

1 AN ACT concerning criminal law.

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

4 Section 5. The Methamphetamine Precursor Control Act is  
5 amended by changing Sections 10, 25, 40, 45, and 55 and by  
6 adding Sections 36, 37, 38, 39, and 39.5 as follows:

7 (720 ILCS 648/10)

8 Sec. 10. Definitions. In this Act:

9 "Administer" or "administration" has the meaning provided  
10 in Section 102 of the Illinois Controlled Substances Act.

11 "Agent" has the meaning provided in Section 102 of the  
12 Illinois Controlled Substances Act.

13 "Authorized representative" means an employee or agent of a  
14 qualified outside entity who has been authorized in writing by  
15 his or her agency or office to receive confidential information  
16 from the database associated with the Williamson County Pilot  
17 Program.

18 "Central Repository" means the entity chosen by the  
19 Williamson County Pilot Program Authority to handle electronic  
20 transaction records as described in Sections 36, 37, 38, 39,  
21 and 39.5 of this Act.

22 "Convenience package" means any package that contains 360  
23 milligrams or less of ephedrine or pseudoephedrine, their salts

1 or optical isomers, or salts of optical isomers in liquid or  
2 liquid-filled capsule form.

3 "Covered pharmacy" means any pharmacy that distributes any  
4 amount of targeted methamphetamine precursor and that is  
5 physically located in any of the following Illinois counties:  
6 Franklin, Jackson, Johnson, Saline, Union, or Williamson.

7 "Deliver" has the meaning provided in Section 102 of the  
8 Illinois Controlled Substances Act.

9 "Dispense" has the meaning provided in Section 102 of the  
10 Illinois Controlled Substances Act.

11 "Distribute" has the meaning provided in Section 102 of the  
12 Illinois Controlled Substances Act.

13 "Electronic transaction record" means, with respect to the  
14 distribution of a targeted methamphetamine precursor by a  
15 pharmacy to a recipient under Section 25 of this Act, an  
16 electronic record that includes: the name and address of the  
17 recipient; date and time of the transaction; brand and product  
18 name and total quantity distributed of ephedrine or  
19 pseudoephedrine, their salts, or optical isomers, or salts of  
20 optical isomers; identification type and identification number  
21 of the identification presented by the recipient; and the name  
22 and address of the pharmacy.

23 "Identification information" means identification type and  
24 identification number.

25 "Identification number" means the number that appears on  
26 the identification furnished by the recipient of a targeted

1 methamphetamine precursor.

2 "Identification type" means the type of identification  
3 furnished by the recipient of a targeted methamphetamine  
4 precursor such as, by way of example only, an Illinois driver's  
5 license or United States passport.

6 "List I chemical" has the meaning provided in 21 U.S.C.  
7 Section 802.

8 "Methamphetamine precursor" has the meaning provided in  
9 Section 10 of the Methamphetamine Control and Community  
10 Protection Act.

11 "Methamphetamine Precursor Violation Alert" means a notice  
12 sent by the Pilot Program Authority to pharmacies, retail  
13 distributors, or law enforcement authorities as described in  
14 subsection (h) of Section 39.5 of this Act.

15 "Non-covered pharmacy" means any pharmacy that is not a  
16 covered pharmacy.

17 "Package" means an item packaged and marked for retail sale  
18 that is not designed to be further broken down or subdivided  
19 for the purpose of retail sale.

20 "Pharmacist" has the meaning provided in Section 102 of the  
21 Illinois Controlled Substances Act.

22 "Pharmacy" has the meaning provided in Section 102 of the  
23 Illinois Controlled Substances Act.

24 "Practitioner" has the meaning provided in Section 102 of  
25 the Illinois Controlled Substances Act.

26 "Prescriber" has the meaning provided in Section 102 of the

1 Illinois Controlled Substances Act.

2 "Prescription" has the meaning provided in Section 102 of  
3 the Illinois Controlled Substances Act.

4 "Qualified outside entity" means a law enforcement agency  
5 or prosecutor's office with authority to identify,  
6 investigate, or prosecute violations of this Act or any other  
7 State or federal law or rule involving a methamphetamine  
8 precursor, methamphetamine, or any other controlled substance,  
9 or a public entity that operates a methamphetamine precursor  
10 tracking program similar in purpose to the Williamson County  
11 Pilot Program.

12 "Readily retrievable" has the meaning provided in 21 C.F.R.  
13 part 1300.

14 "Recipient" means a person purchasing, receiving, or  
15 otherwise acquiring a targeted methamphetamine precursor from  
16 a pharmacy in Illinois, as described in Section 25 of this Act.

17 "Reporting start date" means the date on which covered  
18 pharmacies begin transmitting electronic transaction records  
19 and exempt pharmacies begin sending handwritten logs, as  
20 described in subsection (b) of Section 39 of this Act.

