

SB3697



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3697

Introduced 2/10/2012, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

720 ILCS 570/102

from Ch. 56 1/2, par. 1102

Amends the Illinois Controlled Substances Act. Defines "school" as a preschool, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility, or any other elementary or secondary educational agency.

LRB097 18495 RLC 63726 b

A BILL FOR

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 Illinois Controlled Substances Act is
5 amended by changing Section 102 as follows:

6 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

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

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

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

20 (1) a practitioner (or, in his or her presence, by his
21 or her authorized agent),

22 (2) the patient or research subject pursuant to an
23 order, or

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

3 (c) "Agent" means an authorized person who acts on behalf
4 of or at the direction of a manufacturer, distributor,
5 dispenser, prescriber, or practitioner. It does not include a
6 common or contract carrier, public warehouseman or employee of
7 the carrier or warehouseman.

8 (c-1) "Anabolic Steroids" means any drug or hormonal
9 substance, chemically and pharmacologically related to
10 testosterone (other than estrogens, progestins,
11 corticosteroids, and dehydroepiandrosterone), and includes:

- 12 (i) 3[beta] ,17-dihydroxy-5a-androstane,
13 (ii) 3[alpha] ,17[beta] -dihydroxy-5a-androstane,
14 (iii) 5[alpha] -androstane-3,17-dione,
15 (iv) 1-androstenediol (3[beta] ,
16 17[beta] -dihydroxy-5[alpha] -androst-1-ene),
17 (v) 1-androstenediol (3[alpha] ,
18 17[beta] -dihydroxy-5[alpha] -androst-1-ene),
19 (vi) 4-androstenediol
20 (3[beta] ,17[beta] -dihydroxy-androst-4-ene),
21 (vii) 5-androstenediol
22 (3[beta] ,17[beta] -dihydroxy-androst-5-ene),
23 (viii) 1-androstenedione
24 ([5alpha] -androst-1-en-3,17-dione),
25 (ix) 4-androstenedione
26 (androst-4-en-3,17-dione),

- 1 (x) 5-androstenedione
2 (androst-5-en-3,17-dione),
3 (xi) bolasterone (7[alpha] ,17a-dimethyl-17[beta] -
4 hydroxyandrost-4-en-3-one),
5 (xii) boldenone (17[beta] -hydroxyandrost-
6 1,4,-diene-3-one),
7 (xiii) boldione (androsta-1,4-
8 diene-3,17-dione),
9 (xiv) calusterone (7[beta] ,17[alpha] -dimethyl-17
10 [beta] -hydroxyandrost-4-en-3-one),
11 (xv) clostebol (4-chloro-17[beta] -
12 hydroxyandrost-4-en-3-one),
13 (xvi) dehydrochloromethyltestosterone (4-chloro-
14 17[beta] -hydroxy-17[alpha] -methyl-
15 androst-1,4-dien-3-one),
16 (xvii) desoxymethyltestosterone
17 (17[alpha] -methyl-5[alpha]
18 -androst-2-en-17[beta] -ol) (a.k.a., madol),
19 (xviii) [delta] 1-dihydrotestosterone (a.k.a.
20 '1-testosterone') (17[beta] -hydroxy-
21 5[alpha] -androst-1-en-3-one),
22 (xix) 4-dihydrotestosterone (17[beta] -hydroxy-
23 androstan-3-one),
24 (xx) drostanolone (17[beta] -hydroxy-2[alpha] -methyl-
25 5[alpha] -androstan-3-one),
26 (xxi) ethylestrenol (17[alpha] -ethyl-17[beta] -

