



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1143

Introduced 1/9/2025, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Compassionate Use and Research of Entheogens Act. Establishes the Illinois Psilocybin Advisory Board. Provides a timeline for the Board. Provides that the Department of Public Health, the Department of Agriculture, the Department of Financial and Professional Regulation, the Illinois State Police, and the Department of Revenue may adopt rules and implement the Act. Provides for licensing to operate a service center, facilitate psilocybin services, manufacture psilocybin products, and test psilocybin products by certain State agencies, with certain requirements. Provides for the lawful manufacture, delivery, and possession of psilocybin products. Provides procedures for psilocybin services, including requirements for certain sessions, plans, and forms. Limits the sale of psilocybin products with certain restrictions. Provides for investigations and inspections under the Act. Provides for certain fees, fines, actions against a licensee, criminal penalties, and civil penalties for violations of the Act. Provides for administrative hearings and other requirements for disciplining an applicant or licensee. Provides requirements for psilocybin-producing fungi as a crop, food, or other commodity. Provides for labeling and packaging requirements. Imposes a tax on psilocybin. Establishes the Psilocybin Control and Regulation Fund and Illinois Psilocybin Fund as special funds in the State treasury. Limits home rule powers. Makes other provisions. Makes corresponding changes to the State Finance Act. Amends the Freedom of Information Act. Exempt certain correspondence and records under the Act. Amends the Illinois Independent Tax Tribunal Act of 2012. Adds the Act to the jurisdiction of the Tax Tribunal. Amends the Illinois Vehicle Code. Adds psilocybin or psilocin to the list of prohibited substances for a person driving or in actual physical control of a vehicle. Amends the Illinois Controlled Substances Act. Removes psilocybin or psilocybin products from the definition of "Controlled Substance". Removes psilocybin and psilocyn from the list of Schedule I controlled substances. Effective immediately.

LRB104 05971 BDA 16004 b

1 AN ACT concerning health.

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  
5 Compassionate Use and Research of Entheogens Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) The War on Drugs has given rise to significant  
8 financial and social costs, and the policies behind the  
9 War on Drugs reflect neither a modern understanding of  
10 substance use nor the actual risks or potential  
11 therapeutic benefits of the substances that have been  
12 criminalized.

13 (2) Moreover, criminalization has not deterred drug  
14 use. Instead, it has made drug use less safe and has  
15 created an unregulated, underground market in which  
16 dosages are difficult to verify and dangerous adulterants,  
17 such as fentanyl, are common.

18 (3) Lack of honest drug education has laid the  
19 groundwork for decades of misinformation, stigma, and  
20 cultural appropriation, which have all contributed to  
21 increasing the dangers of drug use.

22 (4) Harm reduction tools, including drug-checking  
23 kits, scales, and capsules, allow users to make safe and

1 more accurate, evidence-based decisions about their  
2 personal use of these substances, and allowing the use of  
3 such tools can increase public health and safety.

4 (5) Research is advancing to support the use of  
5 psychedelic compounds, along with psychotherapy, to treat  
6 mental health disorders, such as anxiety, depression,  
7 post-traumatic stress disorder, and substance use  
8 disorder.

9 (6) Voters of the city and county of Denver, Colorado  
10 approved Ordinance 301 in May of 2019, making the personal  
11 possession and use of the natural medicine psilocybin by  
12 adults the lowest level of law enforcement priority in  
13 Denver and to prohibit the city and county from spending  
14 resources enforcing related penalties.

15 (7) Measures 109 and 110 in Oregon, which both passed  
16 in November 2020, established a regulated psilocybin  
17 therapy system in Oregon to provide people therapeutic  
18 access to psilocybin and decriminalized the personal  
19 possession of all drugs.

20 (8) Almost 20 countries around the world, including  
21 Portugal, the Czech Republic, and Spain, have expressly or  
22 effectively decriminalized the personal use of all  
23 substances.

24 (9) The City of Oakland, California, and the City of  
25 Santa Cruz, California have passed resolutions  
26 decriminalizing or deprioritizing the enforcement of laws

1 regulating the possession, use, and propagation of  
2 psychedelic plants and fungi. Since June 2019, the  
3 following cities have also decriminalized the possession,  
4 use, and propagation of psychedelic plants and fungi at  
5 the local level: Ann Arbor, Michigan; Somerville,  
6 Massachusetts; and Cambridge, Massachusetts. In 2020,  
7 Washington, D.C., passed Initiative 81 to decriminalize  
8 and deprioritize the enforcement of laws regulating the  
9 possession and use of psychedelic plants and fungi with  
10 76% voter approval.

11 (10) The State of Colorado passed Proposition 122 in  
12 November of 2022, decriminalizing the possession of  
13 psychedelic plants and fungi and eventually allowing  
14 state-licensed treatment centers to administer the  
15 compounds of psychedelic plants and fungi under the  
16 supervision of trained staff.

17 (11) To transition away from criminalization models  
18 while protecting people who use or may use drugs and  
19 reduce negative environmental or cultural impacts, it is  
20 necessary to review the full legal context in which these  
21 changes to the law are made. It is also necessary to  
22 incorporate evidence-based policy, consult with experts,  
23 and maintain open discourse based in harm reduction,  
24 reciprocity, and human rights during the process of  
25 developing alternative regulatory systems.

26 (12) Criminalizing psychedelic plants and fungi has

1 denied people access to accurate education and harm  
2 reduction information related to the use of psychedelic  
3 compounds and limited the development of appropriate  
4 training for first responders and multi-responders,  
5 including law enforcement, emergency medical services, and  
6 fire services.

7 (13) Illinoisans deserve more tools to address mental  
8 health issues, including approaches using psychedelic  
9 plants and fungi that are grounded in treatment, recovery,  
10 cultural competency, and wellness rather than  
11 criminalization, suffering, and punishment.

12 (14) This Act will allow for the noncommercial,  
13 personal use and sharing of specified controlled  
14 substances, including for the purpose of group counseling,  
15 community-based healing, or other related services.

16 (15) These changes in law will not displace any  
17 restrictions on driving or operating a vehicle while  
18 impaired, an employer's ability to restrict the use of  
19 controlled substances by its employees, or the legal  
20 standard for negligence.

21 (16) Peyote is specifically excluded from the list of  
22 substances to be decriminalized, including any  
23 cultivation, harvest, extraction, tincture, or other  
24 product manufactured or derived from it, because of the  
25 nearly endangered status of the peyote plant and the  
26 special significance peyote holds in Native American

1 spirituality. Furthermore, this Act does not amend or  
2 repeal paragraph (12) of subsection (d) of Section 204 of  
3 the Illinois Controlled Substances Act, which identifies  
4 peyote and its derivatives as a Schedule I drug.

5 (17) The State fully respects and supports the  
6 continued Native American possession and use of peyote  
7 under federal law, 42 U.S.C. 1996a, understanding that  
8 Native Americans in the United States were persecuted and  
9 prosecuted for their ceremonial practices, including the  
10 use of peyote, for more than a century, and had to fight  
11 numerous legal and political battles to achieve the  
12 current protected status. The enactment of this  
13 legislation does not intend to explicitly or implicitly  
14 undermine that status.

15 (18) Research conducted by domestic and international  
16 medical institutions indicates that psilocybin is  
17 efficacious and safe for the treatment of a variety of  
18 mental health conditions, including, but not limited to,  
19 addiction, depression, anxiety disorders, headache  
20 disorders, and end-of-life psychological distress.

21 (19) The United States Food and Drug Administration  
22 has:

23 (A) determined that preliminary clinical evidence  
24 indicates that psilocybin may demonstrate substantial  
25 improvement over available therapies for  
26 treatment-resistant depression; and

1 (B) granted a "Breakthrough Therapy" designation  
2 for a treatment that uses psilocybin as a therapy for  
3 such depression.

4 (20) During the program development period, the  
5 Department of Public Health, the Department of  
6 Agriculture, the Department of Financial and Professional  
7 Regulation, the Illinois State Police, and the Department  
8 of Revenue shall:

9 (A) examine, publish, and distribute to the public  
10 available medical, psychological, and scientific  
11 studies, research, and other information relating to  
12 the safety and efficacy of psilocybin in treating  
13 mental health conditions; and

14 (B) adopt rules and regulations for the eventual  
15 implementation of a comprehensive regulatory framework  
16 that will allow persons 21 years of age and older in  
17 this State to be provided psilocybin services.

18 (21) An Advisory Board shall be established for the  
19 purpose of advising and making recommendations for program  
20 development.

21 Section 10. Purposes.

22 (a) The purpose of this Act is to establish a new,  
23 compassionate, and effective approach to entheogens by:

24 (1) adopting a public health and harm reduction  
25 approach to natural medicines by removing criminal

1 penalties for the possession of some entheogens for  
2 personal use by adults who are 21 years of age or older;

3 (2) developing and promoting public education related  
4 to the use of entheogens and appropriate training for  
5 first responders;

6 (3) reducing the prevalence of behavioral health  
7 disorders among adults in this State to improve the  
8 physical, mental, and social well-being of all people in  
9 this State;

10 (4) promoting health and healing by reducing focus on  
11 criminal punishments for persons who suffer from mental  
12 health issues by establishing regulated access to natural  
13 medicines through a humane, cost-effective, and  
14 responsible approach;

15 (5) developing a long-term strategic plan for ensuring  
16 that psilocybin services will become and remain a safe,  
17 accessible, and affordable option for all persons 21 years  
18 of age and older in this State for whom psilocybin may be  
19 appropriate;

20 (6) protecting the safety, welfare, health, and peace  
21 of the people of this State by prioritizing this State's  
22 limited law enforcement resources in the most effective,  
23 consistent, and rational way; and

24 (7) after the program development period:

25 (A) permitting persons licensed, controlled, and  
26 regulated by this State to legally manufacture

1 psilocybin products and provide psilocybin services to  
2 persons 21 years of age and older, subject to the  
3 provisions of this Act;

4 (B) establishing a comprehensive regulatory  
5 framework concerning psilocybin products and  
6 psilocybin services under State law; and

7 (C) preparing proposed rules for the addition of  
8 botanical forms of dimethyltryptamine,  
9 methylenedioxymethamphetamine, ibogaine (except  
10 ibogaine from iboga), and mescaline (except mescaline  
11 from peyote) to substances regulated under this Act on  
12 or before June 1, 2029.

13 (b) The People of the State intend that the provisions of  
14 this Act, together with other provisions of State law, will  
15 prevent:

16 (1) the distribution of psilocybin products to other  
17 persons who are not permitted to possess psilocybin  
18 products under the provisions of this Act and rules  
19 adopted under this Act, including, but not limited to,  
20 persons under 21 years of age; and

21 (2) the diversion of psilocybin products from this  
22 State to other states.

23 Section 15. Construction. This Act may not be construed  
24 to:

25 (1) Require a government medical assistance program or

1 private health insurer to reimburse a person for costs  
2 associated with the use of psilocybin products.

3 (2) Amend or affect State or federal law pertaining to  
4 employment matters.

5 (3) Amend or affect State or federal law pertaining to  
6 landlord-tenant matters.

7 (4) Prohibit a recipient of a federal grant or an  
8 applicant for a federal grant from prohibiting the  
9 manufacture, delivery, possession, or use of psilocybin  
10 products to the extent necessary to satisfy federal  
11 requirements for the grant.

12 (5) Prohibit a party to a federal contract or a person  
13 applying to be a party to a federal contract from prohibiting  
14 the manufacture, delivery, possession, or use of psilocybin  
15 products to the extent necessary to comply with the terms and  
16 conditions of the contract or to satisfy federal requirements  
17 for the contract.

18 (6) Require a person to violate a federal law.

19 (7) Exempt a person from a federal law or obstruct the  
20 enforcement of a federal law.

21 (8) Amend or affect State law to the extent that a person  
22 does not manufacture, deliver, or possess psilocybin products  
23 in accordance with the provisions of this Act and rules  
24 adopted under this Act.

25 Section 20. Definitions. In this Act:

1 "Administration session" means a session held under the  
2 supervision of a facilitator at which a client consumes and  
3 experiences the effects of a psilocybin product under the  
4 supervision of a facilitator.

5 "Advisory Board" or "Board" means the Illinois Psilocybin  
6 Advisory Board established under Section 25.

7 "Client" means an individual who has received a referral  
8 for psilocybin service and who consumes a psilocybin product  
9 in an administration session in this State.

10 "Entheogen" means the following substances in any form,  
11 regardless of whether the substance is regulated under the  
12 federal Controlled Substances Act or the Illinois Controlled  
13 Substances Act:

- 14 (1) Dimethyltryptamine;
- 15 (2) Ibogaine, except ibogaine from iboga;
- 16 (3) Mescaline, except mescaline from peyote;
- 17 (4) Psilocybin; and
- 18 (5) Psilocin.

19 "Facilitator" means an individual who facilitates the  
20 provision of a psilocybin service in this State.

21 "Integration session" means a meeting between a client and  
22 a facilitator that may occur after the client completes an  
23 administration session.

24 "Legal entity" means a corporation, limited liability  
25 company, limited partnership, or other legal entity that is  
26 registered with the office of the Secretary of State or with a

1 comparable office of another jurisdiction.

2 "Licensee" means a person who holds a license issued under  
3 Section 80, 95, 105, or 275.

4 "Licensee representative" means an owner, director,  
5 officer, manager, employee, agent, or other representative of  
6 a licensee, to the extent that the person acts in a  
7 representative capacity.

8 "Manufacture" means the manufacture, planting,  
9 cultivation, growing, harvesting, production, preparation,  
10 propagation, compounding, conversion, or processing of a  
11 psilocybin product, directly or indirectly, by extraction from  
12 substances of natural origin, independently by means of  
13 chemical synthesis or by a combination of extraction and  
14 chemical synthesis. "Manufacture" includes any packaging or  
15 repackaging of the psilocybin product or labeling or  
16 relabeling of its container.

17 "Post-administration evaluation session" means a meeting  
18 between a client and a facilitator that must occur immediately  
19 following the conclusion of an administration session and  
20 prior to the client's release from the service center.

21 "Premises" includes the following areas of a location  
22 licensed under this Act:

23 (1) All public and private enclosed areas at the  
24 location that are used in the business operated at the  
25 location, including offices, kitchens, restrooms, and  
26 storerooms.

1           (2) All areas outside of a building that the  
2 Department has specifically licensed for the manufacturing  
3 of psilocybin products or the operation of a service  
4 center.

5           (3) For a location that the Department has  
6 specifically licensed for the operation of a service  
7 center outside of a building, that portion of the location  
8 used to operate the service center and provide a  
9 psilocybin service to a client.

10          "Premises" does not include a primary residence, unless a  
11 primary residence is necessary for the provision of a  
12 psilocybin service to a recipient who is a hospice patient or  
13 who is unable to travel to a service center due to a chronic,  
14 life-threatening illness.

15          "Preparation session" means a meeting between a client and  
16 a facilitator that must occur before the client participates  
17 in an administration session.

18          "Program development period" means the period beginning on  
19 January 1 of the year following the year of enactment of this  
20 Act and ending no later than 24 months after the beginning  
21 date.

22          "Psilocybin" means psilocybin or psilocin.

23          "Psilocybin product" means:

24                 (1) psilocybin-producing fungi; or

25                 (2) mixtures or substances containing a detectable  
26 amount of psilocybin naturally produced from

1 psilocybin-producing fungi.