21 "Retail distributor" means a grocery store, general  
22 merchandise store, drug store, other merchandise store, or  
23 other entity or person whose activities as a distributor  
24 relating to drug products containing targeted methamphetamine  
25 precursor are limited exclusively or almost exclusively to  
26 sales for personal use by an ultimate user, both in number of

1 sales and volume of sales, either directly to walk-in customers  
2 or in face-to-face transactions by direct sales.

3 "Sales employee" means any employee or agent, other than a  
4 pharmacist or pharmacy technician ~~who works exclusively or~~  
5 ~~almost exclusively behind a pharmacy counter,~~ who at any time  
6 (a) operates a cash register at which convenience targeted  
7 packages may be sold, (b) stocks shelves containing convenience  
8 ~~targeted~~ packages, or (c) trains or supervises any other  
9 employee or agent who engages in any of the preceding  
10 activities.

11 "Single retail transaction" means a sale by a retail  
12 distributor to a specific customer at a specific time.

13 "Targeted methamphetamine precursor" means any compound,  
14 mixture, or preparation that contains any detectable quantity  
15 of ephedrine or pseudoephedrine, their salts or optical  
16 isomers, or salts of optical isomers.

17 "Targeted package" means a package, including a  
18 convenience package, containing any amount of targeted  
19 methamphetamine precursor.

20 "Ultimate user" has the meaning provided in Section 102 of  
21 the Illinois Controlled Substances Act.

22 "Williamson County Pilot Program" or "Pilot Program" means  
23 the program described in Sections 36, 37, 38, 39, and 39.5 of  
24 this Act.

25 "Williamson County Pilot Program Authority" or "Pilot  
26 Program Authority" means the Williamson County Sheriff's

1 Office or its employees or agents.

2 "Voluntary participant" means any pharmacy that, although  
3 not required by law to do so, participates in the Williamson  
4 County Pilot Program.

5 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

6 (720 ILCS 648/25)

7 Sec. 25. Pharmacies.

8 (a) No targeted methamphetamine precursor may be knowingly  
9 distributed through a pharmacy, including a pharmacy located  
10 within, owned by, operated by, or associated with a retail  
11 distributor unless all terms of this Section are satisfied.

12 (b) Any targeted methamphetamine precursor other than a  
13 convenience package or a liquid, including but not limited to  
14 any targeted methamphetamine precursor in liquid-filled  
15 capsules, shall: be packaged in blister packs, with each  
16 blister containing not more than 2 dosage units, or when the  
17 use of blister packs is technically infeasible, in unit dose  
18 packets. Each targeted package shall contain no more than 3,000  
19 milligrams of ephedrine or pseudoephedrine, their salts or  
20 optical isomers, or salts of optical isomers.

21 (c) The targeted methamphetamine precursor shall be stored  
22 behind the pharmacy counter and distributed by a pharmacist or  
23 pharmacy technician licensed under the Pharmacy Practice Act of  
24 1987.

25 (d) Any retail distributor operating a pharmacy, and any

1 pharmacist or pharmacy technician involved in the transaction  
2 or transactions, shall ensure that any person purchasing,  
3 receiving, or otherwise acquiring the targeted methamphetamine  
4 precursor complies with subsection (a) of Section 20 of this  
5 Act.

6 (e) Any retail distributor operating a pharmacy, and any  
7 pharmacist or pharmacy technician involved in the transaction  
8 or transactions, shall verify that:

9 (1) The person purchasing, receiving, or otherwise  
10 acquiring the targeted methamphetamine precursor is 18  
11 years of age or older and resembles the photograph of the  
12 person on the government-issued identification presented  
13 by the person; and

14 (2) The name entered into the log referred to in  
15 subsection (a) of Section 20 of this Act corresponds to the  
16 name on the government-issued identification presented by  
17 the person.

18 (f) The logs referred to in subsection (a) of Section 20 of  
19 this Act shall be kept confidential, maintained for not less  
20 than 2 years, and made available for inspection and copying by  
21 any law enforcement officer upon request of that officer. These  
22 logs may be kept in an electronic format if they include all  
23 the information specified in subsection (a) of Section 20 of  
24 this Act in a manner that is readily retrievable and  
25 reproducible in hard-copy format. Pharmacies covered by the  
26 Williamson County Pilot Program described in Sections 36, 37,

1 38, 39, and 39.5 of this Act are required to transmit  
2 electronic transaction records or handwritten logs to the Pilot  
3 Program Authority in the manner described in those Sections.

4 (g) No retail distributor operating a pharmacy, and no  
5 pharmacist or pharmacy technician, shall knowingly distribute  
6 any targeted methamphetamine precursor to any person under 18  
7 years of age.

8 (h) No retail distributor operating a pharmacy, and no  
9 pharmacist or pharmacy technician, shall knowingly distribute  
10 to a single person more than 2 targeted packages in a single  
11 retail transaction.

