



Sen. Andy Manar

Filed: 3/17/2016

09900SB0210sam001

LRB099 03370 RLC 46282 a

1 AMENDMENT TO SENATE BILL 210

2 AMENDMENT NO. _____. Amend Senate Bill 210 by replacing
3 everything after the enacting clause with the following:

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

1 (MDMA), and amphetamines.

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

6 (4) The abuse of synthetic stimulant drugs known as "bath
7 salts" has become a major public health threat across the
8 United States.

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

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

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

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

20 "Bath salts" means any synthetic or natural material
21 containing any quantity of a cathinone chemical structure,
22 including any analogs, salts, isomers, or salts of isomers of
23 any synthetic or natural material containing a cathinone
24 chemical structure. This includes, but is not limited to,

1 synthetic cathinones as defined in subsection (h) of Section
2 204 of the Illinois Controlled Substances Act, and any related
3 "controlled substance analog" as defined in Section 402 of the
4 Illinois Controlled Substances Act, regardless of how the
5 product is labeled or marketed.

6 "Person" means any natural person, individual,
7 corporation, unincorporated association, proprietorship, firm,
8 partnership, joint venture, joint stock association, or any
9 other business organization or entity.

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

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

15 Section 25. Penalties. Any person who violates this Act is
16 guilty of a Class 3 felony for which a fine of not more than
17 \$150,000 may be imposed.

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

20 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

21 Sec. 401. Manufacture or delivery, or possession with
22 intent to manufacture or deliver, a controlled substance, a

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

26 (a) Any person who violates this Section with respect to

1 the following amounts of controlled or counterfeit substances
2 or controlled substance analogs, notwithstanding any of the
3 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
4 contrary, is guilty of a Class X felony and shall be sentenced
5 to a term of imprisonment as provided in this subsection (a)
6 and fined as provided in subsection (b):

7 (1) (A) not less than 6 years and not more than 30
8 years with respect to 15 grams or more but less than
9 100 grams of a substance containing heroin, or an
10 analog thereof;

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

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

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

22 (1.5) (A) not less than 6 years and not more than 30
23 years with respect to 15 grams or more but less than
24 100 grams of a substance containing fentanyl, or an
25 analog thereof;

26 (B) not less than 9 years and not more than 40

1 years with respect to 100 grams or more but less than
2 400 grams of a substance containing fentanyl, or an
3 analog thereof;

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

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

11 (2) (A) not less than 6 years and not more than 30
12 years with respect to 15 grams or more but less than
13 100 grams of a substance containing cocaine, or an
14 analog thereof;

15 (B) not less than 9 years and not more than 40
16 years with respect to 100 grams or more but less than
17 400 grams of a substance containing cocaine, or an
18 analog thereof;

19 (C) not less than 12 years and not more than 50
20 years with respect to 400 grams or more but less than
21 900 grams of a substance containing cocaine, or an
22 analog thereof;

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

26 (3) (A) not less than 6 years and not more than 30

1 years with respect to 15 grams or more but less than
2 100 grams of a substance containing morphine, or an
3 analog thereof;

4 (B) not less than 9 years and not more than 40
5 years with respect to 100 grams or more but less than
6 400 grams of a substance containing morphine, or an
7 analog thereof;

8 (C) not less than 12 years and not more than 50
9 years with respect to 400 grams or more but less than
10 900 grams of a substance containing morphine, or an
11 analog thereof;

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

15 (4) 200 grams or more of any substance containing
16 peyote, or an analog thereof;

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

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

23 (6.5) (blank);

24 (6.6) (blank);

25 (7) (A) not less than 6 years and not more than 30
26 years with respect to: (i) 15 grams or more but less

1 than 100 grams of a substance containing lysergic acid
2 diethylamide (LSD), or an analog thereof, or (ii) 15 or
3 more objects or 15 or more segregated parts of an
4 object or objects but less than 200 objects or 200
5 segregated parts of an object or objects containing in
6 them or having upon them any amounts of any substance
7 containing lysergic acid diethylamide (LSD), or an
8 analog thereof;

