

1 AN ACT concerning revenue.

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

4 Section 5. The State Finance Act is amended by adding
5 Sections 5.719 and 6z-76 as follows:

6 (30 ILCS 105/5.719 new)

7 Sec. 5.719. The Healthcare Provider Relief Fund.

8 (30 ILCS 105/6z-76 new)

9 Sec. 6z-76. The Healthcare Provider Relief Fund. The
10 Healthcare Provider Relief Fund is created as a special fund in
11 the State treasury. Moneys in the Fund may be used, subject to
12 appropriation, by Department of Healthcare and Family Services
13 only for the purpose of making reimbursements to providers of
14 goods or services under the medical assistance program under
15 Article V of the Illinois Public Aid Code, the Children's
16 Health Insurance Program Act, the Covering All Kids Health
17 Insurance Act, and the pharmaceutical assistance program under
18 the Senior Citizens and Disabled Persons Property Tax Relief
19 and Pharmaceutical Assistance Act. The Department shall make
20 all such reimbursements from the Fund in the order that claims
21 for those reimbursements were received by the Department.

22 Any interest earnings that are attributable to moneys in

1 the Fund must be deposited into the Fund.

2 The Healthcare Provider Relief Fund is not subject to
3 sweeps, administrative charges, or charge-backs, including but
4 not limited to, those authorized under Section 8h of the State
5 Finance Act, or any other fiscal or budgetary maneuver that
6 would in any way transfer any funds from the Healthcare
7 Provider Relief Fund into any other fund of the State.

8 Section 10. The Cigarette Tax Act is amended by changing
9 Sections 1 and 2 as follows:

10 (35 ILCS 130/1) (from Ch. 120, par. 453.1)

11 Sec. 1. For the purposes of this Act:

12 "Cigarette", when used in this Act, shall be construed to
13 mean: Any roll for smoking made wholly or in part of tobacco
14 irrespective of size or shape and whether or not such tobacco
15 is flavored, adulterated or mixed with any other ingredient,
16 and the wrapper or cover of which is made of paper or any other
17 substance or material except whole tobacco leaf.

18 "Person" means any natural individual, firm, partnership,
19 association, joint stock company, joint adventure, public or
20 private corporation, however formed, limited liability
21 company, or a receiver, executor, administrator, trustee,
22 guardian or other representative appointed by order of any
23 court.

24 "Prior Continuous Compliance Taxpayer" means any person

1 who is licensed under this Act and who, having been a licensee
2 for a continuous period of 5 years, is determined by the
3 Department not to have been either delinquent or deficient in
4 the payment of tax liability during that period or otherwise in
5 violation of this Act. Also, any taxpayer who has, as verified
6 by the Department, continuously complied with the condition of
7 his bond or other security under provisions of this Act for a
8 period of 5 consecutive years shall be considered to be a
9 "Prior continuous compliance taxpayer". In calculating the
10 consecutive period of time described herein for qualification
11 as a "prior continuous compliance taxpayer", a consecutive
12 period of time of qualifying compliance immediately prior to
13 the effective date of this amendatory Act of 1987 shall be
14 credited to any licensee who became licensed on or before the
15 effective date of this amendatory Act of 1987.

16 "Department" means the Department of Revenue.

17 "Sale" means any transfer, exchange or barter in any manner
18 or by any means whatsoever for a consideration, and includes
19 and means all sales made by any person.

20 "Original Package" means the individual packet, box or
21 other container whatsoever used to contain and to convey
22 cigarettes to the consumer.

23 "Distributor" means any and each of the following:

24 (1) Any person engaged in the business of selling
25 cigarettes in this State who brings or causes to be brought
26 into this State from without this State any original

1 packages of cigarettes, on which original packages there is
2 no authorized evidence underneath a sealed transparent
3 wrapper showing that the tax liability imposed by this Act
4 has been paid or assumed by the out-of-State seller of such
5 cigarettes, for sale or other disposition in the course of
6 such business.

7 (2) Any person who makes, manufactures or fabricates
8 cigarettes in this State for sale in this State, except a
9 person who makes, manufactures or fabricates cigarettes as
10 a part of a correctional industries program for sale to
11 residents incarcerated in penal institutions or resident
12 patients of a State-operated mental health facility.

