

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 1. Short title. This Act may be cited as the Bath  
5 Salts Prohibition Act.

6 Section 5. Findings. The General Assembly finds the  
7 following:

8 (1) Synthetic cathinones, currently a Schedule I  
9 controlled substance under State and federal law, are often  
10 labeled, marketed, and sold as various products: most notably,  
11 "bath salts", but also "plant food", "jewelry cleaner", "phone  
12 screen cleaner", and "carpet deodorizer".

13 (2) Unlike traditional cosmetic bath salts, which are made  
14 to be added to bath water, toxic bath salt products have no  
15 legitimate use for bathing and are produced specifically for  
16 recreational drug abusers as substitutes for cocaine, ecstasy  
17 (MDMA), and amphetamines.

18 (3) Bath salt products are commonly sold online as well as  
19 at drug paraphernalia stores commonly known as "head" shops,  
20 tobacco shops, convenience stores, adult book stores, gas  
21 stations, and truck stops.

22 (4) The abuse of synthetic stimulant drugs known as "bath  
23 salts" has become a major public health threat across the

1 United States.

2 (5) Case reports and clinical studies have shown that the  
3 use of synthetic cathinones can cause severe psychiatric  
4 symptoms and possibly death.

5 (6) Forty-four states have passed laws prohibiting  
6 synthetic cathinones.

7 Section 10. Purpose. The purpose of this Act is to ban the  
8 sale of all synthetic cathinones sold under the disguise of  
9 legitimate products such as "bath salts" and other various  
10 labels in this State in order to protect the health and public  
11 safety of residents of this State.

12 Section 15. Definitions. As used in this Act:

13 "Bath salts" means any synthetic or natural material  
14 containing any quantity of a cathinone chemical structure,  
15 including any analogs, salts, isomers, or salts of isomers of  
16 any synthetic or natural material containing a cathinone  
17 chemical structure. This includes, but is not limited to,  
18 synthetic cathinones as defined in subsection (h) of Section  
19 204 of the Illinois Controlled Substances Act, and any related  
20 "controlled substance analog" as defined in Section 402 of the  
21 Illinois Controlled Substances Act, regardless of how the  
22 product is labeled or marketed.

23 "Person" means any natural person, individual,  
24 corporation, unincorporated association, proprietorship, firm,

1 partnership, joint venture, joint stock association, or any  
2 other business organization or entity.

3 "Retail mercantile establishment" has the meaning ascribed  
4 to it in Section 16-0.1 of the Criminal Code of 2012.

5 Section 20. Prohibition. A person may not sell or offer  
6 for sale any bath salts in a retail mercantile establishment  
7 located within this State.

8 Section 25. Penalties. Any person who violates this Act is  
9 guilty of a Class 3 felony for which a fine of not more than  
10 \$150,000 may be imposed. In addition to any other penalty that  
11 may be imposed for a violation of this Act, the unit of local  
12 government that issued a retailer's license for the retail  
13 mercantile establishment whose merchant violated this Act may  
14 revoke the retailer's license of that retail mercantile  
15 establishment upon conviction for a violation of this Act.

16 Section 105. The Illinois Controlled Substances Act is  
17 amended by changing Section 401 as follows:

18 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

19 Sec. 401. Manufacture or delivery, or possession with  
20 intent to manufacture or deliver, a controlled substance, a  
21 counterfeit substance, or controlled substance analog. Except  
22 as authorized by this Act, it is unlawful for any person

1 knowingly to manufacture or deliver, or possess with intent to  
2 manufacture or deliver, a controlled substance other than  
3 methamphetamine and other than bath salts as defined in the  
4 Bath Salts Prohibition Act sold or offered for sale in a retail  
5 mercantile establishment as defined in Section 16-0.1 of the  
6 Criminal Code of 2012, a counterfeit substance, or a controlled  
7 substance analog. A violation of this Act with respect to each  
8 of the controlled substances listed herein constitutes a single  
9 and separate violation of this Act. For purposes of this  
10 Section, "controlled substance analog" or "analog" means a  
11 substance, other than a controlled substance, that has a  
12 chemical structure substantially similar to that of a  
13 controlled substance in Schedule I or II, or that was  
14 specifically designed to produce an effect substantially  
15 similar to that of a controlled substance in Schedule I or II.  
16 Examples of chemical classes in which controlled substance  
17 analogs are found include, but are not limited to, the  
18 following: phenethylamines, N-substituted piperidines,  
19 morphinans, ecgonines, quinazolinones, substituted indoles,  
20 and arylcycloalkylamines. For purposes of this Act, a  
21 controlled substance analog shall be treated in the same manner  
22 as the controlled substance to which it is substantially  
23 similar.

