

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 39.6, 39.7, 39.8, 39.9, and 39.9-5 as follows:

7 (720 ILCS 648/10)

8 (Text of Section after amendment by P.A. 95-640)

9 Sec. 10. Definitions. In this Act:

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

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

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

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

1 Police Precursor Tracking Program to handle electronic  
2 transaction records as described in Sections 39.6, 39.7, 39.8,  
3 39.9, and 39.9-5.

4 "Convenience package" means any package that contains 360  
5 milligrams or less of ephedrine or pseudoephedrine, their salts  
6 or optical isomers, or salts of optical isomers in liquid or  
7 liquid-filled capsule form.

8 "Covered pharmacy under the Franklin, Jackson, Johnson,  
9 Saline, Union, or Williamson County Program" or "covered  
10 pharmacy" means any pharmacy that distributes any amount of  
11 targeted methamphetamine precursor and that is physically  
12 located in any of the following Illinois counties: Franklin,  
13 Jackson, Johnson, Saline, Union, or Williamson.

14 "Covered pharmacy under the Illinois State Police  
15 Precursor Tracking Program" or "covered pharmacy" means any  
16 pharmacy that distributes any amount of targeted  
17 methamphetamine precursor and that is physically located in any  
18 of the following Illinois counties: Adams, Madison, or  
19 Vermilion.

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

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

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

26 "Electronic transaction record" means, with respect to the

1 distribution of a targeted methamphetamine precursor by a  
2 pharmacy to a recipient under Section 25 of this Act, an  
3 electronic record that includes: the name and address of the  
4 recipient; date and time of the transaction; brand and product  
5 name and total quantity distributed of ephedrine or  
6 pseudoephedrine, their salts, or optical isomers, or salts of  
7 optical isomers; identification type and identification number  
8 of the identification presented by the recipient; and the name  
9 and address of the pharmacy.

10 "Identification information" means identification type and  
11 identification number.

12 "Identification number" means the number that appears on  
13 the identification furnished by the recipient of a targeted  
14 methamphetamine precursor.

15 "Identification type" means the type of identification  
16 furnished by the recipient of a targeted methamphetamine  
17 precursor such as, by way of example only, an Illinois driver's  
18 license or United States passport.

19 "Illinois State Police Precursor Tracking Program" or  
20 "Pilot Program Authority" means the program described in  
21 Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act.

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

24 "Methamphetamine precursor" has the meaning provided in  
25 Section 10 of the Methamphetamine Control and Community  
26 Protection Act.

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

5 "Non-covered pharmacy" means any pharmacy that is not a  
6 covered pharmacy.

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

10 "Pharmacist" has the meaning provided in Section 102 of the  
11 Illinois Controlled Substances Act.

12 "Pharmacy" has the meaning provided in Section 102 of the  
13 Illinois Controlled Substances Act.

14 "Practitioner" has the meaning provided in Section 102 of  
15 the Illinois Controlled Substances Act.

16 "Prescriber" has the meaning provided in Section 102 of the  
17 Illinois Controlled Substances Act.

18 "Prescription" has the meaning provided in Section 102 of  
19 the Illinois Controlled Substances Act.

20 "Qualified outside entity" means a law enforcement agency  
21 or prosecutor's office with authority to identify,  
22 investigate, or prosecute violations of this Act or any other  
23 State or federal law or rule involving a methamphetamine  
24 precursor, methamphetamine, or any other controlled substance,  
25 or a public entity that operates a methamphetamine precursor  
26 tracking program similar in purpose to the Williamson County

1 Pilot Program or the Illinois State Police Precursor Tracking  
2 Program.

3 "Readily retrievable" has the meaning provided in 21 C.F.R.  
4 part 1300.

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

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

12 "Retail distributor" means a grocery store, general  
13 merchandise store, drug store, other merchandise store, or  
14 other entity or person whose activities as a distributor  
15 relating to drug products containing targeted methamphetamine  
16 precursor are limited exclusively or almost exclusively to  
17 sales for personal use by an ultimate user, both in number of  
18 sales and volume of sales, either directly to walk-in customers  
19 or in face-to-face transactions by direct sales.

20 "Sales employee" means any employee or agent, other than a  
21 pharmacist or pharmacy technician who at any time (a) operates  
22 a cash register at which convenience packages may be sold, (b)  
23 stocks shelves containing convenience packages, or (c) trains  
24 or supervises any other employee or agent who engages in any of  
25 the preceding activities.

26 "Single retail transaction" means a sale by a retail

1 distributor to a recipient ~~specific customer~~ at a specific  
2 time.

3 "Targeted methamphetamine precursor" means any compound,  
4 mixture, or preparation that contains any detectable quantity  
5 of ephedrine or pseudoephedrine, their salts or optical  
6 isomers, or salts of optical isomers.

7 "Targeted package" means a package, including a  
8 convenience package, containing any amount of targeted  
9 methamphetamine precursor.

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

12 "Williamson County Pilot Program" or "Pilot Program" means  
13 the program described in Sections 36, 37, 38, 39, and 39.5 of  
14 this Act.

15 "Williamson County Pilot Program Authority" or "Pilot  
16 Program Authority" means the Williamson County Sheriff's  
17 Office or its employees or agents.

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

21 Notwithstanding any other rulemaking authority that may  
22 exist, neither the Governor nor any agency or agency head under  
23 the jurisdiction of the Governor has any authority to make or  
24 promulgate rules to implement or enforce the provisions of this  
25 amendatory Act of the 95th General Assembly. If, however, the  
26 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th  
2 General Assembly, the Governor may suggest rules to the General  
3 Assembly by filing them with the Clerk of the House and the  
4 Secretary of the Senate and by requesting that the General  
5 Assembly authorize such rulemaking by law, enact those  
6 suggested rules into law, or take any other appropriate action  
7 in the General Assembly's discretion. Nothing contained in this  
8 amendatory Act of the 95th General Assembly shall be  
9 interpreted to grant rulemaking authority under any other  
10 Illinois statute where such authority is not otherwise  
11 explicitly given. For the purposes of this Section, "rules" is  
12 given the meaning contained in Section 1-70 of the Illinois  
13 Administrative Procedure Act, and "agency" and "agency head"  
14 are given the meanings contained in Sections 1-20 and 1-25 of  
15 the Illinois Administrative Procedure Act to the extent that  
16 such definitions apply to agencies or agency heads under the  
17 jurisdiction of the Governor.

