy, Air  
9 Force, Space Force, Marine Corps, or Coast Guard. This  
10 paragraph is exempt from the provisions of Section 2-70.

11 (Source: P.A. 102-16, eff. 6-17-21; 102-634, eff. 8-27-21;  
12 102-700, Article 70, Section 70-20, eff. 4-19-22; 102-700,  
13 Article 75, Section 75-20, eff. 4-19-22; 102-813, eff.  
14 5-13-22; 102-1026, eff. 5-27-22; 103-9, Article 5, Section  
15 5-20, eff. 6-7-23; 103-9, Article 15, Section 15-20, eff.  
16 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24; revised  
17 12-12-23.)

18 Section 60. The Illinois Pension Code is amended by  
19 changing Sections 2-109 and 14-103.16 as follows:

20 (40 ILCS 5/2-109) (from Ch. 108 1/2, par. 2-109)

21 Sec. 2-109. Military service. "Military service": Service  
22 in the United States Army, Navy, Air Force, Space Force,  
23 Marines or Coast Guard or any women's auxiliary thereof.

24 (Source: P.A. 87-794.)

1 (40 ILCS 5/14-103.16) (from Ch. 108 1/2, par. 14-103.16)  
2 Sec. 14-103.16. Military service. "Military service":  
3 Service in the United States Army, Navy, Air Force, Space  
4 Force, Marines or Coast Guard or any women's auxiliary thereof  
5 for which credit is allowed under this Article.  
6 (Source: P.A. 80-841.)

7 Section 65. The State Universities Civil Service Act is  
8 amended by changing Section 36g as follows:

9 (110 ILCS 70/36g) (from Ch. 24 1/2, par. 38b6)  
10 Sec. 36g. Appropriate preference in entrance examinations  
11 to qualified persons who have been members of the armed forces  
12 of the United States or to qualified persons who, while  
13 citizens of the United States, were members of the armed  
14 forces of allies of the United States in time of hostilities  
15 with a foreign country, and to certain other persons as set  
16 forth in this Section.

17 (a) As used in this Section:

18 (1) "Time of hostilities with a foreign country" means  
19 any period of time in the past, present, or future during  
20 which a declaration of war by the United States Congress  
21 has been or is in effect or during which an emergency  
22 condition has been or is in effect that is recognized by  
23 the issuance of a Presidential proclamation or a



1 Presidential executive order and in which the armed forces  
2 expeditionary medal or other campaign service medals are  
3 awarded according to Presidential executive order.

4 (2) "Armed forces of the United States" means the  
5 United States Army, Navy, Air Force, Space Force, Marine  
6 Corps, Coast Guard. Service in the Merchant Marine that  
7 constitutes active duty under Section 401 of federal  
8 Public Law 95-202 shall also be considered service in the  
9 Armed Forces of the United States for purposes of this  
10 Section.

11 (b) The preference granted under this Section shall be in  
12 the form of points added to the final grades of the persons if  
13 they otherwise qualify and are entitled to appear on the list  
14 of those eligible for appointments.

15 (c) A veteran is qualified for a preference of 10 points if  
16 the veteran currently holds proof of a service connected  
17 disability from the United States Department of Veterans  
18 Affairs or an allied country or if the veteran is a recipient  
19 of the Purple Heart.

20 (d) A veteran who has served during a time of hostilities  
21 with a foreign country is qualified for a preference of 5  
22 points if the veteran served under one or more of the following  
23 conditions:

24 (1) The veteran served a total of at least 6 months, or

25 (2) The veteran served for the duration of hostilities  
26 regardless of the length of engagement, or

1           (3) The veteran was discharged on the basis of  
2           hardship, or

3           (4) The veteran was released from active duty because  
4           of a service connected disability and was discharged under  
5           honorable conditions.

6           (e) A person not eligible for a preference under  
7           subsection (c) or (d) is qualified for a preference of 3 points  
8           if the person has served in the armed forces of the United  
9           States, the Illinois National Guard, or any reserve component  
10          of the armed forces of the United States and the person: (1)  
11          served for at least 6 months and has been discharged under  
12          honorable conditions or (2) has been discharged on the ground  
13          of hardship or (3) was released from active duty because of a  
14          service connected disability. An active member of the National  
15          Guard or a reserve component of the armed forces of the United  
16          States is eligible for the preference if the member meets the  
17          service requirements of this subsection (e).

18          (f) The rank order of persons entitled to a preference on  
19          eligible lists shall be determined on the basis of their  
20          augmented ratings. When the Executive Director establishes  
21          eligible lists on the basis of category ratings such as  
22          "superior", "excellent", "well-qualified", and "qualified",  
23          the veteran eligibles in each such category shall be preferred  
24          for appointment before the non-veteran eligibles in the same  
25          category.

26          (g) Employees in positions covered by this Act who, while

1 in good standing, leave to engage in military service during a  
2 period of hostility shall be given credit for seniority  
3 purposes for time served in the armed forces.

4 (h) A surviving unremarried spouse of a veteran who  
5 suffered a service connected death or the spouse of a veteran  
6 who suffered a service connected disability that prevents the  
7 veteran from qualifying for civil service employment shall be  
8 entitled to the same preference to which the veteran would  
9 have been entitled under this Section.