1 hydroxyestr-4-ene),
2 (xxii) fluoxymesterone (9-fluoro-17[alpha] -methyl-
3 1[beta] ,17[beta] -dihydroxyandrost-4-en-3-one) ,
4 (xxiii) formebolone (2-formyl-17[alpha] -methyl-11[alpha] ,
5 17[beta] -dihydroxyandrost-1,4-dien-3-one) ,
6 (xxiv) furazabol (17[alpha] -methyl-17[beta] -
7 hydroxyandrostano[2,3-c] -furazan) ,
8 (xxv) 13[beta] -ethyl-17[beta] -hydroxygon-4-en-3-one)
9 (xxvi) 4-hydroxytestosterone (4,17[beta] -dihydroxy-
10 androst-4-en-3-one) ,
11 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta] -
12 dihydroxy-estr-4-en-3-one) ,
13 (xxviii) mestanolone (17[alpha] -methyl-17[beta] -
14 hydroxy-5-androstan-3-one) ,
15 (xxix) mesterolone (1amethyl-17[beta] -hydroxy-
16 [5a] -androstan-3-one) ,
17 (xxx) methandienone (17[alpha] -methyl-17[beta] -
18 hydroxyandrost-1,4-dien-3-one) ,
19 (xxxi) methandriol (17[alpha] -methyl-3[beta] ,17[beta] -
20 dihydroxyandrost-5-ene) ,
21 (xxxii) methenolone (1-methyl-17[beta] -hydroxy-
22 5[alpha] -androst-1-en-3-one) ,
23 (xxxiii) 17[alpha] -methyl-3[beta] , 17[beta] -
24 dihydroxy-5a-androstane) ,
25 (xxxiv) 17[alpha] -methyl-3[alpha] ,17[beta] -dihydroxy
26 -5a-androstane) ,

- 1 (xxxv) 17[alpha] -methyl-3[beta] ,17[beta] -
2 dihydroxyandrost-4-ene) ,
3 (xxxvi) 17[alpha] -methyl-4-hydroxynandrolone (17[alpha] -
4 methyl-4-hydroxy-17[beta] -hydroxyestr-4-en-3-one) ,
5 (xxxvii) methyldienolone (17[alpha] -methyl-17[beta] -
6 hydroxyestra-4,9(10)-dien-3-one) ,
7 (xxxviii) methyltrienolone (17[alpha] -methyl-17[beta] -
8 hydroxyestra-4,9-11-trien-3-one) ,
9 (xxxix) methyltestosterone (17[alpha] -methyl-17[beta] -
10 hydroxyandrost-4-en-3-one) ,
11 (xl) mibolerone (7[alpha] ,17a-dimethyl-17[beta] -
12 hydroxyestr-4-en-3-one) ,
13 (xli) 17[alpha] -methyl-[delta] 1-dihydrotestosterone
14 (17b[beta] -hydroxy-17[alpha] -methyl-5[alpha] -
15 androst-1-en-3-one) (a.k.a. '17-[alpha] -methyl-
16 1-testosterone') ,
17 (xlii) nandrolone (17[beta] -hydroxyestr-4-en-3-one) ,
18 (xliii) 19-nor-4-androstenediol (3[beta] , 17[beta] -
19 dihydroxyestr-4-ene) ,
20 (xliv) 19-nor-4-androstenediol (3[alpha] , 17[beta] -
21 dihydroxyestr-4-ene) ,
22 (xlv) 19-nor-5-androstenediol (3[beta] , 17[beta] -
23 dihydroxyestr-5-ene) ,
24 (xlvi) 19-nor-5-androstenediol (3[alpha] , 17[beta] -
25 dihydroxyestr-5-ene) ,
26 (xlvii) 19-nor-4,9(10)-androstadienedione

1 (estra-4,9(10)-diene-3,17-dione),
2 (xlvi) 19-nor-4-androstenedione (estr-4-
3 en-3,17-dione),
4 (xlix) 19-nor-5-androstenedione (estr-5-
5 en-3,17-dione),
6 (l) norbolethone (13[beta] , 17a-diethyl-17[beta] -
7 hydroxygon-4-en-3-one),
8 (li) norclostebol (4-chloro-17[beta] -
9 hydroxyestr-4-en-3-one),
10 (lii) norethandrolone (17[alpha] -ethyl-17[beta] -
11 hydroxyestr-4-en-3-one),
12 (liii) normethandrolone (17[alpha] -methyl-17[beta] -
13 hydroxyestr-4-en-3-one),
14 (liv) oxandrolone (17[alpha] -methyl-17[beta] -hydroxy-
15 2-oxa-5[alpha] -androstan-3-one),
16 (lv) oxymesterone (17[alpha] -methyl-4,17[beta] -
17 dihydroxyandrost-4-en-3-one),
18 (lvi) oxymetholone (17[alpha] -methyl-2-hydroxymethylene-
19 17[beta] -hydroxy-(5[alpha] -androstan-3-one),
20 (lvii) stanozolol (17[alpha] -methyl-17[beta] -hydroxy-
21 (5[alpha] -androst-2-eno[3,2-c] -pyrazole),
22 (lviii) stenbolone (17[beta] -hydroxy-2-methyl-
23 (5[alpha] -androst-1-en-3-one),
24 (lix) testolactone (13-hydroxy-3-oxo-13,17-
25 secoandrosta-1,4-dien-17-
26 oic acid lactone),