18 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;  
19 95-640, eff. 6-1-08.)

20 (720 ILCS 648/25)

21 (Text of Section after amendment by P.A. 95-640)

22 Sec. 25. Pharmacies.

23 (a) No targeted methamphetamine precursor may be knowingly  
24 distributed through a pharmacy, including a pharmacy located  
25 within, owned by, operated by, or associated with a retail

1 distributor unless all terms of this Section are satisfied.

2 (b) Any targeted methamphetamine precursor other than a  
3 convenience package or a liquid, including but not limited to  
4 any targeted methamphetamine precursor in liquid-filled  
5 capsules, shall: be packaged in blister packs, with each  
6 blister containing not more than 2 dosage units, or when the  
7 use of blister packs is technically infeasible, in unit dose  
8 packets. Each targeted package shall contain no more than 3,000  
9 milligrams of ephedrine or pseudoephedrine, their salts or  
10 optical isomers, or salts of optical isomers.

11 (c) The targeted methamphetamine precursor shall be stored  
12 behind the pharmacy counter and distributed by a pharmacist or  
13 pharmacy technician licensed under the Pharmacy Practice Act.

14 (d) Any retail distributor operating a pharmacy, and any  
15 pharmacist or pharmacy technician involved in the transaction  
16 or transactions, shall ensure that any person purchasing,  
17 receiving, or otherwise acquiring the targeted methamphetamine  
18 precursor complies with subsection (a) of Section 20 of this  
19 Act.

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

23 (1) The person purchasing, receiving, or otherwise  
24 acquiring the targeted methamphetamine precursor is 18  
25 years of age or older and resembles the photograph of the  
26 person on the government-issued identification presented

1 by the person; and

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

6 (f) The logs referred to in subsection (a) of Section 20 of  
7 this Act shall be kept confidential, maintained for not less  
8 than 2 years, and made available for inspection and copying by  
9 any law enforcement officer upon request of that officer. These  
10 logs may be kept in an electronic format if they include all  
11 the information specified in subsection (a) of Section 20 of  
12 this Act in a manner that is readily retrievable and  
13 reproducible in hard-copy format. Pharmacies covered by the  
14 Williamson County Pilot Program described in Sections 36, 37,  
15 38, 39, and 39.5 of this Act and pharmacies covered by the  
16 Illinois State Police Precursor Tracking Program described in  
17 Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act are  
18 required to transmit electronic transaction records or  
19 handwritten logs to the Pilot Program Authority in the manner  
20 described in those Sections.

21 (g) No retail distributor operating a pharmacy, and no  
22 pharmacist or pharmacy technician, shall knowingly distribute  
23 any targeted methamphetamine precursor to any person under 18  
24 years of age.

25 (h) No retail distributor operating a pharmacy, and no  
26 pharmacist or pharmacy technician, shall knowingly distribute

1 to a single person more than 2 targeted packages in a single  
2 retail transaction.

3 (i) No retail distributor operating a pharmacy, and no  
4 pharmacist or pharmacy technician, shall knowingly distribute  
5 to a single person in any 30-day period products containing  
6 more than a total of 7,500 milligrams of ephedrine or  
7 pseudoephedrine, their salts or optical isomers, or salts of  
8 optical isomers.

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

14 (1) the person presents a driver's license issued  
15 without a photograph by the State of Illinois pursuant to  
16 the Illinois Administrative Code, Title 92, Section  
17 1030.90(b)(1) or 1030.90(b)(2); or

18 (2) the person is known to the pharmacist or pharmacy  
19 technician, the person presents some form of  
20 identification, and the pharmacist or pharmacy technician  
21 reasonably believes that the targeted methamphetamine  
22 precursor will be used for a legitimate medical purpose and  
23 not to manufacture methamphetamine.

24 (k) When a pharmacist or pharmacy technician distributes a  
25 targeted methamphetamine precursor to a person according to the  
26 procedures set forth in this Act, and the pharmacist or

1 pharmacy technician does not have access to a working cash  
2 register at the pharmacy counter, the pharmacist or pharmacy  
3 technician may instruct the person to pay for the targeted  
4 methamphetamine precursor at a cash register located elsewhere  
5 in the retail establishment, whether that register is operated  
6 by a pharmacist, pharmacy technician, or other employee or  
7 agent of the retail establishment.

8 (1) Notwithstanding any other rulemaking authority that  
9 may exist, neither the Governor nor any agency or agency head  
10 under the jurisdiction of the Governor has any authority to  
11 make or promulgate rules to implement or enforce the provisions  
12 of this amendatory Act of the 95th General Assembly. If,  
13 however, the Governor believes that rules are necessary to  
14 implement or enforce the provisions of this amendatory Act of  
15 the 95th General Assembly, the Governor may suggest rules to  
16 the General Assembly by filing them with the Clerk of the House  
17 and the Secretary of the Senate and by requesting that the  
18 General Assembly authorize such rulemaking by law, enact those  
19 suggested rules into law, or take any other appropriate action  
20 in the General Assembly's discretion. Nothing contained in this  
21 amendatory Act of the 95th General Assembly shall be  
22 interpreted to grant rulemaking authority under any other  
23 Illinois statute where such authority is not otherwise  
24 explicitly given. For the purposes of this Section, "rules" is  
25 given the meaning contained in Section 1-70 of the Illinois  
26 Administrative Procedure Act, and "agency" and "agency head"

1 are given the meanings contained in Sections 1-20 and 1-25 of  
2 the Illinois Administrative Procedure Act to the extent that  
3 such definitions apply to agencies or agency heads under the  
4 jurisdiction of the Governor.