13 (3) Any person who makes, manufactures or fabricates
14 cigarettes outside this State, which cigarettes are placed
15 in original packages contained in sealed transparent
16 wrappers, for delivery or shipment into this State, and who
17 elects to qualify and is accepted by the Department as a
18 distributor under Section 4b of this Act.

19 "Place of business" shall mean and include any place where
20 cigarettes are sold or where cigarettes are manufactured,
21 stored or kept for the purpose of sale or consumption,
22 including any vessel, vehicle, airplane, train or vending
23 machine.

24 "Business" means any trade, occupation, activity or
25 enterprise engaged in for the purpose of selling cigarettes in
26 this State.

1 "Retailer" means any person who engages in the making of
2 transfers of the ownership of, or title to, cigarettes to a
3 purchaser for use or consumption and not for resale in any
4 form, for a valuable consideration. "Retailer" does not include
5 a person:

6 (1) who transfers to residents incarcerated in penal
7 institutions or resident patients of a State-operated
8 mental health facility ownership of cigarettes made,
9 manufactured, or fabricated as part of a correctional
10 industries program; or

11 (2) who transfers cigarettes to a not-for-profit
12 research institution that conducts tests concerning the
13 health effects of tobacco products and who does not offer
14 the cigarettes for resale.

15 "Retailer" shall be construed to include any person who
16 engages in the making of transfers of the ownership of, or
17 title to, cigarettes to a purchaser, for use or consumption by
18 any other person to whom such purchaser may transfer the
19 cigarettes without a valuable consideration, except a person
20 who transfers to residents incarcerated in penal institutions
21 or resident patients of a State-operated mental health facility
22 ownership of cigarettes made, manufactured or fabricated as
23 part of a correctional industries program.

24 (Source: P.A. 95-462, eff. 8-27-07.)

25 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

1 Sec. 2. Tax imposed; rate; collection, payment, and
2 distribution; discount.

3 (a) A tax is imposed upon any person engaged in business as
4 a retailer of cigarettes in this State at the rate of 5 1/2
5 mills per cigarette sold, or otherwise disposed of in the
6 course of such business in this State. In addition to any other
7 tax imposed by this Act, a tax is imposed upon any person
8 engaged in business as a retailer of cigarettes in this State
9 at a rate of 1/2 mill per cigarette sold or otherwise disposed
10 of in the course of such business in this State on and after
11 January 1, 1947, and shall be paid into the Metropolitan Fair
12 and Exposition Authority Reconstruction Fund or as otherwise
13 provided in Section 29. On and after December 1, 1985, in
14 addition to any other tax imposed by this Act, a tax is imposed
15 upon any person engaged in business as a retailer of cigarettes
16 in this State at a rate of 4 mills per cigarette sold or
17 otherwise disposed of in the course of such business in this
18 State. Of the additional tax imposed by this amendatory Act of
19 1985, \$9,000,000 of the moneys received by the Department of
20 Revenue pursuant to this Act shall be paid each month into the
21 Common School Fund. On and after the effective date of this
22 amendatory Act of 1989, in addition to any other tax imposed by
23 this Act, a tax is imposed upon any person engaged in business
24 as a retailer of cigarettes at the rate of 5 mills per
25 cigarette sold or otherwise disposed of in the course of such
26 business in this State. On and after the effective date of this