2 "Psilocybin product" does not include a psilocybin  
3 service.

4 "Psilocybin product manufacturer" means a person who  
5 manufactures a psilocybin product in this State.

6 "Psilocybin service" means a service provided to a client  
7 before, during, or after the client's consumption of a  
8 psilocybin product, including any of the following:

9 (1) a preparation session;

10 (2) an administration session;

11 (3) an integration session; or

12 (4) a post-administration evaluation session.

13 "Referral" means a recommendation in writing by a licensed  
14 physician, psychiatrist, professional counselor, clinical  
15 professional counselor, prescribing psychologist, clinical  
16 psychologist, clinical social worker, or an advanced practice  
17 registered nurse or physician's assistant who has prescribing  
18 authority through a collaborative agreement with a physician,  
19 provided to a patient for whom they determine psilocybin  
20 service to be appropriate as a treatment or intervention for a  
21 medical or mental health condition.

22 "Service center" means an establishment at which:

23 (1) an administration session is held;

24 (2) a psilocybin product is purchased; or

25 (3) other psilocybin services may be provided.

26 "Service center operator" means a person who operates a

1 service center in this State.

2 Section 25. Illinois Psilocybin Advisory Board; members;  
3 terms; meetings; compensation.

4 (a) The Illinois Psilocybin Advisory Board is established  
5 within the Department of Financial and Professional Regulation  
6 for the purpose of advising and making recommendations for the  
7 administration of this Act. The Illinois Psilocybin Advisory  
8 Board shall consist of the following members:

9 (1) the Secretary of Financial and Professional  
10 Regulation or the Secretary's designee;

11 (2) the Director of Agriculture or the Director's  
12 designee;

13 (3) the Director of Public Health or the Director's  
14 designee;

15 (4) the Director of the Illinois State Police or the  
16 Director's designee;

17 (5) the Director of Revenue or the Director's  
18 designee;

19 (6) the Secretary of Human Services or the Secretary's  
20 designee;

21 (7) the Secretary of Veterans Affairs or the  
22 Secretary's designee;

23 (8) the Illinois Chief Behavioral Health Officer;

24 (9) an expert in the field of public health, appointed  
25 by the Governor with the advice and consent of the Senate;

1           (10) a local health official, appointed by the  
2 Governor with the advice and consent of the Senate;

3           (11) an individual who is a member of or represents a  
4 group that provides public health services directly to  
5 members of the public, appointed by the Governor with the  
6 advice and consent of the Senate;

7           (12) a psychologist who has experience engaging in the  
8 diagnosis or treatment of mental, emotional, and  
9 behavioral conditions, appointed by the Governor with the  
10 advice and consent of the Senate;

11           (13) a psychiatrist licensed to practice in Illinois  
12 who has experience engaging in the diagnosis or treatment  
13 of mental, emotional, and behavioral conditions, appointed  
14 by the Governor with the advice and consent of the Senate;

15           (14) a counselor licensed to practice in Illinois who  
16 has experience engaging in the diagnosis or treatment of  
17 mental, emotional, and behavioral conditions, appointed by  
18 the Governor with the advice and consent of the Senate;

19           (15) a physician licensed to practice medicine in all  
20 its branches appointed by the Governor with the advice and  
21 consent of the Senate;

22           (16) a doctor of osteopathic medicine licensed to  
23 practice in Illinois, appointed by the Governor with the  
24 advice and consent of the Senate;

25           (17) a naturopathic physician or a member of an  
26 organization representing Naturopathic Physicians in

1 Illinois, appointed by the Governor with the advice and  
2 consent of the Senate;

3 (18) an expert in the field of public health who has  
4 obtained a doctorate degree in the field of public health,  
5 community sciences, or a related health field, appointed  
6 by the Governor with the advice and consent of the Senate;

7 (19) a licensed social worker or a licensed clinical  
8 social worker, appointed by the Governor with the advice  
9 and consent of the Senate;

10 (20) a representative of the Behavioral Health  
11 Workforce Education Center of Illinois, appointed by the  
12 Governor with the advice and consent of the Senate;

13 (21) at least 3 individuals who meet at least one of  
14 the following qualifications, appointed by the Governor  
15 with the advice and consent of the Senate:

16 (A) professional experience conducting scientific  
17 research regarding the use of psychedelic compounds in  
18 clinical therapy;

19 (B) experience in the field of mycology;

20 (C) experience in the field of ethnobotany;

21 (D) experience in the field of psychopharmacology;

22 or

23 (E) experience in the field of psilocybin harm  
24 reduction;

25 (22) a current or former member of the Senate,  
26 appointed by the President of the Senate;

1           (23) a current or former member of the Senate,  
2           appointed by the Minority Leader of the Senate;

3           (24) a current or former member of the House,  
4           appointed by the Speaker of the House; and

5           (25) a current or former member of the House,  
6           appointed by the Minority Leader of the House.

7           (c) The term of office for an Advisory Board member  
8           appointed under this Section is 4 years, but a member serves at  
9           the pleasure of the Governor. Before the expiration of the  
10          term of a member, the Governor shall appoint a successor whose  
11          term begins on January 1 of the following calendar year.  
12          Members may be eligible for reappointment. If there is a  
13          vacancy for any reason, the Governor shall make an appointment  
14          to serve in an acting capacity until approved by the Senate for  
15          the remainder of the unexpired term.

16          (d) A majority of the voting members of the Advisory Board  
17          constitutes a quorum for the transaction of business.

18          (e) Official action by the Advisory Board requires the  
19          approval of a majority of the voting members of the board.

20          (f) The Advisory Board shall elect one of its voting  
21          members to serve as chairperson.

22          (g) During the program development period, the Advisory  
23          Board shall meet at least once every 2 calendar months at a  
24          time and place determined by the chairperson, or a majority of  
25          the voting members of the Advisory Board. After the program  
26          development period, the Advisory Board shall meet at least

1 once every calendar quarter at a time and place determined by  
2 the chairperson or a majority of the voting members of the  
3 Advisory Board. The Advisory Board may also meet at other  
4 times and places specified by the call of the chairperson or of  
5 a majority of the voting members of the board.

6 (h) The Advisory Board may adopt policies and procedures  
7 necessary for the operation of the board.

8 (i) The Advisory Board may establish committees or  
9 subcommittees necessary for the operation of the board.

10 (j) Members of the Advisory Board shall not be paid a  
11 salary but shall be reimbursed for travel and other reasonable  
12 expenses incurred while fulfilling the responsibilities of the  
13 Advisory Board.

14 Section 30. Duties of the Illinois Psilocybin Advisory  
15 Board.

16 (a) The Illinois Psilocybin Advisory Board shall perform  
17 the following duties:

18 (1) Provide advice to the Department of Public Health,  
19 the Department of Agriculture, the Department of Financial  
20 and Professional Regulation, the Illinois State Police,  
21 and the Department of Revenue with respect to the  
22 administration of this Act as it relates to accurate  
23 public health approaches regarding use, effect, and risk  
24 reduction of entheogens and the content and scope of  
25 educational campaigns related to entheogens.

1           (2) Make recommendations on available medical,  
2           psychological, and scientific studies, research, and other  
3           information relating to the safety and efficacy of  
4           psilocybin in treating mental health conditions,  
5           including, but not limited to, addiction, depression,  
6           anxiety and trauma disorders, headache disorders, and  
7           end-of-life psychological distress.

8           (3) Study and review the Oregon Psilocybin Services  
9           Act (Measure 109), the Colorado Natural Medicine Health  
10          Act of 2022 (Proposition 122), and relevant initiatives to  
11          legalize or decriminalize entheogen use in other states  
12          and units of local government in an effort to determine  
13          successes and pitfalls that may be applied to the  
14          rulemaking process in Illinois.

15          (4) Review scientific and cultural literature  
16          concerning ibogaine (except ibogaine from iboga),  
17          mescaline (except mescaline from peyote), and botanical  
18          forms of dimethyltryptamine and make recommendations  
19          concerning whether these substances may be included in  
20          this Act or a similar appropriate regulatory framework  
21          based on medical, psychological, and scientific studies,  
22          research, and other information related to the safety and  
23          efficacy of each compound to avoid an unregulated de facto  
24          market for other natural plants and fungi.

25          (5) Make recommendations on the requirements,  
26          specifications, and guidelines for providing psilocybin

1 services to a client, including the following:

2 (A) The requirements, specifications, and  
3 guidelines for holding and verifying the completion of  
4 a preparation session, an administration session, and  
5 an integration session.

6 (B) The contents of the client information form  
7 that a client must complete and sign before the client  
8 participates in an administration session, giving  
9 particular consideration to the following:

10 (i) The information that should be solicited  
11 from the client to determine whether the client  
12 should participate in the administration session,  
13 including information that may identify risk  
14 factors and contraindications.

15 (ii) The information that should be solicited  
16 from the client to assist the service center  
17 operator and the facilitator in meeting any public  
18 health and safety standards and industry best  
19 practices during the administration session.

20 (iii) The health and safety warnings and other  
21 disclosures that should be made to the client  
22 before the client participates in the  
23 administration session.

24 (6) Make recommendations on public health and safety  
25 standards and industry best practices for each type of  
26 licensee under this Act.

1           (7) Make recommendations on the formulation of a code  
2 of professional conduct for facilitators, giving  
3 particular consideration to a code of ethics, cultural  
4 responsibility, and outlining a clear process for  
5 reporting complaints of unethical conduct by facilitators  
6 or service center employees.

7           (8) Make recommendations on the education, experience,  
8 and training that facilitators must achieve, giving  
9 particular consideration to the following and including  
10 whether such education, experience, and training should be  
11 available through online resources:

12           (A) Facilitation skills that are affirming,  
13 nonjudgmental, nondirective, trauma-informed, and  
14 rooted in informed consent.

15           (B) Support skills for clients during an  
16 administration session, including specialized skills  
17 for the following:

18           (i) client safety;

19           (ii) clients who may have a mental health  
20 condition;

21           (iii) appropriate boundaries, heightened  
22 transference in expanded states of consciousness,  
23 and special precautions related to the use of  
24 touch in psilocybin sessions;

25           (iv) crisis assessment and appropriate  
26 referral for those who need ongoing support if

1           challenging mental health issues emerge in  
2           psilocybin sessions;

3           (C) the environment in which psilocybin services  
4           should occur;

5           (D) social and cultural considerations; and

6           (E) affordable, equitable, ethical, and culturally  
7           responsible access to entheogens and requirements to  
8           ensure that the regulated entheogen access program is  
9           equitable and inclusive.

10          (9) Make recommendations on the examinations that  
11          facilitators must pass.

12          (10) Make recommendations on public health and safety  
13          standards and industry best practices for holding and  
14          completing an administration session, including the  
15          following:

16                 (A) best practices surrounding group  
17                 administration;

18                 (B) how clients can safely access common or  
19                 outside areas on the premises at which the  
20                 administration session is held;

21                 (C) the circumstances under which an  
22                 administration session is considered complete; and

23                 (D) the transportation needs of the client after  
24                 the completion of the administration session.

25          (11) Develop a long-term strategic plan for ensuring  
26          that psilocybin services will become and remain a safe,

1 accessible, and affordable therapeutic option for all  
2 persons 21 years of age and older in this State for whom  
3 psilocybin may be appropriate.

4 (12) Monitor and study federal laws, regulations, and  
5 policies regarding psilocybin.

6 (13) On an ongoing basis, review and evaluate existing  
7 research studies and real-world data related to entheogens  
8 and make recommendations to the General Assembly and  
9 relevant State agencies as to whether entheogens and  
10 associated services should be covered under any Illinois  
11 State health insurance or other insurance program as a  
12 cost-effective intervention for various mental health  
13 conditions, including, but not limited to, anxiety,  
14 substance use disorder, alcoholism, depressive disorders,  
15 neurological disorders, post-traumatic stress disorder,  
16 other painful conditions, including, but not limited to,  
17 cluster headaches, migraines, cancer, and phantom limbs,  
18 and comfort care, including palliative care, support care,  
19 and hospice care.

20 (14) On an ongoing basis, review and evaluate  
21 sustainability issues related to natural entheogens and  
22 their impact on indigenous cultures and document existing  
23 reciprocity efforts and continuing support measures that  
24 are needed as part of the Advisory Board's annual report.

25 (15) Publish an annual report describing the Advisory  
26 Board's activities, including, but not limited to, any

1 recommendations and advice to the Department of Public  
2 Health, the Department of Agriculture, the Department of  
3 Financial and Professional Regulation, the Illinois State  
4 Police, the Department of Revenue, or the General  
5 Assembly.

6 (b) The Department of Financial and Professional  
7 Regulation shall provide technical, logistical, and other  
8 support to the Advisory Board, as requested by the Advisory  
9 Board, to assist the Advisory Board with its duties and  
10 obligations.

11 Section 35. General powers and duties; rules.

12 (a) The Department of Public Health, the Department of  
13 Agriculture, the Department of Financial and Professional  
14 Regulation, the Illinois State Police, and the Department of  
15 Revenue have the duties, functions, and powers necessary or  
16 proper to enable each agency to carry out their duties,  
17 functions, and powers under this Act. This includes the duty  
18 to regulate the manufacturing, transportation, delivery, sale,  
19 and purchase of psilocybin products and the provision of  
20 psilocybin services in this State in accordance with the  
21 provisions of this Act. The Department of Public Health, the  
22 Department of Agriculture, the Department of Financial and  
23 Professional Regulation, the Illinois State Police, and the  
24 Department of Revenue may adopt, amend, or repeal rules as  
25 necessary to carry out the intent and provisions of this Act,

1 including rules necessary to protect public health and safety.

2 (b) The Department of Public Health, the Department of  
3 Agriculture, the Department of Financial and Professional  
4 Regulation, the Illinois State Police, and the Department of  
5 Revenue shall enter into intergovernmental agreements, as  
6 necessary, to carry out the provisions of this Act, including,  
7 but not limited to, the provisions relating to the  
8 registration and oversight of any person who produces,  
9 possesses, transports, delivers, sells, or purchases a  
10 psilocybin product in this State or who provides a psilocybin  
11 service in this State. There shall be no requirement that a  
12 client be diagnosed with or have any particular medical  
13 condition as a prerequisite to being provided psilocybin  
14 services.

15 (c) The Department of Public Health, the Department of  
16 Agriculture, and the Department of Financial and Professional  
17 Regulation may suspend, revoke, or impose other penalties upon  
18 a person licensed under this Act for violations of this Act and  
19 any rules adopted in accordance with this Act. The suspension  
20 or revocation of a license or imposition of any other penalty  
21 upon a licensee is a final Agency action subject to judicial  
22 review. Jurisdiction and venue for judicial review are vested  
23 in the circuit court.

24 (d) The Department of Public Health shall examine,  
25 publish, and distribute to the public available medical,  
26 psychological, and scientific studies, research, and other

1 information relating to the safety and efficacy of psilocybin  
2 in treating mental health conditions, including, but not  
3 limited to, addiction, depression, anxiety disorders, headache  
4 disorders, and end-of-life psychological distress.

5 (e) The Department of Agriculture shall issue, renew,  
6 suspend, revoke, or refuse to issue or renew licenses for the  
7 manufacturing and testing of psilocybin products and to  
8 permit, at the Department of Agriculture's discretion, the  
9 transfer of licenses. There shall be no requirement that a  
10 psilocybin product be manufactured by means of chemical  
11 synthesis.