24 (a) Any person who violates this Section with respect to  
25 the following amounts of controlled or counterfeit substances  
26 or controlled substance analogs, notwithstanding any of the

1 provisions of subsections (c), (d), (e), (f), (g) or (h) to the  
2 contrary, is guilty of a Class X felony and shall be sentenced  
3 to a term of imprisonment as provided in this subsection (a)  
4 and fined as provided in subsection (b):

5 (1) (A) not less than 6 years and not more than 30  
6 years with respect to 15 grams or more but less than  
7 100 grams of a substance containing heroin, or an  
8 analog thereof;

9 (B) not less than 9 years and not more than 40  
10 years with respect to 100 grams or more but less than  
11 400 grams of a substance containing heroin, or an  
12 analog thereof;

13 (C) not less than 12 years and not more than 50  
14 years with respect to 400 grams or more but less than  
15 900 grams of a substance containing heroin, or an  
16 analog thereof;

17 (D) not less than 15 years and not more than 60  
18 years with respect to 900 grams or more of any  
19 substance containing heroin, or an analog thereof;

20 (1.5) (A) not less than 6 years and not more than 30  
21 years with respect to 15 grams or more but less than  
22 100 grams of a substance containing fentanyl, or an  
23 analog thereof;

24 (B) not less than 9 years and not more than 40  
25 years with respect to 100 grams or more but less than  
26 400 grams of a substance containing fentanyl, or an

1 analog thereof;

2 (C) not less than 12 years and not more than 50  
3 years with respect to 400 grams or more but less than  
4 900 grams of a substance containing fentanyl, or an  
5 analog thereof;

6 (D) not less than 15 years and not more than 60  
7 years with respect to 900 grams or more of a substance  
8 containing fentanyl, or an analog thereof;

9 (2) (A) not less than 6 years and not more than 30  
10 years with respect to 15 grams or more but less than  
11 100 grams of a substance containing cocaine, or an  
12 analog thereof;

13 (B) not less than 9 years and not more than 40  
14 years with respect to 100 grams or more but less than  
15 400 grams of a substance containing cocaine, or an  
16 analog thereof;

17 (C) not less than 12 years and not more than 50  
18 years with respect to 400 grams or more but less than  
19 900 grams of a substance containing cocaine, or an  
20 analog thereof;

21 (D) not less than 15 years and not more than 60  
22 years with respect to 900 grams or more of any  
23 substance containing cocaine, or an analog thereof;

24 (3) (A) not less than 6 years and not more than 30  
25 years with respect to 15 grams or more but less than  
26 100 grams of a substance containing morphine, or an

1 analog thereof;

2 (B) not less than 9 years and not more than 40  
3 years with respect to 100 grams or more but less than  
4 400 grams of a substance containing morphine, or an  
5 analog thereof;

6 (C) not less than 12 years and not more than 50  
7 years with respect to 400 grams or more but less than  
8 900 grams of a substance containing morphine, or an  
9 analog thereof;

10 (D) not less than 15 years and not more than 60  
11 years with respect to 900 grams or more of a substance  
12 containing morphine, or an analog thereof;

13 (4) 200 grams or more of any substance containing  
14 peyote, or an analog thereof;

15 (5) 200 grams or more of any substance containing a  
16 derivative of barbituric acid or any of the salts of a  
17 derivative of barbituric acid, or an analog thereof;

18 (6) 200 grams or more of any substance containing  
19 amphetamine or any salt of an optical isomer of  
20 amphetamine, or an analog thereof;

21 (6.5) (blank);

22 (6.6) (blank);

23 (7) (A) not less than 6 years and not more than 30  
24 years with respect to: (i) 15 grams or more but less  
25 than 100 grams of a substance containing lysergic acid  
26 diethylamide (LSD), or an analog thereof, or (ii) 15 or

1 more objects or 15 or more segregated parts of an  
2 object or objects but less than 200 objects or 200  
3 segregated parts of an object or objects containing in  
4 them or having upon them any amounts of any substance  
5 containing lysergic acid diethylamide (LSD), or an  
6 analog thereof;