- 1 (lx) testosterone (17[beta] -hydroxyandrost-
2 4-en-3-one),
3 (lxi) tetrahydrogestrinone (13[beta] , 17[alpha] -
4 diethyl-17[beta] -hydroxygon-
5 4,9,11-trien-3-one),
6 (lxii) trenbolone (17[beta] -hydroxyestr-4,9,
7 11-trien-3-one).

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

21 (d) "Administration" means the Drug Enforcement
22 Administration, United States Department of Justice, or its
23 successor agency.

24 (d-5) "Clinical Director, Prescription Monitoring Program"
25 means a Department of Human Services administrative employee
26 licensed to either prescribe or dispense controlled substances

1 who shall run the clinical aspects of the Department of Human
2 Services Prescription Monitoring Program and its Prescription
3 Information Library.

4 (d-10) "Compounding" means the preparation and mixing of
5 components, excluding flavorings, (1) as the result of a
6 prescriber's prescription drug order or initiative based on the
7 prescriber-patient-pharmacist relationship in the course of
8 professional practice or (2) for the purpose of, or incident
9 to, research, teaching, or chemical analysis and not for sale
10 or dispensing. "Compounding" includes the preparation of drugs
11 or devices in anticipation of receiving prescription drug
12 orders based on routine, regularly observed dispensing
13 patterns. Commercially available products may be compounded
14 for dispensing to individual patients only if both of the
15 following conditions are met: (i) the commercial product is not
16 reasonably available from normal distribution channels in a
17 timely manner to meet the patient's needs and (ii) the
18 prescribing practitioner has requested that the drug be
19 compounded.

20 (e) "Control" means to add a drug or other substance, or
21 immediate precursor, to a Schedule whether by transfer from
22 another Schedule or otherwise.

23 (f) "Controlled Substance" means (i) a drug, substance, or
24 immediate precursor in the Schedules of Article II of this Act
25 or (ii) a drug or other substance, or immediate precursor,
26 designated as a controlled substance by the Department through

1 administrative rule. The term does not include distilled
2 spirits, wine, malt beverages, or tobacco, as those terms are
3 defined or used in the Liquor Control Act and the Tobacco
4 Products Tax Act.

5 (f-5) "Controlled substance analog" means a substance:

6 (1) the chemical structure of which is substantially
7 similar to the chemical structure of a controlled substance
8 in Schedule I or II;

9 (2) which has a stimulant, depressant, or
10 hallucinogenic effect on the central nervous system that is
11 substantially similar to or greater than the stimulant,
12 depressant, or hallucinogenic effect on the central
13 nervous system of a controlled substance in Schedule I or
14 II; or

15 (3) with respect to a particular person, which such
16 person represents or intends to have a stimulant,
17 depressant, or hallucinogenic effect on the central
18 nervous system that is substantially similar to or greater
19 than the stimulant, depressant, or hallucinogenic effect
20 on the central nervous system of a controlled substance in
21 Schedule I or II.

22 (g) "Counterfeit substance" means a controlled substance,
23 which, or the container or labeling of which, without
24 authorization bears the trademark, trade name, or other
25 identifying mark, imprint, number or device, or any likeness
26 thereof, of a manufacturer, distributor, or dispenser other

1 than the person who in fact manufactured, distributed, or
2 dispensed the substance.

3 (h) "Deliver" or "delivery" means the actual, constructive
4 or attempted transfer of possession of a controlled substance,
5 with or without consideration, whether or not there is an
6 agency relationship.

7 (i) "Department" means the Illinois Department of Human
8 Services (as successor to the Department of Alcoholism and
9 Substance Abuse) or its successor agency.