12 (f) The Department of Financial and Professional  
13 Regulation shall issue, renew, suspend, revoke, or refuse to  
14 issue or renew licenses for the sale of psilocybin products,  
15 the provision of psilocybin services, or other licenses  
16 related to the consumption of psilocybin products, and to  
17 permit, at the Department's discretion, the transfer of a  
18 license between persons.

19 (g) Any fees collected pursuant to this Section shall be  
20 deposited into the Psilocybin Control and Regulation Fund.

21 Section 40. Authority to purchase, possess, seize,  
22 transfer to a licensee, or dispose of psilocybin products.  
23 Subject to any applicable provision of State law, the  
24 Department of Public Health, the Department of Agriculture,  
25 the Department of Financial and Professional Regulation, the

1 Illinois State Police, and the Department of Revenue may  
2 purchase, possess, seize, transfer to a licensee, or dispose  
3 of psilocybin products as is necessary to ensure compliance  
4 with and enforce the provisions of this Act and any rule  
5 adopted under this Act.

6 Section 45. Program development period; dates.

7 (a) Unless the General Assembly provides otherwise, the  
8 Department may not issue any licenses under this Act during  
9 the program development period.

10 (b) On or before February 28 of the year following the  
11 effective date of this Act, the Governor, the Senate  
12 President, and the Speaker of the House shall appoint the  
13 individuals specified in subsection (b) of Section 25 to the  
14 Advisory Board.

15 (c) On or before March 31 of the year following the  
16 effective date of this Act, the Advisory Board shall hold its  
17 first meeting at a time and place specified by the Governor.

18 (d) On or before June 30 of the year following the  
19 effective date of this Act, and on a regular basis after that  
20 date, the Advisory Board shall submit its findings and  
21 recommendations to the Department of Public Health, the  
22 Department of Agriculture, the Department of Financial and  
23 Professional Regulation, the Illinois State Police, and the  
24 Department of Revenue on available medical, psychological, and  
25 scientific studies, research, and other information relating

1 to the safety and efficacy of psilocybin and other entheogens  
2 in treating mental health conditions, including, but not  
3 limited to, addiction, depression, anxiety disorders, headache  
4 disorders, and end-of-life psychological distress.

5 (e) On or before June 30 of the year 2 years after the  
6 effective date of this Act, the Advisory Board shall submit  
7 its findings and recommendations concerning the following:

8 (1) rules and regulations for the implementation of  
9 this Act;

10 (2) a long-term strategic plan for ensuring that  
11 psilocybin services will become and remain a safe,  
12 accessible, and affordable therapeutic option for all  
13 persons 21 years of age and older in this State for whom  
14 psilocybin may be appropriate; and

15 (3) with respect to federal laws, regulations, and  
16 policies regarding psilocybin and other entheogens.

17 (f) On or before July 31 of the year 2 years after the  
18 effective date of this Act, and on a regular basis after that  
19 date, the Department of Public Health shall publish and  
20 distribute to the public available medical, psychological, and  
21 scientific studies, research, and other information relating  
22 to the safety and efficacy of psilocybin and other entheogens  
23 in treating mental health conditions, including, but not  
24 limited to, addiction, depression, anxiety disorders, headache  
25 disorders, and end-of-life psychological distress.

26 (g) On or before before June 30 of the year 3 years after

1 the effective date of this Act, the Department of Public  
2 Health, the Department of Agriculture, the Department of  
3 Revenue, and the Department of Financial and Professional  
4 Regulation shall prescribe forms and adopt such rules as the  
5 Departments deem necessary for the implementation of this Act.  
6 The Department of Public Health, the Department of  
7 Agriculture, the Department of Revenue, the Illinois State  
8 Police, and the Department of Financial and Professional  
9 Regulation shall hold at least one public hearing regarding  
10 this rulemaking. The public hearing may be held jointly or the  
11 Departments may hold individual hearings.

12 Section 50. Licensing.

13 (a) On or before July 1 of the year 3 years after the  
14 effective date of this Act:

15 (1) The Department of Financial and Professional  
16 Regulation shall begin receiving applications for the  
17 licensing of persons to:

18 (A) operate a service center; and

19 (B) facilitate psilocybin services.

20 (2) The Department of Agriculture shall begin  
21 receiving applications for the licensing of persons to:

22 (A) manufacture psilocybin products; and

23 (B) test psilocybin products.

24 (b) Except as provided in subsection (c), an applicant for  
25 a license or renewal of a license issued under this Act shall

1 apply to the appropriate Department in the form required by  
2 that Department, by rule, showing the name and address of the  
3 applicant, the location of the facility that is to be operated  
4 under the license, and other pertinent information required by  
5 the Department. The Department may not issue or renew a  
6 license until the applicant has complied with the provisions  
7 of this Act and rules adopted under this Act.

8 (b-5) If an application does not meet the technical  
9 standards set forth by the applicable Department, the  
10 Department must notify the applicant and provide the applicant  
11 with at least 30 days after the applicant receives notice of  
12 the deficiency to rectify the application materials.

13 (c) A Department may reject any application that is not  
14 submitted in the form required by the Department by rule. The  
15 approval or denial of any application is a final decision of  
16 the Department subject to judicial review. Jurisdiction and  
17 venue are vested in the circuit court.

18 (d) Except as provided in subsection (c), a revocation of  
19 or refusal to issue or renew a license issued under this Act is  
20 a final decision of the Department subject to judicial review.  
21 Jurisdiction and venue are vested in the circuit court.

22 (e) An applicant for a facilitator license or renewal of a  
23 facilitator license issued under Section 105 need not show the  
24 location of any premises.

25 (f) The Department of Financial and Professional  
26 Regulation or the Department of Agriculture shall not license

1 an applicant under the provisions of this Act if the applicant  
2 is under 21 years of age.

3 (g) The Department of Financial or Professional Regulation  
4 or the Department of Agriculture shall refuse to issue a  
5 license or may issue a restricted license to an applicant  
6 under the provisions of this Act if the Department finds that  
7 the applicant meets any of the following conditions:

8 (1) has failed to complete any of the education or  
9 training required by the provisions of this Act or rules  
10 adopted under this Act;

11 (2) has failed to complete any of the examinations  
12 required by the provisions of this Act or rules adopted  
13 under this Act;

14 (3) is in the habit of using alcoholic beverages,  
15 habit-forming drugs, or controlled substances to excess as  
16 determined by the Department;

17 (4) has made false statements to the Department;

18 (5) is incompetent or physically unable to carry on  
19 the management of the establishment proposed to be  
20 licensed as determined by the Department;

21 (6) has been convicted of violating a federal law,  
22 State law, or local ordinance if the conviction is  
23 substantially related to the fitness and ability of the  
24 applicant to lawfully carry out activities under the  
25 license;

26 (7) is not of good repute and moral character as

1 determined by the Department;

2 (8) does not have a good record of compliance with  
3 this Act or any rule adopted under this Act;

4 (9) is not the legitimate owner of the premises  
5 proposed to be licensed or has not disclosed that any  
6 other person has an ownership interest in the premises  
7 proposed to be licensed;

8 (10) has not demonstrated financial responsibility  
9 sufficient to adequately meet the requirements of the  
10 premises proposed to be licensed; or

11 (11) is unable to understand the laws of this State  
12 relating to psilocybin products, psilocybin services, or  
13 the rules adopted under this Act.

14 (h) Notwithstanding paragraph (6) of subsection (g), in  
15 determining whether to issue a license or a restricted license  
16 to an applicant, the Department of Financial and Professional  
17 Regulation or the Department of Agriculture shall not consider  
18 the prior conviction of the applicant or any owner, director,  
19 officer, manager, employee, agent, or other representative of  
20 the applicant for the following:

21 (1) The manufacture of psilocybin or the manufacture  
22 of cannabis, as defined under Section 1-10 of the Cannabis  
23 Regulation and Tax Act, or cannabis product if any of the  
24 following apply:

25 (A) The date of the conviction is 2 or more years  
26 before the date of the application.

1           (B) The person has not been convicted more than  
2           once for the manufacture of psilocybin.

3           (2) The possession of a controlled substance, as  
4           defined in the Illinois Controlled Substances Act, if any  
5           of the following apply:

6                   (A) The date of the conviction is 2 or more years  
7                   before the date of the application.

8                   (B) The person has not been convicted more than  
9                   once for the possession of a controlled substance.

10           (i) The Department of Financial and Professional  
11           Regulation and the Department of Agriculture shall not issue a  
12           license pursuant to this Act if the licensee, principal  
13           officer, board member, or person having a financial or voting  
14           interest of 5% or greater in the licensee or applicant, or the  
15           agent thereof is delinquent in filing any required tax returns  
16           or paying any amounts owed to the State.

17           Section 55. Authority to require fingerprints. The  
18           Department of Agriculture or the Department of Financial and  
19           Professional Regulation, through the Illinois State Police,  
20           may require the fingerprints of any individual listed on an  
21           application to perform any of the functions listed in  
22           subsection (a) of Section 50 for purposes of conducting a  
23           background check. The Department of Agriculture or the  
24           Department of Financial and Professional Regulation may  
25           require fingerprints to be submitted for a background check

1 prior to or after the submission of an application. The  
2 Illinois State Police shall charge a fee for conducting the  
3 criminal history record check, which shall be deposited in the  
4 State Police Services Fund and shall not exceed the actual  
5 cost of the record check. In order to carry out this provision,  
6 each person applying to perform one of the functions listed in  
7 subsection (a) of Section 50 may be required to submit a full  
8 set of fingerprints to the Illinois State Police for the  
9 purpose of obtaining a State and federal criminal records  
10 check. These fingerprints shall be checked against the  
11 fingerprint records now and hereafter, to the extent allowed  
12 by law, filed in the Illinois State Police and Federal Bureau  
13 of Investigation criminal history records databases. The  
14 Illinois State Police shall furnish, following positive  
15 identification, all Illinois conviction information to the  
16 Department of Agriculture or the Department of Financial and  
17 Professional Regulation. The Department of Agriculture or the  
18 Department of Financial and Professional Regulation, through  
19 the Illinois State Police, may require the fingerprints of the  
20 following persons:

21 (1) If the applicant is a limited partnership, each  
22 general partner of the limited partnership.

23 (2) If the applicant is a manager-managed limited  
24 liability company, each manager of the limited liability  
25 company.

26 (3) If the applicant is a member-managed limited

1 liability company, each voting member of the limited  
2 liability company.

3 (4) If the applicant is a corporation, each director  
4 and officer of the corporation.

5 (5) Any individual who holds a financial interest of  
6 10% or more in the person applying for the license.

7 Section 60. Properties of license. A license issued under  
8 this Act is all of the following:

9 (1) a personal privilege;

10 (2) renewable in the manner provided under Section 50,  
11 except for a cause that would be grounds for refusal to  
12 issue the license under Section 50;

13 (3) subject to revocation or suspension as provided in  
14 Section 185;

15 (4) except for a license issued to a facilitator under  
16 Section 105, transferable from the premises for which the  
17 license was originally issued to another premises subject  
18 to the provisions of this Act, applicable rules adopted  
19 under this Act, and applicable local ordinances;

20 (5) subject to expiration upon the death of the  
21 licensee, if the license was issued to an individual  
22 except as provided under subsection (p) of Section 155;

23 (6) not considered property;

24 (7) not alienable;

25 (8) not subject to attachment or execution; and

1           (9) not subject to descent by the laws of testate or  
2           intestate succession.

3           Section 65. Duties of the Departments with respect to  
4           issuing licenses.

5           (a) The Department of Financial and Professional  
6           Regulation or the Department of Agriculture shall approve or  
7           deny an application to be licensed under this Act. Upon  
8           receiving an application under Section 50, the Department may  
9           not unreasonably delay processing, approving, or denying the  
10          application or, if the application is approved, issuing the  
11          license.

12          (b) The licenses described in this Act must be issued by  
13          the Department of Financial and Professional Regulation or the  
14          Department of Agriculture subject to the provisions of this  
15          Act and rules adopted under this Act.

16          (c) The Department of Financial and Professional  
17          Regulation may not license premises that do not have defined  
18          boundaries. Premises do not need to be enclosed by a wall,  
19          fence, or other structure, but the Department of Financial and  
20          Professional Regulation may require premises to be enclosed as  
21          a condition of issuing or renewing a license. The Department  
22          of Financial and Professional Regulation may not license  
23          mobile premises.

24          Section 70. Lawful manufacture, delivery, and possession

1 of psilocybin products. A licensee or licensee representative  
2 may manufacture, deliver, or possess a psilocybin product  
3 subject to the provisions of this Act and rules adopted under  
4 this Act. The manufacture, delivery, or possession of a  
5 psilocybin product by a licensee or a licensee representative  
6 in compliance with this Act and rules adopted under this Act  
7 does not constitute a criminal or civil offense under the laws  
8 of this State.

9 Section 75. Restriction on financial interests in multiple  
10 licensees.

11 (a) An individual may not have a financial interest in  
12 either of the following:

13 (1) More than one psilocybin product manufacturer.

14 (2) More than 5 service center operators.

15 (b) Subject to subsection (a), a person may hold multiple  
16 service center operator licenses under Section 95 and may hold  
17 both a manufacturer license under Section 80 and a service  
18 center operator license under Section 95 at the same or  
19 different premises.

20 Section 80. License to manufacture psilocybin products.

21 (a) The manufacture of psilocybin products is subject to  
22 regulation by the Department of Agriculture.

23 (b) A psilocybin product manufacturer must have a  
24 manufacturer license issued by the Department of Agriculture

1 for the premises at which the psilocybin products are  
2 manufactured. To hold a manufacturer license issued under this  
3 Section, a psilocybin product manufacturer must comply with  
4 the following:

5 (1) apply for a license in the manner described in  
6 Section 50; and

7 (2) provide proof that the applicant is 21 years of  
8 age or older.

9 (c) If the applicant is not the owner of the premises at  
10 which the psilocybin is to be manufactured, the applicant  
11 shall submit to the Department of Agriculture signed informed  
12 consent from the owner of the premises to manufacture  
13 psilocybin at the premises. The Department of Agriculture may  
14 adopt rules regarding the informed consent described in this  
15 subsection.

16 (d) The Department of Agriculture shall adopt rules that  
17 comply with the following:

18 (1) require a psilocybin product manufacturer to  
19 annually renew a license issued under this Section;

20 (2) establish application, licensure, and renewal of  
21 licensure fees for psilocybin product manufacturers; and

22 (3) require psilocybin products manufactured by  
23 psilocybin product manufacturers to be tested in  
24 accordance with Section 270.

25 (e) Fees adopted under paragraph (2) of subsection (d) may  
26 not exceed, together with other fees collected under this Act,

1 the cost of administering this Act and shall be deposited into  
2 the Psilocybin Control and Regulation Fund.

3 Section 85. Psilocybin product manufacturers;  
4 endorsements.

5 (a) The Department of Agriculture shall adopt rules that  
6 designate different types of manufacturing activities. A  
7 psilocybin product manufacturer may only engage in a type of  
8 manufacturing activity if the psilocybin product manufacturer  
9 has received an endorsement from the Department for that type  
10 of manufacturing activity.

11 (b) An applicant must request an endorsement upon  
12 submission of an initial application but may also request an  
13 endorsement at any time following licensure.

14 (c) Only one application and license fee is required  
15 regardless of how many endorsements an applicant or licensee  
16 requests or at what time the request is made.