5 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;  
6 95-640, eff. 6-1-08; 95-689, eff. 10-29-07; revised 11-19-07.)

7 (720 ILCS 648/39.6 new)

8 Sec. 39.6. Illinois State Police Precursor Tracking  
9 Program; general provisions.

10 (a) Purposes. The purposes of this Section are: to  
11 establish a pilot program based in Adams, Madison, and  
12 Vermilion Counties to track purchases of targeted  
13 methamphetamine precursors at multiple locations; to identify  
14 persons obtaining or distributing targeted methamphetamine  
15 precursors for the likely purpose of manufacturing  
16 methamphetamine; to starve methamphetamine manufacturers of  
17 the methamphetamine precursors they need to make  
18 methamphetamine; to locate and shut down methamphetamine  
19 laboratories; and ultimately to reduce the harm that  
20 methamphetamine manufacturing and manufacturers are inflicting  
21 on individuals, families, communities, first responders, the  
22 economy, and the environment in Illinois and beyond. In  
23 authorizing this pilot program, the General Assembly  
24 recognizes that, although this Act has significantly reduced  
25 the number of methamphetamine laboratories in Illinois, some

1 persons continue to violate the Act, evade detection, and  
2 support the manufacture of methamphetamine by obtaining  
3 targeted methamphetamine precursor at multiple locations. The  
4 General Assembly further recognizes that putting an end to this  
5 practice and others like it will require an effort to track  
6 purchases of targeted methamphetamine precursor across  
7 multiple locations, and that a pilot program coordinated by the  
8 Illinois State Police in Adams, Madison, and Vermilion Counties  
9 will advance this important goal.

10 (b) Structure.

11 (1) There is established a pilot program coordinated by  
12 the Illinois State Police in Adams, Madison, and Vermilion  
13 Counties, known as the Illinois State Police Precursor  
14 Tracking Program or Pilot Program, to track purchases of  
15 targeted methamphetamine precursor across multiple  
16 locations for the purposes stated in subsection (a) of this  
17 Section.

18 (2) The Pilot Program known as the Illinois State  
19 Police Precursor Tracking Program or the Pilot Program  
20 Authority shall be operated by the Illinois State Police in  
21 accordance with the provisions of Sections 39.6, 39.7,  
22 39.8, 39.9, and 39.9-5 of this Act.

23 (3) The Pilot Program Authority shall designate a  
24 Central Repository for the collection of required  
25 information, and the Central Repository shall operate  
26 according to the provisions of Sections 39.6, 39.7, 39.8,

1       39.9, and 39.9-5 of this Act.

2       (4) Every covered pharmacy shall participate in the  
3       Pilot Program, and any non-covered pharmacy may  
4       participate on a voluntary basis and be known as a  
5       voluntary participant.

6       (c) Transmission of electronic transaction records. Except  
7       as provided in Section 39.9:

8       (1) Each time a covered pharmacy distributes a targeted  
9       methamphetamine precursor to a recipient under Section 25  
10       of this Act, the covered pharmacy shall transmit an  
11       electronic transaction record to the Central Repository.

12       (2) Each covered pharmacy shall elect to transmit  
13       electronic transaction records either through the secure  
14       website described in Section 39.7 of this Act or through  
15       weekly electronic transfers as described in Section 39.8 of  
16       this Act.

17       (d) Operation and Timeline for implementation.

18       (1) Except as stated in this subsection, this  
19       amendatory Act of the 95th General Assembly shall be  
20       operational upon the effective date of this amendatory Act.

21       (2) Covered pharmacies are not required to transmit any  
22       electronic transaction records and exempt pharmacies are  
23       not required to send any handwritten logs to the Central  
24       Repository until the reporting start date set by the Pilot  
25       Program Authority.

26       (3) The Pilot Program Authority shall announce the

1 "reporting start date" within 90 days after the date this  
2 legislation becomes law.

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

6 (5) Starting on the reporting start date, and  
7 continuing for a period of one year thereafter, covered  
8 pharmacies shall transmit electronic transaction records  
9 as described in Sections 39.7 and 39.8 of this Act, and  
10 exempt pharmacies shall send handwritten logs as described  
11 in Section 39.9 of this Act.

12 (6) Nothing in this Act shall preclude covered  
13 pharmacies and exempt pharmacies from voluntarily  
14 participating in the Pilot Program before the start date or  
15 continuing to participate in the Pilot Program after one  
16 year after the reporting start date.

17 (e) Funding. Funding for the Pilot Program shall be  
18 provided by the Illinois State Police, drawing upon federal  
19 grant money and other available sources. If funding is delayed,  
20 curtailed, or otherwise unavailable, the Pilot Program  
21 Authority may delay implementation of the Pilot Program, reduce  
22 the number of counties covered by the Pilot Program, or end the  
23 Pilot Program early. If any such change becomes necessary, the  
24 Illinois State Police shall inform every covered pharmacy in  
25 writing.

26 (f) Training. The Illinois State Police shall provide, free

1 of charge, training and assistance to any pharmacy playing any  
2 role in the Pilot Program.

3 (g) Relationship between the Illinois State Police  
4 Precursor Tracking Program and other laws and rules. Nothing in  
5 Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act shall  
6 supersede, nullify, or diminish the force of any requirement  
7 stated in any other Section of this Act or in any other State  
8 or federal law or rule.

9 (h) Duration and report to the Governor and General  
10 Assembly. The duration of the Illinois State Police Precursor  
11 Tracking Program shall be 2 years. The Illinois State Police  
12 shall prior to the end of this 2-year period report to the  
13 Governor and General Assembly on the implementation and  
14 efficacy of the Pilot Program and may recommend to them the  
15 continuation, modification, or termination of the Program.

