

TO THE HONORABLE COUNTY BOARD)
)
COUNTY OF PEORIA, ILLINOIS)

Your Executive Committee does hereby recommend passage of the following:

An Ordinance Amending Chapter 22 of the Peoria County Code to Establish a County Cannabis Retailers' Occupation Tax

ORDINANCE

WHEREAS, the County of Peoria, a body politic and corporate of the state of Illinois ("Peoria County"), is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, the Illinois General Assembly enacted Public Act 101-0027, effective January 1, 2020, which is a comprehensive revision of State statutes regulating the adult use of cannabis in Illinois; and

WHEREAS, the Illinois General Assembly also enacted Public Act 101-0363, effective January 1, 2020, which is a comprehensive revision to State statutes making the Compassionate Use of Medical Cannabis Pilot Program permanent and amending the County Cannabis Retailers' Occupation Tax Law (55 ILCS 5/5-1006.8), and;

WHEREAS, the County has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

WHEREAS, Chapter 22 of the Peoria County Code establishes various forms of taxation within the statutory authority of the Peoria County Board, and;

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois County Cannabis Retailers' Occupation Tax Law (55 ILCS 5/5-1006.8) (the "Act") as amended by both Public Act 101-0027 and Public Act 101-0363; and

WHEREAS, this Ordinance is intended to impose the tax authorized by the Act providing for a county cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF PEORIA, ILLINOIS, that Chapter 22 of the Peoria County Code of Ordinances is hereby amended and this Ordinance establishing a county cannabis retailers' occupation tax be and hereby is adopted as follows:

CHAPTER 22. Article XI. - County Cannabis Retailers' Occupation Tax

Section 22-85. - Recitals.

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 22-86. - Tax Imposed, Rate.

- (a) 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 Pilot Program Act, at retail locations in the County on the gross receipts from these sales at the following rates:
 - i. 3.75% of the gross receipts from these sales made in the course of that business in unincorporated areas of Peoria County; and
 - ii. 3% of the gross receipts of sales made in a municipality located in Peoria County; and
- (b) The imposition of this tax is in accordance with the provisions of the County Cannabis Retailers' Occupation Tax Law (55 ILCS 5/5-1006.8).

Section 22-87. - Collection of Tax by Retailers.

- (a) The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (the "Department"). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.
- (b) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

Section 22-88. - Severability.

The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section 22-89. - Effective Date.

This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the first day of January 2020. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to September 30, 2019.

RESPECTFULLY SUBMITTED,

EXECUTIVE COMMITTEE

SEPTEMBER 25, 2019

APPROVED BY A ROLL CALL VOTE OF 13 AYES AND 1 NAY