12 (i) No retail distributor operating a pharmacy, and no  
13 pharmacist or pharmacy technician, shall knowingly distribute  
14 to a single person in any 30-day period products containing  
15 more than a total of 7,500 milligrams of ephedrine or  
16 pseudoephedrine, their salts or optical isomers, or salts of  
17 optical isomers.

18 (j) A pharmacist or pharmacy technician may distribute a  
19 targeted methamphetamine precursor to a person who is without a  
20 form of identification specified in paragraph (1) of subsection  
21 (a) of Section 20 of this Act only if all other provisions of  
22 this Act are followed and either:

23 (1) the person presents a driver's license issued  
24 without a photograph by the State of Illinois pursuant to  
25 the Illinois Administrative Code, Title 92, Section  
26 1030.90(b)(1) or 1030.90(b)(2); or

1           (2) the person is known to the pharmacist or pharmacy  
2 technician, the person presents some form of  
3 identification, and the pharmacist or pharmacy technician  
4 reasonably believes that the targeted methamphetamine  
5 precursor will be used for a legitimate medical purpose and  
6 not to manufacture methamphetamine.

7           (k) When a pharmacist or pharmacy technician distributes a  
8 targeted methamphetamine precursor to a person according to the  
9 procedures set forth in this Act, and the pharmacist or  
10 pharmacy technician does not have access to a working cash  
11 register at the pharmacy counter, the pharmacist or pharmacy  
12 technician may instruct the person to pay for the targeted  
13 methamphetamine precursor at a cash register located elsewhere  
14 in the retail establishment, whether that register is operated  
15 by a pharmacist, pharmacy technician, or other employee or  
16 agent of the retail establishment.

17           (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

18           (720 ILCS 648/36 new)

19           Sec. 36. Williamson County Pilot Program; general  
20 provisions.

21           (a) Purposes. The purposes of this Section are: to  
22 establish a pilot program based in Williamson County to track  
23 purchases of targeted methamphetamine precursors at multiple  
24 locations; to identify persons obtaining or distributing  
25 targeted methamphetamine precursors for the likely purpose of

1 manufacturing methamphetamine; to starve methamphetamine  
2 manufacturers of the methamphetamine precursors they need to  
3 make methamphetamine; to locate and shut down methamphetamine  
4 laboratories; and ultimately to reduce the harm that  
5 methamphetamine manufacturing and manufacturers are inflicting  
6 on individuals, families, communities, first responders, the  
7 economy, and the environment in Illinois and beyond. In  
8 authorizing this pilot program, the General Assembly  
9 recognizes that, although this Act has significantly reduced  
10 the number of methamphetamine laboratories in Illinois, some  
11 persons continue to violate the Act, evade detection, and  
12 support the manufacture of methamphetamine by obtaining  
13 targeted methamphetamine precursor at multiple locations. The  
14 General Assembly further recognizes that putting an end to this  
15 practice and others like it will require an effort to track  
16 purchases of targeted methamphetamine precursor across  
17 multiple locations, and that a pilot program based in  
18 Williamson County will advance this important goal.

19 (b) Structure.

20 (1) There is established a pilot program based in  
21 Williamson County, known as the Williamson County Pilot  
22 Program or Pilot Program, to track purchases of targeted  
23 methamphetamine precursor across multiple locations for  
24 the purposes stated in subsection (a) of this Section.

25 (2) The Pilot Program shall be operated by the  
26 Williamson County Sheriff's Office, also known as the

1 Williamson County Pilot Program Authority or the Pilot  
2 Program Authority, in accordance with the provisions of  
3 Sections 36, 37, 38, 39, and 39.5 of this Act.

4 (3) The Pilot Program Authority shall designate a  
5 Central Repository for the collection of required  
6 information, and the Central Repository shall operate  
7 according to the provisions of Sections 36, 37, 38, 39, and  
8 39.5 of this Act.

9 (4) Every covered pharmacy shall participate in the  
10 Pilot Program, and any non-covered pharmacy may  
11 participate on a voluntary basis and be known as a  
12 voluntary participant.

13 (c) Transmission of electronic transaction records. Except  
14 as provided in Section 39:

15 (1) Each time a covered pharmacy distributes a targeted  
16 methamphetamine precursor to a recipient under Section 25  
17 of this Act, the covered pharmacy shall transmit an  
18 electronic transaction record to the Central Repository.

19 (2) Each covered pharmacy shall elect to transmit  
20 electronic transaction records either through the secure  
21 website described in Section 37 of this Act or through  
22 weekly electronic transfers as described in Section 38 of  
23 this Act.

24 (d) Operation and Timeline for implementation.

25 (1) Except as stated in this subsection, this  
26 amendatory Act of the 95th General Assembly shall be

1 operational upon becoming law.

