



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4844

by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

20 ILCS 2305/2	from Ch. 111 1/2, par. 22
510 ILCS 5/11	from Ch. 8, par. 361
510 ILCS 70/3.08 new	
510 ILCS 70/6	from Ch. 8, par. 706
510 ILCS 72/1	
510 ILCS 72/35	
510 ILCS 72/36 new	
510 ILCS 72/57	
510 ILCS 72/65	
510 ILCS 72/66 new	
510 ILCS 72/90	
510 ILCS 72/91 new	
510 ILCS 72/165 rep.	
720 ILCS 570/102	from Ch. 56 1/2, par. 1102

Amends the Humane Care for Animals Act to prohibit destruction of an animal by decompression chamber and lowering the oxygen pressure or by using nitrous oxide, halothane, carbon monoxide, or carbon dioxide. Imposes criminal penalties for violation. Amends the Humane Euthanasia in Animal Shelters Act. Changes the short title to the Humane Animal Euthanasia Act. Contains provisions concerning renewal of a euthanasia technician certificate and continuing education; restrictions on issuing certificates because of felony convictions; euthanasia methods; refusal to renew and revocation of euthanasia technician and euthanasia agency certification; exemptions from certification; and criminal penalties. Amends other Acts to make conforming changes.

LRB095 18962 RCE 45130 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning animals.

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

4 Section 5. The Department of Public Health Act is amended
5 by changing Section 2 as follows:

6 (20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

7 Sec. 2. Powers.

8 (a) The State Department of Public Health has general
9 supervision of the interests of the health and lives of the
10 people of the State. It has supreme authority in matters of
11 quarantine and isolation, and may declare and enforce
12 quarantine and isolation when none exists, and may modify or
13 relax quarantine and isolation when it has been established.
14 The Department may adopt, promulgate, repeal and amend rules
15 and regulations and make such sanitary investigations and
16 inspections as it may from time to time deem necessary for the
17 preservation and improvement of the public health, consistent
18 with law regulating the following:

19 (1) Transportation of the remains of deceased persons.

20 (2) Sanitary practices relating to drinking water made
21 accessible to the public for human consumption or for
22 lavatory or culinary purposes.

23 (3) Sanitary practices relating to rest room

1 facilities made accessible to the public or to persons
2 handling food served to the public.

3 (4) Sanitary practices relating to disposal of human
4 wastes in or from all buildings and places where people
5 live, work or assemble.

6 The provisions of the Illinois Administrative Procedure
7 Act are hereby expressly adopted and shall apply to all
8 administrative rules and procedures of the Department of Public
9 Health under this Act, except that Section 5-35 of the Illinois
10 Administrative Procedure Act relating to procedures for
11 rule-making does not apply to the adoption of any rule required
12 by federal law in connection with which the Department is
13 precluded by law from exercising any discretion.

14 All local boards of health, health authorities and
15 officers, police officers, sheriffs and all other officers and
16 employees of the state or any locality shall enforce the rules
17 and regulations so adopted and orders issued by the Department
18 pursuant to this Section.

19 The Department of Public Health shall conduct a public
20 information campaign to inform Hispanic women of the high
21 incidence of breast cancer and the importance of mammograms and
22 where to obtain a mammogram. This requirement may be satisfied
23 by translation into Spanish and distribution of the breast
24 cancer summaries required by Section 2310-345 of the Department
25 of Public Health Powers and Duties Law (20 ILCS 2310/2310-345).
26 The information provided by the Department of Public Health

1 shall include (i) a statement that mammography is the most
2 accurate method for making an early detection of breast cancer,
3 however, no diagnostic tool is 100% effective and (ii)
4 instructions for performing breast self-examination and a
5 statement that it is important to perform a breast
6 self-examination monthly.

7 The Department of Public Health shall investigate the
8 causes of dangerously contagious or infectious diseases,
9 especially when existing in epidemic form, and take means to
10 restrict and suppress the same, and whenever such disease
11 becomes, or threatens to become epidemic, in any locality and
12 the local board of health or local authorities neglect or
13 refuse to enforce efficient measures for its restriction or
14 suppression or to act with sufficient promptness or efficiency,
15 or whenever the local board of health or local authorities
16 neglect or refuse to promptly enforce efficient measures for
17 the restriction or suppression of dangerously contagious or
18 infectious diseases, the Department of Public Health may
19 enforce such measures as it deems necessary to protect the
20 public health, and all necessary expenses so incurred shall be
21 paid by the locality for which services are rendered.

22 (b) Subject to the provisions of subsection (c), the
23 Department may order a person or group of persons to be
24 quarantined or isolated or may order a place to be closed and
25 made off limits to the public to prevent the probable spread of
26 a dangerously contagious or infectious disease, including

1 non-compliant tuberculosis patients, until such time as the
2 condition can be corrected or the danger to the public health
3 eliminated or reduced in such a manner that no substantial
4 danger to the public's health any longer exists. Orders for
5 isolation of a person or quarantine of a place to prevent the
6 probable spread of a sexually transmissible disease shall be
7 governed by the provisions of Section 7 of the Illinois
8 Sexually Transmissible Disease Control Act and not this
9 Section.

10 (c) Except as provided in this Section, no person or a
11 group of persons may be ordered to be quarantined or isolated
12 and no place may be ordered to be closed and made off limits to
13 the public except with the consent of the person or owner of
14 the place or upon the prior order of a court of competent
15 jurisdiction. The Department may, however, order a person or a
16 group of persons to be quarantined or isolated or may order a
17 place to be closed and made off limits to the public on an
18 immediate basis without prior consent or court order if, in the
19 reasonable judgment of the Department, immediate action is
20 required to protect the public from a dangerously contagious or
21 infectious disease. In the event of an immediate order issued
22 without prior consent or court order, the Department shall, as
23 soon as practical, within 48 hours after issuing the order,
24 obtain the consent of the person or owner or file a petition
25 requesting a court order authorizing the isolation or
26 quarantine or closure. When exigent circumstances exist that

1 cause the court system to be unavailable or that make it
2 impossible to obtain consent or file a petition within 48 hours
3 after issuance of an immediate order, the Department must
4 obtain consent or file a petition requesting a court order as
5 soon as reasonably possible. To obtain a court order, the
6 Department, by clear and convincing evidence, must prove that
7 the public's health and welfare are significantly endangered by
8 a person or group of persons that has, that is suspected of
9 having, that has been exposed to, or that is reasonably
10 believed to have been exposed to a dangerously contagious or
11 infectious disease including non-compliant tuberculosis
12 patients or by a place where there is a significant amount of
13 activity likely to spread a dangerously contagious or
14 infectious disease. The Department must also prove that all
15 other reasonable means of correcting the problem have been
16 exhausted and no less restrictive alternative exists. For
17 purposes of this subsection, in determining whether no less
18 restrictive alternative exists, the court shall consider
19 evidence showing that, under the circumstances presented by the
20 case in which an order is sought, quarantine or isolation is
21 the measure provided for in a rule of the Department or in
22 guidelines issued by the Centers for Disease Control and
23 Prevention or the World Health Organization. Persons who are or
24 are about to be ordered to be isolated or quarantined and
25 owners of places that are or are about to be closed and made
26 off limits to the public shall have the right to counsel. If a

1 person or owner is indigent, the court shall appoint counsel
2 for that person or owner. Persons who are ordered to be
3 isolated or quarantined or who are owners of places that are
4 ordered to be closed and made off limits to the public, shall
5 be given a written notice of such order. The written notice
6 shall additionally include the following: (1) notice of the
7 right to counsel; (2) notice that if the person or owner is
8 indigent, the court will appoint counsel for that person or
9 owner; (3) notice of the reason for the order for isolation,
10 quarantine, or closure; (4) notice of whether the order is an
11 immediate order, and if so, the time frame for the Department
12 to seek consent or to file a petition requesting a court order
13 as set out in this subsection; and (5) notice of the
14 anticipated duration of the isolation, quarantine, or closure.