10 (i) A preference shall also be given to the following  
11 individuals: 10 points for one parent of an unmarried veteran  
12 who suffered a service connected death or a service connected  
13 disability that prevents the veteran from qualifying for civil  
14 service employment. The first parent to receive a civil  
15 service appointment shall be the parent entitled to the  
16 preference.

17 (Source: P.A. 100-615, eff. 1-1-19.)

18 Section 70. The Funeral Directors and Embalmers Licensing  
19 Code is amended by changing Sections 5-15 and 10-35 as  
20 follows:

21 (225 ILCS 41/5-15)

22 (Section scheduled to be repealed on January 1, 2028)

23 Sec. 5-15. Renewal; reinstatement; restoration. The  
24 expiration date and renewal period for each license issued

1 under this Article shall be set by rule. The holder of a  
2 license as a licensed funeral director may renew the license  
3 during the month preceding the expiration date of the license  
4 by paying the required fee. A licensed funeral director whose  
5 license has expired may have the license reinstated within 5  
6 years from the date of expiration upon payment of the required  
7 reinstatement fee. The reinstatement shall be effective as of  
8 the date of reissuance of the license.

9 Any licensed funeral director whose license has been  
10 expired for more than 5 years may have the license restored  
11 only by fulfilling the requirements of the Department's rules  
12 and by paying the required restoration fee. However, any  
13 licensed funeral director whose license has expired while he  
14 or she has been engaged (1) in federal service on active duty  
15 with the United States Army, Navy, Marine Corps, Air Force,  
16 Space Force, or Coast Guard, or the State Militia called into  
17 the service or training of the United States of America or (2)  
18 in training or education under the supervision of the United  
19 States preliminary to induction into the military service may  
20 have his or her license restored without paying any lapsed  
21 renewal fees or restoration fee or without passing any  
22 examination if, within 2 years after termination of the  
23 service, training or education other than by dishonorable  
24 discharge, he or she furnishes the Department with an  
25 affidavit to the effect that he or she has been so engaged and  
26 that his or her service, training or education has been so

1 terminated.

2 In addition to any other requirement for renewal of a  
3 license or reinstatement or restoration of an expired license,  
4 as a condition for the renewal, reinstatement, or restoration  
5 of a license as a licensed funeral director, each licensee  
6 shall provide evidence to the Department of completion of at  
7 least 12 hours of continuing education during the 24 months  
8 preceding the expiration date of the license, or in the case of  
9 reinstatement or restoration, during the 24 months preceding  
10 application for reinstatement or restoration. The continuing  
11 education sponsors shall be approved by the Board. In  
12 addition, any qualified continuing education course for  
13 funeral directors offered by a college, university, the  
14 Illinois Funeral Directors Association, Funeral Directors  
15 Services Association of Greater Chicago, Cook County  
16 Association of Funeral Home Owners, Inc., Illinois Selected  
17 Morticians Association, Inc., Illinois Cemetery and Funeral  
18 Home Association, National Funeral Directors Association,  
19 Selected Independent Funeral Homes, National Funeral Directors  
20 and Morticians Association, Inc., International Order of the  
21 Golden Rule, or an Illinois school of mortuary science shall  
22 be accepted toward satisfaction of the continuing education  
23 requirements.

24 The Department shall establish by rule a means for  
25 verification of completion of the continuing education  
26 required by this Section. This verification may be

1 accomplished through audits of records maintained by  
2 licensees, by requiring the filing of continued education  
3 certificates with the Department or a qualified organization  
4 selected by the Department to maintain these records, or by  
5 other means established by the Department.

6 Except as otherwise provided in this paragraph, a person  
7 who is licensed as a funeral director under this Code and who  
8 has engaged in the practice of funeral directing for at least  
9 40 years shall be exempt from the continuing education  
10 requirements of this Section. In addition, the Department  
11 shall establish by rule an exemption or exception, for a  
12 limited period of time, for funeral directors who, by reason  
13 of advanced age, health or other extreme condition should  
14 reasonably be excused from the continuing education  
15 requirement upon the approval of the Secretary. Those persons,  
16 identified above, who cannot attend on-site classes, shall  
17 have the opportunity to comply by completing home study  
18 courses designed for them by sponsors.

19 (Source: P.A. 102-881, eff. 1-1-23.)

20 (225 ILCS 41/10-35)

21 (Section scheduled to be repealed on January 1, 2028)

22 Sec. 10-35. Renewal; reinstatement; restoration. The  
23 expiration date and renewal period for each license issued  
24 under this Article shall be set by rule. The holder of a  
25 license as a licensed funeral director and embalmer or funeral

1 director and embalmer intern may renew the license during the  
2 month preceding the expiration date of the license by paying  
3 the required fee. A licensed funeral director and embalmer or  
4 licensed funeral director and embalmer trainee whose license  
5 has expired may have the license reinstated within 5 years  
6 from the date of expiration upon payment of the required  
7 reinstatement fee and fulfilling the requirements of the  
8 Department's rules. The reinstatement of the license is  
9 effective as of the date of the reissuance of the license.

