

County Cannabis ROT - SAMPLE

ORDINANCE NO. _____

County Cannabis Retailers' Occupation Tax

Section 1. Tax imposed. A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act, at retail in this county at the rate of:

- (i) [insert rate - not to exceed 3.75%] of the gross receipts from such cannabis sales made in unincorporated areas of the county; and
- (ii) [insert rate - not to exceed 3%] of the gross receipts from such cannabis sales made in a municipality located in the county.

The imposition of this tax is in accordance with and subject to the provisions of Section 5-1006.8 of the Counties Code (55 ILCS 5/5-1006.8).

Section 2. Illinois Department of Revenue to administer. The tax hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

Section 3. Clerk to file Ordinance with Illinois Department of Revenue. The County Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before June 1, [YEAR].

Section 4. Effective date. This Ordinance shall take effect on the first day of September next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding June 1st.

Section 5. Repeal of conflicting provisions. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

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THE FOLLOWING NOTES ARE NOT PART OF THE ORDINANCE AND SHOULD NOT APPEAR IN THE ADOPTED ORDINANCE, BUT SHOULD BE CONSIDERED WHEN DRAFTING THE ORDINANCE.

DISCLAIMER: This sample document is offered as a service to units of local government to assist them in using a proper format when imposing a tax that the Illinois Department of Revenue is required by law to administer. This sample document does not take the place of legal advice. If you choose to use this sample document, however, and you properly complete and adopt it and file a certified copy of it with the Department, the Department will administer the tax. Please keep in mind that your local government attorney should always be consulted regarding the legality and appropriateness of the legislation that you are considering. He or she can help you modify sample documents, if necessary, to fit your community's specific needs.

June 1 deadline: This tax may be imposed or discontinued or the tax rate changed one time each year - September 1. To take effect on September 1, an ordinance must be adopted and a certified copy filed with the Illinois Department of Revenue by June 1. (See 55 ILCS 5/5-1006.8(f); P.A.101-363).