16 (i) Notwithstanding any other rulemaking authority that  
17 may exist, neither the Governor nor any agency or agency head  
18 under the jurisdiction of the Governor has any authority to  
19 make or promulgate rules to implement or enforce the provisions  
20 of this amendatory Act of the 95th General Assembly. If,  
21 however, the Governor believes that rules are necessary to  
22 implement or enforce the provisions of this amendatory Act of  
23 the 95th General Assembly, the Governor may suggest rules to  
24 the General Assembly by filing them with the Clerk of the House  
25 and the Secretary of the Senate and by requesting that the  
26 General Assembly authorize such rulemaking by law, enact those

1 suggested rules into law, or take any other appropriate action  
2 in the General Assembly's discretion. Nothing contained in this  
3 amendatory Act of the 95th General Assembly shall be  
4 interpreted to grant rulemaking authority under any other  
5 Illinois statute where such authority is not otherwise  
6 explicitly given. For the purposes of this Section, "rules" is  
7 given the meaning contained in Section 1-70 of the Illinois  
8 Administrative Procedure Act, and "agency" and "agency head"  
9 are given the meanings contained in Sections 1-20 and 1-25 of  
10 the Illinois Administrative Procedure Act to the extent that  
11 such definitions apply to agencies or agency heads under the  
12 jurisdiction of the Governor.

13 (720 ILCS 648/39.7 new)

14 Sec. 39.7. Illinois State Police Precursor Tracking  
15 Program; secure website.

16 (a) Transmission of electronic transaction records through  
17 a secure website; in general.

18 (1) The Illinois State Police shall establish a secure  
19 website for the transmission of electronic transaction  
20 records and electronic signatures and make it available  
21 free of charge to any covered pharmacy that elects to use  
22 it.

23 (2) The secure website shall enable any covered  
24 pharmacy to transmit to the Central Repository an  
25 electronic transaction record and an electronic signature

1 each time the pharmacy distributes a targeted  
2 methamphetamine precursor to a recipient under Section 25  
3 of this Act.

4 (3) If the secure website becomes unavailable to a  
5 covered pharmacy, the covered pharmacy may, during the  
6 period in which the secure website is not available,  
7 continue to distribute targeted methamphetamine precursor  
8 without using the secure website if, during this period,  
9 the covered pharmacy maintains and transmits handwritten  
10 logs as described in subsection (b) of Section 39.9 of this  
11 Act.

12 (b) Assistance to covered pharmacies using the secure  
13 website.

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

19 (2) If a covered pharmacy that elects to transmit  
20 electronic transaction records by means of the secure  
21 website does not have computer hardware or software or  
22 related equipment sufficient to make use of the secure  
23 website, then the covered pharmacy may obtain and install  
24 such hardware or software or related equipment at its own  
25 cost, or it may request assistance from the Illinois State  
26 Police, or some combination of the two.

1           (3) If a covered pharmacy requests such assistance,  
2           then the Illinois State Police shall, free of charge,  
3           provide and install any computer hardware or software or  
4           related equipment needed.

5           (4) Nothing in this subsection shall preclude the  
6           Illinois State Police from providing additional or other  
7           assistance to any pharmacy or retail distributor.

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

17           (1) The Illinois State Police shall provide to any  
18           covered pharmacy that requests it an electronic signature  
19           pad or other means of electronic signature capture.

20           (2) The Illinois State Police shall provide the covered  
21           pharmacy with an official letter indicating that:

22           (A) The covered pharmacy in question is  
23           participating in the Illinois State Police Precursor  
24           Tracking Program for a specified period of time.

25           (B) During the specified period of time, the  
26           Illinois State Police has assumed responsibility for

1 maintaining the logs described in subsection (f) of  
2 Section 25 of this Act.

3 (C) Any law enforcement officer seeking to inspect  
4 or copy the covered pharmacy's logs should direct the  
5 request to the Illinois State Police through means  
6 described in the letter.

7 (d) Notwithstanding any other rulemaking authority that  
8 may exist, neither the Governor nor any agency or agency head  
9 under the jurisdiction of the Governor has any authority to  
10 make or promulgate rules to implement or enforce the provisions  
11 of this amendatory Act of the 95th General Assembly. If,  
12 however, the Governor believes that rules are necessary to  
13 implement or enforce the provisions of this amendatory Act of  
14 the 95th General Assembly, the Governor may suggest rules to  
15 the General Assembly by filing them with the Clerk of the House  
16 and the Secretary of the Senate and by requesting that the  
17 General Assembly authorize such rulemaking by law, enact those  
18 suggested rules into law, or take any other appropriate action  
19 in the General Assembly's discretion. Nothing contained in this  
20 amendatory Act of the 95th General Assembly shall be  
21 interpreted to grant rulemaking authority under any other  
22 Illinois statute where such authority is not otherwise  
23 explicitly given. For the purposes of this Section, "rules" is  
24 given the meaning contained in Section 1-70 of the Illinois  
25 Administrative Procedure Act, and "agency" and "agency head"  
26 are given the meanings contained in Sections 1-20 and 1-25 of

1 the Illinois Administrative Procedure Act to the extent that  
2 such definitions apply to agencies or agency heads under the  
3 jurisdiction of the Governor.

4 (720 ILCS 648/39.8 new)

5 Sec. 39.8. Illinois State Police Precursor Tracking  
6 Program; weekly electronic transfer.

7 (a) Weekly electronic transfer; in general.

8 (1) Any covered pharmacy may elect not to use the  
9 secure website but instead to transmit electronic  
10 transaction records by means of weekly electronic  
11 transfers as described in this Section.

12 (2) Any covered pharmacy electing to transmit  
13 electronic transaction records by means of weekly  
14 electronic transfers shall transmit the records by means of  
15 a computer diskette, a magnetic tape, or an electronic  
16 device compatible with the receiving device of the Central  
17 Repository.