2 (2) Covered pharmacies are not required to transmit any  
3 electronic transaction records and exempt pharmacies are  
4 not required to send any handwritten logs to the Central  
5 Repository until the reporting start date set by the Pilot  
6 Program Authority.

7 (3) The Pilot Program Authority shall announce the  
8 "reporting start date" within 90 days of the date this  
9 legislation is signed into law.

10 (4) The reporting start date shall be no sooner than 90  
11 days after the date on which the Pilot Program Authority  
12 announces the reporting start date.

13 (5) Starting on the reporting start date, and  
14 continuing for a period of one year thereafter, covered  
15 pharmacies shall transmit electronic transaction records  
16 as described in Sections 37 and 38 of this Act, and exempt  
17 pharmacies shall send handwritten logs as described in  
18 Section 39 of this Act.

19 (6) Nothing in this Act shall preclude covered  
20 pharmacies and exempt pharmacies from voluntarily  
21 participating in the Pilot Program before the start date or  
22 continuing to participate in the Pilot Program after one  
23 year after the reporting start date.

24 (e) Funding. Funding for the Pilot Program shall be  
25 provided by the Williamson County Pilot Program Authority,  
26 drawing upon federal grant money and other available sources.

1 If funding is delayed, curtailed, or otherwise unavailable, the  
2 Pilot Program Authority may delay implementation of the Pilot  
3 Program, reduce the number of counties covered by the Pilot  
4 Program, or end the Pilot Program early. If any such change  
5 becomes necessary, the Pilot Program Authority shall inform  
6 every covered pharmacy in writing.

7 (f) Training. The Pilot Program Authority shall provide,  
8 free of charge, training and assistance to any pharmacy playing  
9 any role in the Pilot Program.

10 (g) Relationship between the Williamson County Pilot  
11 Program and other laws and rules. Nothing in Sections 36, 37,  
12 38, 39, and 39.5 of this Act shall supersede, nullify, or  
13 diminish the force of any requirement stated in any other  
14 Section of this Act or in any other State or federal law or  
15 rule.

16 (720 ILCS 648/37 new)

17 Sec. 37. Williamson County Pilot Program; secure website.

18 (a) Transmission of electronic transaction records through  
19 a secure website; in general.

20 (1) The Pilot Program Authority shall establish a  
21 secure website for the transmission of electronic  
22 transaction records and electronic signatures and make it  
23 available free of charge to any covered pharmacy that  
24 elects to use it.

25 (2) The secure website shall enable any covered

1 pharmacy to transmit to the Central Repository an  
2 electronic transaction record and an electronic signature  
3 each time the pharmacy distributes a targeted  
4 methamphetamine precursor to a recipient under Section 25  
5 of this Act.

6 (3) If the secure website becomes unavailable to a  
7 covered pharmacy, the covered pharmacy may, during the  
8 period in which the secure website is not available,  
9 continue to distribute targeted methamphetamine precursor  
10 without using the secure website if, during this period,  
11 the covered pharmacy maintains and transmits handwritten  
12 logs as described in subsection (b) of Section 39 of this  
13 Act.

14 (b) Assistance to covered pharmacies using the secure  
15 website.

16 (1) The purpose of this subsection is to ensure that  
17 participation in the Pilot Program does not impose  
18 substantial costs on covered pharmacies that elect to  
19 transmit electronic transaction records to the Central  
20 Repository by means of the secure website.

21 (2) If a covered pharmacy that elects to transmit  
22 electronic transaction records by means of the secure  
23 website does not have computer hardware or software or  
24 related equipment sufficient to make use of the secure  
25 website, then the covered pharmacy may obtain and install  
26 such hardware or software or related equipment at its own

1 cost, or it may request assistance from the Pilot Program  
2 Authority, or some combination of the 2.

3 (3) If a covered pharmacy requests such assistance,  
4 then the Pilot Program Authority shall, free of charge,  
5 provide and install any computer hardware or software or  
6 related equipment needed.

7 (4) Nothing in this subsection shall preclude the Pilot  
8 Program Authority from providing additional or other  
9 assistance to any pharmacy or retail distributor.

10 (c) Any covered pharmacy that elects to transmit electronic  
11 transaction records by means of the secure website described in  
12 this Section may use the secure website as its exclusive means  
13 of complying with subsections (d) and (f) of Section 25 of this  
14 Act, provided that, along with each electronic transaction  
15 record, the pharmacy also transmits an electronically-captured  
16 signature of the recipient of the targeted methamphetamine  
17 precursor. To facilitate this option, the Pilot Program shall  
18 do the following:

19 (1) The Pilot Program Authority shall provide to any  
20 covered pharmacy that requests it an electronic signature  
21 pad or other means of electronic signature capture.