10 (j) (Blank).

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

13 (l) "Department of Financial and Professional Regulation"
14 means the Department of Financial and Professional Regulation
15 of the State of Illinois or its successor agency.

16 (m) "Depressant" means any drug that (i) causes an overall
17 depression of central nervous system functions, (ii) causes
18 impaired consciousness and awareness, and (iii) can be
19 habit-forming or lead to a substance abuse problem, including
20 but not limited to alcohol, cannabis and its active principles
21 and their analogs, benzodiazepines and their analogs,
22 barbiturates and their analogs, opioids (natural and
23 synthetic) and their analogs, and chloral hydrate and similar
24 sedative hypnotics.

25 (n) (Blank).

26 (o) "Director" means the Director of the Illinois State

1 Police or his or her designated agents.

2 (p) "Dispense" means to deliver a controlled substance to
3 an ultimate user or research subject by or pursuant to the
4 lawful order of a prescriber, including the prescribing,
5 administering, packaging, labeling, or compounding necessary
6 to prepare the substance for that delivery.

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

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

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

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

22 (t-5) "Euthanasia agency" means an entity certified by the
23 Department of Financial and Professional Regulation for the
24 purpose of animal euthanasia that holds an animal control
25 facility license or animal shelter license under the Animal
26 Welfare Act. A euthanasia agency is authorized to purchase,

1 store, possess, and utilize Schedule II nonnarcotic and
2 Schedule III nonnarcotic drugs for the sole purpose of animal
3 euthanasia.

4 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
5 substances (nonnarcotic controlled substances) that are used
6 by a euthanasia agency for the purpose of animal euthanasia.

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

19 (1) lack of consistency of prescriber-patient
20 relationship,

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

23 (3) quantities beyond those normally prescribed,

24 (4) unusual dosages (recognizing that there may be
25 clinical circumstances where more or less than the usual
26 dose may be used legitimately),

1 (5) unusual geographic distances between patient,
2 pharmacist and prescriber,

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

4 (u-0.5) "Hallucinogen" means a drug that causes markedly
5 altered sensory perception leading to hallucinations of any
6 type.

7 (u-1) "Home infusion services" means services provided by a
8 pharmacy in compounding solutions for direct administration to
9 a patient in a private residence, long-term care facility, or
10 hospice setting by means of parenteral, intravenous,
11 intramuscular, subcutaneous, or intraspinal infusion.

12 (u-5) "Illinois State Police" means the State Police of the
13 State of Illinois, or its successor agency.

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

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

19 (2) which is an immediate chemical intermediary used or
20 likely to be used in the manufacture of such controlled
21 substance; and

22 (3) the control of which is necessary to prevent,
23 curtail or limit the manufacture of such controlled
24 substance.

25 (w) "Instructional activities" means the acts of teaching,
26 educating or instructing by practitioners using controlled

1 substances within educational facilities approved by the State
2 Board of Education or its successor agency.

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

5 (y) "Look-alike substance" means a substance, other than a
6 controlled substance which (1) by overall dosage unit
7 appearance, including shape, color, size, markings or lack
8 thereof, taste, consistency, or any other identifying physical
9 characteristic of the substance, would lead a reasonable person
10 to believe that the substance is a controlled substance, or (2)
11 is expressly or impliedly represented to be a controlled
12 substance or is distributed under circumstances which would
13 lead a reasonable person to believe that the substance is a
14 controlled substance. For the purpose of determining whether
15 the representations made or the circumstances of the
16 distribution would lead a reasonable person to believe the
17 substance to be a controlled substance under this clause (2) of
18 subsection (y), the court or other authority may consider the
19 following factors in addition to any other factor that may be
20 relevant:

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

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

25 (c) whether the substance is packaged in a manner
26 normally used for the illegal distribution of controlled

1 substances;

2 (d) whether the distribution or attempted distribution
3 included an exchange of or demand for money or other
4 property as consideration, and whether the amount of the
5 consideration was substantially greater than the
6 reasonable retail market value of the substance.

7 Clause (1) of this subsection (y) shall not apply to a
8 noncontrolled substance in its finished dosage form that was
9 initially introduced into commerce prior to the initial
10 introduction into commerce of a controlled substance in its
11 finished dosage form which it may substantially resemble.