1 amendatory Act of 1993, in addition to any other tax imposed by
2 this Act, a tax is imposed upon any person engaged in business
3 as a retailer of cigarettes at the rate of 7 mills per
4 cigarette sold or otherwise disposed of in the course of such
5 business in this State. On and after December 15, 1997, in
6 addition to any other tax imposed by this Act, a tax is imposed
7 upon any person engaged in business as a retailer of cigarettes
8 at the rate of 7 mills per cigarette sold or otherwise disposed
9 of in the course of such business of this State. All of the
10 moneys received by the Department of Revenue pursuant to this
11 Act and the Cigarette Use Tax Act from the additional taxes
12 imposed by this amendatory Act of 1997, shall be paid each
13 month into the Common School Fund. On and after July 1, 2002,
14 in addition to any other tax imposed by this Act, a tax is
15 imposed upon any person engaged in business as a retailer of
16 cigarettes at the rate of 20.0 mills per cigarette sold or
17 otherwise disposed of in the course of such business in this
18 State. Beginning on September 1, 2009, in addition to any other
19 tax imposed by this Act, a tax is imposed upon any person
20 engaged in business as a retailer of cigarettes at the rate of
21 25 mills per cigarette sold or otherwise disposed of in the
22 course of such business in this State. Beginning on September
23 1, 2010, in addition to any other tax imposed by this Act, a
24 tax is imposed upon any person engaged in business as a
25 retailer of cigarettes at the rate of 25 mills per cigarette
26 sold or otherwise disposed of in the course of such business in

1 this State. Of the moneys received by the Department of Revenue
2 under this Act and the Cigarette Use Tax Act from the
3 additional taxes imposed by this amendatory Act of the 96th
4 General Assembly: (i) \$54,167 must be paid each month into the
5 Tax Compliance and Administration Fund for the purpose of
6 cigarette and tobacco related enforcement, retail inspections,
7 and prevention of internet and interstate trafficking of
8 contraband cigarettes, and (ii) the balance must be paid each
9 month into the Healthcare Provider Relief Fund. The payment of
10 such taxes shall be evidenced by a stamp affixed to each
11 original package of cigarettes, or an authorized substitute for
12 such stamp imprinted on each original package of such
13 cigarettes underneath the sealed transparent outside wrapper
14 of such original package, as hereinafter provided. However,
15 such taxes are not imposed upon any activity in such business
16 in interstate commerce or otherwise, which activity may not
17 under the Constitution and statutes of the United States be
18 made the subject of taxation by this State.

19 Beginning on the effective date of this amendatory Act of
20 the 92nd General Assembly and through June 30, 2006, all of the
21 moneys received by the Department of Revenue pursuant to this
22 Act and the Cigarette Use Tax Act, other than the moneys that
23 are dedicated to the Common School Fund, shall be distributed
24 each month as follows: first, there shall be paid into the
25 General Revenue Fund an amount which, when added to the amount
26 paid into the Common School Fund for that month, equals

1 \$33,300,000, except that in the month of August of 2004, this
2 amount shall equal \$83,300,000; then, from the moneys
3 remaining, if any amounts required to be paid into the General
4 Revenue Fund in previous months remain unpaid, those amounts
5 shall be paid into the General Revenue Fund; then, beginning on
6 April 1, 2003, from the moneys remaining, \$5,000,000 per month
7 shall be paid into the School Infrastructure Fund; then, if any
8 amounts required to be paid into the School Infrastructure Fund
9 in previous months remain unpaid, those amounts shall be paid
10 into the School Infrastructure Fund; then the moneys remaining,
11 if any, shall be paid into the Long-Term Care Provider Fund. To
12 the extent that more than \$25,000,000 has been paid into the
13 General Revenue Fund and Common School Fund per month for the
14 period of July 1, 1993 through the effective date of this
15 amendatory Act of 1994 from combined receipts of the Cigarette
16 Tax Act and the Cigarette Use Tax Act, notwithstanding the
17 distribution provided in this Section, the Department of
18 Revenue is hereby directed to adjust the distribution provided
19 in this Section to increase the next monthly payments to the
20 Long Term Care Provider Fund by the amount paid to the General
21 Revenue Fund and Common School Fund in excess of \$25,000,000
22 per month and to decrease the next monthly payments to the
23 General Revenue Fund and Common School Fund by that same excess
24 amount.