10 Any licensed funeral director and embalmer whose license  
11 has been expired for more than 5 years may have the license  
12 restored only by fulfilling the requirements set forth in the  
13 Department's rules and by paying the required restoration fee.  
14 However, any licensed funeral director and embalmer or  
15 licensed funeral director and embalmer intern whose license  
16 has expired while he or she has been engaged (1) in federal  
17 service on active duty with the United States Army, Navy,  
18 Marine Corps, Air Force, Space Force, or Coast Guard, or the  
19 State Militia called into the service or training of the  
20 United States of America or (2) in training or education under  
21 the supervision of the United States preliminary to induction  
22 into the military service, may have his or her license  
23 restored without paying any lapsed renewal fees or restoration  
24 fee or without passing any examination if, within 2 years  
25 after termination of the service, training or education other  
26 than by dishonorable discharge, he or she furnishes the

1 Department with an affidavit to the effect that he or she has  
2 been so engaged and that his or her service, training or  
3 education has been so terminated.

4 No license of a funeral director and embalmer intern shall  
5 be renewed more than twice.

6 In addition to any other requirement for renewal of a  
7 license or reinstatement or restoration of an expired license,  
8 as a condition for the renewal, reinstatement, or restoration  
9 of a license as a licensed funeral director and embalmer, each  
10 licensee shall provide evidence to the Department of  
11 completion of at least 24 hours of continuing education during  
12 the 24 months preceding the expiration date of the license, or  
13 in the case of reinstatement or restoration, within the 24  
14 months preceding the application for reinstatement or  
15 restoration. The continuing education sponsors shall be  
16 approved by the Board. In addition, any qualified continuing  
17 education course for funeral directors and embalmers offered  
18 by a college, university, the Illinois Funeral Directors  
19 Association, Funeral Directors Services Association of Greater  
20 Chicago, Cook County Association of Funeral Home Owners, Inc.,  
21 Illinois Selected Morticians Associations, Inc., Illinois  
22 Cemetery and Funeral Home Association, National Funeral  
23 Directors Association, Selected Independent Funeral Homes,  
24 National Funeral Directors and Morticians Association, Inc.,  
25 International Order of the Golden Rule, or an Illinois school  
26 of mortuary science shall be accepted toward satisfaction of



1 the continuing education requirements.

2 The Department shall establish by rule a means for  
3 verification of completion of the continuing education  
4 required by this Section. This verification may be  
5 accomplished through audits of records maintained by  
6 licensees, by requiring the filing of continued education  
7 certificates with the Department or a qualified organization  
8 selected by the Department to maintain the records, or by  
9 other means established by the Department.

10 Except as otherwise provided in this paragraph, a person  
11 who is licensed as a funeral director and embalmer under this  
12 Code and who has engaged in the practice of funeral directing  
13 and embalming for at least 40 years shall be exempt from the  
14 continuing education requirements of this Section. In  
15 addition, the Department shall establish by rule an exemption  
16 or exception, for a limited period of time, for funeral  
17 directors and embalmers who, by reason of advanced age, health  
18 or other extreme condition, should reasonably be excused from  
19 the continuing education requirement upon the approval of the  
20 Secretary. Those persons, identified above, who cannot attend  
21 on-site classes, shall have the opportunity to comply by  
22 completing home study courses designed for them by sponsors.

23 (Source: P.A. 103-419, eff. 8-4-23.)

24 Section 75. The Massage Licensing Act is amended by  
25 changing Section 70 as follows:

1 (225 ILCS 57/70)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 70. Restoration of expired licenses. A massage  
4 therapist who has permitted his or her license to expire or who  
5 has had his or her license on inactive status may have his or  
6 her license restored by making application to the Department  
7 and filing proof acceptable to the Department of his or her  
8 fitness to have his or her license restored, including sworn  
9 evidence certifying to active practice in another jurisdiction  
10 satisfactory to the Department, and by paying the required  
11 restoration fee and showing proof of completion of required  
12 continuing education. Licensees must provide proof of  
13 completion of 24 hours approved continuing education to renew  
14 their license.

15 If the massage therapist has not maintained an active  
16 practice in another jurisdiction satisfactory to the  
17 Department, the Board shall determine, by an evaluation  
18 program established by rule his or her fitness to resume  
19 active status and may require the massage therapist to  
20 complete a period of evaluated clinical experience and may  
21 require successful completion of an examination.

22 A massage therapist whose license has been expired or  
23 placed on inactive status for more than 5 years may have his or  
24 her license restored by making application to the Department  
25 and filing proof acceptable to the Department of his or her

1 fitness to have his or her license restored, including sworn  
2 evidence certifying to active practice in another  
3 jurisdiction, by paying the required restoration fee, and by  
4 showing proof of the completion of 24 hours of continuing  
5 education.