22 (2) The Pilot Program Authority shall provide the  
23 covered pharmacy with an official letter indicating that:

24 (A) The covered pharmacy in question is  
25 participating in the Williamson County Pilot Program  
26 for a specified period of time.

1           (B) During the specified period of time, the Pilot  
2           Program Authority has assumed responsibility for  
3           maintaining the logs described in subsection (f) of  
4           Section 25 of this Act.

5           (C) Any law enforcement officer seeking to inspect  
6           or copy the covered pharmacy's logs should direct the  
7           request to the Pilot Program Authority through means  
8           described in the letter.

9           (720 ILCS 648/38 new)

10          Sec. 38. Williamson County Pilot Program; weekly  
11          electronic transfer.

12          (a) Weekly electronic transfer; in general.

13           (1) Any covered pharmacy may elect not to use the  
14           secure website but instead to transmit electronic  
15           transaction records by means of weekly electronic  
16           transfers as described in this Section.

17           (2) Any covered pharmacy electing to transmit  
18           electronic transaction records by means of weekly  
19           electronic transfers shall transmit the records by means of  
20           a computer diskette, a magnetic tape, or an electronic  
21           device compatible with the receiving device of the Central  
22           Repository.

23          (b) Weekly electronic transfer; timing.

24           (1) Any covered pharmacy electing to transmit  
25           electronic transaction records by means of weekly

1 electronic transfers shall select a standard weeklong  
2 reporting period such as, by way of example only, the 7-day  
3 period that begins immediately after midnight Monday  
4 morning and lasts until immediately before midnight the  
5 next Sunday night.

6 (2) Electronic transaction records for transactions  
7 occurring during the standard weeklong reporting period  
8 selected by the pharmacy shall be transmitted to the  
9 Central Repository no later than 24 hours after each  
10 standard weeklong reporting period ends.

11 (3) Electronic transaction records may be delivered to  
12 the Central Repository in person, by messenger, through the  
13 United States Postal Service, over the Internet, or by  
14 other reasonably reliable and prompt means.

15 (4) Although electronic transaction records shall be  
16 transmitted to the Central Repository no later than one day  
17 after the end of a weeklong reporting period, it is not  
18 required that the electronic transaction records be  
19 received by that deadline.

20 (c) Weekly electronic transfer; form of data. Each  
21 electronic transaction record transmitted shall contain the  
22 following information in the form described:

23 (1) The recipient's (A) first name, (B) last name, (C)  
24 street address, and (D) zip code, in the 4 separate data  
25 fields listed (A) through (D).

26 (2) The (A) date and (B) time of the transaction, in

1 the 2 separate data fields listed (A) and (B).

2 (3) One of the following:

3 (A) The (1) brand and product name and (2) total  
4 quantity in milligrams distributed of ephedrine or  
5 pseudoephedrine, their salts, or optical isomers, or  
6 salts of optical isomers, in the 2 separate data fields  
7 listed (1) and (2);

8 (B) The National Drug Code (NDC) number  
9 corresponding to the product distributed, from which  
10 may be determined the brand and product name and total  
11 quantity distributed of ephedrine or pseudoephedrine,  
12 their salts, or optical isomers, or salts of optical  
13 isomers; or

14 (C) A company-specific code, akin to the National  
15 Drug Code, from which may be determined the brand and  
16 product name and total quantity distributed of  
17 ephedrine or pseudoephedrine, their salts, or optical  
18 isomers, or salts of optical isomers, along with  
19 information sufficient to translate any  
20 company-specific codes into the brand and product name  
21 and total quantity distributed of ephedrine or  
22 pseudoephedrine, their salts, or optical isomers, or  
23 salts of optical isomers.

24 (4) One of the following:

25 (A) The identification type presented by the  
26 recipient; or

1           (B) A code for the identification type presented by  
2           the recipient, along with information sufficient to  
3           translate any such code into the actual identification  
4           type presented by the recipient.

5           (5) The identification number presented by the  
6           recipient.

7           (6) One of the following:

8           (A) The (1) name, (2) street address, and (3) zip  
9           code of the covered pharmacy, in 3 separate data fields  
10           (1) through (3);

11           (B) The Drug Enforcement Administration (DEA)  
12           number of the individual covered pharmacy, from which  
13           may be determined the name, street address, and zip  
14           code of the covered pharmacy; or

15           (C) A company-specific code, akin to the Drug  
16           Enforcement Administration number, from which may be  
17           determined the name, street address, and zip code of  
18           the covered pharmacy, along with information  
19           sufficient to translate any company-specific codes  
20           into the name, street address, and zip code of the  
21           covered pharmacy.