25 Beginning on July 1, 2006, all of the moneys received by
26 the Department of Revenue pursuant to this Act and the

1 Cigarette Use Tax Act, other than the moneys that are dedicated
2 to the Common School Fund and, beginning on the effective date
3 of this amendatory Act of the 96th General Assembly, other than
4 the moneys from the additional taxes imposed by this amendatory
5 Act of the 96th General Assembly that must be paid each month
6 into the Tax Compliance and Administration Fund and the
7 Healthcare Provider Relief Fund, shall be distributed each
8 month as follows: first, there shall be paid into the General
9 Revenue Fund an amount that, when added to the amount paid into
10 the Common School Fund for that month, equals \$29,200,000;
11 then, from the moneys remaining, if any amounts required to be
12 paid into the General Revenue Fund in previous months remain
13 unpaid, those amounts shall be paid into the General Revenue
14 Fund; then from the moneys remaining, \$5,000,000 per month
15 shall be paid into the School Infrastructure Fund; then, if any
16 amounts required to be paid into the School Infrastructure Fund
17 in previous months remain unpaid, those amounts shall be paid
18 into the School Infrastructure Fund; then the moneys remaining,
19 if any, shall be paid into the Long-Term Care Provider Fund.

20 When any tax imposed herein terminates or has terminated,
21 distributors who have bought stamps while such tax was in
22 effect and who therefore paid such tax, but who can show, to
23 the Department's satisfaction, that they sold the cigarettes to
24 which they affixed such stamps after such tax had terminated
25 and did not recover the tax or its equivalent from purchasers,
26 shall be allowed by the Department to take credit for such

1 absorbed tax against subsequent tax stamp purchases from the
2 Department by such distributor.

3 The impact of the tax levied by this Act is imposed upon
4 the retailer and shall be prepaid or pre-collected by the
5 distributor for the purpose of convenience and facility only,
6 and the amount of the tax shall be added to the price of the
7 cigarettes sold by such distributor. Collection of the tax
8 shall be evidenced by a stamp or stamps affixed to each
9 original package of cigarettes, as hereinafter provided.

10 Each distributor shall collect the tax from the retailer at
11 or before the time of the sale, shall affix the stamps as
12 hereinafter required, and shall remit the tax collected from
13 retailers to the Department, as hereinafter provided. Any
14 distributor who fails to properly collect and pay the tax
15 imposed by this Act shall be liable for the tax. Any
16 distributor having cigarettes to which stamps have been affixed
17 in his possession for sale on the effective date of this
18 amendatory Act of 1989 shall not be required to pay the
19 additional tax imposed by this amendatory Act of 1989 on such
20 stamped cigarettes. Any distributor having cigarettes to which
21 stamps have been affixed in his or her possession for sale at
22 12:01 a.m. on the effective date of this amendatory Act of
23 1993, is required to pay the additional tax imposed by this
24 amendatory Act of 1993 on such stamped cigarettes. This
25 payment, less the discount provided in subsection (b), shall be
26 due when the distributor first makes a purchase of cigarette

1 tax stamps after the effective date of this amendatory Act of
2 1993, or on the first due date of a return under this Act after
3 the effective date of this amendatory Act of 1993, whichever
4 occurs first. Any distributor having cigarettes to which stamps
5 have been affixed in his possession for sale on December 15,
6 1997 shall not be required to pay the additional tax imposed by
7 this amendatory Act of 1997 on such stamped cigarettes.

8 Any distributor having cigarettes to which stamps have been
9 affixed in his or her possession for sale on July 1, 2002 shall
10 not be required to pay the additional tax imposed by this
11 amendatory Act of the 92nd General Assembly on those stamped
12 cigarettes. Any distributor having cigarettes to which stamps
13 have been affixed in his or her possession for sale on or after
14 September 1, 2009 is required to pay the additional tax imposed
15 by this amendatory Act of the 96th General Assembly on those
16 stamped cigarettes. This payment, less the discount provided in
17 subsection (b), is due when the distributor first makes a
18 purchase of cigarette tax stamps on or after September 1, 2009
19 or on the first due date of a return under this Act occurring
20 on or after September 1, 2009, whichever occurs first. Any
21 distributor having cigarettes to which stamps have been affixed
22 in his or her possession for sale on or after September 1, 2010
23 is required to pay the additional tax imposed by this
24 amendatory Act of the 96th General Assembly on those stamped
25 cigarettes. This payment, less the discount provided in
26 subsection (b), is due when the distributor first makes a

1 purchase of cigarette tax stamps on or after September 1, 2010
2 or on the first due date of a return under this Act occurring
3 on or after September 1, 2010, whichever occurs first.