17 (d) A psilocybin product manufacturer licensee may hold  
18 multiple endorsements.

19 (e) The Department of Agriculture may deny a psilocybin  
20 product manufacturer's request for an endorsement or revoke an  
21 existing endorsement if the psilocybin product manufacturer  
22 cannot or does not meet the requirements for the endorsement  
23 that is requested.

24 Section 90. Psilocybin product quantities; rules. The

1 Department of Agriculture shall adopt rules restricting the  
2 quantities of psilocybin products at premises for which a  
3 license has been issued under Section 80. In adopting rules  
4 under this Section, the Department shall take into  
5 consideration the demand for psilocybin services in this  
6 State, the number of psilocybin product manufacturers applying  
7 for a license under Section 80, the number of psilocybin  
8 product manufacturers that hold a license issued under Section  
9 80, and whether the availability of psilocybin products in  
10 this State is commensurate with the demand for psilocybin  
11 services.

12 Section 95. License to operate a service center.

13 (a) The operation of a service center is subject to  
14 regulation by the Department of Financial and Professional  
15 Regulation.

16 (b) A service center operator must have a service center  
17 operator license issued by the Department of Financial and  
18 Professional Regulation for the premises at which psilocybin  
19 services are provided. To hold a service center operator  
20 license under this Section, a service center operator must  
21 comply with the following:

22 (1) apply for a license in the manner described in  
23 Section 50;

24 (2) provide proof that the applicant is 21 years of  
25 age or older;

1           (3) ensure that the service center is located in an  
2           area that is not within the limits of an area zoned  
3           exclusively for residential use;

4           (4) ensure that the service center is not located  
5           within 1,000 feet of a public, private, or parochial  
6           school; and

7           (5) meet the requirements of any rule adopted by the  
8           Department of Financial and Professional Regulation under  
9           subsection (c).

10          (c) The Department of Financial and Professional  
11          Regulation shall adopt rules that comply with the following:

12           (1) require a service center operator to annually  
13           renew a license issued under this Section;

14           (2) establish application, licensure, and renewal of  
15           licensure fees for service center operators;

16           (3) require psilocybin products sold by a service  
17           center operator to be tested in accordance with Section  
18           270; and

19           (4) require a service center operator to meet any  
20           public health and safety standards and industry best  
21           practices established by the Department by rule.

22          Fees adopted under paragraph (2) of this subsection may  
23          not exceed, together with other fees collected under this Act,  
24          the cost of administering this Act and shall be deposited into  
25          the Psilocybin Control and Regulation Fund established under  
26          Section 190.

1           Section 100. Establishment of schools after issuance of  
2 license.

3           (a) If a school described under paragraph (5) of  
4 subsection (b) of Section 95 that has not previously been  
5 attended by children is established within 1,000 feet of  
6 premises for which a license has been issued under Section 95,  
7 the service center operator located at that premises may  
8 remain at that location unless the Department of Financial and  
9 Professional Regulation revokes the license of the service  
10 center operator under Section 175.

11           (b) The Department of Financial and Professional  
12 Regulation may adopt rules establishing the circumstances  
13 under which the Department may require a service center  
14 operator that holds a license issued under Section 95 to use an  
15 age verification scanner or any other equipment used to verify  
16 a person's age for the purpose of ensuring that the service  
17 center operator does not sell psilocybin products to a person  
18 under 21 years of age. Information obtained under this  
19 subsection may not be retained after verifying a person's age  
20 and may not be used for any purpose other than verifying a  
21 person's age.

22           Section 105. License to facilitate psilocybin services.

23           (a) The facilitation of psilocybin services is subject to  
24 regulation by the Department of Financial and Professional

1 Regulation.

2 (b) A facilitator must have a facilitator license issued  
3 by the Department of Financial and Professional Regulation. To  
4 hold a facilitator license issued under this Section, a  
5 facilitator must comply with the following:

6 (1) apply for a license in the manner described in  
7 Section 50;

8 (2) provide proof that the applicant is 21 years of  
9 age or older;

10 (3) have either:

11 (i) a baccalaureate degree from an accredited  
12 university or college;

13 (ii) a high school diploma or its equivalent and  
14 demonstrable experience administering psilocybin in a  
15 manner of cultural significance as part of a  
16 tradition, ceremony, or rite that is more than merely  
17 recreational use; or

18 (iii) a high school diploma or its equivalent and  
19 be licensed or certified as at least one of the  
20 following in good standing in Illinois:

21 (A) licensed behavior analyst as defined under  
22 the Behavior Analyst Licensing Act;

23 (B) clinical psychologist or prescribing  
24 psychologist as defined under the Clinical  
25 Psychologist Licensing Act;

26 (C) licensed clinical social worker or

1 licensed social worker as defined under the  
2 Clinical Social Work and Social Work Practice Act;

3 (D) licensed marriage and family therapist as  
4 defined under the Marriage and Family Therapy  
5 Licensing Act;

6 (E) licensed professional music therapist as  
7 defined under the Music Therapy Licensing and  
8 Practice Act;

9 (F) physician as defined under the Medical  
10 Practice Act of 1987;

11 (G) certified nurse midwife or licensed  
12 certified professional midwife as defined under  
13 the Licensed Certified Professional Midwife  
14 Practice Act;

15 (H) advanced practice registered nurse,  
16 license-pending registered nurse, licensed  
17 practical nurse, or registered nurse as defined  
18 under the Nurse Practice Act;

19 (I) occupational therapist as defined under  
20 the Illinois Occupational Therapy Practice Act;

21 (J) licensed pharmacist under the Pharmacy  
22 Practice Act;

23 (K) physician assistant as defined under the  
24 Physician Assistant Practice Act of 1987;

25 (L) licensed professional counselor or  
26 licensed clinical professional counselor as

1 defined under the Professional Counselor and  
2 Clinical Professional Counselor Licensing and  
3 Practice Act;

4 (M) naprapath as defined under the Naprapathic  
5 Practice Act;

6 (N) licensed orthoptist, licensed pedorthist,  
7 a licensed podiatric physician, or a licensed  
8 prosthetist as defined under the Orthotics,  
9 Prosthetics, and Pedorthics Practice Act;

10 (O) certified Recovery Support Specialist  
11 certified by the Illinois Certification Board;

12 (P) certified Peer Recovery Specialist; or

13 (Q) certified alcohol and drug counselor.

14 (4) submit evidence of completion of education and  
15 training prescribed and approved by the Department;

16 (5) have passed an examination approved, administered,  
17 or recognized by the Department; and

18 (6) meet the requirements of any rule adopted by the  
19 Department under subsection (d).

20 (c) The Department of Financial and Professional  
21 Regulation shall adopt rules that comply with the following:

22 (1) require a facilitator to annually renew a license  
23 issued under this Section;

24 (2) establish application, licensure, and renewal of  
25 licensure fees for facilitators;

26 (3) require a facilitator to meet any public health

1 and safety standards and industry best practices  
2 established by the Department by rule.

3 (d) Fees adopted under paragraph (2) of subsection (d) may  
4 not exceed, together with other fees collected under this Act,  
5 the cost of administering this Act and shall be deposited into  
6 the Psilocybin Control and Regulation Fund.

7 (e) A facilitator may be, but need not be, an employee,  
8 manager, director, officer, partner, member, shareholder, or  
9 direct or indirect owner of one or more service center  
10 operators.

11 (f) A license issued to a facilitator under this Section  
12 is not limited to any one or more premises.

13 Section 110. License examinations; rules. The Department  
14 of Financial and Professional Regulation shall offer an  
15 examination for applicants for licenses to facilitate  
16 psilocybin services at least twice a year. An applicant who  
17 fails any part of the examination may retake the failed  
18 section in accordance with rules adopted by the Department.  
19 The rules adopted by the Department in accordance with this  
20 Section shall require that applicants for facilitator licenses  
21 retake any training program required for licensure by the  
22 Department if the applicant has failed an examination twice in  
23 a row prior to being permitted to retake the test for a third  
24 time. Such retraining shall be required after any subsequent  
25 instances of an applicant failing the examination twice in a

1 row.

2 Section 115. Age verification. The Department of  
3 Financial and Professional Regulation may adopt rules  
4 establishing the circumstances under which the Department may  
5 require a facilitator that holds a license issued under  
6 Section 105 to use an age verification scanner or any other  
7 equipment used to verify a person's age for the purpose of  
8 ensuring that the facilitator does not provide psilocybin  
9 services to a person under 21 years of age. Information  
10 obtained under this Section may not be retained after  
11 verifying a person's age and may not be used for any purpose  
12 other than verifying a person's age.

13 Section 120. Psilocybin services. The Department of  
14 Financial and Professional Regulation shall adopt by rule the  
15 requirements, specifications, and guidelines for the  
16 following:

- 17 (1) providing psilocybin services to a client;
- 18 (2) holding and verifying the completion of a  
19 preparation session;
- 20 (3) having a client complete, sign, and deliver a  
21 client information form to a service center operator and a  
22 facilitator;
- 23 (4) holding and verifying the completion of an  
24 administration session; and

1           (5) holding and verifying the completion of an  
2           integration session.

3           Section 125. Preparation session.

4           (a) Before a client participates in an administration  
5           session, the client must attend a preparation session with a  
6           facilitator. A preparation session is intended to provide  
7           individuals with comprehensive information about the potential  
8           risks and benefits of the use of psilocybin.

9           (b) A preparation session may be, but need not be, held at  
10          a service center. During the preparation session, the client  
11          must complete a client intake form, develop a transportation  
12          plan, and a safety and support plan.

13          (c) If a preparation session is completed in accordance  
14          with all applicable requirements, specifications, and  
15          guidelines, as determined by the Department, the facilitator  
16          must certify, in a form and manner prescribed by the  
17          Department, that the client completed the preparation session.  
18          This certification shall be collected for the limited purpose  
19          of ensuring the facilitator adheres to all applicable  
20          requirements, specifications, and guidelines. The Department,  
21          facilitator, and service center operator shall maintain such  
22          certifications in a manner that ensures confidentiality and  
23          shall not sell, disclose, or otherwise transfer any personally  
24          identifiable information of the client without the client's  
25          express written consent. The Department, facilitator, and

1 service center shall only maintain personally identifiable  
2 information of the client to the extent necessary to transact  
3 business and ensure compliance with all laws and rules.

4 Section 130. Client information form.

5 (a) Before a client participates in an administration  
6 session, the following must occur:

7 (1) The client must complete and sign a client  
8 information form in a form and manner prescribed by the  
9 Department.

10 (2) A copy of the completed and signed client  
11 information form must be delivered to the service center  
12 operator that operates the service center at which the  
13 administration session is to be held and to the  
14 facilitator that will supervise the administration  
15 session.

16 (3) Enable the service center operator to confirm the  
17 client has obtained a referral from a licensed physician,  
18 psychiatrist, professional counselor, clinical  
19 professional counselor, prescribing psychologist, or  
20 clinical psychologist for psilocybin service.

21 (b) The client information form must comply with the  
22 following:

23 (1) Solicit from the client such information as may be  
24 necessary: (i) to enable a service center operator and a  
25 facilitator to determine whether the client should

1           participate in an administration session, including  
2           information that may identify risk factors and  
3           contraindications, and (ii) to assist the service center  
4           operator and the facilitator in meeting any public health  
5           and safety standards and industry best practices during  
6           the administration session.

7           (2) Contain such health and safety warnings and other  
8           disclosures to the client as the Department may require.

9           (c) The service center operator shall maintain the client  
10          information form in a manner that ensures confidentiality and  
11          shall not sell, disclose, or otherwise transfer any personally  
12          identifiable information of the client without the client's  
13          express written consent.

14          (d) The service center operator shall require proof of a  
15          referral for psilocybin service prior to the preparation  
16          session.

17          Section 131. Safety and support plans.

18          (a) A facilitator must work with every client who will  
19          participate in an administration session to draft a safety and  
20          support plan that identifies risks and challenges specific to  
21          the client's circumstances and resources available to mitigate  
22          those risks and challenges, including the client's existing  
23          support network and appropriate external resources.

24          (b) Safety and support plans must include contact  
25          information for a person to be contacted if the client

1 experiences a medical or other emergency.

2 (c) Safety and support plans may not be changed during an  
3 administration session.

4 (d) Client records described by this Act must be available  
5 to the facilitator at the service center where the client  
6 participates or intends to participate in an administration  
7 session.

8 Section 132. Transportation plans.

9 (a) A facilitator must create and record a transportation  
10 plan for every client that receives psilocybin services.

11 (b) Transportation plans must be signed by the client and  
12 describe how the client will access safe transportation away  
13 from the service center at the conclusion of an administration  
14 session.

15 (c) Transportation plans shall advise a client not to  
16 operate a motor vehicle directly following an administration  
17 session. Facilitators shall make reasonable efforts to prevent  
18 clients from operating a motor vehicle at the conclusion of an  
19 administration session. If a client's failure to follow the  
20 client's transportation plan creates a danger to the client's  
21 safety or the safety of others, a facilitator must make  
22 reasonable efforts to resolve the safety issue.

23 (d) If a facilitator is unable to resolve safety issues  
24 caused by a client's failure to follow the client's  
25 transportation plan after making reasonable efforts required

1 by subsection (c), a facilitator must contact appropriate  
2 emergency services.

3 (e) If a client is unable to follow the client's  
4 transportation plan, a facilitator must make reasonable  
5 efforts to arrange for alternative transportation.

6 (f) A facilitator must document in writing and retain  
7 documentation for all instances in which a client does not  
8 follow the client's transportation plan.

9 (g) All client records, including any copies of client  
10 records, described by this Act must be available to the  
11 facilitator at the service center where the client  
12 participates or intends to participate in an administration  
13 session.

14 Section 135. Administration session.

15 (a) After a client completes a preparation session and  
16 completes and signs a client information form, the client may  
17 participate in an administration session.

18 (b) An administration session must be held under the  
19 supervision of a licensed facilitator at a service center. A  
20 facilitator or service center shall not permit a client to  
21 consume psilocybin at any time other than during an  
22 administration session at the service center.

23 (c) If an administration session is completed in  
24 accordance with all applicable requirements, specifications,  
25 and guidelines, as determined by the Department, the

1 facilitator must certify, in a form and manner prescribed by  
2 the Department, that the client completed the administration  
3 session. This certification shall be collected for the limited  
4 purpose of ensuring the facilitator adheres to all applicable  
5 requirements, specifications, and guidelines. The Department,  
6 facilitator, and service center operator shall maintain such  
7 certifications in a manner that ensures confidentiality and  
8 shall not sell, disclose, or otherwise transfer any personally  
9 identifiable information of the client without the client's  
10 express written consent. The Department, facilitator, and  
11 service center shall only maintain personally identifiable  
12 information of the client to the extent necessary to transact  
13 business and ensure compliance with all laws and rules.

14 Section 136. Post-administration evaluation session. All  
15 clients are required to participate in a post-administration  
16 evaluation session prior to leaving a service center after  
17 completing an administration session. After a client completes  
18 an administration session, the facilitator must conduct a  
19 post-administration evaluation session. During the session,  
20 the facilitator will engage with the client to ensure there  
21 are no medical emergencies that arose from the administration  
22 session and also ensure that the client is no longer under the  
23 hallucinogenic effects of psilocybin prior to releasing the  
24 client from the service center. The facilitator shall consider  
25 the client's physical attributes as well as the quantity

1 psilocybin administered in conducting the post-administration  
2 evaluation.