6 However, any registrant whose license has expired while he  
7 or she has been engaged (i) in Federal Service on active duty  
8 with the United States Army, Navy, Marine Corps, Air Force,  
9 Space Force, Coast Guard, or Public Health Service or the  
10 State Militia called into the service or training of the  
11 United States of America, or (ii) in training or education  
12 under the supervision of the United States preliminary to  
13 induction into the military service, may have his or her  
14 license reinstated or restored without paying any lapsed  
15 renewal fees, if within 2 years after honorable termination of  
16 such service, training, or education, he or she furnishes to  
17 the Department with satisfactory evidence to the effect that  
18 he or she has been so engaged and that his or her service,  
19 training, or education has been so terminated.

20 (Source: P.A. 97-514, eff. 8-23-11.)

21 Section 80. The Barber, Cosmetology, Esthetics, Hair  
22 Braiding, and Nail Technology Act of 1985 is amended by  
23 changing Section 1-7 as follows:

24 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

1 (Section scheduled to be repealed on January 1, 2026)

2 Sec. 1-7. Licensure required; renewal; restoration.

3 (a) It is unlawful for any person to practice, or to hold  
4 himself or herself out to be a cosmetologist, esthetician,  
5 nail technician, hair braider, or barber without a license as  
6 a cosmetologist, esthetician, nail technician, hair braider or  
7 barber issued by the Department pursuant to the provisions of  
8 this Act and of the Civil Administrative Code of Illinois. It  
9 is also unlawful for any person, firm, partnership, limited  
10 liability company, or corporation to own, operate, or conduct  
11 a cosmetology, esthetics, nail technology, hair braiding, or  
12 barber school without a license issued by the Department or to  
13 own or operate a cosmetology, esthetics, nail technology, or  
14 hair braiding salon, barber shop, or other business subject to  
15 the registration requirements of this Act without a  
16 certificate of registration issued by the Department. It is  
17 further unlawful for any person to teach in any cosmetology,  
18 esthetics, nail technology, hair braiding, or barber college  
19 or school approved by the Department or hold himself or  
20 herself out as a cosmetology, esthetics, hair braiding, nail  
21 technology, or barber teacher without a license as a teacher,  
22 issued by the Department or as a cosmetology clinic teacher  
23 without a license as a cosmetology clinic teacher issued by  
24 the Department.

25 (b) Notwithstanding any other provision of this Act, a  
26 person licensed as a cosmetologist may hold himself or herself

1 out as an esthetician and may engage in the practice of  
2 esthetics, as defined in this Act, without being licensed as  
3 an esthetician. A person licensed as a cosmetology teacher may  
4 teach esthetics or hold himself or herself out as an esthetics  
5 teacher without being licensed as an esthetics teacher. A  
6 person licensed as a cosmetologist may hold himself or herself  
7 out as a nail technician and may engage in the practice of nail  
8 technology, as defined in this Act, without being licensed as  
9 a nail technician. A person licensed as a cosmetology teacher  
10 may teach nail technology and hold himself or herself out as a  
11 nail technology teacher without being licensed as a nail  
12 technology teacher. A person licensed as a cosmetologist may  
13 hold himself or herself out as a hair braider and may engage in  
14 the practice of hair braiding, as defined in this Act, without  
15 being licensed as a hair braider. A person licensed as a  
16 cosmetology teacher may teach hair braiding and hold himself  
17 or herself out as a hair braiding teacher without being  
18 licensed as a hair braiding teacher.

19 (c) A person licensed as a barber teacher may hold himself  
20 or herself out as a barber and may practice barbering without a  
21 license as a barber. A person licensed as a cosmetology  
22 teacher may hold himself or herself out as a cosmetologist,  
23 esthetician, hair braider, and nail technologist and may  
24 practice cosmetology, esthetics, hair braiding, and nail  
25 technology without a license as a cosmetologist, esthetician,  
26 hair braider, or nail technologist. A person licensed as an

1 esthetics teacher may hold himself or herself out as an  
2 esthetician without being licensed as an esthetician and may  
3 practice esthetics. A person licensed as a nail technician  
4 teacher may practice nail technology and may hold himself or  
5 herself out as a nail technologist without being licensed as a  
6 nail technologist. A person licensed as a hair braiding  
7 teacher may practice hair braiding and may hold himself or  
8 herself out as a hair braider without being licensed as a hair  
9 braider.

10 (d) The holder of a license issued under this Act may renew  
11 that license during the month preceding the expiration date of  
12 the license by paying the required fee.

13 (e) The expiration date, renewal period, and conditions  
14 for renewal and restoration of each license shall be  
15 established by rule.

16 (f) A license issued under the provisions of this Act as a  
17 barber, barber teacher, cosmetologist, cosmetology teacher,  
18 cosmetology clinic teacher, esthetician, esthetics teacher,  
19 nail technician, nail technician teacher, hair braider, or  
20 hair braiding teacher that has expired while the holder of the  
21 license was engaged (1) in federal service on active duty with  
22 the Army, Navy, Marine Corps, Air Force, Space Force, or Coast  
23 Guard of the United States of America, or any Women's  
24 Auxiliary thereof, or the State Militia called into the  
25 service or training of the United States of America or (2) in  
26 training or education under the supervision of the United

1 States preliminary to induction into the military service, may  
2 be reinstated or restored without payment of any lapsed  
3 renewal fees, reinstatement fee, or restoration fee if within  
4 2 years after the termination of such service, training, or  
5 education other than by dishonorable discharge, the holder  
6 furnishes the Department with an affidavit to the effect that  
7 he or she has been so engaged and that his or her service,  
8 training, or education has been so terminated.