4 The amount of the Cigarette Tax imposed by this Act shall
5 be separately stated, apart from the price of the goods, by
6 both distributors and retailers, in all advertisements, bills
7 and sales invoices.

8 (b) The distributor shall be required to collect the taxes
9 provided under paragraph (a) hereof, and, to cover the costs of
10 such collection, shall be allowed a discount during any year
11 commencing July 1st and ending the following June 30th in
12 accordance with the schedule set out hereinbelow, which
13 discount shall be allowed at the time of purchase of the stamps
14 when purchase is required by this Act, or at the time when the
15 tax is remitted to the Department without the purchase of
16 stamps from the Department when that method of paying the tax
17 is required or authorized by this Act. Prior to December 1,
18 1985, a discount equal to 1 2/3% of the amount of the tax up to
19 and including the first \$700,000 paid hereunder by such
20 distributor to the Department during any such year; 1 1/3% of
21 the next \$700,000 of tax or any part thereof, paid hereunder by
22 such distributor to the Department during any such year; 1% of
23 the next \$700,000 of tax, or any part thereof, paid hereunder
24 by such distributor to the Department during any such year, and
25 2/3 of 1% of the amount of any additional tax paid hereunder by
26 such distributor to the Department during any such year shall

1 apply. On and after December 1, 1985, a discount equal to 1.75%
2 of the amount of the tax payable under this Act up to and
3 including the first \$3,000,000 paid hereunder by such
4 distributor to the Department during any such year and 1.5% of
5 the amount of any additional tax paid hereunder by such
6 distributor to the Department during any such year shall apply.

7 Two or more distributors that use a common means of
8 affixing revenue tax stamps or that are owned or controlled by
9 the same interests shall be treated as a single distributor for
10 the purpose of computing the discount.

11 (c) The taxes herein imposed are in addition to all other
12 occupation or privilege taxes imposed by the State of Illinois,
13 or by any political subdivision thereof, or by any municipal
14 corporation.

15 (Source: P.A. 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839,
16 eff. 6-6-06.)

17 Section 15. The Cigarette Use Tax Act is amended by
18 changing Sections 1, 2, and 12 as follows:

19 (35 ILCS 135/1) (from Ch. 120, par. 453.31)

20 Sec. 1. For the purpose of this Act, unless otherwise
21 required by the context:

22 "Use" means the exercise by any person of any right or
23 power over cigarettes incident to the ownership or possession
24 thereof, other than the making of a sale thereof in the course

1 of engaging in a business of selling cigarettes and shall
2 include the keeping or retention of cigarettes for use. For the
3 purpose of this Act, "use" does not include the use of
4 cigarettes by a not-for-profit research institution for the
5 purpose of conducting tests concerning the health effects of
6 tobacco products, provided the cigarettes are not offered for
7 resale.

8 "Cigarette" means any roll for smoking made wholly or in
9 part of tobacco irrespective of size or shape and whether or
10 not such tobacco is flavored, adulterated or mixed with any
11 other ingredient, and the wrapper or cover of which is made of
12 paper or any other substance or material except whole tobacco
13 leaf.

14 "Person" means any natural individual, firm, partnership,
15 association, joint stock company, joint adventure, public or
16 private corporation, however formed, limited liability
17 company, or a receiver, executor, administrator, trustee,
18 guardian or other representative appointed by order of any
19 court.

20 "Department" means the Department of Revenue.

21 "Sale" means any transfer, exchange or barter in any manner
22 or by any means whatsoever for a consideration, and includes
23 and means all sales made by any person.

24 "Original Package" means the individual packet, box or
25 other container whatsoever used to contain and to convey
26 cigarettes to the consumer.

1 "Distributor" means any and each of the following:

2 a. Any person engaged in the business of selling
3 cigarettes in this State who brings or causes to be brought
4 into this State from without this State any original
5 packages of cigarettes, on which original packages there is
6 no authorized evidence underneath a sealed transparent
7 wrapper showing that the tax liability imposed by this Act
8 has been paid or assumed by the out-of-State seller of such
9 cigarettes, for sale in the course of such business.