12 Nothing in this subsection (y) prohibits the dispensing or
13 distributing of noncontrolled substances by persons authorized
14 to dispense and distribute controlled substances under this
15 Act, provided that such action would be deemed to be carried
16 out in good faith under subsection (u) if the substances
17 involved were controlled substances.

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

23 (y-1) "Mail-order pharmacy" means a pharmacy that is
24 located in a state of the United States that delivers,
25 dispenses or distributes, through the United States Postal
26 Service or other common carrier, to Illinois residents, any

1 substance which requires a prescription.

2 (z) "Manufacture" means the production, preparation,
3 propagation, compounding, conversion or processing of a
4 controlled substance other than methamphetamine, either
5 directly or indirectly, by extraction from substances of
6 natural origin, or independently by means of chemical
7 synthesis, or by a combination of extraction and chemical
8 synthesis, and includes any packaging or repackaging of the
9 substance or labeling of its container, except that this term
10 does not include:

11 (1) by an ultimate user, the preparation or compounding
12 of a controlled substance for his or her own use; or

13 (2) by a practitioner, or his or her authorized agent
14 under his or her supervision, the preparation,
15 compounding, packaging, or labeling of a controlled
16 substance:

17 (a) as an incident to his or her administering or
18 dispensing of a controlled substance in the course of
19 his or her professional practice; or

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

22 (z-1) (Blank).

23 (z-5) "Medication shopping" means the conduct prohibited
24 under subsection (a) of Section 314.5 of this Act.

25 (z-10) "Mid-level practitioner" means (i) a physician
26 assistant who has been delegated authority to prescribe through

1 a written delegation of authority by a physician licensed to
2 practice medicine in all of its branches, in accordance with
3 Section 7.5 of the Physician Assistant Practice Act of 1987,
4 (ii) an advanced practice nurse who has been delegated
5 authority to prescribe through a written delegation of
6 authority by a physician licensed to practice medicine in all
7 of its branches or by a podiatrist, in accordance with Section
8 65-40 of the Nurse Practice Act, or (iii) an animal euthanasia
9 agency.

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

15 (1) opium, opiates, derivatives of opium and opiates,
16 including their isomers, esters, ethers, salts, and salts
17 of isomers, esters, and ethers, whenever the existence of
18 such isomers, esters, ethers, and salts is possible within
19 the specific chemical designation; however the term
20 "narcotic drug" does not include the isoquinoline
21 alkaloids of opium;

22 (2) (blank);

23 (3) opium poppy and poppy straw;

24 (4) coca leaves, except coca leaves and extracts of
25 coca leaves from which substantially all of the cocaine and
26 ecgonine, and their isomers, derivatives and salts, have

1 been removed;

2 (5) cocaine, its salts, optical and geometric isomers,
3 and salts of isomers;

4 (6) ecgonine, its derivatives, their salts, isomers,
5 and salts of isomers;

6 (7) any compound, mixture, or preparation which
7 contains any quantity of any of the substances referred to
8 in subparagraphs (1) through (6).

9 (bb) "Nurse" means a registered nurse licensed under the
10 Nurse Practice Act.

11 (cc) (Blank).

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

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

18 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
19 solution or other liquid form of medication intended for
20 administration by mouth, but the term does not include a form
21 of medication intended for buccal, sublingual, or transmucosal
22 administration.

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

25 (gg) "Person" means any individual, corporation,
26 mail-order pharmacy, government or governmental subdivision or

1 agency, business trust, estate, trust, partnership or
2 association, or any other entity.

3 (hh) "Pharmacist" means any person who holds a license or
4 certificate of registration as a registered pharmacist, a local
5 registered pharmacist or a registered assistant pharmacist
6 under the Pharmacy Practice Act.

7 (ii) "Pharmacy" means any store, shop or other place in
8 which pharmacy is authorized to be practiced under the Pharmacy
9 Practice Act.

10 (ii-5) "Pharmacy shopping" means the conduct prohibited
11 under subsection (b) of Section 314.5 of this Act.

12 (ii-10) "Physician" (except when the context otherwise
13 requires) means a person licensed to practice medicine in all
14 of its branches.