3 Section 140. Integration session.

4 (a) After a client completes an administration session and  
5 a post-administration evaluation session, a facilitator must  
6 conduct an integration session with the client. However, the  
7 integration session requirement may be waived if the client  
8 has produced a written letter from the client's referring  
9 licensed professional that states the licensed professional  
10 will discuss the psilocybin service at a future appointment.  
11 Integration sessions are intended to promote psychological  
12 well-being and reduce the risk of adverse reactions by  
13 ensuring individuals are not left to process potentially  
14 overwhelming experiences alone.

15 (b) An integration session shall be held at a service  
16 center.

17 (c) If an integration session is completed in accordance  
18 with all applicable requirements, specifications, and  
19 guidelines, as determined by the Department, the facilitator  
20 shall certify in a form and manner prescribed by the  
21 Department that the client completed the integration session  
22 or otherwise provided the appropriate waiver materials. This  
23 certification shall be collected for the limited purpose of  
24 ensuring the facilitator adheres to all applicable  
25 requirements, specifications, and guidelines. The Department,

1 facilitator, and service center operator shall maintain such  
2 certifications in a manner that ensures confidentiality and  
3 shall not sell, disclose, or otherwise transfer any personally  
4 identifiable information of the client without the client's  
5 express written consent. The Department, facilitator, and  
6 service center shall only maintain personally identifiable  
7 information of the client to the extent necessary to transact  
8 business and ensure compliance with all laws and rules.

9 Section 145. Reliance on client information form.

10 (a) If a client information form is offered as evidence in  
11 any administrative or criminal prosecution of a licensee or  
12 licensee representative for sale or service of a psilocybin  
13 product to a client, the licensee or licensee representative  
14 is not guilty of any offense prohibiting a person from selling  
15 or serving a psilocybin product to a client unless it is  
16 demonstrated that a reasonable person would have determined  
17 that the responses provided by the client on the client  
18 information form were incorrect or altered.

19 (b) A licensee or licensee representative shall be  
20 entitled to rely upon all statements, declarations, and  
21 representations made by a client in a client information form  
22 unless it is demonstrated that either:

23 (1) a reasonable person would have determined that one  
24 or more of the statements, declarations, or  
25 representations made by the client in the client

1 information form were incorrect or altered; or

2 (2) the licensee or licensee representative violated a  
3 provision of this Act or a rule adopted under this Act  
4 relative to the client information form.

5 (c) Except as provided in subsection (b), no licensee or  
6 licensee representative shall incur legal liability by virtue  
7 of any untrue statement, declaration, or representation so  
8 relied upon in good faith by the licensee or licensee  
9 representative.

10 (d) The Department of Financial and Professional  
11 Regulation shall adopt rules for recordkeeping, privacy, and  
12 confidentiality requirements of service centers. However, the  
13 recordkeeping shall not result in disclosure to the public or  
14 any governmental agency of any participant's personally  
15 identifiable information.

16 Section 150. Refusal to provide psilocybin services to a  
17 client.

18 (a) Subject to applicable State law, a licensee or  
19 licensee representative may refuse to provide psilocybin  
20 services to a potential client for any or no reason.

21 (b) Except as provided in subsection (c), and subject to  
22 applicable State law, a licensee or licensee representative  
23 may cease providing psilocybin services to a client for any or  
24 no reason.

25 (c) A service center operator and a facilitator may not

1 cease providing psilocybin services to a client during an  
2 administration session after the client has consumed a  
3 psilocybin product, except as authorized by the Department of  
4 Financial and Professional Regulation by rule or as necessary  
5 in an emergency.

6 (d) A service center operator and a facilitator must  
7 refuse to provide psilocybin service to a potential client  
8 who:

9 (1) does not provide a referral for psilocybin  
10 service;

11 (2) voluntarily discloses that the potential client  
12 possesses certain risk factors indicating psilocybin  
13 service is inappropriate or harmful as determined by the  
14 Advisory Board under subsection (a) of Section 30 or by  
15 rules adopted by the Department; or

16 (3) a reasonable person would believe, based on the  
17 statements, conduct, or other behavior of the potential  
18 client, that the potential client possesses certain risk  
19 factors indicating psilocybin service is inappropriate or  
20 harmful as determined by the Advisory Board under  
21 subsection (a) of Section 30 or by rules adopted by the  
22 Department.

23 Section 155. Department powers and duties relating to  
24 facilitators.

25 (a) The Department of Financial and Professional

1 Regulation shall perform the following:

2 (1) Determine the qualifications, training, education,  
3 and fitness of applicants for licenses to facilitate  
4 psilocybin services, giving particular consideration to  
5 the following:

6 (A) facilitation skills that are affirming,  
7 nonjudgmental, culturally competent, trauma-informed,  
8 rooted in informed consent, and nondirective;

9 (B) support skills for clients during an  
10 administration session, including specialized skills  
11 for the following:

12 (i) client safety; and

13 (ii) clients who may have a mental health  
14 condition;

15 (C) the environment in which psilocybin services  
16 should occur; and

17 (D) social and cultural considerations.

18 (2) Formulate a code of professional conduct for  
19 facilitators, giving particular consideration to a code of  
20 ethics.

21 (3) Establish standards of practice and professional  
22 responsibility for individuals licensed by the Department  
23 to facilitate psilocybin services.

24 (4) Select licensing examinations for licenses to  
25 facilitate psilocybin services.

26 (5) Provide for waivers of examinations, as

1 appropriate.

2 (6) Appoint representatives to conduct or supervise  
3 examinations of applicants for licenses to facilitate  
4 psilocybin services.

5 (b) The Department of Financial and Professional  
6 Regulation shall adopt by rule minimum standards of education  
7 and training requirements for facilitators. These rules must  
8 establish minimum standards for first-aid treatment and  
9 training on CPR/AED and any other emergency medical response  
10 training the Department deems appropriate for the safe  
11 administration of psilocybin services.

12 (c) The Department of Financial and Professional  
13 Regulation shall approve courses for facilitators. To obtain  
14 approval of a course, the provider of a course must submit an  
15 outline of instruction to the Department. The outline must  
16 include the proposed courses, total hours of instruction,  
17 hours of lectures in theory, and the hours of instruction in  
18 application of practical skills.

19 (d) The Department of Financial and Professional  
20 Regulation may, after 72 hours' notice, make an examination of  
21 the books of a licensee for the purpose of determining  
22 compliance with this Act and rules adopted under this Act.

23 (e) The Department of Financial and Professional  
24 Regulation or the Department of Agriculture may at any time  
25 make an examination of premises for which a license has been  
26 issued under this Act for the purpose of determining

1 compliance with this Act and rules adopted under this Act.

2 (f) The Department of Financial and Professional  
3 Regulation may not require the books of a licensee to be  
4 maintained on the premises of the licensee.

5 (g) If a licensee holds more than one license issued under  
6 this Act for the same premises, the Department of Financial  
7 and Professional Regulation or the Department of Agriculture  
8 may require the premises to be segregated into separate areas  
9 for conducting the activities permitted under each license as  
10 is necessary to protect the public health and safety.

11 (h) As is necessary to protect the public health and  
12 safety, the Department of Financial and Professional  
13 Regulation or the Department of Agriculture may require a  
14 licensee to maintain general liability insurance in an amount  
15 that the Department determines is reasonably affordable and  
16 available for the purpose of protecting the licensee against  
17 damages resulting from a cause of action related to activities  
18 undertaken pursuant to the license held by the licensee.

19 (i) The Department of Financial and Professional  
20 Regulation and the Department of Agriculture shall develop and  
21 maintain a system for tracking the transfer of psilocybin  
22 products between premises for which licenses have been issued  
23 under this Act. The purposes of the system include, but are not  
24 limited to, the following:

25 (1) preventing the diversion of psilocybin products to  
26 other states;

1           (2) preventing persons from substituting or tampering  
2 with psilocybin products;

3           (3) ensuring an accurate accounting of the production,  
4 processing, and sale of psilocybin products;

5           (4) ensuring that laboratory testing results are  
6 accurately reported; and

7           (5) ensuring compliance with this Act, rules adopted  
8 under this Act, and any other law of this State that  
9 charges the Department with a duty, function, or power  
10 related to psilocybin.

11          (j) The system developed under subsection (i) must be  
12 capable of tracking, at a minimum, the following:

13           (1) the manufacturing of psilocybin products;

14           (2) the sale of psilocybin products by a service  
15 center operator to a client;

16           (3) the sale and purchase of psilocybin products  
17 between licensees, as permitted by this Act;

18           (4) the transfer of psilocybin products between  
19 premises for which licenses have been issued under this  
20 Act; and

21           (5) any other information that the Department  
22 determines is reasonably necessary to accomplish the  
23 duties, functions, and powers of the Department under this  
24 Act.

25          (k) Except as otherwise provided by law, the Department of  
26 Financial and Professional Regulation and the Department of

1 Agriculture have any power, and may perform any function,  
2 necessary for the Departments to prevent the diversion of  
3 psilocybin products from licensees to a source that is not  
4 operating legally under the laws of this State.

5 (l) In addition to any other disciplinary action available  
6 to the Department of Financial and Professional Regulation and  
7 the Department of Agriculture under this Act, either  
8 Department may immediately restrict, suspend, or refuse to  
9 renew a license issued under this Act if circumstances create  
10 probable cause for the Department to conclude that a licensee  
11 has purchased or received a psilocybin product from an  
12 unlicensed source or that a licensee has sold, stored, or  
13 transferred a psilocybin product in a manner that is not  
14 permitted by the licensee's license.

15 (m) The Department of Financial and Professional  
16 Regulation or the Department of Agriculture may require a  
17 licensee or applicant for a license under this Act to submit,  
18 in a form and manner prescribed by the Department, to the  
19 Department a sworn statement showing the following:

20 (1) The name and address of each person who has a  
21 financial interest in the business operating or to be  
22 operated under the license.

23 (2) The nature and extent of the financial interest of  
24 each person who has a financial interest in the business  
25 operating or to be operated under the license.

26 (3) The Department of Financial and Professional

1 Regulation or the Department of Agriculture may refuse to  
2 issue, or may suspend, revoke, or refuse to renew, a  
3 license issued under this Act if the Department determines  
4 that a person who has a financial interest in the business  
5 operating or to be operated under the license committed or  
6 failed to commit an act that would constitute grounds for  
7 the Department to refuse to issue, or to suspend, revoke,  
8 or refuse to renew, the license if the person is the  
9 licensee or applicant for the license.

10 (n) Notwithstanding the lapse, suspension, or revocation  
11 of a license issued under this Act, the Department of  
12 Financial and Professional Regulation and the Department of  
13 Agriculture may perform the following:

14 (1) proceed with any investigation of, or any action  
15 or disciplinary proceeding against, the person who held  
16 the license;

17 (2) revise or render void an order suspending or  
18 revoking the license; and

19 (3) in cases involving the proposed denial of a  
20 license applied for under this Act, the applicant for  
21 licensure may not withdraw the applicant's application.

22 (o) Notwithstanding the lapse, suspension, or revocation  
23 of a permit issued under Section 180, the Department of  
24 Financial and Professional Regulation and the Department of  
25 Agriculture may perform the following:

26 (1) proceed with any investigation of, or any action

1 or disciplinary proceeding against, the person who held  
2 the permit;

3 (2) revise or render void an order suspending or  
4 revoking the permit; and

5 (3) in cases involving the proposed denial of a permit  
6 applied for under Section 180, the applicant may not  
7 withdraw the applicant's application.

8 (p) The Department of Financial and Professional  
9 Regulation and the Department of Agriculture may, by rule or  
10 order, provide for the manner and conditions under which the  
11 following occur:

12 (1) psilocybin products left by a deceased, insolvent,  
13 or bankrupt person or licensee, or subject to a security  
14 interest, may be foreclosed, sold under execution, or  
15 otherwise disposed of;

16 (2) the business of a deceased, insolvent, or bankrupt  
17 licensee may be operated for a reasonable period following  
18 the death, insolvency, or bankruptcy; and

19 (3) a secured party may continue to operate at the  
20 premises for which a license has been issued under this  
21 Act for a reasonable period after default on the  
22 indebtedness by the debtor.

23 Section 160. Conduct of licensees; prohibitions.

24 (a) A psilocybin product manufacturer that holds a license  
25 under Section 80 may not manufacture psilocybin products

1 outdoors.

2 (b) A psilocybin product manufacturer that holds a license  
3 under Section 80 may deliver psilocybin products only to or on  
4 premises for which a license has been issued under Section 80  
5 or Section 95 and may receive psilocybin products only from a  
6 psilocybin product manufacturer that holds a license under  
7 Section 80.

8 (c) A service center operator that holds a license under  
9 Section 95 may deliver psilocybin products only to or on  
10 premises for which a license has been issued under Section 95  
11 and may receive psilocybin products only from a psilocybin  
12 product manufacturer that holds a license under Section 80 or  
13 a service center operator that holds a license under Section  
14 95.

15 (d) The sale and administration of psilocybin products to  
16 a client by a service center operator that holds a license  
17 issued under Section 95 must be restricted to the premises for  
18 which the license has been issued.

19 (e) The Department of Financial and Professional  
20 Regulation or the Department of Agriculture may by order waive  
21 the requirements of subsections (b) and (c) to ensure  
22 compliance with this Act or a rule adopted under this Act. An  
23 order issued under this subsection does not constitute a  
24 waiver of any other requirement of this Act or any other rule  
25 adopted under this Act.

26 (f) A licensee or licensee representative may not sell or

1 deliver a psilocybin product to a person under 21 years of age.

2 (g) Subject to subsection (h), a licensee or licensee  
3 representative, before selling or providing a psilocybin  
4 product to another person, must require the person to produce  
5 one of the following pieces of identification:

6 (1) The person's passport.

7 (2) The person's driver's license, issued by the State  
8 or another state of the United States.

9 (3) An identification card issued by the State.

10 (4) A United States military identification card.

11 (5) An identification card issued by a federally  
12 recognized Indian tribe.

13 (6) Any other identification card issued by a state or  
14 territory of the United States that bears a picture of the  
15 person, the name of the person, the person's date of  
16 birth, and a physical description of the person.

17 (h) The Department may adopt rules exempting a licensee or  
18 licensee representative from the provisions of subsection (g).

19 (i) A client may not be required to procure for the purpose  
20 of acquiring or purchasing a psilocybin product a piece of  
21 identification other than a piece of identification described  
22 in subsection (g).

23 (j) A service center operator, a facilitator, or any  
24 employee of a service center operator or facilitator may not  
25 disclose any information that may be used to identify a client  
26 or any communication made by a client during the course of

1 providing psilocybin services or selling psilocybin products  
2 to the client, except for the following:

3 (1) When the client or a person authorized to act on  
4 behalf of the client gives consent to the disclosure.

5 (2) When the client initiates legal action or makes a  
6 complaint against the service center operator, the  
7 facilitator, or the employee.

8 (3) When the communication reveals the intent to  
9 commit a crime harmful to the client or others.

10 (4) When the communication reveals that a minor may  
11 have been a victim of a crime or physical, sexual, or  
12 emotional abuse or neglect.

13 (5) When responding to an inquiry by the Department  
14 made during the course of an investigation into the  
15 conduct of the service center operator, the facilitator,  
16 or the employee under this Act.

17 (k) A client may only purchase a psilocybin product at a  
18 service center and may only consume such product during an  
19 administration session on the premises of a service center.