7 (B) not less than 9 years and not more than 40  
8 years with respect to: (i) 100 grams or more but less  
9 than 400 grams of a substance containing lysergic acid  
10 diethylamide (LSD), or an analog thereof, or (ii) 200  
11 or more objects or 200 or more segregated parts of an  
12 object or objects but less than 600 objects or less  
13 than 600 segregated parts of an object or objects  
14 containing in them or having upon them any amount of  
15 any substance containing lysergic acid diethylamide  
16 (LSD), or an analog thereof;

17 (C) not less than 12 years and not more than 50  
18 years with respect to: (i) 400 grams or more but less  
19 than 900 grams of a substance containing lysergic acid  
20 diethylamide (LSD), or an analog thereof, or (ii) 600  
21 or more objects or 600 or more segregated parts of an  
22 object or objects but less than 1500 objects or 1500  
23 segregated parts of an object or objects containing in  
24 them or having upon them any amount of any substance  
25 containing lysergic acid diethylamide (LSD), or an  
26 analog thereof;



1 (D) not less than 15 years and not more than 60  
2 years with respect to: (i) 900 grams or more of any  
3 substance containing lysergic acid diethylamide (LSD),  
4 or an analog thereof, or (ii) 1500 or more objects or  
5 1500 or more segregated parts of an object or objects  
6 containing in them or having upon them any amount of a  
7 substance containing lysergic acid diethylamide (LSD),  
8 or an analog thereof;

9 (7.5) (A) not less than 6 years and not more than 30  
10 years with respect to: (i) 15 grams or more but less  
11 than 100 grams of a substance listed in paragraph (1),  
12 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
13 (21), (25), or (26) of subsection (d) of Section 204,  
14 or an analog or derivative thereof, or (ii) 15 or more  
15 pills, tablets, caplets, capsules, or objects but less  
16 than 200 pills, tablets, caplets, capsules, or objects  
17 containing in them or having upon them any amounts of  
18 any substance listed in paragraph (1), (2), (2.1),  
19 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or  
20 (26) of subsection (d) of Section 204, or an analog or  
21 derivative thereof;

22 (B) not less than 9 years and not more than 40  
23 years with respect to: (i) 100 grams or more but less  
24 than 400 grams of a substance listed in paragraph (1),  
25 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
26 (21), (25), or (26) of subsection (d) of Section 204,

1 or an analog or derivative thereof, or (ii) 200 or more  
2 pills, tablets, caplets, capsules, or objects but less  
3 than 600 pills, tablets, caplets, capsules, or objects  
4 containing in them or having upon them any amount of  
5 any substance listed in paragraph (1), (2), (2.1),  
6 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or  
7 (26) of subsection (d) of Section 204, or an analog or  
8 derivative thereof;

9 (C) not less than 12 years and not more than 50  
10 years with respect to: (i) 400 grams or more but less  
11 than 900 grams of a substance listed in paragraph (1),  
12 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
13 (21), (25), or (26) of subsection (d) of Section 204,  
14 or an analog or derivative thereof, or (ii) 600 or more  
15 pills, tablets, caplets, capsules, or objects but less  
16 than 1,500 pills, tablets, caplets, capsules, or  
17 objects containing in them or having upon them any  
18 amount of any substance listed in paragraph (1), (2),  
19 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),  
20 (25), or (26) of subsection (d) of Section 204, or an  
21 analog or derivative thereof;

22 (D) not less than 15 years and not more than 60  
23 years with respect to: (i) 900 grams or more of any  
24 substance listed in paragraph (1), (2), (2.1), (2.2),  
25 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of  
26 subsection (d) of Section 204, or an analog or

1 derivative thereof, or (ii) 1,500 or more pills,  
2 tablets, caplets, capsules, or objects containing in  
3 them or having upon them any amount of a substance  
4 listed in paragraph (1), (2), (2.1), (2.2), (3),  
5 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
6 subsection (d) of Section 204, or an analog or  
7 derivative thereof;

8 (8) 30 grams or more of any substance containing  
9 pentazocine or any of the salts, isomers and salts of  
10 isomers of pentazocine, or an analog thereof;

11 (9) 30 grams or more of any substance containing  
12 methaqualone or any of the salts, isomers and salts of  
13 isomers of methaqualone, or an analog thereof;