18 (b) Weekly electronic transfer; timing.

19 (1) Any covered pharmacy electing to transmit  
20 electronic transaction records by means of weekly  
21 electronic transfers shall select a standard weeklong  
22 reporting period such as, by way of example only, the 7-day  
23 period that begins immediately after midnight Monday  
24 morning and lasts until immediately before midnight the  
25 next Sunday night.

1           (2) Electronic transaction records for transactions  
2           occurring during the standard weeklong reporting period  
3           selected by the pharmacy shall be transmitted to the  
4           Central Repository no later than 24 hours after each  
5           standard weeklong reporting period ends.

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

10           (4) Although electronic transaction records shall be  
11           transmitted to the Central Repository no later than one day  
12           after the end of a weeklong reporting period, it is not  
13           required that the electronic transaction records be  
14           received by that deadline.

15           (c) Weekly electronic transfer; form of data. Each  
16           electronic transaction record transmitted shall contain the  
17           following information in the form described:

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

21           (2) The (A) date, (B) time of the transaction, and (C)  
22           recipient signature, in the 3 separate data fields listed  
23           (A), (B), and (C).

24           (3) One of the following:

25           (A) The (1) brand and product name and (2) total  
26           quantity in milligrams distributed of ephedrine or

1 pseudoephedrine, their salts, or optical isomers, or  
2 salts of optical isomers, in the 2 separate data fields  
3 listed (1) and (2);

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

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

20 (4) One of the following:

21 (A) The identification type presented by the  
22 recipient; or

23 (B) A code for the identification type presented by  
24 the recipient, along with information sufficient to  
25 translate any such code into the actual identification  
26 type presented by the recipient.

1           (5) The identification number presented by the  
2           recipient.

3           (6) One of the following:

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

7           (B) The Drug Enforcement Administration (DEA)  
8           number of the individual covered pharmacy, from which  
9           may be determined the name, street address, and zip  
10           code of the covered pharmacy; or

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

18           (d) Notwithstanding any other rulemaking authority that  
19           may exist, neither the Governor nor any agency or agency head  
20           under the jurisdiction of the Governor has any authority to  
21           make or promulgate rules to implement or enforce the provisions  
22           of this amendatory Act of the 95th General Assembly. If,  
23           however, the Governor believes that rules are necessary to  
24           implement or enforce the provisions of this amendatory Act of  
25           the 95th General Assembly, the Governor may suggest rules to  
26           the General Assembly by filing them with the Clerk of the House

1 and the Secretary of the Senate and by requesting that the  
2 General Assembly authorize such rulemaking by law, enact those  
3 suggested rules into law, or take any other appropriate action  
4 in the General Assembly's discretion. Nothing contained in this  
5 amendatory Act of the 95th General Assembly shall be  
6 interpreted to grant rulemaking authority under any other  
7 Illinois statute where such authority is not otherwise  
8 explicitly given. For the purposes of this Section, "rules" is  
9 given the meaning contained in Section 1-70 of the Illinois  
10 Administrative Procedure Act, and "agency" and "agency head"  
11 are given the meanings contained in Sections 1-20 and 1-25 of  
12 the Illinois Administrative Procedure Act to the extent that  
13 such definitions apply to agencies or agency heads under the  
14 jurisdiction of the Governor.

15 (720 ILCS 648/39.9 new)

16 Sec. 39.9. Illinois State Police Precursor Tracking  
17 Program; exempt pharmacies.

18 (a) When a covered pharmacy is exempt. A covered pharmacy  
19 is exempt from the requirement that it transmit electronic  
20 transaction records to the Central Repository through the  
21 secure website described in Section 39.7 or weekly electronic  
22 transfers described in Section 39.8 of this Act if all of the  
23 following conditions are satisfied:

24 (1) The covered pharmacy:

25 (A) Submits to the Pilot Program Authority a

1 written request for such an exemption;

2 (B) Has complied with Section 25 of this Act by  
3 maintaining handwritten rather than electronic logs  
4 during the 60-day period preceding the date the written  
5 request is transmitted;

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

9 (D) Provides, along with the written request,  
10 copies of handwritten logs covering the 60-day period  
11 preceding the written request; and

12 (2) The Pilot Program Authority:

13 (A) Reviews the written request;

14 (B) Verifies that the covered pharmacy has  
15 complied with Section 25 of this Act by maintaining  
16 handwritten rather than electronic logs during the  
17 60-day period preceding the date the written request is  
18 transmitted;

19 (C) Verifies that the covered pharmacy has not sold  
20 more than 20 targeted packages in any 7-day period  
21 during the 60-day period preceding the date the written  
22 request is transmitted; and

23 (D) Sends the covered pharmacy a letter stating  
24 that the covered pharmacy is exempt from the  
25 requirement that it transmit electronic transaction  
26 records to the Central Repository.

1       (b) Obligations of an exempt pharmacy.

2           (1) A pharmacy that is exempt from the requirement that  
3       it transmit electronic transaction records to the Central  
4       Repository shall instead transmit copies, and retain the  
5       originals, of handwritten logs.

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

10          (3) An exempt covered pharmacy shall transmit copies of  
11       handwritten logs on a weekly basis as described in  
12       subsection (b) of Section 39.8 of this Act.

13       (c) Notwithstanding any other rulemaking authority that  
14       may exist, neither the Governor nor any agency or agency head  
15       under the jurisdiction of the Governor has any authority to  
16       make or promulgate rules to implement or enforce the provisions  
17       of this amendatory Act of the 95th General Assembly. If,  
18       however, the Governor believes that rules are necessary to  
19       implement or enforce the provisions of this amendatory Act of  
20       the 95th General Assembly, the Governor may suggest rules to  
21       the General Assembly by filing them with the Clerk of the House  
22       and the Secretary of the Senate and by requesting that the  
23       General Assembly authorize such rulemaking by law, enact those  
24       suggested rules into law, or take any other appropriate action  
25       in the General Assembly's discretion. Nothing contained in this  
26       amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other  
2 Illinois statute where such authority is not otherwise  
3 explicitly given. For the purposes of this Section, "rules" is  
4 given the meaning contained in Section 1-70 of the Illinois  
5 Administrative Procedure Act, and "agency" and "agency head"  
6 are given the meanings contained in Sections 1-20 and 1-25 of  
7 the Illinois Administrative Procedure Act to the extent that  
8 such definitions apply to agencies or agency heads under the  
9 jurisdiction of the Governor.