20 (l) A licensee may not employ a person under 21 years of  
21 age at premises for which a license has been issued under this  
22 Act.

23 (m) During an inspection of premises for which a license  
24 has been issued under this Act, the Department of Financial  
25 and Professional Regulation or the Department of Agriculture  
26 may require proof that a person performing work at the

1 premises is 21 years of age or older. If the person does not  
2 provide the Department with acceptable proof of age upon  
3 request, the Department may require the person to immediately  
4 cease any activity and leave the premises until the Department  
5 receives acceptable proof of age. This subsection does not  
6 apply to a person temporarily at the premises to make a  
7 service, maintenance, or repair call or for other purposes  
8 independent of the premises operations.

9 (n) If a person performing work has not provided proof of  
10 age requested by the Department of Financial and Professional  
11 Regulation or the Department of Agriculture under subsection  
12 (m), the Department may request that the licensee provide  
13 proof that the person is 21 years of age or older. Failure of  
14 the licensee to respond to a request made under this  
15 subsection by providing acceptable proof of age for a person  
16 is prima facie evidence that the licensee has allowed the  
17 person to perform work at the premises for which a license has  
18 been issued under this Act in violation of the minimum age  
19 requirement.

20 (o) A licensee may not use or allow the use of a mark or  
21 label on the container of a psilocybin product that is kept for  
22 sale if the mark or label does not precisely and clearly  
23 indicate the nature of the container's contents or if the mark  
24 or label in any way might deceive a person about the nature,  
25 composition, quantity, age, or quality of the container's  
26 contents.

1           (p) The Department of Financial and Professional  
2 Regulation or the Department of Agriculture may prohibit a  
3 licensee from selling any psilocybin product that, in the  
4 Department's judgment, is deceptively labeled or contains  
5 injurious or adulterated ingredients.

6           Section 165. Psilocybin product prohibitions.

7           (a) A psilocybin product may not be sold or offered for  
8 sale within this State unless the psilocybin product complies  
9 with the minimum standards under the laws of this State.

10          (b) The Department of Financial and Professional  
11 Regulation or the Department of Agriculture may prohibit the  
12 sale of a psilocybin product by a service center operator for a  
13 reasonable period of time, not exceeding 90 days, for the  
14 purpose of determining whether the psilocybin product complies  
15 with the minimum standards prescribed by the laws of this  
16 State.

17          (c) A person may not make false representations or  
18 statements to the Department of Financial and Professional  
19 Regulation or the Department of Agriculture in order to induce  
20 or prevent action by the Department.

21          (d) A licensee may not maintain a noisy, lewd, unsafe, or  
22 unsanitary establishment or supply impure or otherwise  
23 deleterious psilocybin products.

24          (e) A licensee may not misrepresent to a person or to the  
25 public any psilocybin products.

1           Section 170. Purpose of licenses issued under this Act. A  
2 license issued under this Act serves the purpose of exempting  
3 the person who holds the license from the criminal laws of this  
4 State for possession, delivery, or manufacture of psilocybin  
5 products if the person complies with all State laws and rules  
6 applicable to the licensee.

7           Section 171. Investigations.

8           (a) Manufacturers, service centers, and laboratories that  
9 conduct testing of psilocybin products are subject to random  
10 and unannounced dispensary inspections and psilocybin testing  
11 by the Department of Financial and Professional Regulation,  
12 the Department of Agriculture, the Illinois State Police,  
13 local law enforcement, or as provided by rule.

14           (b) The Department of Financial and Professional  
15 Regulation, the Department of Agriculture, and their  
16 authorized representatives may enter any place, including a  
17 vehicle, in which psilocybin is held, stored, dispensed, sold,  
18 produced, delivered, transported, manufactured, or disposed of  
19 and inspect, in a reasonable manner, the place and all  
20 pertinent equipment, containers and labeling, and all things  
21 including records, files, financial data, sales data, shipping  
22 data, pricing data, personnel data, research, papers,  
23 processes, controls, and facility, and inventory any stock of  
24 psilocybin and obtain samples of any psilocybin or

1 psilocybin-infused product, any labels or containers for  
2 psilocybin, or paraphernalia.

3 (c) The Department of Financial and Professional  
4 Regulation or the Department of Agriculture may conduct an  
5 investigation of an applicant, application, service center,  
6 manufacturer, manufacturer agent, licensed laboratory that  
7 conducts testing of a psilocybin product, principal officer,  
8 facilitator, service center agent, third party vendor, or any  
9 other party associated with a service center, facilitator,  
10 manufacturer, or laboratory that conducts testing of  
11 psilocybin for an alleged violation of this Act or rules or to  
12 determine qualifications to be granted a registration by the  
13 Department of Financial and Professional Regulation or the  
14 Department of Agriculture.

15 (d) The Department of Financial or Professional Regulation  
16 or the Department of Agriculture may require an applicant or  
17 holder of any license issued pursuant to this Article to  
18 produce documents, records, or any other material pertinent to  
19 the investigation of an application or alleged violations of  
20 this Act or rules. Failure to provide the required material  
21 may be grounds for denial or discipline.

22 (e) Every person charged with preparation, obtaining, or  
23 keeping records, logs, reports, or other documents in  
24 connection with this Act and rules and every person in charge,  
25 or having custody, of those documents shall, upon request by  
26 the Department of Financial and Professional Regulation or the

1 Department of Agriculture, make the documents immediately  
2 available for inspection and copying by either Department,  
3 either Department's authorized representative, or others  
4 authorized by law to review the documents.

5 Section 172. Citations. The Department of Financial or  
6 Professional Regulation or the Department of Agriculture may  
7 issue nondisciplinary citations for minor violations. Any such  
8 citation issued by the Department of Financial or Professional  
9 Regulation or the Department of Agriculture may be accompanied  
10 by a fee. The fee shall not exceed \$20,000 per violation. The  
11 citation shall be issued to the licensee and shall contain the  
12 licensee's name and address, the licensee's license number, a  
13 brief factual statement, the Sections of the law allegedly  
14 violated, and the fee, if any, imposed. The citation must  
15 clearly state that the licensee may choose, in lieu of  
16 accepting the citation, to request a hearing. If the licensee  
17 does not dispute the matter in the citation with the  
18 Department of Financial or Professional Regulation or the  
19 Department of Agriculture within 30 days after the citation is  
20 served, then the citation shall become final and not subject  
21 to appeal. The penalty shall be a fee or other conditions as  
22 established by rule.

23 Section 173. Grounds for discipline.

24 (a) The Department of Financial or Professional Regulation

1 or the Department of Agriculture may deny issuance, refuse to  
2 renew or restore, or may reprimand, place on probation,  
3 suspend, revoke, or take other disciplinary or nondisciplinary  
4 action against any license or may impose a fine for any of the  
5 following:

6 (1) material misstatement in furnishing information to  
7 the Department;

8 (2) violations of this Act or rules;

9 (3) obtaining an authorization or license by fraud or  
10 misrepresentation;

11 (4) a pattern of conduct that demonstrates  
12 incompetence or that the applicant has engaged in conduct  
13 or actions that would constitute grounds for discipline  
14 under this Act;

15 (5) aiding or assisting another person in violating  
16 any provision of this Act or rules;

17 (6) failing to respond to a written request for  
18 information by the Department within 30 days;

19 (7) engaging in unprofessional, dishonorable, or  
20 unethical conduct of a character likely to deceive,  
21 defraud, or harm the public;

22 (8) adverse action by another United States  
23 jurisdiction or foreign nation;

24 (9) a finding by the Department that the licensee,  
25 after having his or her license placed on suspended or  
26 probationary status, has violated the terms of the

1 suspension or probation;

2 (10) conviction, entry of a plea of guilty, nolo  
3 contendere, or the equivalent in a State or federal court  
4 of a principal officer or agent-in-charge of a felony  
5 offense in accordance with Sections 2105-131, 2105-135,  
6 and 2105-205 of the Department of Professional Regulation  
7 Law of the Civil Administrative Code of Illinois;

8 (11) excessive use of or addiction to alcohol,  
9 narcotics, stimulants, or any other chemical agent or  
10 drug;

11 (12) a finding by the Department of a discrepancy in a  
12 Department audit of psilocybin;

13 (13) a finding by the Department of a discrepancy in a  
14 Department audit of capital or funds;

15 (14) a finding by the Department of acceptance of  
16 psilocybin from a source other than a manufacturer  
17 licensed by the Department of Agriculture, or a service  
18 center licensed by the Department;

19 (15) an inability to operate using reasonable  
20 judgment, skill, or safety due to physical or mental  
21 illness or other impairment or disability, including,  
22 without limitation, deterioration through the aging  
23 process or loss of motor skills or mental incompetence;

24 (16) failing to report to the Department within the  
25 time frames established, or if not identified, no later  
26 than 14 days after an adverse action, of any adverse

1 action taken against the dispensing organization or an  
2 agent by a licensing jurisdiction in any state or any  
3 territory of the United States or any foreign  
4 jurisdiction, any governmental agency, any law enforcement  
5 agency or any court defined in this Section;

6 (17) any violation of the dispensing organization's  
7 policies and procedures submitted to the Department  
8 annually as a condition for licensure;

9 (18) failure to inform the Department of any change of  
10 address no later than 10 business days after the change of  
11 address occurs;

12 (19) disclosing customer names, personal information,  
13 or protected health information in violation of any State  
14 or federal law;

15 (20) operating a service center or manufacturing  
16 psilocybin before obtaining a license from the appropriate  
17 Department;

18 (21) performing duties authorized by this Act prior to  
19 receiving a license to perform such duties;

20 (22) dispensing psilocybin when prohibited by this Act  
21 or rules;

22 (23) any fact or condition that, if it had existed at  
23 the time of the original application for the license,  
24 would have warranted the denial of the license;

25 (24) permitting a person without a valid license to  
26 perform licensed activities under this Act;

1 (25) failure to assign an agent-in-charge as required  
2 by this Article;

3 (26) failure to provide any training required by the  
4 Department within the provided timeframe;

5 (27) personnel insufficient in number or unqualified  
6 in training or experience to properly operate the service  
7 center or manufacturer;

8 (28) any pattern of activity that causes a harmful  
9 impact on the community; and

10 (29) failing to prevent diversion, theft, or loss of  
11 psilocybin.

12 (b) All fines and fees imposed under this Section shall be  
13 paid no later than 60 days after the effective date of the  
14 order imposing the fine or as otherwise specified in the  
15 order.

16 (c) A circuit court order establishing that facilitator,  
17 service center operator, or principal officer of a service  
18 center, manufacturer, or laboratory conducting psilocybin  
19 testing is subject to involuntary admission as that term is  
20 defined in Section 1-119 or 1-119.1 of the Mental Health and  
21 Developmental Disabilities Code shall operate as a suspension  
22 of that license.

23 Section 174. Temporary suspension, service center and  
24 facilitators.

25 (a) The Secretary of Financial and Professional Regulation

1 may temporarily suspend a service center or facilitator  
2 license without a hearing if the Secretary finds that a  
3 licensee has violated Section 206 public safety or welfare  
4 requires emergency action. The Secretary shall cause the  
5 temporary suspension by issuing a suspension notice in  
6 connection with the institution of proceedings for a hearing.

7 (b) If the Secretary temporarily suspends a license  
8 without a hearing, the licensee or its agent is entitled to a  
9 hearing within 45 days after the suspension notice has been  
10 issued. The hearing shall be limited to the issues cited in the  
11 suspension notice, unless all parties agree otherwise.

12 (c) If the Department does not hold a hearing within 45  
13 days after the date the suspension notice was issued, then the  
14 suspended license shall be automatically reinstated and the  
15 suspension vacated.

16 (d) The suspended licensee or its agent may seek a  
17 continuance of the hearing date, during which time the  
18 suspension remains in effect and the license shall not be  
19 automatically reinstated.

20 (e) Subsequently discovered causes of action by the  
21 Department after the issuance of the suspension notice may be  
22 filed as a separate notice of violation. The Department is not  
23 precluded from filing a separate action against the suspended  
24 licensee or its agent.

25 (f) If the Department of Financial or Professional  
26 Regulation determines a licensee has violated Section 206, the

1 Secretary of Financial and Professional Regulation shall  
2 suspend the licensee for a period of no less than 6 months and  
3 may enact whatever additional penalties the Secretary of  
4 Financial and Professional Regulation may deem necessary and  
5 appropriate in accordance with the provisions of this Act or  
6 adopted rules.

7 Section 175. Temporary suspension; manufacturer or  
8 laboratory.

9 (a) The Director of Agriculture may temporarily suspend a  
10 manufacturing or laboratory testing license without a hearing  
11 if the Secretary finds that public safety or welfare requires  
12 emergency action. The Secretary shall cause the temporary  
13 suspension by issuing a suspension notice in connection with  
14 the institution of proceedings for a hearing.

15 (b) If the Secretary temporarily suspends a license  
16 without a hearing, the licensee or its agent is entitled to a  
17 hearing within 45 days after the suspension notice has been  
18 issued. The hearing shall be limited to the issues cited in the  
19 suspension notice, unless all parties agree otherwise.

20 (c) If the Department does not hold a hearing within 45  
21 days after the date the suspension notice was issued, then the  
22 suspended license shall be automatically reinstated and the  
23 suspension vacated.

24 (d) The suspended licensee or its agent may seek a  
25 continuance of the hearing date, during which time the

1 suspension remains in effect and the license shall not be  
2 automatically reinstated.

3 (e) Subsequently discovered causes of action by the  
4 Department after the issuance of the suspension notice may be  
5 filed as a separate notice of violation. The Department is not  
6 precluded from filing a separate action against the suspended  
7 licensee or agent.

8 Section 176. Unlicensed practice; violation; civil  
9 penalty.

10 (a) In addition to any other penalty provided by law, any  
11 person who practices, offers to practice, attempts to  
12 practice, or holds oneself out to practice as a licensed  
13 service center, facilitator, manufacturer, or laboratory  
14 licensed to test psilocybin without being licensed under this  
15 Act shall, in addition to any other penalty provided by law,  
16 pay a civil penalty to the appropriate Department authorized  
17 to issue such license in an amount not to exceed \$10,000 for  
18 each offense as determined by that Department. The civil  
19 penalty shall be assessed by the appropriate Department after  
20 a hearing is held in accordance with the provisions set forth  
21 in this Act regarding the provision of a hearing for the  
22 discipline of a licensee.

23 (b) The Department of Financial and Professional  
24 Regulation and the Department of Agriculture have the  
25 authority and power to investigate any and all unlicensed

1 activity.

2 (c) The civil penalty shall be paid within 60 days after  
3 the effective date of the order imposing the civil penalty or  
4 in accordance with the order imposing the civil penalty. The  
5 order shall constitute a judgment and may be filed and  
6 execution had thereon in the same manner as any judgment from  
7 any court of this State.

8 Section 177. Notice; hearing.

9 (a) The Department conducting the disciplinary action  
10 shall, before disciplining an applicant or licensee, at least  
11 30 days before the date set for the hearing: (i) notify the  
12 accused in writing of the charges made and the time and place  
13 for the hearing on the charges; (ii) direct him or her to file  
14 a written answer to the charges under oath no later than 20  
15 days after service; and (iii) inform the applicant or licensee  
16 that failure to answer will result in a default being entered  
17 against the applicant or licensee.