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

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

1 containing lysergic acid diethylamide (LSD), or an
2 analog thereof;

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

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

24 (B) not less than 9 years and not more than 40
25 years with respect to: (i) 100 grams or more but less
26 than 400 grams of a substance listed in paragraph (1),

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

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

24 (D) not less than 15 years and not more than 60
25 years with respect to: (i) 900 grams or more of any
26 substance listed in paragraph (1), (2), (2.1), (2.2),

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

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

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

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

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

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

25 (10.7) 100 grams or more of any substance containing
26 dihydrocodeinone, or any of the salts, isomers and salts of

1 isomers of dihydrocodeinone, or an analog thereof;

2 (10.8) 100 grams or more of any substance containing
3 dihydrocodeine, or any of the salts, isomers and salts of
4 isomers of dihydrocodeine, or an analog thereof;

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

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

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

24 (b-1) Excluding violations of this Act when the controlled
25 substance is fentanyl, any person sentenced to a term of
26 imprisonment with respect to violations of Section 401, 401.1,

1 405, 405.1, 405.2, or 407, when the substance containing the
2 controlled substance contains any amount of fentanyl, 3 years
3 shall be added to the term of imprisonment imposed by the
4 court, and the maximum sentence for the offense shall be
5 increased by 3 years.

6 (c) Any person who violates this Section with regard to the
7 following amounts of controlled or counterfeit substances or
8 controlled substance analogs, notwithstanding any of the
9 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
10 to the contrary, is guilty of a Class 1 felony. The fine for
11 violation of this subsection (c) shall not be more than
12 \$250,000:

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

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

17 (2) 1 gram or more but less than 15 grams of any
18 substance containing cocaine, or an analog thereof;

19 (3) 10 grams or more but less than 15 grams of any
20 substance containing morphine, or an analog thereof;

21 (4) 50 grams or more but less than 200 grams of any
22 substance containing peyote, or an analog thereof;

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

1 (6) 50 grams or more but less than 200 grams of any
2 substance containing amphetamine or any salt of an optical
3 isomer of amphetamine, or an analog thereof;

4 (6.5) (blank);

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

13 (7.5) (i) 5 grams or more but less than 15 grams of any
14 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
15 (14.1), (19), (20), (20.1), (21), (25), or (26) of
16 subsection (d) of Section 204, or an analog or derivative
17 thereof, or (ii) more than 10 pills, tablets, caplets,
18 capsules, or objects but less than 15 pills, tablets,
19 caplets, capsules, or objects containing in them or having
20 upon them any amount of any substance listed in paragraph
21 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
22 (21), (25), or (26) of subsection (d) of Section 204, or an
23 analog or derivative thereof;

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

1 thereof;

2 (9) 10 grams or more but less than 30 grams of any
3 substance containing methaqualone or any of the salts,
4 isomers and salts of isomers of methaqualone, or an analog
5 thereof;

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

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

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

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

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

25 (10.9) 50 grams or more but less than 100 grams of any
26 substance containing oxycodone, or any of the salts,

1 isomers and salts of isomers of oxycodone, or an analog
2 thereof;

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

7 (c-5) (Blank).

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

20 (d-5) (Blank).

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

1 shall not be more than \$150,000.

2 (f) Any person who violates this Section with regard to any
3 other amount of a controlled or counterfeit substance
4 classified in Schedule III is guilty of a Class 3 felony. The
5 fine for violation of this subsection (f) shall not be more
6 than \$125,000.

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

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

17 (i) This Section does not apply to the manufacture,
18 possession or distribution of a substance in conformance with
19 the provisions of an approved new drug application or an
20 exemption for investigational use within the meaning of Section
21 505 of the Federal Food, Drug and Cosmetic Act.

22 (j) (Blank).

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