



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 3502

2 AMENDMENT NO. _____. Amend Senate Bill 3502 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section
5 5-1140 as follows:

6 (55 ILCS 5/5-1140 new)

7 Sec. 5-1140. Ephedrine and pseudoephedrine.

8 (a) Notwithstanding any provision of law to the contrary,
9 the county board or board of county commissioners of a county
10 may by ordinance provide that products containing any amount of
11 ephedrine or pseudoephedrine may only be dispensed pursuant to
12 the prescription order of a practitioner, regardless of whether
13 the product in question is marketed as an over-the-counter drug
14 product. Upon the adoption of such an ordinance, products
15 containing any amount of ephedrine or pseudoephedrine may be
16 dispensed in that county only pursuant to Sections 312 and 313

1 of the Illinois Controlled Substances Act, without regard to
2 the corporate limits of any municipality.

3 (b) In a county where an ordinance has been adopted under
4 this Section, a person who, on or after the effective date of
5 the ordinance, receives a product containing any amount of
6 ephedrine or pseudoephedrine that was dispensed other than
7 pursuant to the prescription order of a practitioner shall be
8 guilty of a Class A misdemeanor for a first offense, and a
9 Class 4 felony for a second or subsequent offense.

10 (c) A home rule unit may not regulate ephedrine or
11 pseudoephedrine in a manner inconsistent with this Section or
12 with an ordinance adopted under this Section. This subsection
13 (c) is a limitation under subsection (i) of Section 6 of
14 Article VII of the Illinois Constitution on the concurrent
15 exercise by home rule units of powers and functions exercised
16 by the State.

17 (d) For purposes of this Section:

18 "Dispense", "practitioner", and "prescription" have the
19 meanings provided in Section 102 of the Illinois Controlled
20 Substances Act.

21 "Over-the-counter drug product" means a drug that is, apart
22 from the adoption of an ordinance under this Section, available
23 to consumers without a prescription and sold in compliance with
24 the safety and labeling standards as set forth by the United
25 States Food and Drug Administration.

1 Section 10. The Illinois Controlled Substances Act is
2 amended by adding Section 604 as follows:

3 (720 ILCS 570/604 new)

4 Sec. 604. Ephedrine and pseudoephedrine; county
5 ordinances.

6 (a) Notwithstanding any provision of law to the contrary,
7 in those counties that have by ordinance restricted sales of
8 ephedrine and pseudoephedrine under Section 5-1140 of the
9 Counties Code, no product containing any amount of ephedrine or
10 pseudoephedrine may be dispensed other than pursuant to a
11 prescription order of a practitioner, regardless of whether the
12 product in question is marketed as an over-the-counter drug
13 product. Upon the adoption of such an ordinance, products
14 containing any amount of ephedrine or pseudoephedrine may be
15 dispensed in that county only pursuant to Sections 312 and 313
16 of this Act, without regard to the corporate limits of any
17 municipality.

18 (b) In a county where an ordinance has been adopted under
19 Section 5-1140 of the Counties Code, a person who, on or after
20 the effective date of the ordinance, receives a product
21 containing any amount of ephedrine or pseudoephedrine that was
22 dispensed other than pursuant to the prescription order of a
23 practitioner shall be guilty of a Class A misdemeanor for a
24 first offense, and a Class 4 felony for a second or subsequent
25 offense.

1 (c) A home rule unit may not regulate ephedrine or
2 pseudoephedrine in a manner inconsistent with this Section or
3 with an ordinance adopted under this Section. This subsection
4 (c) is a limitation under subsection (i) of Section 6 of
5 Article VII of the Illinois Constitution on the concurrent
6 exercise by home rule units of powers and functions exercised
7 by the State.

8 (d) For the purposes of this Section, "over-the-counter
9 drug product" means a drug that is, apart from the adoption of
10 an ordinance under Section 5-1140 of the Counties Code,
11 available to consumers without a prescription and sold in
12 compliance with the safety and labeling standards as set forth
13 by the United States Food and Drug Administration.