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

17 (kk) "Practitioner" means a physician licensed to practice
18 medicine in all its branches, dentist, optometrist,
19 podiatrist, veterinarian, scientific investigator, pharmacist,
20 physician assistant, advanced practice nurse, licensed
21 practical nurse, registered nurse, hospital, laboratory, or
22 pharmacy, or other person licensed, registered, or otherwise
23 lawfully permitted by the United States or this State to
24 distribute, dispense, conduct research with respect to,
25 administer or use in teaching or chemical analysis, a
26 controlled substance in the course of professional practice or

1 research.

2 (ll) "Pre-printed prescription" means a written
3 prescription upon which the designated drug has been indicated
4 prior to the time of issuance; the term does not mean a written
5 prescription that is individually generated by machine or
6 computer in the prescriber's office.

7 (mm) "Prescriber" means a physician licensed to practice
8 medicine in all its branches, dentist, optometrist, podiatrist
9 or veterinarian who issues a prescription, a physician
10 assistant who issues a prescription for a controlled substance
11 in accordance with Section 303.05, a written delegation, and a
12 written supervision agreement required under Section 7.5 of the
13 Physician Assistant Practice Act of 1987, or an advanced
14 practice nurse with prescriptive authority delegated under
15 Section 65-40 of the Nurse Practice Act and in accordance with
16 Section 303.05, a written delegation, and a written
17 collaborative agreement under Section 65-35 of the Nurse
18 Practice Act.

19 (nn) "Prescription" means a written, facsimile, or oral
20 order, or an electronic order that complies with applicable
21 federal requirements, of a physician licensed to practice
22 medicine in all its branches, dentist, podiatrist or
23 veterinarian for any controlled substance, of an optometrist
24 for a Schedule III, IV, or V controlled substance in accordance
25 with Section 15.1 of the Illinois Optometric Practice Act of
26 1987, of a physician assistant for a controlled substance in

1 accordance with Section 303.05, a written delegation, and a
2 written supervision agreement required under Section 7.5 of the
3 Physician Assistant Practice Act of 1987, or of an advanced
4 practice nurse with prescriptive authority delegated under
5 Section 65-40 of the Nurse Practice Act who issues a
6 prescription for a controlled substance in accordance with
7 Section 303.05, a written delegation, and a written
8 collaborative agreement under Section 65-35 of the Nurse
9 Practice Act when required by law.

10 (nn-5) "Prescription Information Library" (PIL) means an
11 electronic library that contains reported controlled substance
12 data.

13 (nn-10) "Prescription Monitoring Program" (PMP) means the
14 entity that collects, tracks, and stores reported data on
15 controlled substances and select drugs pursuant to Section 316.

16 (oo) "Production" or "produce" means manufacture,
17 planting, cultivating, growing, or harvesting of a controlled
18 substance other than methamphetamine.

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

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

24 (qq-1) "School" means a preschool, kindergarten, nursery,
25 elementary or secondary educational institution, vocational
26 school, special educational facility, or any other elementary

1 or secondary educational agency.

2 (qq-5) "Secretary" means, as the context requires, either
3 the Secretary of the Department or the Secretary of the
4 Department of Financial and Professional Regulation, and the
5 Secretary's designated agents.

6 (rr) "State" includes the State of Illinois and any state,
7 district, commonwealth, territory, insular possession thereof,
8 and any area subject to the legal authority of the United
9 States of America.

10 (rr-5) "Stimulant" means any drug that (i) causes an
11 overall excitation of central nervous system functions, (ii)
12 causes impaired consciousness and awareness, and (iii) can be
13 habit-forming or lead to a substance abuse problem, including
14 but not limited to amphetamines and their analogs,
15 methylphenidate and its analogs, cocaine, and phencyclidine
16 and its analogs.

17 (ss) "Ultimate user" means a person who lawfully possesses
18 a controlled substance for his or her own use or for the use of
19 a member of his or her household or for administering to an
20 animal owned by him or her or by a member of his or her
21 household.

22 (Source: P.A. 96-189, eff. 8-10-09; 96-268, eff. 8-11-09;
23 97-334, eff. 1-1-12.)