9 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

10 Section 85. The War on Terrorism Compensation Act is  
11 amended by changing Section 5 as follows:

12 (330 ILCS 32/5)

13 Sec. 5. Definitions. In this Act:

14 "Armed forces of the United States" means the United  
15 States Army, Navy, Air Force, Space Force, Marine Corps, or  
16 Coast Guard, the United States Reserve Forces, or the Illinois  
17 National Guard. Service in the merchant marine is not service  
18 in the armed forces for purposes of this Act.

19 "Department" means the Illinois Department of Veterans'  
20 Affairs.

21 (Source: P.A. 96-76, eff. 7-24-09.)

22 Section 90. The Veterans Preference Act is amended by  
23 changing Section 1 as follows:

1 (330 ILCS 55/1) (from Ch. 126 1/2, par. 23)

2 Sec. 1. Veterans preference.

3 (a) In the employment and appointment to fill positions in  
4 the construction, addition to, or alteration of all public  
5 works undertaken or contracted for by the State, or by any  
6 political subdivision thereof, preference shall be given to  
7 persons who have been members of the armed forces of the United  
8 States or who, while citizens of the United States, were  
9 members of the armed forces of allies of the United States in  
10 time of hostilities with a foreign country, and have served  
11 under one or more of the following conditions:

12 (1) The veteran served a total of at least 6 months, or

13 (2) The veteran served for the duration of hostilities  
14 regardless of the length of engagement, or

15 (3) The veteran served in the theater of operations  
16 but was discharged on the basis of a hardship, or

17 (4) The veteran was released from active duty because  
18 of a service connected disability and was honorably  
19 discharged. But such preference shall be given only to  
20 those persons who are found to possess the business  
21 capacity necessary for the proper discharge of the duties  
22 of such employment. No political subdivision or person  
23 contracting for such public works is required to give  
24 preference to veterans, not residents of such district,  
25 over residents thereof, who are not veterans.



1           For the purposes of this Section, a person who has been a  
2 member of the Illinois National Guard shall be given priority  
3 over a person who has been a member of the National Guard of  
4 any other state.

5           (b) As used in this Act:

6           "Time of hostilities with a foreign country" means any  
7 period of time in the past, present, or future during which a  
8 declaration of war by the United States Congress has been or is  
9 in effect or during which an emergency condition has been or is  
10 in effect that is recognized by the issuance of a Presidential  
11 proclamation or a Presidential executive order and in which  
12 the armed forces expeditionary medal or other campaign service  
13 medals are awarded according to Presidential executive order.

14           "Armed forces of the United States" means the United  
15 States Army, Navy, Air Force, Space Force, Marine Corps, or  
16 Coast Guard, United States Reserve Forces, or the National  
17 Guard of any state. Service in the Merchant Marine that  
18 constitutes active duty under Section 401 of federal Public  
19 Law 95-202 shall also be considered service in the Armed  
20 Forces of the United States for purposes of this Section.

21           (Source: P.A. 102-498, eff. 1-1-22.)

22           Section 95. The Veterans Burial Places Act is amended by  
23 changing Section 1 as follows:

24           (330 ILCS 110/1) (from Ch. 21, par. 59a)

1           Sec. 1. For the purpose of locating the burial places of  
2 United States War Veterans and reporting to the United States  
3 Government under the provisions of the Federal Law respecting  
4 the erection of headstones at the graves of United States War  
5 Veterans and the erection of memorial markers where the  
6 remains of such veterans were not recovered or were buried at  
7 sea, the Department of Veterans' Affairs shall maintain a card  
8 file Roll of Honor, alphabetically arranged, of all veterans  
9 buried in the State or, if no remains were recovered or if such  
10 remains were buried at sea, of all the memorial markers for  
11 such veterans placed in the State and an additional record by  
12 counties showing the burials or memorial markers in each  
13 cemetery in each county. The records, so far as obtainable,  
14 shall contain the name of the veteran, war served in, his rank,  
15 organizations, dates of enlistment and discharge, date of  
16 death, description of grave or memorial marker, and name and  
17 location of cemetery. It shall also be his duty to prepare  
18 requisitions on the Federal Government for headstones or  
19 memorial markers when same are desired and to supervise their  
20 transportation from the railroad station to and erection at  
21 the grave of the veteran or at the site for the erection of a  
22 memorial marker if no remains were recovered or if such  
23 remains were buried at sea, certifying bills for same for  
24 payment.

25           The Department of Veterans' Affairs shall appoint such  
26 additional employees as may be required to maintain the

1 records of War Veterans Graves and Memorial Markers  
2 Registration. The appointment of such employees shall not be  
3 subject to the provisions of any law relating to civil service  
4 or job classification on a merit basis.

5 "United States War Veterans", for purposes of this Act,  
6 means:

7 (1) Soldiers of the Union and Confederate Armies of the  
8 Civil War.