15 (d) The Department may order physical examinations and
16 tests and collect laboratory specimens as necessary for the
17 diagnosis or treatment of individuals in order to prevent the
18 probable spread of a dangerously contagious or infectious
19 disease. Physical examinations, tests, or collection of
20 laboratory specimens must not be such as are reasonably likely
21 to lead to serious harm to the affected individual. To prevent
22 the spread of a dangerously contagious or infectious disease,
23 the Department may, pursuant to the provisions of subsection
24 (c) of this Section, isolate or quarantine any person whose
25 refusal of physical examination or testing or collection of
26 laboratory specimens results in uncertainty regarding whether

1 he or she has been exposed to or is infected with a dangerously
2 contagious or infectious disease or otherwise poses a danger to
3 the public's health. An individual may refuse to consent to a
4 physical examination, test, or collection of laboratory
5 specimens. An individual shall be given a written notice that
6 shall include notice of the following: (i) that the individual
7 may refuse to consent to physical examination, test, or
8 collection of laboratory specimens; (ii) that if the individual
9 consents to physical examination, tests, or collection of
10 laboratory specimens, the results of that examination, test, or
11 collection of laboratory specimens may subject the individual
12 to isolation or quarantine pursuant to the provisions of
13 subsection (c) of this Section; (iii) that if the individual
14 refuses to consent to physical examination, tests, or
15 collection of laboratory specimens and that refusal results in
16 uncertainty regarding whether he or she has been exposed to or
17 is infected with a dangerously contagious or infectious disease
18 or otherwise poses a danger to the public's health, the
19 individual may be subject to isolation or quarantine pursuant
20 to the provisions of subsection (c) of this Section; and (iv)
21 that if the individual refuses to consent to physical
22 examinations, tests, or collection of laboratory specimens and
23 becomes subject to isolation and quarantine as provided in this
24 subsection (d), he or she shall have the right to counsel
25 pursuant to the provisions of subsection (c) of this Section.
26 To the extent feasible without endangering the public's health,

1 the Department shall respect and accommodate the religious
2 beliefs of individuals in implementing this subsection.

3 (e) The Department may order the administration of
4 vaccines, medications, or other treatments to persons as
5 necessary in order to prevent the probable spread of a
6 dangerously contagious or infectious disease. A vaccine,
7 medication, or other treatment to be administered must not be
8 such as is reasonably likely to lead to serious harm to the
9 affected individual. To prevent the spread of a dangerously
10 contagious or infectious disease, the Department may, pursuant
11 to the provisions of subsection (c) of this Section, isolate or
12 quarantine persons who are unable or unwilling to receive
13 vaccines, medications, or other treatments pursuant to this
14 Section. An individual may refuse to receive vaccines,
15 medications, or other treatments. An individual shall be given
16 a written notice that shall include notice of the following:
17 (i) that the individual may refuse to consent to vaccines,
18 medications, or other treatments; (ii) that if the individual
19 refuses to receive vaccines, medications, or other treatments,
20 the individual may be subject to isolation or quarantine
21 pursuant to the provisions of subsection (c) of this Section;
22 and (iii) that if the individual refuses to receive vaccines,
23 medications, or other treatments and becomes subject to
24 isolation or quarantine as provided in this subsection (e), he
25 or she shall have the right to counsel pursuant to the
26 provisions of subsection (c) of this Section. To the extent

1 feasible without endangering the public's health, the
2 Department shall respect and accommodate the religious beliefs
3 of individuals in implementing this subsection.

4 (f) The Department may order observation and monitoring of
5 persons to prevent the probable spread of a dangerously
6 contagious or infectious disease. To prevent the spread of a
7 dangerously contagious or infectious disease, the Department
8 may, pursuant to the provisions of subsection (c) of this
9 Section, isolate or quarantine persons whose refusal to undergo
10 observation and monitoring results in uncertainty regarding
11 whether he or she has been exposed to or is infected with a
12 dangerously contagious or infectious disease or otherwise
13 poses a danger to the public's health. An individual may refuse
14 to undergo observation and monitoring. An individual shall be
15 given written notice that shall include notice of the
16 following: (i) that the individual may refuse to undergo
17 observation and monitoring; (ii) that if the individual
18 consents to observation and monitoring, the results of that
19 observation and monitoring may subject the individual to
20 isolation or quarantine pursuant to the provisions of
21 subsection (c) of this Section; (iii) that if the individual
22 refuses to undergo observation and monitoring and that refusal
23 results in uncertainty regarding whether he or she has been
24 exposed to or is infected with a dangerously contagious or
25 infectious disease or otherwise poses a danger to the public's
26 health, the individual may be subject to isolation or

1 quarantine pursuant to the provisions of subsection (c) of this
2 Section; and (iv) that if the individual refuses to undergo
3 observation and monitoring and becomes subject to isolation or
4 quarantine as provided in this subsection (f), he or she shall
5 have the right to counsel pursuant to the provisions of
6 subsection (c) of this Section.

7 (g) To prevent the spread of a dangerously contagious or
8 infectious disease among humans, the Department may examine,
9 test, disinfect, seize, or destroy animals or other related
10 property believed to be sources of infection. An owner of such
11 animal or other related property shall be given written notice
12 regarding such examination, testing, disinfection, seizure, or
13 destruction. When the Department determines that any animal or
14 related property is infected with or has been exposed to a
15 dangerously contagious or infectious disease, it may agree with
16 the owner upon the value of the animal or of any related
17 property that it may be found necessary to destroy, and in case
18 such an agreement cannot be made, the animals or related
19 property shall be appraised by 3 competent and disinterested
20 appraisers, one to be selected by the Department, one by the
21 claimant, and one by the 2 appraisers thus selected. The
22 appraisers shall subscribe to an oath made in writing to fairly
23 value the animals or related property in accordance with the
24 requirements of this Act. The oath, together with the valuation
25 fixed by the appraisers, shall be filed with the Department and
26 preserved by it. Upon the appraisal being made, the owner or