10 (720 ILCS 648/39.9-5 new)

11 Sec. 39.9-5. Illinois State Police Precursor Tracking  
12 Program; confidentiality of records.

13 (a) The Central Repository shall delete each electronic  
14 transaction record and handwritten log entry 24 months after  
15 the date of the transaction it describes.

16 (b) The Illinois State Police and Central Repository shall  
17 carry out a program to protect the confidentiality of  
18 electronic transaction records and handwritten log entries  
19 transmitted pursuant to Sections 39.6, 39.7, 39.8, and 39.9 of  
20 this Act. The Pilot Program Authority and Central Repository  
21 shall ensure that this information remains completely  
22 confidential except as specifically provided in subsections  
23 (c) through (i) of this Section. Except as provided in  
24 subsections (c) through (i) of this Section, this information  
25 is strictly prohibited from disclosure.

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

5       (d) Any employee or agent of the Illinois State Police may  
6 have access to electronic transaction records or handwritten  
7 log entries solely for the purpose of identifying,  
8 investigating, or prosecuting violations of this Act or any  
9 other State or federal law or rule involving a methamphetamine  
10 precursor, methamphetamine, or any other controlled substance.

11       (e) The Illinois State Police may release electronic  
12 transaction records or handwritten log entries to the  
13 authorized representative of a qualified outside entity only if  
14 all of the following conditions are satisfied:

15           (1) The Illinois State Police verifies that the entity  
16 receiving electronic transaction records or handwritten  
17 log entries is a qualified outside entity as defined in  
18 this Act.

19           (2) The Illinois State Police verifies that the person  
20 receiving electronic transaction records or handwritten  
21 log entries is an authorized representative, as defined in  
22 this Act, of the qualified outside entity.

23           (3) The qualified outside entity agrees in writing, or  
24 has previously agreed in writing, that it will use  
25 electronic transaction records and handwritten log entries  
26 solely for the purpose of identifying, investigating, or

1 prosecuting violations of this Act or any other State or  
2 federal law or rule involving a methamphetamine precursor,  
3 methamphetamine, or any other controlled substance.

4 (4) The qualified outside entity does not have a  
5 history known to the Illinois State Police of violating  
6 this agreement or similar agreements or of breaching the  
7 confidentiality of sensitive information.

8 (f) The Illinois State Police may release to a particular  
9 covered pharmacy or voluntary participant any electronic  
10 transaction records or handwritten log entries previously  
11 submitted by that particular covered pharmacy or voluntary  
12 participant.

13 (g) The Illinois State Police may release to a particular  
14 recipient any electronic transaction records clearly relating  
15 to that recipient, upon sufficient proof of identity.

16 (h) The Illinois State Police may distribute  
17 Methamphetamine Precursor Violation Alerts only if all of the  
18 following conditions are satisfied:

19 (1) The Illinois State Police has reason to believe  
20 that one or more recipients have violated or are violating  
21 this Act or any other State or federal law or rule  
22 involving a methamphetamine precursor, methamphetamine, or  
23 any other controlled substance.

24 (2) Based on this information, the Illinois State  
25 Police distributes a Methamphetamine Precursor Violation  
26 Alert that may contain any of the following confidential

1 information:

2 (A) With respect to any recipient whom it is  
3 believed has violated, has attempted to violate, or is  
4 violating this Act or any other State or federal law or  
5 rule involving a methamphetamine precursor,  
6 methamphetamine, or any other controlled substance:  
7 (i) Any name he or she has used to purchase or attempt  
8 to purchase methamphetamine precursor; (ii) Any  
9 address he or she has listed when purchasing or  
10 attempting to purchase any targeted methamphetamine  
11 precursor; and (iii) Any identification information he  
12 or she has used to purchase or attempt to purchase  
13 methamphetamine precursor.

14 (B) With respect to any transaction in which the  
15 recipient is believed to have purchased  
16 methamphetamine precursor: (i) The date and time of the  
17 transaction or attempt; (ii) The city or town and state  
18 in which the transaction or attempt occurred; and (iii)  
19 The total quantity received of ephedrine or  
20 pseudoephedrine, their salts, or optical isomers, or  
21 salts of optical isomers.

22 (3) Methamphetamine Precursor Violation Alerts shall  
23 not include, with respect of any transaction in which the  
24 recipient is believed to have purchased or attempted to  
25 purchase methamphetamine precursor:

26 (A) The name or street address of the pharmacy

1           where the transaction or attempt took place, other than  
2           the city or town and state where the pharmacy is  
3           located; or

4           (B) The brand and product name of the item  
5           received.

6           (4) Methamphetamine Precursor Violation Alerts may be  
7           distributed to pharmacies, retail distributors, and law  
8           enforcement agencies. When such alerts are distributed to  
9           law enforcement agencies, it shall not be necessary to  
10           follow the procedures described in subsection (d) of this  
11           Section.

12           (5) When distributing Methamphetamine Precursor  
13           Violation Alerts, the Pilot Program Authority shall  
14           instruct those receiving the alerts that they are intended  
15           only for pharmacies, retail distributors, and law  
16           enforcement authorities, and that such alerts should  
17           otherwise be kept confidential.

18           (i) The Illinois State Police may release general  
19           statistical information to any person or entity provided that  
20           the statistics do not include any information that identifies  
21           any individual recipient or pharmacy by name, address,  
22           identification number, Drug Enforcement Administration number,  
23           or other means.