9 (2) Members of the Armed Forces of the United States dying  
10 in the service and former members whose last service  
11 terminated honorably.

12 (3) Persons buried in post and national cemeteries.

13 (4) Members of a reserve component of the Armed Forces of  
14 the United States, and members of the Army National Guard or  
15 the Air National Guard, whose death occurred under honorable  
16 conditions while they were:

17 (a) on active duty for training, or performing  
18 full-time service under Section 316, 503, 504, or 505 of  
19 Title 32, United States Code;

20 (b) performing authorized travel to or from that duty  
21 or service;

22 (c) on authorized inactive duty training, including  
23 training performed as members of the Army National Guard  
24 or the Air National Guard; or

25 (d) hospitalized or undergoing treatment, at the  
26 expense of the United States, for injury or disease

1 contracted or incurred under honorable conditions while  
2 they were:

3 (i) on that duty or service;

4 (ii) performing that travel or inactive duty  
5 training; or

6 (iii) undergoing that hospitalization or treatment  
7 at the expenses of the United States.

8 (5) Members of the Reserve Officers Training Corps of the  
9 Army, Navy, Space Force, or Air Force whose death occurred  
10 under honorable conditions while they were:

11 (a) attending an authorized training camp or on an  
12 authorized practice cruise;

13 (b) performing authorized travel to or from that camp  
14 or cruise; or

15 (c) hospitalized or undergoing treatment, at the  
16 expense of the United States, for injury or disease  
17 contracted or incurred under honorable conditions while  
18 they were:

19 (i) attending that camp or on that cruise;

20 (ii) performing that travel; or

21 (iii) undergoing that hospitalization or treatment  
22 at the expense of the United States.

23 (Source: P.A. 91-357, eff. 7-29-99.)

24 Section 100. The Criminal Code of 2012 is amended by  
25 changing Section 17-2 as follows:

1 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)  
2 Sec. 17-2. False personation; solicitation.

3 (a) False personation; solicitation.

4 (1) A person commits a false personation when he or  
5 she knowingly and falsely represents himself or herself to  
6 be a member or representative of any veterans' or public  
7 safety personnel organization or a representative of any  
8 charitable organization, or when he or she knowingly  
9 exhibits or uses in any manner any decal, badge or  
10 insignia of any charitable, public safety personnel, or  
11 veterans' organization when not authorized to do so by the  
12 charitable, public safety personnel, or veterans'  
13 organization. "Public safety personnel organization" has  
14 the meaning ascribed to that term in Section 1 of the  
15 Solicitation for Charity Act.

16 (2) A person commits a false personation when he or  
17 she knowingly and falsely represents himself or herself to  
18 be a veteran in seeking employment or public office. In  
19 this paragraph, "veteran" means a person who has served in  
20 the Armed Services or Reserve Forces of the United States.

21 (2.1) A person commits a false personation when he or  
22 she knowingly and falsely represents himself or herself to  
23 be:

24 (A) an active-duty member of the Armed Services or  
25 Reserve Forces of the United States or the National

1 Guard or a veteran of the Armed Services or Reserve  
2 Forces of the United States or the National Guard; and

3 (B) obtains money, property, or another tangible  
4 benefit through that false representation.

5 In this paragraph, "member of the Armed Services or  
6 Reserve Forces of the United States" means a member of the  
7 United States Navy, Army, Air Force, Space Force, Marine  
8 Corps, or Coast Guard; and "veteran" means a person who  
9 has served in the Armed Services or Reserve Forces of the  
10 United States or the National Guard.

11 (2.5) A person commits a false personation when he or  
12 she knowingly and falsely represents himself or herself to  
13 be:

14 (A) another actual person and does an act in such  
15 assumed character with intent to intimidate, threaten,  
16 injure, defraud, or to obtain a benefit from another;  
17 or

18 (B) a representative of an actual person or  
19 organization and does an act in such false capacity  
20 with intent to obtain a benefit or to injure or defraud  
21 another.

22 (3) No person shall knowingly use the words "Police",  
23 "Police Department", "Patrolman", "Sergeant",  
24 "Lieutenant", "Peace Officer", "Sheriff's Police",  
25 "Sheriff", "Officer", "Law Enforcement", "Trooper",  
26 "Deputy", "Deputy Sheriff", "State Police", or any other

1 words to the same effect (i) in the title of any  
2 organization, magazine, or other publication without the  
3 express approval of the named public safety personnel  
4 organization's governing board or (ii) in combination with  
5 the name of any state, state agency, public university, or  
6 unit of local government without the express written  
7 authorization of that state, state agency, public  
8 university, or unit of local government.

9 (4) No person may knowingly claim or represent that he  
10 or she is acting on behalf of any public safety personnel  
11 organization when soliciting financial contributions or  
12 selling or delivering or offering to sell or deliver any  
13 merchandise, goods, services, memberships, or  
14 advertisements unless the chief of the police department,  
15 fire department, and the corporate or municipal authority  
16 thereof, or the sheriff has first entered into a written  
17 agreement with the person or with an organization with  
18 which the person is affiliated and the agreement permits  
19 the activity and specifies and states clearly and fully  
20 the purpose for which the proceeds of the solicitation,  
21 contribution, or sale will be used.