1 the Department shall immediately destroy the animals by "humane
2 euthanasia" as that term is defined in Section 2.09 of the
3 Humane Care for Animals Act. Dogs and cats, however, shall be
4 euthanized pursuant to the provisions of the Humane Animal
5 Euthanasia ~~in Animal Shelters~~ Act. The owner or the Department
6 shall additionally, dispose of the carcasses, and disinfect,
7 change, or destroy the premises occupied by the animals, in
8 accordance with rules prescribed by the Department governing
9 such destruction and disinfection. Upon his or her failure so
10 to do or to cooperate with the Department, the Department shall
11 cause the animals or related property to be destroyed and
12 disposed of in the same manner, and thereupon the owner shall
13 forfeit all right to receive any compensation for the
14 destruction of the animals or related property. All final
15 administrative decisions of the Department hereunder shall be
16 subject to judicial review pursuant to the provisions of the
17 Administrative Review Law, and all amendments and
18 modifications thereof, and the rules adopted pursuant thereto.
19 The term "administrative decision" is defined as in Section
20 3-101 of the Code of Civil Procedure.

21 (h) To prevent the spread of a dangerously contagious or
22 infectious disease, the Department, local boards of health, and
23 local public health authorities shall have emergency access to
24 medical or health information or records or data upon the
25 condition that the Department, local boards of health, and
26 local public health authorities shall protect the privacy and

1 confidentiality of any medical or health information or records
2 or data obtained pursuant to this Section in accordance with
3 federal and State law. Additionally, any such medical or health
4 information or records or data shall be exempt from inspection
5 and copying under the Freedom of Information Act. Other than a
6 hearing for the purpose of this Act, any information, records,
7 reports, statements, notes, memoranda, or other data in the
8 possession of the Department, local boards of health, or local
9 public health authorities shall not be admissible as evidence,
10 nor discoverable in any action of any kind in any court or
11 before any tribunal, board, agency, or person. The access to or
12 disclosure of any of this information or data by the
13 Department, a local board of health, or a local public
14 authority shall not waive or have any effect upon its
15 non-discoverability or non-admissibility. Any person,
16 facility, institution, or agency that provides emergency
17 access to health information and data under this subsection
18 shall have immunity from any civil or criminal liability, or
19 any other type of liability that might otherwise result by
20 reason of these actions except in the event of willful and
21 wanton misconduct. The privileged quality of communication
22 between any professional person or any facility shall not
23 constitute grounds for failure to provide emergency access.
24 Nothing in this subsection shall prohibit the sharing of
25 information as authorized in Section 2.1 of this Act. The
26 disclosure of any of this information, records, reports,

1 statements, notes, memoranda, or other data obtained in any
2 activity under this Act, except that necessary for the purposes
3 of this Act, is unlawful, and any person convicted of violating
4 this provision is guilty of a Class A misdemeanor.

5 (i) (A) The Department, in order to prevent and control
6 disease, injury, or disability among citizens of the State
7 of Illinois, may develop and implement, in consultation
8 with local public health authorities, a Statewide system
9 for syndromic data collection through the access to
10 interoperable networks, information exchanges, and
11 databases. The Department may also develop a system for the
12 reporting of comprehensive, integrated data to identify
13 and address unusual occurrences of disease symptoms and
14 other medical complexes affecting the public's health.

15 (B) The Department may enter into contracts or
16 agreements with individuals, corporations, hospitals,
17 universities, not-for-profit corporations, governmental
18 entities, or other organizations, whereby those
19 individuals or entities agree to provide assistance in the
20 compilation of the syndromic data collection and reporting
21 system.

22 (C) The Department shall not release any syndromic data
23 or information obtained pursuant to this subsection to any
24 individuals or entities for purposes other than the
25 protection of the public health. All access to data by the
26 Department, reports made to the Department, the identity of

1 or facts that would tend to lead to the identity of the
2 individual who is the subject of the report, and the
3 identity of or facts that would tend to lead to the
4 identity of the author of the report shall be strictly
5 confidential, are not subject to inspection or
6 dissemination, and shall be used only for public health
7 purposes by the Department, local public health
8 authorities, or the Centers for Disease Control and
9 Prevention. Entities or individuals submitting reports or
10 providing access to the Department shall not be held liable
11 for the release of information or confidential data to the
12 Department in accordance with this subsection.

13 (D) Nothing in this subsection prohibits the sharing of
14 information as authorized in Section 2.1 of this Act.

15 (j) This Section shall be considered supplemental to the
16 existing authority and powers of the Department and shall not
17 be construed to restrain or restrict the Department in
18 protecting the public health under any other provisions of the
19 law.

20 (k) Any person who knowingly or maliciously disseminates
21 any false information or report concerning the existence of any
22 dangerously contagious or infectious disease in connection
23 with the Department's power of quarantine, isolation and
24 closure or refuses to comply with a quarantine, isolation or
25 closure order is guilty of a Class A misdemeanor.

26 (l) The Department of Public Health may establish and

1 maintain a chemical and bacteriologic laboratory for the
2 examination of water and wastes, and for the diagnosis of
3 diphtheria, typhoid fever, tuberculosis, malarial fever and
4 such other diseases as it deems necessary for the protection of
5 the public health.

6 As used in this Act, "locality" means any governmental
7 agency which exercises power pertaining to public health in an
8 area less than the State.

9 The terms "sanitary investigations and inspections" and
10 "sanitary practices" as used in this Act shall not include or
11 apply to "Public Water Supplies" or "Sewage Works" as defined
12 in the Environmental Protection Act. The Department may adopt
13 rules that are reasonable and necessary to implement and
14 effectuate this amendatory Act of the 93rd General Assembly.
15 (Source: P.A. 93-829, eff. 7-28-04.)

16 Section 10. The Animal Control Act is amended by changing
17 Section 11 as follows:

18 (510 ILCS 5/11) (from Ch. 8, par. 361)

19 (Text of Section before amendment by P.A. 95-550)

20 Sec. 11. When not redeemed by the owner, agent, or
21 caretaker, a dog or cat must be scanned for a microchip. If a
22 microchip is present, the registered owner must be notified.
23 After contact has been made or attempted, dogs or cats deemed
24 adoptable by the animal control facility shall be offered for

1 adoption, or made available to a licensed humane society or
2 rescue group. If no placement is available, it shall be
3 humanely dispatched pursuant to the Humane Animal Euthanasia ~~in~~
4 ~~Animal Shelters~~ Act. An animal pound or animal shelter shall
5 not release any dog or cat when not redeemed by the owner
6 unless the animal has been rendered incapable of reproduction
7 and microchipped, or the person wishing to adopt an animal
8 prior to the surgical procedures having been performed shall
9 have executed a written agreement promising to have such
10 service performed, including microchipping, within a specified
11 period of time not to exceed 30 days. Failure to fulfill the
12 terms of the agreement shall result in seizure and impoundment
13 of the animal and any offspring by the animal pound or shelter,
14 and any monies which have been deposited shall be forfeited and
15 submitted to the Pet Population Control Fund on a yearly basis.
16 This Act shall not prevent humane societies from engaging in
17 activities set forth by their charters; provided, they are not
18 inconsistent with provisions of this Act and other existing
19 laws. No animal shelter or animal control facility shall
20 release dogs or cats to an individual representing a rescue
21 group, unless the group has been licensed or has a foster care
22 permit issued by the Illinois Department of Agriculture or is a
23 representative of a not-for-profit out-of-state organization.
24 The Department may suspend or revoke the license of any animal
25 shelter or animal control facility that fails to comply with
26 the requirements set forth in this Section or that fails to

1 report its intake and euthanasia statistics each year.