18 (b) At the time and place fixed in the notice, the hearing  
19 officer appointed by the Secretary or Director of such  
20 Department shall proceed to hear the charges, and the parties  
21 or their counsel shall be accorded ample opportunity to  
22 present any pertinent statements, testimony, evidence, and  
23 arguments. The hearing officer may continue the hearing from  
24 time to time. In case the person, after receiving the notice,  
25 fails to file an answer, the person's license may, in the

1 discretion of the Secretary or Director, having first received  
2 the recommendation of the hearing officer, be suspended,  
3 revoked, or placed on probationary status, or be subject to  
4 whatever disciplinary action the Secretary considers proper,  
5 including a fine, without hearing, if that act or acts charged  
6 constitute sufficient grounds for that action under this Act.

7 (c) The written notice and any notice in the subsequent  
8 proceeding may be served by regular mail or email to the  
9 licensee's or applicant's address of record.

10 Section 178. Subpoenas; oaths. The Department of Financial  
11 and Professional Regulation and the Department of Agriculture  
12 shall have the power to subpoena and bring before it any person  
13 and to take testimony either orally or by deposition, or both,  
14 with the same fees and mileage and in the same manner as  
15 prescribed by law in judicial proceedings in civil cases in  
16 courts in this State. The Secretary, Director, or the hearing  
17 officer shall each have the power to administer oaths to  
18 witnesses at any hearings that the Departments are authorized  
19 to conduct.

20 Section 179. Hearing; motion for rehearing.

21 (a) The hearing officer shall hear evidence in support of  
22 the formal charges and evidence produced by the licensee. At  
23 the conclusion of the hearing, the hearing officer shall  
24 present to the Secretary a written report of the hearing

1 officer's findings of fact, conclusions of law, and  
2 recommendations.

3 (b) At the conclusion of the hearing, a copy of the hearing  
4 officer's report shall be served upon the applicant or  
5 licensee by the Department of Financial and Professional  
6 Regulation or the Department of Agriculture, either personally  
7 or as provided in this Act for the service of a notice of  
8 hearing. No later than 20 calendar days after service, the  
9 applicant or licensee may present to the applicable Department  
10 a motion in writing for rehearing, which shall specify the  
11 particular grounds for rehearing. The applicable Department  
12 may respond to the motion for rehearing within 20 calendar  
13 days after its service on such Department. If no motion for  
14 rehearing is filed, then, upon the expiration of the time  
15 specified for filing such motion or upon denial of a motion for  
16 rehearing, the Secretary or Director may enter an order in  
17 accordance with the recommendation of the hearing officer. If  
18 the applicant or licensee orders from the reporting service  
19 and pays for a transcript of the record within the time for  
20 filing a motion for rehearing, the 20-day period within which  
21 a motion may be filed shall commence upon the delivery of the  
22 transcript to the applicant or licensee.

23 (c) If the Secretary or Director disagrees in any regard  
24 with the report of the hearing officer, the Secretary or  
25 Director may issue an order contrary to the report.

26 (d) Whenever the Secretary or Director is not satisfied

1 that substantial justice has been done, the Secretary or  
2 Director may order a rehearing by the same or another hearing  
3 officer.

4 (e) At any point in any investigation or disciplinary  
5 proceeding under this Act, both parties may agree to a  
6 negotiated consent order. The consent order shall be final  
7 upon signature of the Secretary or Director, as applicable.

8 Section 180. Issuing and renewing permits; fees; rules.

9 (a) The Department shall issue permits to qualified  
10 applicants to perform work described in Section 175. The  
11 Department shall adopt rules establishing the following:

12 (1) The qualifications for performing work described  
13 in Section 175.

14 (2) The term of a permit issued under this Section.

15 (3) Procedures for applying for and renewing a permit  
16 issued under this Section.

17 (4) Reasonable application, issuance, and renewal fees  
18 for a permit issued under this Section.

19 (b) The Department of Financial and Professional  
20 Regulation or the Department of Agriculture may require an  
21 individual applying for a permit under this Section to  
22 successfully complete a course, made available by or through  
23 that Department, through which the individual receives  
24 training on the following:

25 (1) checking identification;

- 1 (2) detecting intoxication;
- 2 (3) handling psilocybin products;
- 3 (4) if applicable, the manufacturing of psilocybin
- 4 products;
- 5 (5) the content of this Act and rules adopted under
- 6 this Act; and
- 7 (6) any matter deemed necessary by the Department to
- 8 protect the public health and safety.

9 (c) A Department or other provider of a course may charge a  
10 reasonable fee for the course described under subsection (b).

11 (d) The Department of Financial and Professional  
12 Regulation or the Department of Agriculture may not require an  
13 individual to successfully complete a course described under  
14 subsection (b) more than once, except for the following:

15 (1) As part of a final order suspending a permit  
16 issued under this Section, the Department may require a  
17 permit holder to successfully complete the course as a  
18 condition of lifting the suspension.

19 (2) As part of a final order revoking a permit issued  
20 under this Section, the Department shall require an  
21 individual to successfully complete the course prior to  
22 applying for a new permit.

23 (e) The Department shall conduct a criminal records check  
24 on an individual applying for a permit under this Section.

25 (f) Subject to applicable provisions of State law, the  
26 Department of Financial and Professional Regulation or the

1 Department of Agriculture may suspend, revoke, or refuse to  
2 issue or renew a permit if the individual who is applying for  
3 or who holds the permit meets any of the following:

4 (1) Is convicted of a felony, or is convicted of an  
5 offense under this Act, except that the Department may not  
6 consider a conviction for an offense under this Act if the  
7 date of the conviction is 2 or more years before the date  
8 of the application or renewal.

9 (2) Violates any provision of this Act or any rule  
10 adopted under this Act.

11 (3) Makes a false statement to the Department.

12 (g) A permit issued under this Section is a personal  
13 privilege and permits work described under Section 175 only  
14 for the individual who holds the permit.

15 Section 185. Authority to require fingerprints. The  
16 Department of Agriculture or the Department of Financial and  
17 Professional Regulation, through the Illinois State Police,  
18 may require the fingerprints of any individual listed on an  
19 application submitted under Section 180 for purposes of  
20 conducting a background check. The Department of Agriculture  
21 or the Department of Financial Professional Regulation may  
22 require fingerprints to be submitted for a background check  
23 prior to or after the submission of an application. The  
24 Illinois State Police shall charge a fee for conducting the  
25 criminal history record check, which shall be deposited into

1 the State Police Services Fund and shall not exceed the actual  
2 cost of the record check. In order to carry out this provision,  
3 an individual listed on an application submitted under Section  
4 180 may be required to submit a full set of fingerprints to the  
5 Illinois State Police for the purpose of obtaining a State and  
6 federal criminal records check. These fingerprints shall be  
7 checked against the fingerprint records now and hereafter, to  
8 the extent allowed by law, filed in the Illinois State Police  
9 and Federal Bureau of Investigation criminal history records  
10 databases. The Illinois State Police shall furnish, following  
11 positive identification, all Illinois conviction information  
12 to the Department of Agriculture or the Department of  
13 Financial and Professional Regulation.

14 Section 190. Psilocybin Control and Regulation Fund. The  
15 Psilocybin Control and Regulation Fund is established as a  
16 special fund in the State treasury. Interest earned by the  
17 Psilocybin Control and Regulation Fund shall be credited to  
18 the Fund.

19 Section 195. Prohibited conduct.

20 (a) Except as authorized by rule, or as necessary in an  
21 emergency, a person under 21 years of age may not enter or  
22 attempt to enter any portion of premises posted or otherwise  
23 identified as being prohibited to the use of persons under 21  
24 years of age.

1 (b) A person who violates subsection (a) commits a Class B  
2 misdemeanor.

3 (c) The prohibitions of this Section do not apply to a  
4 person under 21 years of age who is acting under the direction  
5 of the Department of Financial and Professional Regulation or  
6 the Department of Agriculture or under the direction of a  
7 State or local law enforcement agency for the purpose of  
8 investigating the possible violation of a law prohibiting the  
9 sale of a psilocybin product to a person who is under 18 years  
10 of age.

11 (d) The prohibitions of this Section do not apply to a  
12 person under 21 years of age who is acting under the direction  
13 of a licensee for the purpose of investigating possible  
14 violations by employees of the licensee of laws prohibiting  
15 sales of psilocybin products to persons who are under 18 years  
16 of age.

17 (e) A person under 21 years of age is not in violation of,  
18 and is immune from prosecution under, this Section if either  
19 of the following occurred:

20 (1) The person contacted emergency medical services or  
21 a law enforcement agency in order to obtain medical  
22 assistance for another person who was in need of medical  
23 assistance because that person consumed a psilocybin  
24 product and the evidence of the violation was obtained as  
25 a result of the person having contacted emergency medical  
26 services or a law enforcement agency.

1           (2) The person was in need of medical assistance  
2           because the person consumed a psilocybin product and the  
3           evidence of the violation was obtained as a result of the  
4           person having sought or obtained the medical assistance.

5           (f) Subsection (e) does not exclude the use of evidence  
6           obtained as a result of a person having sought medical  
7           assistance in proceedings for crimes or offenses other than a  
8           violation of this Section.

9           Section 200. Prohibition against giving psilocybin  
10          products to a person who is visibly intoxicated; penalty.

11          (a) A person may not sell, give, or otherwise make  
12          available a psilocybin product to a person who is visibly  
13          intoxicated.

14          (b) Violation of this Section is a Class A misdemeanor.

15          Section 205. Prohibition against giving psilocybin product  
16          as prize; penalty.

17          (a) A psilocybin product may not be given as a prize,  
18          premium, or consideration for a lottery, contest, game of  
19          chance, game of skill, or competition of any kind.

20          (b) Violation of this Section is a Class A misdemeanor.

21          Section 206. Prohibition against giving psilocybin  
22          products to a person for off-site consumption.

23          (a) A person may not sell, give, or otherwise make

1 available a psilocybin product to a person to be consumed  
2 outside of the premises of a service center or otherwise  
3 outside of an administration session.

4 (b) Violation of this Section will result in the loss of  
5 license of a facilitator or service center operator as well as  
6 any applicable criminal penalties for tax fraud or tax  
7 evasion.

8 Section 210. Civil enforcement. In addition to any other  
9 liability or penalty provided by law, the Department of  
10 Financial and Professional Regulation or the Department of  
11 Agriculture may impose for each violation of a provision of  
12 this Act or a rule adopted under this Act a civil penalty that  
13 does not exceed \$5,000 for each violation. Moneys collected  
14 under this Section shall be deposited into the Psilocybin  
15 Control and Regulation Fund.

16 Section 215. Criminal enforcement.

17 (a) The law enforcement officers of this State may enforce  
18 this Act and assist the Department of Financial and  
19 Professional Regulation or the Department of Agriculture in  
20 detecting violations of this Act and apprehending offenders. A  
21 law enforcement officer who has notice, knowledge, or  
22 reasonable grounds for suspicion of a violation of this Act  
23 shall immediately notify the State's Attorney who has  
24 jurisdiction over the violation and furnish the State's

1 Attorney who has jurisdiction over the violation with the name  
2 and address of any witnesses to the violation or other  
3 information related to the violation.

4 (b) A county court, State's Attorney, or municipal  
5 authority, immediately upon the conviction of a licensee of a  
6 violation of this Act or of a violation of any other law of  
7 this State or ordinance of a city or county located in this  
8 State, an element of which is the possession, delivery, or  
9 manufacture of a psilocybin product, shall notify the  
10 Department of the conviction.

11 (c) Violation of a rule adopted under paragraph (3) of  
12 subsection (b) of Section 35 is a Class C misdemeanor.

13 Section 220. Home rule; licensure. The authority to  
14 require a license for the manufacturing or sale of psilocybin  
15 products in this State or for the provision of psilocybin  
16 services in this State is an exclusive power and function of  
17 the State. A home rule unit may not license the manufacture,  
18 sale, or provision of psilocybin products. This Section is a  
19 denial and limitation of home rule powers and functions under  
20 subsection (h) of Section 6 of Article VII of the Illinois  
21 Constitution. However, nothing in this Section shall be  
22 construed as to restrict, deny, or otherwise limit a home rule  
23 unit from adopting ordinances or other rules or regulations on  
24 location siting or permissible signage and advertising used by  
25 those licensed under this Act.

1 Section 225. Local tax or fee prohibited.

2 (a) The authority to impose a tax or fee on the  
3 manufacturing, sale, or provision of psilocybin products in  
4 this State or on the provision of psilocybin services in this  
5 State is an exclusive power and function of the State. A home  
6 rule unit may not impose a tax or fee on the manufacture, sale,  
7 or provision of psilocybin products. This Section is a denial  
8 and limitation of home rule powers and functions under  
9 subsection (g) of Section 6 of Article VII of the Illinois  
10 Constitution.

11 (b) A county, municipality, or unit of local government  
12 may not adopt or enact ordinances imposing a tax or fee on the  
13 manufacturing or sale of psilocybin products in this State or  
14 on the provision of psilocybin services in this State.

15 Section 230. Prohibition against refusing to perform  
16 certain duties.

17 (a) The Department of Public Health, the Department of  
18 Agriculture, the Department of Financial and Professional  
19 Regulation, the Illinois State Police, and the Department of  
20 Revenue may not refuse to perform any duty under this Act on  
21 the basis that manufacturing, distributing, dispensing,  
22 possessing, or using psilocybin products is prohibited by  
23 federal law.

24 (b) The Department of Financial and Professional

1 Regulation or the Department of Agriculture may not revoke,  
2 refuse to issue, or renew a license or permit under this Act on  
3 the basis that manufacturing, distributing, dispensing,  
4 possessing, or using psilocybin products is prohibited by  
5 federal law.

6 Section 235. Authority to purchase, possess, seize, or  
7 dispose of psilocybin products. Subject to any applicable  
8 provision of State law, any State officer, board, commission,  
9 corporation, institution, department, or other State body, and  
10 any local officer, board, commission, institution, department,  
11 or other local government body, that is authorized by the laws  
12 of this State to perform a duty, function, or power with  
13 respect to a psilocybin product may purchase, possess, seize,  
14 or dispose of the psilocybin product as the State officer,  
15 board, commission, corporation, institution, department, or  
16 other State body or the local officer, board, commission,  
17 institution, department, or other local government body  
18 considers necessary to ensure compliance with and enforce the  
19 applicable State law or any rule adopted under the applicable  
20 State law.

21 Section 240. Suspension of a license or permit without  
22 notice. In the case of an invasion, disaster, insurrection,  
23 riot, or imminent danger of invasion, disaster, insurrection,  
24 or riot, the Governor may, for the duration of the invasion,

1 disaster, insurrection, riot, or imminent danger, immediately  
2 and without notice, suspend, in the area involved, any license  
3 or permit issued under this Act.

4 Section 245. Psilocybin-producing fungi as a crop.

5 (a) In this Section, "psilocybin-producing fungi" means:

- 6 (1) a crop for the purposes of agricultural use;  
7 (2) a crop for purposes of a farm or agricultural  
8 practice;  
9 (3) a product of farm use; and  
10 (4) the product of an agricultural activity.

11 (b) Notwithstanding the provisions of any law to the  
12 contrary, the following are not permitted uses on land  
13 designated for exclusive agriculture use:

- 14 (1) a new dwelling used in conjunction with a  
15 psilocybin-producing fungi crop; and  
16 (2) a produce stand used in conjunction with a  
17 psilocybin-producing fungi crop.