22 (5) No person, when soliciting financial contributions  
23 or selling or delivering or offering to sell or deliver  
24 any merchandise, goods, services, memberships, or  
25 advertisements may claim or represent that he or she is  
26 representing or acting on behalf of any nongovernmental

1 organization by any name which includes "officer", "peace  
2 officer", "police", "law enforcement", "trooper",  
3 "sheriff", "deputy", "deputy sheriff", "State police", or  
4 any other word or words which would reasonably be  
5 understood to imply that the organization is composed of  
6 law enforcement personnel unless:

7 (A) the person is actually representing or acting  
8 on behalf of the nongovernmental organization;

9 (B) the nongovernmental organization is controlled  
10 by and governed by a membership of and represents a  
11 group or association of active duty peace officers,  
12 retired peace officers, or injured peace officers; and

13 (C) before commencing the solicitation or the sale  
14 or the offers to sell any merchandise, goods,  
15 services, memberships, or advertisements, a written  
16 contract between the soliciting or selling person and  
17 the nongovernmental organization, which specifies and  
18 states clearly and fully the purposes for which the  
19 proceeds of the solicitation, contribution, or sale  
20 will be used, has been entered into.

21 (6) No person, when soliciting financial contributions  
22 or selling or delivering or offering to sell or deliver  
23 any merchandise, goods, services, memberships, or  
24 advertisements, may knowingly claim or represent that he  
25 or she is representing or acting on behalf of any  
26 nongovernmental organization by any name which includes



1 the term "fireman", "fire fighter", "paramedic", or any  
2 other word or words which would reasonably be understood  
3 to imply that the organization is composed of fire fighter  
4 or paramedic personnel unless:

5 (A) the person is actually representing or acting  
6 on behalf of the nongovernmental organization;

7 (B) the nongovernmental organization is controlled  
8 by and governed by a membership of and represents a  
9 group or association of active duty, retired, or  
10 injured fire fighters (for the purposes of this  
11 Section, "fire fighter" has the meaning ascribed to  
12 that term in Section 2 of the Illinois Fire Protection  
13 Training Act) or active duty, retired, or injured  
14 emergency medical technicians - ambulance, emergency  
15 medical technicians - intermediate, emergency medical  
16 technicians - paramedic, ambulance drivers, or other  
17 medical assistance or first aid personnel; and

18 (C) before commencing the solicitation or the sale  
19 or delivery or the offers to sell or deliver any  
20 merchandise, goods, services, memberships, or  
21 advertisements, the soliciting or selling person and  
22 the nongovernmental organization have entered into a  
23 written contract that specifies and states clearly and  
24 fully the purposes for which the proceeds of the  
25 solicitation, contribution, or sale will be used.

26 (7) No person may knowingly claim or represent that he

1 or she is an airman, airline employee, airport employee,  
2 or contractor at an airport in order to obtain the  
3 uniform, identification card, license, or other  
4 identification paraphernalia of an airman, airline  
5 employee, airport employee, or contractor at an airport.

6 (8) No person, firm, copartnership, or corporation  
7 (except corporations organized and doing business under  
8 the Pawners Societies Act) shall knowingly use a name that  
9 contains in it the words "Pawners' Society".

10 (b) False personation; public officials and employees. A  
11 person commits a false personation if he or she knowingly and  
12 falsely represents himself or herself to be any of the  
13 following:

14 (1) An attorney authorized to practice law for  
15 purposes of compensation or consideration. This paragraph

16 (b)(1) does not apply to a person who unintentionally  
17 fails to pay attorney registration fees established by  
18 Supreme Court Rule.

19 (2) A public officer or a public employee or an  
20 official or employee of the federal government.

21 (2.3) A public officer, a public employee, or an  
22 official or employee of the federal government, and the  
23 false representation is made in furtherance of the  
24 commission of felony.

25 (2.7) A public officer or a public employee, and the  
26 false representation is for the purpose of effectuating

1 identity theft as defined in Section 16-30 of this Code.

2 (3) A peace officer.

3 (4) A peace officer while carrying a deadly weapon.

4 (5) A peace officer in attempting or committing a  
5 felony.

6 (6) A peace officer in attempting or committing a  
7 forcible felony.

8 (7) The parent, legal guardian, or other relation of a  
9 minor child to any public official, public employee, or  
10 elementary or secondary school employee or administrator.

11 (7.5) The legal guardian, including any representative  
12 of a State or public guardian, of a person with a  
13 disability appointed under Article XIa of the Probate Act  
14 of 1975.

15 (8) A fire fighter.

16 (9) A fire fighter while carrying a deadly weapon.

17 (10) A fire fighter in attempting or committing a  
18 felony.

19 (11) An emergency management worker of any  
20 jurisdiction in this State.

21 (12) An emergency management worker of any  
22 jurisdiction in this State in attempting or committing a  
23 felony. For the purposes of this subsection (b),  
24 "emergency management worker" has the meaning provided  
25 under Section 2-6.6 of this Code.