14 (10) 30 grams or more of any substance containing  
15 phencyclidine or any of the salts, isomers and salts of  
16 isomers of phencyclidine (PCP), or an analog thereof;

17 (10.5) 30 grams or more of any substance containing  
18 ketamine or any of the salts, isomers and salts of isomers  
19 of ketamine, or an analog thereof;

20 (10.6) 100 grams or more of any substance containing  
21 hydrocodone, or any of the salts, isomers and salts of  
22 isomers of hydrocodone, or an analog thereof;

23 (10.7) 100 grams or more of any substance containing  
24 dihydrocodeinone, or any of the salts, isomers and salts of  
25 isomers of dihydrocodeinone, or an analog thereof;

26 (10.8) 100 grams or more of any substance containing

1 dihydrocodeine, or any of the salts, isomers and salts of  
2 isomers of dihydrocodeine, or an analog thereof;

3 (10.9) 100 grams or more of any substance containing  
4 oxycodone, or any of the salts, isomers and salts of  
5 isomers of oxycodone, or an analog thereof;

6 (11) 200 grams or more of any substance containing any  
7 other controlled substance classified in Schedules I or II,  
8 or an analog thereof, which is not otherwise included in  
9 this subsection.

10 (b) Any person sentenced with respect to violations of  
11 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
12 involving 100 grams or more of the controlled substance named  
13 therein, may in addition to the penalties provided therein, be  
14 fined an amount not more than \$500,000 or the full street value  
15 of the controlled or counterfeit substance or controlled  
16 substance analog, whichever is greater. The term "street value"  
17 shall have the meaning ascribed in Section 110-5 of the Code of  
18 Criminal Procedure of 1963. Any person sentenced with respect  
19 to any other provision of subsection (a), may in addition to  
20 the penalties provided therein, be fined an amount not to  
21 exceed \$500,000.

22 (b-1) Excluding violations of this Act when the controlled  
23 substance is fentanyl, any person sentenced to a term of  
24 imprisonment with respect to violations of Section 401, 401.1,  
25 405, 405.1, 405.2, or 407, when the substance containing the  
26 controlled substance contains any amount of fentanyl, 3 years

1 shall be added to the term of imprisonment imposed by the  
2 court, and the maximum sentence for the offense shall be  
3 increased by 3 years.

4 (c) Any person who violates this Section with regard to the  
5 following amounts of controlled or counterfeit substances or  
6 controlled substance analogs, notwithstanding any of the  
7 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)  
8 to the contrary, is guilty of a Class 1 felony. The fine for  
9 violation of this subsection (c) shall not be more than  
10 \$250,000:

11 (1) 1 gram or more but less than 15 grams of any  
12 substance containing heroin, or an analog thereof;

13 (1.5) 1 gram or more but less than 15 grams of any  
14 substance containing fentanyl, or an analog thereof;

15 (2) 1 gram or more but less than 15 grams of any  
16 substance containing cocaine, or an analog thereof;

17 (3) 10 grams or more but less than 15 grams of any  
18 substance containing morphine, or an analog thereof;

19 (4) 50 grams or more but less than 200 grams of any  
20 substance containing peyote, or an analog thereof;

21 (5) 50 grams or more but less than 200 grams of any  
22 substance containing a derivative of barbituric acid or any  
23 of the salts of a derivative of barbituric acid, or an  
24 analog thereof;

25 (6) 50 grams or more but less than 200 grams of any  
26 substance containing amphetamine or any salt of an optical

1 isomer of amphetamine, or an analog thereof;

2 (6.5) (blank);

3 (7) (i) 5 grams or more but less than 15 grams of any  
4 substance containing lysergic acid diethylamide (LSD), or  
5 an analog thereof, or (ii) more than 10 objects or more  
6 than 10 segregated parts of an object or objects but less  
7 than 15 objects or less than 15 segregated parts of an  
8 object containing in them or having upon them any amount of  
9 any substance containing lysergic acid diethylamide (LSD),  
10 or an analog thereof;

11 (7.5) (i) 5 grams or more but less than 15 grams of any  
12 substance listed in paragraph (1), (2), (2.1), (2.2), (3),  
13 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
14 subsection (d) of Section 204, or an analog or derivative  
15 thereof, or (ii) more than 10 pills, tablets, caplets,  
16 capsules, or objects but less than 15 pills, tablets,  
17 caplets, capsules, or objects containing in them or having  
18 upon them any amount of any substance listed in paragraph  
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
20 (21), (25), or (26) of subsection (d) of Section 204, or an  
21 analog or derivative thereof;