10 b. Any person who makes, manufactures or fabricates
11 cigarettes in this State for sale, except a person who
12 makes, manufactures or fabricates cigarettes for sale to
13 residents incarcerated in penal institutions or resident
14 patients or a State-operated mental health facility.

15 c. Any person who makes, manufactures or fabricates
16 cigarettes outside this State, which cigarettes are placed
17 in original packages contained in sealed transparent
18 wrappers, for delivery or shipment into this State, and who
19 elects to qualify and is accepted by the Department as a
20 distributor under Section 7 of this Act.

21 "Distributor" does not include any person who transfers
22 cigarettes to a not-for-profit research institution that
23 conducts tests concerning the health effects of tobacco
24 products and who does not offer the cigarettes for resale.

25 "Distributor maintaining a place of business in this
26 State", or any like term, means any distributor having or

1 maintaining within this State, directly or by a subsidiary, an
2 office, distribution house, sales house, warehouse or other
3 place of business, or any agent operating within this State
4 under the authority of the distributor or its subsidiary,
5 irrespective of whether such place of business or agent is
6 located here permanently or temporarily, or whether such
7 distributor or subsidiary is licensed to transact business
8 within this State.

9 "Business" means any trade, occupation, activity or
10 enterprise engaged in or conducted in this State for the
11 purpose of selling cigarettes.

12 "Prior Continuous Compliance Taxpayer" means any person
13 who is licensed under this Act and who, having been a licensee
14 for a continuous period of 5 years, is determined by the
15 Department not to have been either delinquent or deficient in
16 the payment of tax liability during that period or otherwise in
17 violation of this Act. Also, any taxpayer who has, as verified
18 by the Department, continuously complied with the condition of
19 his bond or other security under provisions of this Act of a
20 period of 5 consecutive years shall be considered to be a
21 "prior continuous compliance taxpayer". In calculating the
22 consecutive period of time described herein for qualification
23 as a "prior continuous compliance taxpayer", a consecutive
24 period of time of qualifying compliance immediately prior to
25 the effective date of this amendatory Act of 1987 shall be
26 credited to any licensee who became licensed on or before the

1 effective date of this amendatory Act of 1987.

2 (Source: P.A. 95-462, eff. 8-27-07.)

3 (35 ILCS 135/2) (from Ch. 120, par. 453.32)

4 Sec. 2. A tax is imposed upon the privilege of using
5 cigarettes in this State, at the rate of 6 mills per cigarette
6 so used. On and after December 1, 1985, in addition to any
7 other tax imposed by this Act, a tax is imposed upon the
8 privilege of using cigarettes in this State at a rate of 4
9 mills per cigarette so used. On and after the effective date of
10 this amendatory Act of 1989, in addition to any other tax
11 imposed by this Act, a tax is imposed upon the privilege of
12 using cigarettes in this State at the rate of 5 mills per
13 cigarette so used. On and after the effective date of this
14 amendatory Act of 1993, in addition to any other tax imposed by
15 this Act, a tax is imposed upon the privilege of using
16 cigarettes in this State at a rate of 7 mills per cigarette so
17 used. On and after December 15, 1997, in addition to any other
18 tax imposed by this Act, a tax is imposed upon the privilege of
19 using cigarettes in this State at a rate of 7 mills per
20 cigarette so used. On and after July 1, 2002, in addition to
21 any other tax imposed by this Act, a tax is imposed upon the
22 privilege of using cigarettes in this State at a rate of 20.0
23 mills per cigarette so used. Beginning on September 1, 2009, in
24 addition to any other tax imposed by this Act, a tax is imposed
25 upon the privilege of using cigarettes in this State at a rate

1 of 25 mills per cigarette so used. Beginning on September 1,
2 2010, in addition to any other tax imposed by this Act, a tax
3 is imposed upon any person engaged in business as a retailer of
4 cigarettes at the rate of 25 mills per cigarette sold or
5 otherwise disposed of in the course of such business in this
6 State. The taxes herein imposed shall be in addition to all
7 other occupation or privilege taxes imposed by the State of
8 Illinois or by any political subdivision thereof or by any
9 municipal corporation.