22           (720 ILCS 648/39 new)

23           Sec. 39. Williamson County Pilot Program; exempt  
24           pharmacies.

25           (a) When a covered pharmacy is exempt. A covered pharmacy

1 is exempt from the requirement that it transmit electronic  
2 transaction records to the Central Repository through the  
3 secure website described in Section 37 or weekly electronic  
4 transfers described in Section 38 of this Act if all of the  
5 following conditions are satisfied:

6 (1) The covered pharmacy:

7 (A) Submits to the Pilot Program Authority a  
8 written request for such an exemption;

9 (B) Has complied with Section 25 of this Act by  
10 maintaining handwritten rather than electronic logs  
11 during the 60-day period preceding the date the written  
12 request is transmitted;

13 (C) Has not sold more than 20 targeted packages in  
14 any 7-day period during the 60-day period preceding the  
15 date the written request is transmitted; and

16 (D) Provides, along with the written request,  
17 copies of handwritten logs covering the 60-day period  
18 preceding the written request; and

19 (2) The Pilot Program Authority:

20 (A) Reviews the written request;

21 (B) Verifies that the covered pharmacy has  
22 complied with Section 25 of this Act by maintaining  
23 handwritten rather than electronic logs during the  
24 60-day period preceding the date the written request is  
25 transmitted;

26 (C) Verifies that the covered pharmacy has not sold

1 more than 20 targeted packages in any 7-day period  
2 during the 60-day period preceding the date the written  
3 request is transmitted; and

4 (D) Sends the covered pharmacy a letter stating  
5 that the covered pharmacy is exempt from the  
6 requirement that it transmit electronic transaction  
7 records to the Central Repository.

8 (b) Obligations of an exempt pharmacy.

9 (1) A pharmacy that is exempt from the requirement that  
10 it transmit electronic transaction records to the Central  
11 Repository shall instead transmit copies, and retain the  
12 originals, of handwritten logs.

13 (2) An exempt covered pharmacy shall transmit copies of  
14 handwritten logs to the Central Repository in person, by  
15 facsimile, through the United States Postal Service, or by  
16 other reasonably reliable and prompt means.

17 (3) An exempt covered pharmacy shall transmit copies of  
18 handwritten logs on a weekly basis as described in  
19 subsection (b) of Section 38 of this Act.

20 (720 ILCS 648/39.5 new)

21 Sec. 39.5. Williamson County Pilot Program;  
22 confidentiality of records.

23 (a) The Pilot Program Authority shall delete each  
24 electronic transaction record and handwritten log entry 24  
25 months after the date of the transaction it describes.

1       (b) The Pilot Program Authority and Central Repository  
2 shall carry out a program to protect the confidentiality of  
3 electronic transaction records and handwritten log entries  
4 transmitted pursuant to Sections 36, 37, 38, and 39 of this  
5 Act. The Pilot Program Authority and Central Repository shall  
6 ensure that this information remains completely confidential  
7 except as specifically provided in subsections (c) through (i)  
8 of this Section. Except as provided in subsections (c) through  
9 (i) of this Section, this information is strictly prohibited  
10 from disclosure.

11       (c) Any employee or agent of the Central Repository may  
12 have access to electronic transaction records and handwritten  
13 log entries solely for the purpose of receiving, processing,  
14 storing or analyzing this information.

15       (d) Any employee or agent of the Pilot Program Authority  
16 may have access to electronic transaction records or  
17 handwritten log entries solely for the purpose of identifying,  
18 investigating, or prosecuting violations of this Act or any  
19 other State or federal law or rule involving a methamphetamine  
20 precursor, methamphetamine, or any other controlled substance.

21       (e) The Pilot Program Authority may release electronic  
22 transaction records or handwritten log entries to the  
23 authorized representative of a qualified outside entity only if  
24 all of the following conditions are satisfied:

25           (1) The Pilot Program Authority verifies that the  
26 entity receiving electronic transaction records or

1 handwritten log entries is a qualified outside entity as  
2 defined in this Act.

3 (2) The Pilot Program Authority verifies that the  
4 person receiving electronic transaction records or  
5 handwritten log entries is an authorized representative,  
6 as defined in this Act, of the qualified outside entity.

7 (3) The qualified outside entity agrees in writing, or  
8 has previously agreed in writing, that it will use  
9 electronic transaction records and handwritten log entries  
10 solely for the purpose of identifying, investigating, or  
11 prosecuting violations of this Act or any other State or  
12 federal law or rule involving a methamphetamine precursor,  
13 methamphetamine, or any other controlled substance.

14 (4) The qualified outside entity does not have a  
15 history known to the Pilot Program Authority of violating  
16 this agreement or similar agreements or of breaching the  
17 confidentiality of sensitive information.

18 (f) The Pilot Program Authority may release to a particular  
19 covered pharmacy or voluntary participant any electronic  
20 transaction records or handwritten log entries previously  
21 submitted by that particular covered pharmacy or voluntary  
22 participant.

23 (g) The Pilot Program Authority may release to a particular  
24 recipient any electronic transaction records clearly relating  
25 to that recipient, upon sufficient proof of identity.