2 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

3 (Text of Section after amendment by P.A. 95-550)

4 Sec. 11. When not redeemed by the owner, agent, or
5 caretaker, a dog or cat must be scanned for a microchip. If a
6 microchip is present, the registered owner must be notified.
7 After contact has been made or attempted, dogs or cats deemed
8 adoptable by the animal control facility shall be offered for
9 adoption, or made available to a licensed humane society or
10 rescue group. If no placement is available, it shall be
11 humanely dispatched pursuant to the Humane Animal Euthanasia ~~in~~
12 ~~Animal Shelters~~ Act. An animal pound or animal shelter shall
13 not adopt or release any dog or cat to anyone other than the
14 owner unless the animal has been rendered incapable of
15 reproduction and microchipped, or the person wishing to adopt
16 an animal prior to the surgical procedures having been
17 performed shall have executed a written agreement promising to
18 have such service performed, including microchipping, within a
19 specified period of time not to exceed 30 days. Failure to
20 fulfill the terms of the agreement shall result in seizure and
21 impoundment of the animal and any offspring by the animal pound
22 or shelter, and any monies which have been deposited shall be
23 forfeited and submitted to the Pet Population Control Fund on a
24 yearly basis. This Act shall not prevent humane societies from
25 engaging in activities set forth by their charters; provided,

1 they are not inconsistent with provisions of this Act and other
2 existing laws. No animal shelter or animal control facility
3 shall release dogs or cats to an individual representing a
4 rescue group, unless the group has been licensed or has a
5 foster care permit issued by the Illinois Department of
6 Agriculture or is a representative of a not-for-profit
7 out-of-state organization. The Department may suspend or
8 revoke the license of any animal shelter or animal control
9 facility that fails to comply with the requirements set forth
10 in this Section or that fails to report its intake and
11 euthanasia statistics each year.

12 (Source: P.A. 94-639, eff. 8-22-05; 95-550, eff. 6-1-08.)

13 Section 15. The Humane Care for Animals Act is amended by
14 changing Section 6 and by adding Section 3.08 as follows:

15 (510 ILCS 70/3.08 new)

16 Sec. 3.08. Destruction of companion animal by prohibited
17 method. Any individual who knowingly or intentionally destroys
18 or authorizes the destruction of a companion animal by any of
19 the following means is guilty of a Class A misdemeanor for the
20 first violation and a Class 4 felony for a second or subsequent
21 violation:

22 (1) by means of placing the animal in a decompression
23 chamber and lowering the pressure of the oxygen content in
24 the air surrounding the animal; or

1 (2) by use of nitrous oxide, halothane, carbon
2 monoxide, or carbon dioxide.

3 (510 ILCS 70/6) (from Ch. 8, par. 706)

4 Sec. 6. Poisoning prohibited. No person may knowingly
5 poison or cause to be poisoned any dog or other domestic
6 animal. The only exception will be by written permit from the
7 Department for the purpose of controlling diseases
8 transmissible to humans or other animals and only when all
9 other methods and means have been exhausted. Such a written
10 permit shall name the person or persons conducting the
11 poisoning, specify the products to be used, give the boundaries
12 of the area involved, and specify the precautionary measures to
13 be employed to insure the safety of humans and other animals.

14 This Section does not prohibit the use of a euthanasia drug
15 by a euthanasia agency for the purpose of animal euthanasia,
16 provided that the euthanasia drug is used by or under the
17 direction of a licensed veterinarian or certified euthanasia
18 technician, all as defined in and subject to the Humane Animal
19 Euthanasia ~~in Animal Shelters~~ Act.

20 A person convicted of violating this Section or any rule,
21 regulation, or order of the Department pursuant thereto is
22 guilty of a Class A misdemeanor. A second or subsequent
23 violation is a Class 4 felony.

24 (Source: P.A. 92-650, eff. 7-11-02.)

1 Section 20. The Humane Euthanasia in Animal Shelters Act is
2 amended by changing Sections 1, 35, 57, 65, and 90 and by
3 adding Sections 36, 66, and 91 as follows:

4 (510 ILCS 72/1)

5 Sec. 1. Short title. This Act may be cited as the Humane
6 Animal Euthanasia ~~in Animal Shelters~~ Act.

7 (Source: P.A. 92-449, eff. 1-1-02.)

8 (510 ILCS 72/35)

9 Sec. 35. Technician certification; duties.

10 (a) An applicant for certification as a euthanasia
11 technician shall file an application with the Department and
12 shall:

13 (1) Be 18 years of age.

14 (2) Be of good moral character. In determining moral
15 character under this Section, the Department may take into
16 consideration whether the applicant has engaged in conduct
17 or activities that would constitute grounds for discipline
18 under this Act.

19 (3) Each applicant for certification as a euthanasia
20 technician shall have his or her fingerprints submitted to
21 the Department of State Police in an electronic format that
22 complies with the form and manner for requesting and
23 furnishing criminal history record information as
24 prescribed by the Department of State Police. These

1 fingerprints shall be checked against the Department of
2 State Police and Federal Bureau of Investigation criminal
3 history record databases now and hereafter filed. The
4 Department of State Police shall charge applicants a fee
5 for conducting the criminal history records check, which
6 shall be deposited in the State Police Services Fund and
7 shall not exceed the actual cost of the records check. The
8 Department of State Police shall furnish, pursuant to
9 positive identification, records of Illinois convictions
10 to the Department.

11 (4) Hold a license or certification from the American
12 Humane Association, the National Animal Control
13 Association, the Illinois Federation of Humane Societies,
14 or the Humane Society of the United States ~~issued within 3~~
15 ~~years preceding the date of application.~~ Every 5 years a
16 certified euthanasia technician must renew his or her
17 certification with the Department. At the time of renewal,
18 the technician must present proof that he or she attended a
19 class or seminar that teaches techniques or guidelines, or
20 both, for humane animal euthanasia administered by the
21 American Humane Association, the National Animal Control
22 Association, the Illinois Federation of Humane Societies,
23 or the Humane Society of the United States.

24 ~~For a period of 12 months after the adoption of final~~
25 ~~administrative rules for this Act, the Department may issue~~
26 ~~a certification to an applicant who holds a license or~~

1 ~~certification from the American Humane Association, the~~
2 ~~National Animal Control Association, the Illinois~~
3 ~~Federation of Humane Societies, or the Humane Society of~~
4 ~~the United States issued after January 1, 1997.~~

5 (5) Pay the required fee.