22 (8) 10 grams or more but less than 30 grams of any  
23 substance containing pentazocine or any of the salts,  
24 isomers and salts of isomers of pentazocine, or an analog  
25 thereof;

26 (9) 10 grams or more but less than 30 grams of any

1 substance containing methaqualone or any of the salts,  
2 isomers and salts of isomers of methaqualone, or an analog  
3 thereof;

4 (10) 10 grams or more but less than 30 grams of any  
5 substance containing phencyclidine or any of the salts,  
6 isomers and salts of isomers of phencyclidine (PCP), or an  
7 analog thereof;

8 (10.5) 10 grams or more but less than 30 grams of any  
9 substance containing ketamine or any of the salts, isomers  
10 and salts of isomers of ketamine, or an analog thereof;

11 (10.6) 50 grams or more but less than 100 grams of any  
12 substance containing hydrocodone, or any of the salts,  
13 isomers and salts of isomers of hydrocodone, or an analog  
14 thereof;

15 (10.7) 50 grams or more but less than 100 grams of any  
16 substance containing dihydrocodeinone, or any of the  
17 salts, isomers and salts of isomers of dihydrocodeinone, or  
18 an analog thereof;

19 (10.8) 50 grams or more but less than 100 grams of any  
20 substance containing dihydrocodeine, or any of the salts,  
21 isomers and salts of isomers of dihydrocodeine, or an  
22 analog thereof;

23 (10.9) 50 grams or more but less than 100 grams of any  
24 substance containing oxycodone, or any of the salts,  
25 isomers and salts of isomers of oxycodone, or an analog  
26 thereof;

1           (11) 50 grams or more but less than 200 grams of any  
2           substance containing a substance classified in Schedules I  
3           or II, or an analog thereof, which is not otherwise  
4           included in this subsection.

5           (c-5) (Blank).

6           (d) Any person who violates this Section with regard to any  
7           other amount of a controlled or counterfeit substance  
8           containing dihydrocodeinone or dihydrocodeine or classified in  
9           Schedules I or II, or an analog thereof, which is (i) a  
10          narcotic drug, (ii) lysergic acid diethylamide (LSD) or an  
11          analog thereof, (iii) any substance containing amphetamine or  
12          fentanyl or any salt or optical isomer of amphetamine or  
13          fentanyl, or an analog thereof, or (iv) any substance  
14          containing N-Benzylpiperazine (BZP) or any salt or optical  
15          isomer of N-Benzylpiperazine (BZP), or an analog thereof, is  
16          guilty of a Class 2 felony. The fine for violation of this  
17          subsection (d) shall not be more than \$200,000.

18          (d-5) (Blank).

19          (e) Any person who violates this Section with regard to any  
20          other amount of a controlled substance other than  
21          methamphetamine or counterfeit substance classified in  
22          Schedule I or II, or an analog thereof, which substance is not  
23          included under subsection (d) of this Section, is guilty of a  
24          Class 3 felony. The fine for violation of this subsection (e)  
25          shall not be more than \$150,000.

26          (f) Any person who violates this Section with regard to any



1 other amount of a controlled or counterfeit substance  
2 classified in Schedule III is guilty of a Class 3 felony. The  
3 fine for violation of this subsection (f) shall not be more  
4 than \$125,000.

5 (g) Any person who violates this Section with regard to any  
6 other amount of a controlled or counterfeit substance  
7 classified in Schedule IV is guilty of a Class 3 felony. The  
8 fine for violation of this subsection (g) shall not be more  
9 than \$100,000.

10 (h) Any person who violates this Section with regard to any  
11 other amount of a controlled or counterfeit substance  
12 classified in Schedule V is guilty of a Class 3 felony. The  
13 fine for violation of this subsection (h) shall not be more  
14 than \$75,000.

15 (i) This Section does not apply to the manufacture,  
16 possession or distribution of a substance in conformance with  
17 the provisions of an approved new drug application or an  
18 exemption for investigational use within the meaning of Section  
19 505 of the Federal Food, Drug and Cosmetic Act.

20 (j) (Blank).

21 (Source: P.A. 99-371, eff. 1-1-16.)