26 (h) The Pilot Program Authority may distribute

1 Methamphetamine Precursor Violation Alerts only if all of the  
2 following conditions are satisfied:

3 (1) The Pilot Program Authority has reason to believe  
4 that one or more recipients have violated or are violating  
5 this Act or any other State or federal law or rule  
6 involving a methamphetamine precursor, methamphetamine, or  
7 any other controlled substance.

8 (2) Based on this information, the Pilot Program  
9 Authority distributes a Methamphetamine Precursor  
10 Violation Alert that may contain any of the following  
11 confidential information:

12 (A) With respect to any recipient whom it is  
13 believed has violated, has attempted to violate, or is  
14 violating this Act or any other State or federal law or  
15 rule involving a methamphetamine precursor,  
16 methamphetamine, or any other controlled substance:

17 (i) Any name he or she has used to purchase or  
18 attempt to purchase methamphetamine precursor;

19 (ii) Any address he or she has listed when  
20 purchasing or attempting to purchase any targeted  
21 methamphetamine precursor; and

22 (iii) Any identification information he or she  
23 has used to purchase or attempt to purchase  
24 methamphetamine precursor.

25 (B) With respect to any transaction in which the  
26 recipient is believed to have purchased

1           methamphetamine precursor:

2                   (i) The date and time of the transaction or  
3                   attempt;

4                   (ii) The city or town and state in which the  
5                   transaction or attempt occurred; and

6                   (iii) The total quantity received of ephedrine  
7                   or pseudoephedrine, their salts, or optical  
8                   isomers, or salts of optical isomers.

9           (3) Methamphetamine Precursor Violation Alerts shall  
10           not include, with respect of any transaction in which the  
11           recipient is believed to have purchased or attempted to  
12           purchase methamphetamine precursor:

13                   (A) The name or street address of the pharmacy  
14                   where the transaction or attempt took place, other than  
15                   the city or town and state where the pharmacy is  
16                   located; or

17                   (B) The brand and product name of the item  
18                   received.

19           (4) Methamphetamine Precursor Violation Alerts may be  
20           distributed to pharmacies, retail distributors, and law  
21           enforcement agencies. When such alerts are distributed to  
22           law enforcement agencies, it shall not be necessary to  
23           follow the procedures described in subsection (d) of this  
24           Section.

25           (5) When distributing Methamphetamine Precursor  
26           Violation Alerts, the Pilot Program Authority shall

1 instruct those receiving the alerts that they are intended  
2 only for pharmacies, retail distributors, and law  
3 enforcement authorities, and that such alerts should  
4 otherwise be kept confidential.

5 (i) The Pilot Program Authority may release general  
6 statistical information to any person or entity provided that  
7 the statistics do not include any information that identifies  
8 any individual recipient or pharmacy by name, address,  
9 identification number, Drug Enforcement Administration number,  
10 or other means.

11 (720 ILCS 648/40)

12 Sec. 40. Penalties.

13 (a) Violations of subsection (b) of Section 20 of this Act.

14 (1) Any person who knowingly purchases, receives, or  
15 otherwise acquires, within any 30-day period, products  
16 containing more than a total of 7,500 milligrams of  
17 ephedrine or pseudoephedrine, their salts or optical  
18 isomers, or salts of optical isomers in violation of  
19 subsection (b) of Section 20 of this Act is subject to the  
20 following penalties:

21 (A) More than 7,500 milligrams but less than 15,000  
22 milligrams, Class B misdemeanor;

23 (B) 15,000 or more but less than 22,500 milligrams,  
24 Class A misdemeanor;

25 (C) 22,500 or more but less than 30,000 milligrams,

1           Class 4 felony;

2                   (D) 30,000 or more but less than 37,500 milligrams,

3           Class 3 felony;

4                   (E) 37,500 or more but less than 45,000 milligrams,

5           Class 2 felony:

6                   (F) 45,000 or more milligrams, Class 1 felony.

7           (2) Any person who knowingly purchases, receives, or  
8           otherwise acquires, within any 30-day period, products  
9           containing more than a total of 7,500 milligrams of  
10           ephedrine or pseudoephedrine, their salts or optical  
11           isomers, or salts of optical isomers in violation of  
12           subsection (b) of Section 20 of this Act, and who has  
13           previously been convicted of any methamphetamine-related  
14           offense under any State or federal law, is subject to the  
15           following penalties:

16                   (A) More than 7,500 milligrams but less than 15,000  
17                   milligrams, Class A misdemeanor;

18                   (B) 15,000 or more but less than 22,500 milligrams,  
19           Class 4 felony;

20                   (C) 22,500 or more but less than 30,000 milligrams,  
21           Class 3 felony;

22                   (D) 30,000 or more but less than 37,500 milligrams,  
23           Class 2 felony;

24                   (E) 37,500 or more milligrams, Class 1 felony.