6 (b) The duties of a euthanasia technician shall include but
7 are not limited to:

8 (1) preparing animals for euthanasia and scanning each
9 animal, prior to euthanasia, for microchips;

10 (2) accurately recording the dosages administered and
11 the amount of drugs wasted;

12 (3) ordering supplies;

13 (4) maintaining the security of all controlled
14 substances and drugs;

15 (5) humanely euthanizing animals via intravenous
16 injection by hypodermic needle, intraperitoneal injection
17 by hypodermic needle, solutions or powder added to food or
18 by mouth, intracardiac injection only on comatose animals
19 by hypodermic needle, ~~or carbon monoxide in a commercially~~
20 ~~manufactured chamber; and~~

21 (6) properly disposing of euthanized animals after
22 verification of death.

23 (c) A euthanasia technician employed by a euthanasia agency
24 may perform euthanasia by the administration of a Schedule II
25 or Schedule III nonnarcotic controlled substance. A euthanasia
26 technician may not personally possess, order, or administer a

1 controlled substance except as an agent of the euthanasia
2 agency.

3 (d) Upon termination from a euthanasia agency, a euthanasia
4 technician shall not perform animal euthanasia until he or she
5 is employed by another certified euthanasia agency.

6 (e) A certified euthanasia technician or an instructor in
7 an approved course does not engage in the practice of
8 veterinary medicine when performing duties set forth in this
9 Act.

10 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

11 (510 ILCS 72/36 new)

12 Sec. 36. Certificate issuance restrictions. The Department
13 shall not issue a certificate to any individual convicted in
14 Illinois of a forcible felony, a felony violation of the Humane
15 Care for Animals Act, a felony violation of Article 24 of the
16 Criminal Code of 1961, a felony violation of Class 3 or higher
17 of the Cannabis Control Act, a felony violation of Class 2 or
18 higher of the Methamphetamine Control and Community Prevention
19 Act, or any violation of Section 12-35 or 26-5 of the Criminal
20 Code of 1961, or convicted in another jurisdiction of the
21 United States of an offense substantially similar to any of the
22 specified Illinois offenses, for a period of 10 years
23 commencing upon the release of a person from incarceration.

24 (510 ILCS 72/57)

1 Sec. 57. Procedures for euthanasia.

2 (a) Only euthanasia drugs ~~and commercially compressed~~
3 ~~carbon monoxide, subject to the limitations imposed under~~
4 ~~subsection (b) of this Section,~~ shall be used for the purpose
5 of humanely euthanizing injured, sick, homeless, or unwanted
6 companion animals in an animal shelter or an animal control
7 facility licensed under the Illinois Animal Welfare Act.

8 (b) (Blank). ~~Commercially compressed carbon monoxide may~~
9 ~~be used as a permitted method of euthanasia provided that it is~~
10 ~~performed in a commercially manufactured chamber pursuant to~~
11 ~~the guidelines set forth in the most recent report of the AVMA~~
12 ~~Panel on Euthanasia. A chamber that is designed to euthanize~~
13 ~~more than one animal at a time must be equipped with~~
14 ~~independent sections or cages to separate incompatible~~
15 ~~animals. The interior of the chamber must be well lit and~~
16 ~~equipped with view ports, a regulator, and a flow meter.~~
17 ~~Monitoring equipment must be used at all times during the~~
18 ~~operation. Animals that are under 4 months of age, old,~~
19 ~~injured, or sick may not be euthanized by carbon monoxide.~~
20 ~~Animals shall remain in the chamber and be exposed for a~~
21 ~~minimum of 20 minutes. Staff members shall be fully notified of~~
22 ~~potential health risks.~~

23 (c) Animals cannot be transported beyond State lines for
24 the sole purpose of euthanasia ~~unless the euthanasia methods~~
25 ~~comply with subsection (a) or (b) of this Section and the~~
26 ~~euthanasia is performed by a certified euthanasia technician.~~

1 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

2 (510 ILCS 72/65)

3 Sec. 65. Refused issuance, suspension, or revocation of
4 certification. The Department shall refuse to renew or shall
5 revoke a euthanasia technician certification and may impose a
6 fine not to exceed \$1,000 for a certified euthanasia technician
7 for any one or combination of the following reasons, each of
8 which is a violation of the Act:

9 (1) Failing to carry out any of the following duties of a
10 euthanasia technician:

11 (A) scanning for microchips or other identification
12 prior to euthanasia;

13 (B) maintaining the security of all controlled
14 substances and drugs;

15 (C) humanely euthanizing animals by intravenous
16 injection by hypodermic needle, intraperitoneal injection
17 by hypodermic needle, solutions or powder added to food or
18 by mouth, intracardiac injection only on comatose animals
19 by hypodermic needle; or

20 (D) verification of death by using a cardiac puncture
21 or stethoscope or by recognizing the signs of rigor mortis.

22 (2) Abusing the use of any controlled or illegal chemical
23 substance.

24 (3) Selling, stealing, or giving controlled or illegal
25 chemical substances away.

1 (4) Abetting anyone in the activities listed in this
2 Section.

3 (5) Violating any provision of the Illinois Animal Welfare
4 Act, the Illinois Humane Care for Animals Act, or the Illinois
5 Controlled Substances Act.

6 (6) Acting as a euthanasia technician outside of the scope
7 of his or her employment with a certified euthanasia agency or
8 while not employed by a certified euthanasia agency. The
9 Department may refuse to issue, renew, or restore a
10 certification or may revoke or suspend a certification, or
11 place on probation, reprimand, impose a fine not to exceed
12 \$1,000 for each violation, or take other disciplinary action as
13 the Department may deem proper with regard to a certified
14 euthanasia agency or a certified euthanasia technician for any
15 one or combination of the following reasons:

16 ~~(1) failing to carry out the duties of a euthanasia~~
17 ~~technician;~~

18 ~~(2) abusing the use of any chemical substance;~~

19 ~~(3) selling, stealing, or giving chemical substances~~
20 ~~away;~~

21 ~~(4) abetting anyone in the activities listed in this~~
22 ~~subsection; or~~

23 ~~(5) violating any provision of this Act, the Illinois~~
24 ~~Controlled Substances Act, the rules adopted under these~~
25 ~~Acts or any rules adopted by the Department of Professional~~
26 ~~Regulation concerning the euthanizing of animals.~~

1 (Source: P.A. 92-449, eff. 1-1-02.)

2 (510 ILCS 72/66 new)

3 Sec. 66. Refused issuance or revocation of euthanasia
4 agency certification. The Department shall refuse to renew or
5 shall revoke a euthanasia agency's certification and may impose
6 a fine not to exceed \$1,000 for any one of the following
7 reasons, each of which is a violation of the Act:

8 (1) Knowingly or willfully allowing a euthanasia
9 technician to perform any of the actions described in Section
10 65 of this Act.

11 (2) Failing to the maintain the security of all controlled
12 substances and drugs.