10 When any tax imposed herein terminates or has terminated,
11 distributors who have bought stamps while such tax was in
12 effect and who therefore paid such tax, but who can show, to
13 the Department's satisfaction, that they sold the cigarettes to
14 which they affixed such stamps after such tax had terminated
15 and did not recover the tax or its equivalent from purchasers,
16 shall be allowed by the Department to take credit for such
17 absorbed tax against subsequent tax stamp purchases from the
18 Department by such distributors.

19 When the word "tax" is used in this Act, it shall include
20 any tax or tax rate imposed by this Act and shall mean the
21 singular of "tax" or the plural "taxes" as the context may
22 require.

23 Any distributor having cigarettes to which stamps have been
24 affixed in his possession for sale on the effective date of
25 this amendatory Act of 1989 shall not be required to pay the
26 additional tax imposed by this amendatory Act of 1989 on such

1 stamped cigarettes. Any distributor having cigarettes to which
2 stamps have been affixed in his or her possession for sale at
3 12:01 a.m. on the effective date of this amendatory Act of
4 1993, is required to pay the additional tax imposed by this
5 amendatory Act of 1993 on such stamped cigarettes. This payment
6 shall be due when the distributor first makes a purchase of
7 cigarette tax stamps after the effective date of this
8 amendatory Act of 1993, or on the first due date of a return
9 under this Act after the effective date of this amendatory Act
10 of 1993, whichever occurs first. Once a distributor tenders
11 payment of the additional tax to the Department, the
12 distributor may purchase stamps from the Department. Any
13 distributor having cigarettes to which stamps have been affixed
14 in his possession for sale on December 15, 1997 shall not be
15 required to pay the additional tax imposed by this amendatory
16 Act of 1997 on such stamped cigarettes.

17 Any distributor having cigarettes to which stamps have been
18 affixed in his or her possession for sale on July 1, 2002 shall
19 not be required to pay the additional tax imposed by this
20 amendatory Act of the 92nd General Assembly on those stamped
21 cigarettes. Any distributor having cigarettes to which stamps
22 have been affixed in his or her possession for sale on or after
23 September 1, 2009 is required to pay the additional tax imposed
24 by this amendatory Act of the 96th General Assembly on those
25 stamped cigarettes. This payment, less the discount provided in
26 Section 3 of this Act, is due when the distributor first makes

1 a purchase of cigarette tax stamps on or after September 1,
2 2009 or on the first due date of a return under this Act
3 occurring on or after September 1, 2009, whichever occurs
4 first. Any distributor having cigarettes to which stamps have
5 been affixed in his or her possession for sale on or after
6 September 1, 2010 is required to pay the additional tax imposed
7 by this amendatory Act of the 96th General Assembly on those
8 stamped cigarettes. This payment, less the discount provided in
9 subsection (b), is due when the distributor first makes a
10 purchase of cigarette tax stamps on or after September 1, 2010
11 or on the first due date of a return under this Act occurring
12 on or after September 1, 2010, whichever occurs first.

13 (Source: P.A. 92-536, eff. 6-6-02.)

14 (35 ILCS 135/12) (from Ch. 120, par. 453.42)

15 Sec. 12. Declaration of possession of cigarettes on which
16 tax not paid.

17 (a) When cigarettes are acquired for use in this State by a
18 person (including a distributor as well as any other person),
19 who did not pay the tax herein imposed to a distributor, the
20 person, within 30 days after acquiring the cigarettes, shall
21 file with the Department a return declaring the possession of
22 the cigarettes and shall transmit with the return to the
23 Department the tax imposed by this Act.

24 (b) On receipt of the return and payment of the tax as
25 required by paragraph (a), the Department may furnish the

1 person with a suitable tax stamp to be affixed to the package
2 of cigarettes upon which the tax has been paid if the
3 Department determines that the cigarettes still exist.

4 (c) The return referred to in paragraph (a) shall contain
5 the name and address of the person possessing the cigarettes
6 involved, the location of the cigarettes and the quantity,
7 brand name, place, and date of the acquisition of the
8 cigarettes.

9 (d) The provisions of this subsection are not subject to
10 the Uniform Penalty and Interest Act.

11 (Source: P.A. 92-322, eff. 1-1-02.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.