25           (3) Any person who knowingly purchases, receives, or  
26           otherwise acquires, within any 30-day period, products

1 containing more than a total of 7,500 milligrams of  
2 ephedrine or pseudoephedrine, their salts or optical  
3 isomers, or salts of optical isomers in violation of  
4 subsection (b) of Section 20 of this Act, and who has  
5 previously been convicted 2 or more times of any  
6 methamphetamine-related offense under State or federal  
7 law, is subject to the following penalties:

8 (A) More than 7,500 milligrams but less than 15,000  
9 milligrams, Class 4 felony;

10 (B) 15,000 or more but less than 22,500 milligrams,  
11 Class 3 felony;

12 (C) 22,500 or more but less than 30,000 milligrams,  
13 Class 2 felony;

14 (D) 30,000 or more milligrams, Class 1 felony.

15 (b) Violations of Section 15, 20, 25, 30, or 35 of this  
16 Act, other than violations of subsection (b) of Section 20 of  
17 this Act.

18 (1) ~~(a)~~ Any pharmacy or retail distributor that  
19 violates Section 15, 20, 25, 30, or 35 of this Act, other  
20 than subsection (b) of Section 20 of this Act, ~~this Act~~ is  
21 guilty of a petty offense and subject to a fine of \$500 for  
22 a first offense; and \$1,000 for a second offense occurring  
23 at the same retail location as and within 3 years of the  
24 prior offense. A pharmacy or retail distributor that  
25 violates this Act is guilty of a business offense and  
26 subject to a fine of \$5,000 for a third or subsequent

1 offense occurring at the same retail location as and within  
2 3 years of the prior offenses.

3 (2) ~~(b)~~ An employee or agent of a pharmacy or retail  
4 distributor who violates Section 15, 20, 25, 30, or 35 of  
5 this Act, other than subsection (b) of Section 20 of this  
6 Act, ~~this Act~~ is guilty of a Class A misdemeanor for a  
7 first offense, a Class 4 felony for a second offense, and a  
8 Class 1 felony for a third or subsequent offense.

9 (3) ~~(c)~~ Any other person who violates Section 15, 20,  
10 25, 30, or 35 of this Act, other than subsection (b) of  
11 Section 20 of this Act, ~~this Act~~ is guilty of a Class B  
12 misdemeanor for a first offense, a Class A misdemeanor for  
13 a second offense, and a Class 4 felony for a third or  
14 subsequent offense.

15 (c) Any pharmacy or retail distributor that violates  
16 Section 36, 37, 38, 39, or 39.5 of this Act is guilty of a petty  
17 offense and subject to a fine of \$100 for a first offense, \$250  
18 for a second offense, or \$500 for a third or subsequent  
19 offense.

20 (d) Any person that violates Section 39.5 of this Act is  
21 guilty of a Class B misdemeanor for a first offense, a Class A  
22 misdemeanor for a second offense, and a Class 4 felony for a  
23 third offense.

24 (Source: P.A. 94-694, eff. 1-15-06.)

25 (720 ILCS 648/45)

1           Sec. 45. Immunity from civil liability. In the event that  
2 any agent or employee of a pharmacy or retail distributor  
3 reports to any law enforcement officer or agency any suspicious  
4 activity concerning a targeted methamphetamine precursor or  
5 other methamphetamine ingredient or ingredients, or  
6 participates in the Williamson County Pilot Program as provided  
7 in Sections 36, 37, 38, 39, and 39.5 of this Act, the agent or  
8 employee and the pharmacy or retail distributor itself are  
9 immune from civil liability based on allegations of defamation,  
10 libel, slander, false arrest, or malicious prosecution, or  
11 similar allegations, except in cases of willful or wanton  
12 misconduct.

13           (Source: P.A. 94-694, eff. 1-15-06.)

14           (720 ILCS 648/55)

15           Sec. 55. Preemption and home rule powers.

16           (a) Except as provided in subsection (b) of this Section  
17 and in Sections 36, 37, 38, 39, and 39.5 of this Act, a county  
18 or municipality, including a home rule unit, may regulate the  
19 sale of targeted methamphetamine precursor and targeted  
20 packages in a manner that is not more or less restrictive than  
21 the regulation by the State under this Act. This Section is a  
22 limitation under subsection (i) of Section 6 of Article VII of  
23 the Illinois Constitution on the concurrent exercise by home  
24 rule units of the powers and functions exercised by the State.

25           (b) Any regulation of the sale of targeted methamphetamine

1 precursor and targeted packages by a home rule unit that took  
2 effect on or before May 1, 2004, is exempt from the provisions  
3 of subsection (a) of this Section.

4 (Source: P.A. 94-694, eff. 1-15-06.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.