13 (3) Allowing euthanasia to be performed by an individual
14 other than a certified euthanasia technician, a licensed
15 veterinarian, or an instructor.

16 (4) Failing to comply with the requirements of the Illinois
17 Food, Drug and Cosmetic Act; federal Food, Drug and Cosmetic
18 Act; federal Controlled Substances Act; or the Illinois
19 Controlled Substances Act.

20 (510 ILCS 72/90)

21 Sec. 90. Uncertified practice; civil penalty.

22 (a) A person who practices, offers to practice, attempts to
23 practice, or holds himself or herself out as a certified
24 euthanasia technician or a certified euthanasia agency without

1 being certified under this Act shall, in addition to any other
2 penalty provided by law, pay a civil penalty to the Department
3 in an amount not to exceed \$5,000 for each offense as
4 determined by the Department. The civil penalty shall be
5 assessed by the Department after a hearing is held in
6 accordance with the provisions set forth in this Act regarding
7 the provision of a hearing for the discipline of a certified
8 euthanasia technician or a certified euthanasia agency. The
9 civil penalty must be paid within 60 days after the effective
10 date of the order imposing the civil penalty. The order shall
11 constitute a judgment and may be filed and executed in the same
12 manner as any judgment from any court of record.

13 (b) The Department may investigate any uncertified
14 activity.

15 (c) Instructors or licensed veterinarians teaching humane
16 euthanasia techniques are exempt from the certification
17 process so long as they are currently licensed by another state
18 as a euthanasia technician or as a veterinarian.

19 (Source: P.A. 92-449, eff. 1-1-02.)

20 (510 ILCS 72/91 new)

21 Sec. 91. Criminal penalties. An individual, an agency, or a
22 technician who is found to have violated any one of the
23 following provisions of this Act is guilty of a Class A
24 misdemeanor:

25 (1) Euthanasia technician. Any violation of Section

1 65.

2 (2) Euthanasia agency. An administrator, a director, a
3 manager, or a supervisor of a euthanasia agency who
4 knowingly or willfully violates Section 66.

5 (3) Personal. Any person who practices, offers to
6 practice, attempts to practice, or holds himself, herself,
7 or itself out as a certified euthanasia technician or a
8 certified euthanasia agency without being certified under
9 this Act.

10 On conviction of a second or subsequent offense, the
11 violation is guilty of a Class 4 felony. The Department shall
12 refer any alleged violation of these provision for the purpose
13 of criminal investigation and prosecution to local law
14 enforcement or the Illinois State Police and to the State's
15 Attorney in the county within which the violation occurred or
16 the Illinois Attorney General's office.

17 The Department shall also refer any information it receives
18 that appears to violate the Humane Care for Animals Act for
19 criminal investigation and prosecution to the Illinois State
20 Police and to the State's Attorney in the county within which
21 the violation occurred or the Illinois Attorney General's
22 office.

23 (510 ILCS 72/165 rep.)

24 Section 25. The Humane Euthanasia in Animal Shelters Act is
25 amended by repealing Section 165.

1 Section 30. The Illinois Controlled Substances Act is
2 amended by changing Section 102 as follows:

3 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

4 Sec. 102. Definitions. As used in this Act, unless the
5 context otherwise requires:

6 (a) "Addict" means any person who habitually uses any drug,
7 chemical, substance or dangerous drug other than alcohol so as
8 to endanger the public morals, health, safety or welfare or who
9 is so far addicted to the use of a dangerous drug or controlled
10 substance other than alcohol as to have lost the power of self
11 control with reference to his addiction.

12 (b) "Administer" means the direct application of a
13 controlled substance, whether by injection, inhalation,
14 ingestion, or any other means, to the body of a patient,
15 research subject, or animal (as defined by the Humane Animal
16 Euthanasia in Animal Shelters Act) by:

17 (1) a practitioner (or, in his presence, by his
18 authorized agent),

19 (2) the patient or research subject at the lawful
20 direction of the practitioner, or

21 (3) a euthanasia technician as defined by the Humane
22 Animal Euthanasia in Animal Shelters Act.

23 (c) "Agent" means an authorized person who acts on behalf
24 of or at the direction of a manufacturer, distributor, or

1 dispenser. It does not include a common or contract carrier,
2 public warehouseman or employee of the carrier or warehouseman.

3 (c-1) "Anabolic Steroids" means any drug or hormonal
4 substance, chemically and pharmacologically related to
5 testosterone (other than estrogens, progestins, and
6 corticosteroids) that promotes muscle growth, and includes:

7 (i) boldenone,

8 (ii) chlorotestosterone,

9 (iii) chostebol,

10 (iv) dehydrochlormethyltestosterone,

11 (v) dihydrotestosterone,

12 (vi) drostanolone,

13 (vii) ethylestrenol,

14 (viii) fluoxymesterone,

15 (ix) formebulone,

16 (x) mesterolone,

17 (xi) methandienone,

18 (xii) methandranone,

19 (xiii) methandriol,

20 (xiv) methandrostenolone,

21 (xv) methenolone,

22 (xvi) methyltestosterone,

23 (xvii) mibolerone,

24 (xviii) nandrolone,

25 (xix) norethandrolone,

26 (xx) oxandrolone,

1 (xxi) oxymesterone,
2 (xxii) oxymetholone,
3 (xxiii) stanolone,
4 (xxiv) stanozolol,
5 (xxv) testolactone,
6 (xxvi) testosterone,
7 (xxvii) trenbolone, and
8 (xxviii) any salt, ester, or isomer of a drug or
9 substance described or listed in this paragraph, if
10 that salt, ester, or isomer promotes muscle growth.

11 Any person who is otherwise lawfully in possession of an
12 anabolic steroid, or who otherwise lawfully manufactures,
13 distributes, dispenses, delivers, or possesses with intent to
14 deliver an anabolic steroid, which anabolic steroid is
15 expressly intended for and lawfully allowed to be administered
16 through implants to livestock or other nonhuman species, and
17 which is approved by the Secretary of Health and Human Services
18 for such administration, and which the person intends to
19 administer or have administered through such implants, shall
20 not be considered to be in unauthorized possession or to
21 unlawfully manufacture, distribute, dispense, deliver, or
22 possess with intent to deliver such anabolic steroid for
23 purposes of this Act.

24 (d) "Administration" means the Drug Enforcement
25 Administration, United States Department of Justice, or its
26 successor agency.

1 (e) "Control" means to add a drug or other substance, or
2 immediate precursor, to a Schedule under Article II of this Act
3 whether by transfer from another Schedule or otherwise.

4 (f) "Controlled Substance" means a drug, substance, or
5 immediate precursor in the Schedules of Article II of this Act.

6 (g) "Counterfeit substance" means a controlled substance,
7 which, or the container or labeling of which, without
8 authorization bears the trademark, trade name, or other
9 identifying mark, imprint, number or device, or any likeness
10 thereof, of a manufacturer, distributor, or dispenser other
11 than the person who in fact manufactured, distributed, or
12 dispensed the substance.