24           (j) Notwithstanding any other rulemaking authority that  
25           may exist, neither the Governor nor any agency or agency head  
26           under the jurisdiction of the Governor has any authority to

1 make or promulgate rules to implement or enforce the provisions  
2 of this amendatory Act of the 95th General Assembly. If,  
3 however, the Governor believes that rules are necessary to  
4 implement or enforce the provisions of this amendatory Act of  
5 the 95th General Assembly, the Governor may suggest rules to  
6 the General Assembly by filing them with the Clerk of the House  
7 and the Secretary of the Senate and by requesting that the  
8 General Assembly authorize such rulemaking by law, enact those  
9 suggested rules into law, or take any other appropriate action  
10 in the General Assembly's discretion. Nothing contained in this  
11 amendatory Act of the 95th General Assembly shall be  
12 interpreted to grant rulemaking authority under any other  
13 Illinois statute where such authority is not otherwise  
14 explicitly given. For the purposes of this Section, "rules" is  
15 given the meaning contained in Section 1-70 of the Illinois  
16 Administrative Procedure Act, and "agency" and "agency head"  
17 are given the meanings contained in Sections 1-20 and 1-25 of  
18 the Illinois Administrative Procedure Act to the extent that  
19 such definitions apply to agencies or agency heads under the  
20 jurisdiction of the Governor.

21 (720 ILCS 648/40)

22 (Text of Section after amendment by P.A. 95-640)

23 Sec. 40. Penalties.

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

25 (1) Any person who knowingly purchases, receives, or

1 otherwise acquires, within any 30-day period, products  
2 containing more than a total of 7,500 milligrams of  
3 ephedrine or pseudoephedrine, their salts or optical  
4 isomers, or salts of optical isomers in violation of  
5 subsection (b) of Section 20 of this Act is subject to the  
6 following penalties:

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

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

11 (C) 22,500 or more but less than 30,000 milligrams,  
12 Class 4 felony;

13 (D) 30,000 or more but less than 37,500 milligrams,  
14 Class 3 felony;

15 (E) 37,500 or more but less than 45,000 milligrams,  
16 Class 2 felony;

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

18 (2) Any person who knowingly purchases, receives, or  
19 otherwise acquires, within any 30-day period, products  
20 containing more than a total of 7,500 milligrams of  
21 ephedrine or pseudoephedrine, their salts or optical  
22 isomers, or salts of optical isomers in violation of  
23 subsection (b) of Section 20 of this Act, and who has  
24 previously been convicted of any methamphetamine-related  
25 offense under any State or federal law, is subject to the  
26 following penalties:

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

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

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

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

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

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

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

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

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

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

26 (b) Violations of Section 15, 20, 25, 30, or 35 of this

1 Act, other than violations of subsection (b) of Section 20 of  
2 this Act.

3 (1) Any pharmacy or retail distributor that violates  
4 Section 15, 20, 25, 30, or 35 of this Act, other than  
5 subsection (b) of Section 20 of this Act, is guilty of a  
6 petty offense and subject to a fine of \$500 for a first  
7 offense; and \$1,000 for a second offense occurring at the  
8 same retail location as and within 3 years of the prior  
9 offense. A pharmacy or retail distributor that violates  
10 this Act is guilty of a business offense and subject to a  
11 fine of \$5,000 for a third or subsequent offense occurring  
12 at the same retail location as and within 3 years of the  
13 prior offenses.

14 (2) An employee or agent of a pharmacy or retail  
15 distributor who violates Section 15, 20, 25, 30, or 35 of  
16 this Act, other than subsection (b) of Section 20 of this  
17 Act, is guilty of a Class A misdemeanor for a first  
18 offense, a Class 4 felony for a second offense, and a Class  
19 1 felony for a third or subsequent offense.

20 (3) Any other person who violates Section 15, 20, 25,  
21 30, or 35 of this Act, other than subsection (b) of Section  
22 20 of this Act, is guilty of a Class B misdemeanor for a  
23 first offense, a Class A misdemeanor for a second offense,  
24 and a Class 4 felony for a third or subsequent offense.

25 (c) Any pharmacy or retail distributor that violates  
26 Section 36, 37, 38, 39, ~~or~~ 39.5, 39.6, 39.7, 39.8, 39.9, or

1 39.9-5 of this Act is guilty of a petty offense and subject to  
2 a fine of \$100 for a first offense, \$250 for a second offense,  
3 or \$500 for a third or subsequent offense.

4 (d) Any person that violates Section 39.5 or 39.9-5 of this  
5 Act is guilty of a Class B misdemeanor for a first offense, a  
6 Class A misdemeanor for a second offense, and a Class 4 felony  
7 for a third offense.

8 (e) ~~(d)~~ Any person who, in order to acquire a targeted  
9 methamphetamine precursor, knowingly uses or provides the  
10 driver's license or government-issued identification of  
11 another person, or who knowingly uses or provides a fictitious  
12 or unlawfully altered driver's license or government-issued  
13 identification, or who otherwise knowingly provides false  
14 information, is guilty of a Class 4 felony for a first offense,  
15 a Class 3 felony for a second offense, and a Class 2 felony for  
16 a third or subsequent offense.

17 For purposes of this subsection (e) ~~(d)~~, the terms  
18 "fictitious driver's license", "unlawfully altered driver's  
19 license", and "false information" have the meanings ascribed to  
20 them in Section 6-301.1 of the Illinois Vehicle Code.