26 (b-5) The trier of fact may infer that a person falsely

1 represents himself or herself to be a public officer or a  
2 public employee or an official or employee of the federal  
3 government if the person:

4 (1) wears or displays without authority any uniform,  
5 badge, insignia, or facsimile thereof by which a public  
6 officer or public employee or official or employee of the  
7 federal government is lawfully distinguished; or

8 (2) falsely expresses by word or action that he or she  
9 is a public officer or public employee or official or  
10 employee of the federal government and is acting with  
11 approval or authority of a public agency or department.

12 (c) Fraudulent advertisement of a corporate name.

13 (1) A company, association, or individual commits  
14 fraudulent advertisement of a corporate name if he, she,  
15 or it, not being incorporated, puts forth a sign or  
16 advertisement and assumes, for the purpose of soliciting  
17 business, a corporate name.

18 (2) Nothing contained in this subsection (c) prohibits  
19 a corporation, company, association, or person from using  
20 a divisional designation or trade name in conjunction with  
21 its corporate name or assumed name under Section 4.05 of  
22 the Business Corporation Act of 1983 or, if it is a member  
23 of a partnership or joint venture, from doing partnership  
24 or joint venture business under the partnership or joint  
25 venture name. The name under which the joint venture or  
26 partnership does business may differ from the names of the

1 members. Business may not be conducted or transacted under  
2 that joint venture or partnership name, however, unless  
3 all provisions of the Assumed Business Name Act have been  
4 complied with. Nothing in this subsection (c) permits a  
5 foreign corporation to do business in this State without  
6 complying with all Illinois laws regulating the doing of  
7 business by foreign corporations. No foreign corporation  
8 may conduct or transact business in this State as a member  
9 of a partnership or joint venture that violates any  
10 Illinois law regulating or pertaining to the doing of  
11 business by foreign corporations in Illinois.

12 (3) The provisions of this subsection (c) do not apply  
13 to limited partnerships formed under the Revised Uniform  
14 Limited Partnership Act or under the Uniform Limited  
15 Partnership Act (2001).

16 (d) False law enforcement badges.

17 (1) A person commits false law enforcement badges if  
18 he or she knowingly produces, sells, or distributes a law  
19 enforcement badge without the express written consent of  
20 the law enforcement agency represented on the badge or, in  
21 case of a reorganized or defunct law enforcement agency,  
22 its successor law enforcement agency.

23 (2) It is a defense to false law enforcement badges  
24 that the law enforcement badge is used or is intended to be  
25 used exclusively: (i) as a memento or in a collection or  
26 exhibit; (ii) for decorative purposes; or (iii) for a

1 dramatic presentation, such as a theatrical, film, or  
2 television production.

3 (e) False medals.

4 (1) A person commits a false personation if he or she  
5 knowingly and falsely represents himself or herself to be  
6 a recipient of, or wears on his or her person, any of the  
7 following medals if that medal was not awarded to that  
8 person by the United States Government, irrespective of  
9 branch of service: The Congressional Medal of Honor, The  
10 Distinguished Service Cross, The Navy Cross, The Air Force  
11 Cross, The Silver Star, The Bronze Star, or the Purple  
12 Heart.

13 (2) It is a defense to a prosecution under paragraph  
14 (e)(1) that the medal is used, or is intended to be used,  
15 exclusively:

16 (A) for a dramatic presentation, such as a  
17 theatrical, film, or television production, or a  
18 historical re-enactment; or

19 (B) for a costume worn, or intended to be worn, by  
20 a person under 18 years of age.

21 (f) Sentence.

22 (1) A violation of paragraph (a)(8) is a petty offense  
23 subject to a fine of not less than \$5 nor more than \$100,  
24 and the person, firm, copartnership, or corporation  
25 commits an additional petty offense for each day he, she,  
26 or it continues to commit the violation. A violation of

1 paragraph (c)(1) is a petty offense, and the company,  
2 association, or person commits an additional petty offense  
3 for each day he, she, or it continues to commit the  
4 violation. A violation of paragraph (a)(2.1) or subsection  
5 (e) is a petty offense for which the offender shall be  
6 fined at least \$100 and not more than \$200.

7 (2) A violation of paragraph (a)(1), (a)(3), or  
8 (b)(7.5) is a Class C misdemeanor.

9 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),  
10 (b)(2), or (b)(7) or subsection (d) is a Class A  
11 misdemeanor. A second or subsequent violation of  
12 subsection (d) is a Class 3 felony.

13 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),  
14 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is  
15 a Class 4 felony.

16 (5) A violation of paragraph (b)(4), (b)(9), or  
17 (b)(12) is a Class 3 felony.

18 (6) A violation of paragraph (b)(5) or (b)(10) is a  
19 Class 2 felony.

20 (7) A violation of paragraph (b)(6) is a Class 1  
21 felony.

22 (g) A violation of subsection (a)(1) through (a)(7) or  
23 subsection (e) of this Section may be accomplished in person  
24 or by any means of communication, including but not limited to  
25 the use of an Internet website or any form of electronic  
26 communication.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-561, eff. 7-15-16;  
2 100-201, eff. 8-18-17.)



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