13 (h) "Deliver" or "delivery" means the actual, constructive
14 or attempted transfer of possession of a controlled substance,
15 with or without consideration, whether or not there is an
16 agency relationship.

17 (i) "Department" means the Illinois Department of Human
18 Services (as successor to the Department of Alcoholism and
19 Substance Abuse) or its successor agency.

20 (j) "Department of State Police" means the Department of
21 State Police of the State of Illinois or its successor agency.

22 (k) "Department of Corrections" means the Department of
23 Corrections of the State of Illinois or its successor agency.

24 (l) "Department of Professional Regulation" means the
25 Department of Professional Regulation of the State of Illinois
26 or its successor agency.

1 (m) "Depressant" or "stimulant substance" means:

2 (1) a drug which contains any quantity of (i)
3 barbituric acid or any of the salts of barbituric acid
4 which has been designated as habit forming under section
5 502 (d) of the Federal Food, Drug, and Cosmetic Act (21
6 U.S.C. 352 (d)); or

7 (2) a drug which contains any quantity of (i)
8 amphetamine or methamphetamine and any of their optical
9 isomers; (ii) any salt of amphetamine or methamphetamine or
10 any salt of an optical isomer of amphetamine; or (iii) any
11 substance which the Department, after investigation, has
12 found to be, and by rule designated as, habit forming
13 because of its depressant or stimulant effect on the
14 central nervous system; or

15 (3) lysergic acid diethylamide; or

16 (4) any drug which contains any quantity of a substance
17 which the Department, after investigation, has found to
18 have, and by rule designated as having, a potential for
19 abuse because of its depressant or stimulant effect on the
20 central nervous system or its hallucinogenic effect.

21 (n) (Blank).

22 (o) "Director" means the Director of the Department of
23 State Police or the Department of Professional Regulation or
24 his designated agents.

25 (p) "Dispense" means to deliver a controlled substance to
26 an ultimate user or research subject by or pursuant to the

1 lawful order of a prescriber, including the prescribing,
2 administering, packaging, labeling, or compounding necessary
3 to prepare the substance for that delivery.

4 (q) "Dispenser" means a practitioner who dispenses.

5 (r) "Distribute" means to deliver, other than by
6 administering or dispensing, a controlled substance.

7 (s) "Distributor" means a person who distributes.

8 (t) "Drug" means (1) substances recognized as drugs in the
9 official United States Pharmacopoeia, Official Homeopathic
10 Pharmacopoeia of the United States, or official National
11 Formulary, or any supplement to any of them; (2) substances
12 intended for use in diagnosis, cure, mitigation, treatment, or
13 prevention of disease in man or animals; (3) substances (other
14 than food) intended to affect the structure of any function of
15 the body of man or animals and (4) substances intended for use
16 as a component of any article specified in clause (1), (2), or
17 (3) of this subsection. It does not include devices or their
18 components, parts, or accessories.

19 (t-5) "Euthanasia agency" means an entity certified by the
20 Department of Professional Regulation for the purpose of animal
21 euthanasia that holds an animal control facility license or
22 animal shelter license under the Animal Welfare Act. A
23 euthanasia agency is authorized to purchase, store, possess,
24 and utilize Schedule II nonnarcotic and Schedule III
25 nonnarcotic drugs for the sole purpose of animal euthanasia.

26 (t-10) "Euthanasia drugs" means Schedule II or Schedule III

1 substances (nonnarcotic controlled substances) that are used
2 by a euthanasia agency for the purpose of animal euthanasia.

3 (u) "Good faith" means the prescribing or dispensing of a
4 controlled substance by a practitioner in the regular course of
5 professional treatment to or for any person who is under his
6 treatment for a pathology or condition other than that
7 individual's physical or psychological dependence upon or
8 addiction to a controlled substance, except as provided herein:
9 and application of the term to a pharmacist shall mean the
10 dispensing of a controlled substance pursuant to the
11 prescriber's order which in the professional judgment of the
12 pharmacist is lawful. The pharmacist shall be guided by
13 accepted professional standards including, but not limited to
14 the following, in making the judgment:

15 (1) lack of consistency of doctor-patient
16 relationship,

17 (2) frequency of prescriptions for same drug by one
18 prescriber for large numbers of patients,

19 (3) quantities beyond those normally prescribed,

20 (4) unusual dosages,

21 (5) unusual geographic distances between patient,
22 pharmacist and prescriber,

23 (6) consistent prescribing of habit-forming drugs.

24 (u-1) "Home infusion services" means services provided by a
25 pharmacy in compounding solutions for direct administration to
26 a patient in a private residence, long-term care facility, or

1 hospice setting by means of parenteral, intravenous,
2 intramuscular, subcutaneous, or intraspinal infusion.

3 (v) "Immediate precursor" means a substance:

4 (1) which the Department has found to be and by rule
5 designated as being a principal compound used, or produced
6 primarily for use, in the manufacture of a controlled
7 substance;

8 (2) which is an immediate chemical intermediary used or
9 likely to be used in the manufacture of such controlled
10 substance; and

11 (3) the control of which is necessary to prevent,
12 curtail or limit the manufacture of such controlled
13 substance.

14 (w) "Instructional activities" means the acts of teaching,
15 educating or instructing by practitioners using controlled
16 substances within educational facilities approved by the State
17 Board of Education or its successor agency.

18 (x) "Local authorities" means a duly organized State,
19 County or Municipal peace unit or police force.

20 (y) "Look-alike substance" means a substance, other than a
21 controlled substance which (1) by overall dosage unit
22 appearance, including shape, color, size, markings or lack
23 thereof, taste, consistency, or any other identifying physical
24 characteristic of the substance, would lead a reasonable person
25 to believe that the substance is a controlled substance, or (2)
26 is expressly or impliedly represented to be a controlled

1 substance or is distributed under circumstances which would
2 lead a reasonable person to believe that the substance is a
3 controlled substance. For the purpose of determining whether
4 the representations made or the circumstances of the
5 distribution would lead a reasonable person to believe the
6 substance to be a controlled substance under this clause (2) of
7 subsection (y), the court or other authority may consider the
8 following factors in addition to any other factor that may be
9 relevant:

10 (a) statements made by the owner or person in control
11 of the substance concerning its nature, use or effect;

12 (b) statements made to the buyer or recipient that the
13 substance may be resold for profit;

14 (c) whether the substance is packaged in a manner
15 normally used for the illegal distribution of controlled
16 substances;

17 (d) whether the distribution or attempted distribution
18 included an exchange of or demand for money or other
19 property as consideration, and whether the amount of the
20 consideration was substantially greater than the
21 reasonable retail market value of the substance.

22 Clause (1) of this subsection (y) shall not apply to a
23 noncontrolled substance in its finished dosage form that was
24 initially introduced into commerce prior to the initial
25 introduction into commerce of a controlled substance in its
26 finished dosage form which it may substantially resemble.