21 (f) Notwithstanding any other rulemaking authority that  
22 may exist, neither the Governor nor any agency or agency head  
23 under the jurisdiction of the Governor has any authority to  
24 make or promulgate rules to implement or enforce the provisions  
25 of this amendatory Act of the 95th General Assembly. If,  
26 however, the Governor believes that rules are necessary to

1 implement or enforce the provisions of this amendatory Act of  
2 the 95th General Assembly, the Governor may suggest rules to  
3 the General Assembly by filing them with the Clerk of the House  
4 and the Secretary of the Senate and by requesting that the  
5 General Assembly authorize such rulemaking by law, enact those  
6 suggested rules into law, or take any other appropriate action  
7 in the General Assembly's discretion. Nothing contained in this  
8 amendatory Act of the 95th General Assembly shall be  
9 interpreted to grant rulemaking authority under any other  
10 Illinois statute where such authority is not otherwise  
11 explicitly given. For the purposes of this Section, "rules" is  
12 given the meaning contained in Section 1-70 of the Illinois  
13 Administrative Procedure Act, and "agency" and "agency head"  
14 are given the meanings contained in Sections 1-20 and 1-25 of  
15 the Illinois Administrative Procedure Act to the extent that  
16 such definitions apply to agencies or agency heads under the  
17 jurisdiction of the Governor.

18 (Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08;  
19 95-640, eff. 6-1-08; revised 12-12-07.)

20 (720 ILCS 648/45)

21 (Text of Section after amendment by P.A. 95-640)

22 Sec. 45. Immunity from civil liability. In the event that  
23 any agent or employee of a pharmacy or retail distributor  
24 reports to any law enforcement officer or agency any suspicious  
25 activity concerning a targeted methamphetamine precursor or

1 other methamphetamine ingredient or ingredients, or  
2 participates in the Williamson County Pilot Program as provided  
3 in Sections 36, 37, 38, 39, and 39.5 of this Act or the  
4 Illinois State Police Precursor Tracking Program as provided in  
5 Sections 39.6, 39.7, 39.8, 39.9, or 39.9-5 of this Act, the  
6 agent or employee and the pharmacy or retail distributor itself  
7 are immune from civil liability based on allegations of  
8 defamation, libel, slander, false arrest, or malicious  
9 prosecution, or similar allegations, except in cases of willful  
10 or wanton misconduct.

11 Notwithstanding any other rulemaking authority that may  
12 exist, neither the Governor nor any agency or agency head under  
13 the jurisdiction of the Governor has any authority to make or  
14 promulgate rules to implement or enforce the provisions of this  
15 amendatory Act of the 95th General Assembly. If, however, the  
16 Governor believes that rules are necessary to implement or  
17 enforce the provisions of this amendatory Act of the 95th  
18 General Assembly, the Governor may suggest rules to the General  
19 Assembly by filing them with the Clerk of the House and the  
20 Secretary of the Senate and by requesting that the General  
21 Assembly authorize such rulemaking by law, enact those  
22 suggested rules into law, or take any other appropriate action  
23 in the General Assembly's discretion. Nothing contained in this  
24 amendatory Act of the 95th General Assembly shall be  
25 interpreted to grant rulemaking authority under any other  
26 Illinois statute where such authority is not otherwise

1 explicitly given. For the purposes of this Section, "rules" is  
2 given the meaning contained in Section 1-70 of the Illinois  
3 Administrative Procedure Act, and "agency" and "agency head"  
4 are given the meanings contained in Sections 1-20 and 1-25 of  
5 the Illinois Administrative Procedure Act to the extent that  
6 such definitions apply to agencies or agency heads under the  
7 jurisdiction of the Governor.

8 (Source: P.A. 94-694, eff. 1-15-06; 95-640, eff. 6-1-08.)

9 (720 ILCS 648/55)

10 (Text of Section after amendment by P.A. 95-640)

11 Sec. 55. Preemption and home rule powers.

12 (a) Except as provided in subsection (b) of this Section  
13 and in Sections 36, 37, 38, 39, ~~and~~ 39.5, 39.6, 39.7, 39.8,  
14 39.9, and 39.9-5 of this Act, a county or municipality,  
15 including a home rule unit, may regulate the sale of targeted  
16 methamphetamine precursor and targeted packages in a manner  
17 that is not more or less restrictive than the regulation by the  
18 State under this Act. This Section is a limitation under  
19 subsection (i) of Section 6 of Article VII of the Illinois  
20 Constitution on the concurrent exercise by home rule units of  
21 the powers and functions exercised by the State.

22 (b) Any regulation of the sale of targeted methamphetamine  
23 precursor and targeted packages by a home rule unit that took  
24 effect on or before May 1, 2004, is exempt from the provisions  
25 of subsection (a) of this Section.

1       (c) Notwithstanding any other rulemaking authority that  
2 may exist, neither the Governor nor any agency or agency head  
3 under the jurisdiction of the Governor has any authority to  
4 make or promulgate rules to implement or enforce the provisions  
5 of this amendatory Act of the 95th General Assembly. If,  
6 however, the Governor believes that rules are necessary to  
7 implement or enforce the provisions of this amendatory Act of  
8 the 95th General Assembly, the Governor may suggest rules to  
9 the General Assembly by filing them with the Clerk of the House  
10 and the Secretary of the Senate and by requesting that the  
11 General Assembly authorize such rulemaking by law, enact those  
12 suggested rules into law, or take any other appropriate action  
13 in the General Assembly's discretion. Nothing contained in this  
14 amendatory Act of the 95th General Assembly shall be  
15 interpreted to grant rulemaking authority under any other  
16 Illinois statute where such authority is not otherwise  
17 explicitly given. For the purposes of this Section, "rules" is  
18 given the meaning contained in Section 1-70 of the Illinois  
19 Administrative Procedure Act, and "agency" and "agency head"  
20 are given the meanings contained in Sections 1-20 and 1-25 of  
21 the Illinois Administrative Procedure Act to the extent that  
22 such definitions apply to agencies or agency heads under the  
23 jurisdiction of the Governor.

24 (Source: P.A. 94-694, eff. 1-15-06; 95-640, eff. 6-1-08.)

25       Section 99. Effective date. This Act takes effect 90 days  
26 after becoming law.