14 Section 15. The Methamphetamine Precursor Control Act is
15 amended by changing Sections 20 and 25 as follows:

16 (720 ILCS 648/20)

17 Sec. 20. Restrictions on purchase, receipt, or
18 acquisition.

19 (a) Except as provided in subsection (e) of this Section,
20 any person 18 years of age or older wishing to purchase,
21 receive, or otherwise acquire a targeted methamphetamine
22 precursor shall, prior to taking possession of the targeted
23 methamphetamine precursor:

24 (1) provide a driver's license or other

1 government-issued identification showing the person's
2 name, date of birth, and photograph; and

3 (2) sign a log documenting the name and address of the
4 person, date and time of the transaction, and brand and
5 product name and total quantity distributed of ephedrine or
6 pseudoephedrine, their salts, or optical isomers, or salts
7 of optical isomers.

8 (b) Except as provided in subsection (e) of this Section,
9 no person shall knowingly purchase, receive, or otherwise
10 acquire, within any 30-day period products containing more than
11 a total of 7,500 milligrams of ephedrine or pseudoephedrine,
12 their salts or optical isomers, or salts of optical isomers.

13 (c) Except as provided in subsections (d) and (e) of this
14 Section, no person shall knowingly purchase, receive, or
15 otherwise acquire more than 2 targeted packages in a single
16 retail transaction.

17 (d) Except as provided in subsection (e) of this Section,
18 no person shall knowingly purchase, receive, or otherwise
19 acquire more than one convenience package from a retail
20 location other than a pharmacy counter in a 24-hour period.

21 (e) This Section shall not apply to any person who
22 purchases, receives, or otherwise acquires a targeted
23 methamphetamine precursor for the purpose of dispensing,
24 distributing, or administering it in a lawful manner described
25 in subsection (e) of Section 15 of this Act.

26 (f) A person shall not knowingly procure a targeted

1 methamphetamine precursor for a third party for the purpose of
2 evading this Act, the Illinois Controlled Substances Act, or
3 the Methamphetamine Control and Community Protection Act.

4 (g) This Section is also subject to the limitations of
5 ordinances adopted under Section 5-1140 of the Counties Code.

6 (Source: P.A. 98-371, eff. 8-16-13.)

7 (720 ILCS 648/25)

8 Sec. 25. Pharmacies.

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

13 If a county has adopted an ordinance under Section 5-1140
14 of the Counties Code, then no methamphetamine precursor
15 containing ephedrine or pseudoephedrine may be dispensed under
16 this Section unless the requirements of Sections 312 and 313 of
17 the Illinois Controlled Substances Act have also been met.

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

1 optical isomers, or salts of optical isomers.

2 (c) The targeted methamphetamine precursor shall be stored
3 behind the pharmacy counter and distributed by a pharmacist or
4 pharmacy technician licensed under the Pharmacy Practice Act,
5 or by an agent of the pharmacist or pharmacy technician.

6 (d) Any retail distributor operating a pharmacy, and any
7 pharmacist or pharmacy technician involved in the transaction
8 or transactions, shall ensure that any person purchasing,
9 receiving, or otherwise acquiring the targeted methamphetamine
10 precursor complies with subsection (a) of Section 20 of this
11 Act.

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

15 (1) The person purchasing, receiving, or otherwise
16 acquiring the targeted methamphetamine precursor is 18
17 years of age or older and resembles the photograph of the
18 person on the government-issued identification presented
19 by the person; and

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

24 (f) The logs referred to in subsection (a) of Section 20 of
25 this Act shall be kept confidential, maintained for not less
26 than 4 years, and made available for inspection and copying by

1 any law enforcement officer upon request of that officer. These
2 logs shall be kept in an electronic format as required by the
3 Methamphetamine Precursor Tracking Act.

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

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

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

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

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

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

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

17 (Source: P.A. 96-50, eff. 10-21-09; 97-670, eff. 1-19-12.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."