1 Nothing in this subsection (y) prohibits the dispensing or
2 distributing of noncontrolled substances by persons authorized
3 to dispense and distribute controlled substances under this
4 Act, provided that such action would be deemed to be carried
5 out in good faith under subsection (u) if the substances
6 involved were controlled substances.

7 Nothing in this subsection (y) or in this Act prohibits the
8 manufacture, preparation, propagation, compounding,
9 processing, packaging, advertising or distribution of a drug or
10 drugs by any person registered pursuant to Section 510 of the
11 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

12 (y-1) "Mail-order pharmacy" means a pharmacy that is
13 located in a state of the United States, other than Illinois,
14 that delivers, dispenses or distributes, through the United
15 States Postal Service or other common carrier, to Illinois
16 residents, any substance which requires a prescription.

17 (z) "Manufacture" means the production, preparation,
18 propagation, compounding, conversion or processing of a
19 controlled substance other than methamphetamine, either
20 directly or indirectly, by extraction from substances of
21 natural origin, or independently by means of chemical
22 synthesis, or by a combination of extraction and chemical
23 synthesis, and includes any packaging or repackaging of the
24 substance or labeling of its container, except that this term
25 does not include:

26 (1) by an ultimate user, the preparation or compounding

1 of a controlled substance for his own use; or

2 (2) by a practitioner, or his authorized agent under
3 his supervision, the preparation, compounding, packaging,
4 or labeling of a controlled substance:

5 (a) as an incident to his administering or
6 dispensing of a controlled substance in the course of
7 his professional practice; or

8 (b) as an incident to lawful research, teaching or
9 chemical analysis and not for sale.

10 (z-1) (Blank).

11 (aa) "Narcotic drug" means any of the following, whether
12 produced directly or indirectly by extraction from substances
13 of natural origin, or independently by means of chemical
14 synthesis, or by a combination of extraction and chemical
15 synthesis:

16 (1) opium and opiate, and any salt, compound,
17 derivative, or preparation of opium or opiate;

18 (2) any salt, compound, isomer, derivative, or
19 preparation thereof which is chemically equivalent or
20 identical with any of the substances referred to in clause
21 (1), but not including the isoquinoline alkaloids of opium;

22 (3) opium poppy and poppy straw;

23 (4) coca leaves and any salts, compound, isomer, salt
24 of an isomer, derivative, or preparation of coca leaves
25 including cocaine or ecgonine, and any salt, compound,
26 isomer, derivative, or preparation thereof which is

1 chemically equivalent or identical with any of these
2 substances, but not including decocainized coca leaves or
3 extractions of coca leaves which do not contain cocaine or
4 ecgonine (for the purpose of this paragraph, the term
5 "isomer" includes optical, positional and geometric
6 isomers).

7 (bb) "Nurse" means a registered nurse licensed under the
8 Nurse Practice Act.

9 (cc) (Blank).

10 (dd) "Opiate" means any substance having an addiction
11 forming or addiction sustaining liability similar to morphine
12 or being capable of conversion into a drug having addiction
13 forming or addiction sustaining liability.

14 (ee) "Opium poppy" means the plant of the species *Papaver*
15 *somniferum* L., except its seeds.

16 (ff) "Parole and Pardon Board" means the Parole and Pardon
17 Board of the State of Illinois or its successor agency.

18 (gg) "Person" means any individual, corporation,
19 mail-order pharmacy, government or governmental subdivision or
20 agency, business trust, estate, trust, partnership or
21 association, or any other entity.

22 (hh) "Pharmacist" means any person who holds a license or
23 certificate of registration as a registered pharmacist, a local
24 registered pharmacist or a registered assistant pharmacist
25 under the Pharmacy Practice Act.

26 (ii) "Pharmacy" means any store, ship or other place in

1 which pharmacy is authorized to be practiced under the Pharmacy
2 Practice Act.

3 (jj) "Poppy straw" means all parts, except the seeds, of
4 the opium poppy, after mowing.

5 (kk) "Practitioner" means a physician licensed to practice
6 medicine in all its branches, dentist, optometrist,
7 podiatrist, veterinarian, scientific investigator, pharmacist,
8 physician assistant, advanced practice nurse, licensed
9 practical nurse, registered nurse, hospital, laboratory, or
10 pharmacy, or other person licensed, registered, or otherwise
11 lawfully permitted by the United States or this State to
12 distribute, dispense, conduct research with respect to,
13 administer or use in teaching or chemical analysis, a
14 controlled substance in the course of professional practice or
15 research.

16 (ll) "Pre-printed prescription" means a written
17 prescription upon which the designated drug has been indicated
18 prior to the time of issuance.

19 (mm) "Prescriber" means a physician licensed to practice
20 medicine in all its branches, dentist, optometrist, podiatrist
21 or veterinarian who issues a prescription, a physician
22 assistant who issues a prescription for a Schedule III, IV, or
23 V controlled substance in accordance with Section 303.05 and
24 the written guidelines required under Section 7.5 of the
25 Physician Assistant Practice Act of 1987, or an advanced
26 practice nurse with prescriptive authority delegated under

1 Section 65-40 of the Nurse Practice Act and in accordance with
2 Section 303.05 and a written collaborative agreement under
3 Section 65-35 of the Nurse Practice Act.

4 (nn) "Prescription" means a lawful written, facsimile, or
5 verbal order of a physician licensed to practice medicine in
6 all its branches, dentist, podiatrist or veterinarian for any
7 controlled substance, of an optometrist for a Schedule III, IV,
8 or V controlled substance in accordance with Section 15.1 of
9 the Illinois Optometric Practice Act of 1987, of a physician
10 assistant for a Schedule III, IV, or V controlled substance in
11 accordance with Section 303.05 and the written guidelines
12 required under Section 7.5 of the Physician Assistant Practice
13 Act of 1987, or of an advanced practice nurse with prescriptive
14 authority delegated under Section 65-40 of the Nurse Practice
15 Act who issues a prescription for a Schedule III, IV, or V
16 controlled substance in accordance with Section 303.05 and a
17 written collaborative agreement under Section 65-35 of the
18 Nurse Practice Act.

19 (oo) "Production" or "produce" means manufacture,
20 planting, cultivating, growing, or harvesting of a controlled
21 substance other than methamphetamine.

22 (pp) "Registrant" means every person who is required to
23 register under Section 302 of this Act.

24 (qq) "Registry number" means the number assigned to each
25 person authorized to handle controlled substances under the
26 laws of the United States and of this State.

1 (rr) "State" includes the State of Illinois and any state,
2 district, commonwealth, territory, insular possession thereof,
3 and any area subject to the legal authority of the United
4 States of America.

5 (ss) "Ultimate user" means a person who lawfully possesses
6 a controlled substance for his own use or for the use of a
7 member of his household or for administering to an animal owned
8 by him or by a member of his household.

9 (Source: P.A. 94-556, eff. 9-11-05; 95-242, eff. 1-1-08;
10 95-639, eff. 10-5-07; 95-689, eff. 10-29-07; revised
11 11-19-07.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.