



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6208

Introduced 2/11/2016, by Rep. Carol Ammons

#### SYNOPSIS AS INTRODUCED:

35 ILCS 120/1t new

Amends the Retailers' Occupation Tax Act. Provides that, when a person who is engaged in the business of selling seeds or plants sells those seeds or plants to a purchaser who uses the seeds or starter plants in raising lawn grass, vegetables, fruits, nuts, crops, or other plants which they will use or consume and not resell, those retailers are engaged in the business of selling tangible personal property to purchasers for use or consumption and are required to remit the tax imposed under the Act on those gross receipts. Provides that a person who sells seeds or plants to a purchaser who uses those seeds or plants in raising vegetables, fruits, nuts, crops, or other plants for sale is selling those seeds or plants to purchasers for purposes of resale and is not required to remit the tax imposed under the Act on those gross receipts.

LRB099 19691 HLH 44088 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Retailers' Occupation Tax Act is amended by  
5 adding Section 1t as follows:

6 (35 ILCS 120/1t new)

7 Sec. 1t. Sellers of seeds and starter plants.

8 (a) When persons who are engaged in the business of selling  
9 seeds or plants sell seeds or plants to purchasers who use the  
10 seeds or plants in raising lawn grass, vegetables, fruits,  
11 nuts, crops, or other plants which they will use or consume and  
12 not resell, those retailers are engaged in the business of  
13 selling tangible personal property to purchasers for use or  
14 consumption and are required to remit the tax imposed under  
15 this Act on gross receipts from those sales.

16 (b) Persons who sell seeds or plants to purchasers who  
17 employ those seeds or plants in raising vegetables, fruits,  
18 nuts, crops, or other plants for sale are selling seeds or  
19 plants to purchasers for purposes of resale and are not  
20 required to remit the tax imposed under this Act on gross  
21 receipts from those sales.