18 (c) The operation of a service center may be carried on in  
19 conjunction with a psilocybin-producing fungi crop.

20 (d) A county may allow the manufacture of psilocybin  
21 products as an agricultural use on land zoned for agricultural  
22 and rural land use in the same manner as the manufacture of  
23 psilocybin products is allowed in exclusive agricultural use  
24 zones under this Section or any other applicable State law.

25 (e) This Section applies to psilocybin product

1 manufacturers that hold a license under Section 80.

2 Section 250. Regulation of psilocybin products as food or  
3 other commodity.

4 (a) Notwithstanding the authority granted to the  
5 Department of Agriculture under the provisions of any law to  
6 the contrary, the Department of Agriculture may not exercise  
7 authority over a psilocybin product or a licensee except as  
8 provided in this Act.

9 (b) In exercising its authority under this Act, the  
10 Department of Agriculture may not:

11 (1) establish standards for psilocybin products as a  
12 food additive; or

13 (2) consider psilocybin products to be an adulterant  
14 unless the concentration of a psilocybin product exceeds  
15 acceptable levels established by the Department by rule.

16 Section 255. Enforceability of contracts. A contract is  
17 not unenforceable on the basis that manufacturing,  
18 distributing, dispensing, possessing, or using psilocybin  
19 products is prohibited by federal law.

20 Section 260. Department database for verification of  
21 license. The Department of Financial and Professional  
22 Regulation and the Department of Agriculture shall maintain an  
23 online database for people to inquire if an address is the

1 location of a premises for which a license has been issued  
2 under this Act or is the location of a premises for which an  
3 application for licensure has been submitted under Section 50.

4 Section 265. Information related to licensure that is  
5 exempt from disclosure.

6 (a) Subject to subsection (b), information is exempt from  
7 public disclosure under the Freedom of Information Act if the  
8 information is any of the following:

9 (1) Personally identifiable information.

10 (2) The address of premises for which a license has  
11 been issued or for which an applicant has proposed  
12 licensure under Section 80, 95, or 275.

13 (3) Related to the security plan or the operational  
14 plan for premises for which a license has been issued or  
15 for which an applicant has proposed licensure under  
16 Section 80, 95, or 275.

17 (4) Related to any record that the Department of  
18 Financial and Professional Regulation or the Department of  
19 Agriculture determines contains proprietary information of  
20 a licensee.

21 (b) The exemption from public disclosure as provided by  
22 this Section does not apply to the following:

23 (1) the name of an individual listed on an application  
24 if the individual is a direct owner of the business  
25 operating or to be operated under the license; or

1           (2) a request for information if the request is made  
2           by a law enforcement agency.

3           (c) For purposes of paragraph (1) of subsection (b), an  
4           individual is not a direct owner of the business operating or  
5           to be operated under the license if the individual is either of  
6           the following:

7           (1) the direct owner of the business operating or to  
8           be operated under the license is a legal entity; or

9           (2) merely a general partner, limited partner, member,  
10          shareholder, or other direct or indirect owner of the  
11          legal entity.

12          Section 270. Testing standards and processes; rules.

13          (a) As is necessary to protect the public health and  
14          safety, the Department of Agriculture shall adopt rules that  
15          achieve the following:

16          (1) Establish standards for testing psilocybin  
17          products.

18          (2) Identify appropriate tests for psilocybin  
19          products, depending on the type of psilocybin product and  
20          the manner in which the psilocybin product was  
21          manufactured, that are necessary to protect the public  
22          health and safety, which may include, but are not limited  
23          to, tests for the following:

24                  (A) microbiological contaminants;

25                  (B) pesticides;

- 1 (C) other contaminants;  
2 (D) solvents or residual solvents;  
3 (E) psilocybin concentration;  
4 (F) psilocin concentration; and  
5 (G) total tryptamine concentration.

6 (3) Establish procedures for determining batch sizes  
7 and for sampling psilocybin products.

8 (4) Establish different minimum standards for  
9 different varieties of psilocybin products.

10 (b) In addition to the testing requirements established  
11 under subsection (a), the Department may require psilocybin  
12 products to be tested in accordance with any applicable law of  
13 this State, or any applicable rule adopted under a law of this  
14 State, related to the production and processing of food  
15 products or commodities.

16 (c) In adopting rules under this Act, the Department may  
17 require a psilocybin product manufacturer that holds a license  
18 under Section 80 to test psilocybin products before selling or  
19 transferring the psilocybin products.

20 (d) The Department may conduct random testing of  
21 psilocybin products for the purpose of determining whether a  
22 licensee subject to testing under subsection (c) is in  
23 compliance with this Section.

24 (e) In adopting rules to implement this Section, the  
25 Department may not require a psilocybin product to undergo the  
26 same test more than once unless the psilocybin product is

1 processed into a different type of psilocybin product or the  
2 condition of the psilocybin product has fundamentally changed.

3 (f) The testing of psilocybin products as required by this  
4 Section must be conducted by a laboratory licensed by the  
5 Department under Section 275 and accredited by the Department  
6 under Section 290.

7 (g) In adopting rules under subsection (a), the Department  
8 shall consider the cost of a potential testing procedure and  
9 how that cost will affect the cost to the ultimate client and  
10 may not adopt rules that are more restrictive than is  
11 reasonably necessary to protect the public health and safety.

12 Section 275. Laboratory licensure; qualifications; fees;  
13 rules.

14 (a) A laboratory that conducts testing of psilocybin  
15 products as required by Section 270 must have a license to  
16 operate at the premises at which the psilocybin products are  
17 tested.

18 (b) For purposes of this Section, the Department of  
19 Agriculture shall adopt rules establishing the following:

20 (1) Qualifications to be licensed under this Section,  
21 including that an applicant for licensure under this  
22 Section must be accredited by the Department as described  
23 in Section 290.

24 (2) Processes for applying for and renewing a license  
25 under this Section.

1           (3) Fees for applying for, receiving, and renewing a  
2 license under this Section.

3           (4) Procedures for the following:

4                   (A) tracking psilocybin products to be tested;

5                   (B) documenting and reporting test results; and

6                   (C) disposing of samples of psilocybin products  
7 that have been tested.

8           (c) A license issued under this Section must be renewed  
9 annually.

10          (d) The Department may inspect premises licensed under  
11 this Section to ensure compliance with Sections 270 through  
12 310 and rules adopted under those Sections.

13          (e) Subject to applicable provisions of State law, the  
14 Department may refuse to issue or renew, or may suspend or  
15 revoke, a license issued under this Section for violation of a  
16 provision of this Act or a rule adopted under a provision of  
17 this Act.

18          (f) Fees adopted under paragraph (3) of subsection (b)  
19 must be reasonably calculated to pay the expenses incurred by  
20 the Department under this Act.

21          (g) Fees collected under this Section shall be deposited  
22 into the Psilocybin Control and Regulation Fund and are  
23 continuously appropriated to the Department for the purpose of  
24 carrying out the duties, functions, and powers of the  
25 Department under this Act.

1 Section 280. Authority to require fingerprints. The  
2 Department of Agriculture, through the Illinois State Police,  
3 may require the fingerprints of any individual listed on an  
4 application submitted under Section 275 for purposes of  
5 conducting a background check. The Department of Agriculture  
6 may require fingerprints to be submitted for a background  
7 check prior to or after the submission of an application. The  
8 Illinois State Police shall charge a fee for conducting the  
9 criminal history record check, which shall be deposited into  
10 the State Police Services Fund and shall not exceed the actual  
11 cost of the record check. In order to carry out this provision,  
12 an individual listed on an application submitted under Section  
13 275 may be required to submit a full set of fingerprints to the  
14 Illinois State Police for the purpose of obtaining a State and  
15 federal criminal records check. These fingerprints shall be  
16 checked against the fingerprint records now and hereafter, to  
17 the extent allowed by law, filed in the Illinois State Police  
18 and Federal Bureau of Investigation criminal history records  
19 databases. The Illinois State Police shall furnish, following  
20 positive identification, all Illinois conviction information  
21 to the Department of Agriculture. The powers conferred on the  
22 Department under this Section include the power to require the  
23 fingerprints of the following persons:

24 (1) If the applicant is a limited partnership, each  
25 general partner of the limited partnership.

26 (2) If the applicant is a manager-managed limited

1 liability company, each manager of the limited liability  
2 company.

3 (3) If the applicant is a member-managed limited  
4 liability company, each voting member of the limited  
5 liability company.

6 (4) If the applicant is a corporation, each director  
7 and officer of the corporation.

8 (5) Any individual who holds a financial interest of  
9 10% or more in the person applying for the license.

10 Section 285. Statement of applicant for laboratory  
11 licensure. The Department of Agriculture may require a  
12 licensee or applicant for a license under Section 275 to  
13 submit, in a form and manner prescribed by the Department, to  
14 the Department a sworn statement showing the following:

15 (1) The name and address of each person who has a  
16 financial interest in the business operating or to be  
17 operated under the license.

18 (2) The nature and extent of the financial interest of  
19 each person who has a financial interest in the business  
20 operating or to be operated under the license.

21 (3) The Department may refuse to issue, or may  
22 suspend, revoke, or refuse to renew, a license issued  
23 under Section 275 if the Department determines that a  
24 person who has a financial interest in the business  
25 operating or to be operated under the license committed or

1 failed to commit an act that would constitute grounds for  
2 the Department to refuse to issue, or to suspend, revoke,  
3 or refuse to renew, the license if the person were the  
4 licensee or applicant for the license.

5 Section 290. Laboratory accreditation.

6 (a) A laboratory that conducts testing of a psilocybin  
7 product as required by Section 275 must be accredited and meet  
8 other qualifications as established by the Department of  
9 Agriculture under this Section.

10 (b) In addition to other qualifications required pursuant  
11 to applicable law, the Department shall require an applicant  
12 for accreditation for purposes related to the testing of  
13 psilocybin products to:

- 14 (1) complete an application;
- 15 (2) undergo an onsite inspection; and
- 16 (3) meet other applicable requirements,  
17 specifications, and guidelines for testing psilocybin  
18 products as determined to be appropriate by the Department  
19 by rule.

20 (c) The Department may inspect premises licensed under  
21 Section 275 to ensure compliance with Sections 270 through 310  
22 and rules adopted under those Sections.

23 (d) Subject to applicable provisions of State law, the  
24 Department may refuse to issue or renew, or may suspend or  
25 revoke, a laboratory's accreditation granted under this

1 Section for violation of a provision of this Act or a rule  
2 adopted under this Act.

3 (e) In establishing fees under this Section for  
4 laboratories that test psilocybin products, the Department  
5 shall establish fees that are reasonably calculated to pay the  
6 expenses incurred by the Department under this Section in  
7 accrediting laboratories that test psilocybin products.

8 Section 295. Authority to discipline licensees. Subject to  
9 applicable provisions of State law, if an applicant or  
10 licensee violates a provision of Sections 270 through 310 or a  
11 rule adopted under those Sections, the Department of  
12 Agriculture may refuse to issue or renew, or may suspend or  
13 revoke, a license issued under Section 80, 95, 105, or 275.

14 Section 300. Authority of the Department of Agriculture  
15 over certain persons; license actions.

16 (a) Notwithstanding the lapse, suspension, or revocation  
17 of a license issued under Section 275, the Department of  
18 Agriculture may do either of the following:

19 (1) Proceed with any investigation of, or any action  
20 or disciplinary proceeding against, the person who held  
21 the license.

22 (2) Revise or render void an order suspending or  
23 revoking the license.

24 (b) In cases involving the proposed denial of a license

1 applied for under this Act, the applicant for licensure may  
2 not withdraw the applicant's application.

3 Section 305. Civil penalty for certain violations.

4 (a) In addition to any other liability or penalty provided  
5 by law, the Department of Agriculture may impose for each  
6 violation of a provision of Sections 270 through 310 or a rule  
7 adopted under those Sections a civil penalty that does not  
8 exceed \$500 for each day that the violation occurs.

9 (b) The Department of Agriculture shall impose civil  
10 penalties under this Section in the manner provided by  
11 applicable Illinois law.

12 (c) Moneys collected under this Section shall be deposited  
13 into the Psilocybin Control and Regulation Fund and are  
14 continuously appropriated to the Department for the purpose of  
15 carrying out the duties, functions, and powers of the  
16 Department under this Act.

17 Section 310. Exemption from criminal liability. A person  
18 who holds a license under Section 275, and an employee of or  
19 other person who performs work for a person who holds a license  
20 under Section 275, is exempt from the criminal laws of this  
21 State for possession, delivery, or manufacture of psilocybin,  
22 aiding and abetting another in the possession, delivery, or  
23 manufacture of psilocybin, or any other criminal offense in  
24 which possession, delivery, or manufacture of psilocybin is an

1 element, while performing activities related to testing as  
2 described in Sections 270 through this Section.

3 Section 315. Labeling requirements; rules.

4 (a) As is necessary to protect the public health and  
5 safety, the Department of Agriculture shall adopt rules  
6 establishing standards for the labeling of psilocybin  
7 products, including, but not limited to, the following:

8 (1) Ensuring that psilocybin products have labeling  
9 that communicates the following:

10 (A) Health and safety warnings.

11 (B) If applicable, activation time.

12 (C) Potency.

13 (D) If applicable, serving size and the number of  
14 servings included in a psilocybin product.

15 (E) Content of the psilocybin product.

16 (2) Labeling that is in accordance with applicable  
17 State food labeling requirements for the same type of food  
18 product or potable liquid when the food product or potable  
19 liquid does not contain psilocybin.

20 (b) In adopting rules under this Act, the Department shall  
21 require all psilocybin products sold or transferred by a  
22 service center that holds a license issued under Section 95 to  
23 be labeled in accordance with subsection (a) and rules adopted  
24 under subsection (a).

25 (c) In adopting rules under subsection (a), the

1 Department:

2 (1) may establish different labeling standards for  
3 different varieties and types of psilocybin products;

4 (2) shall consider the cost of a potential requirement  
5 and how that cost will affect the cost to the ultimate  
6 client; and

7 (3) may not adopt rules that are more restrictive than  
8 is reasonably necessary to protect the public health and  
9 safety.

10 Section 320. Preapproval of labels.

11 (a) The Department of Agriculture may by rule require a  
12 licensee to submit a label intended for use on a psilocybin  
13 product for preapproval by the Department before the licensee  
14 may sell or transfer a psilocybin product bearing the label.  
15 The Department shall determine whether a label submitted under  
16 this Section complies with Section 315 and any rule adopted  
17 under Section 315.

18 (b) The Department of Agriculture may impose a fee for  
19 submitting a label for preapproval under this Section that is  
20 reasonably calculated to not exceed the cost of administering  
21 this Section.

22 Section 325. Packaging requirements; rules.

23 (a) As is necessary to protect the public health and  
24 safety, the Department of Agriculture shall adopt rules

1 establishing standards for the packaging of psilocybin  
2 products, including, but not limited to, ensuring that  
3 psilocybin products are not marketed in a manner that is  
4 either untruthful or misleading, or otherwise creates a  
5 significant risk of harm to public health and safety.

6 (b) In adopting rules under this Act, the Department shall  
7 require all psilocybin products sold or transferred by a  
8 service center that holds a license issued under Section 95 to  
9 be packaged in accordance with subsection (a) and rules  
10 adopted under subsection (a).

11 (c) In adopting rules under subsection (a), the  
12 Department:

13 (1) may establish different packaging standards for  
14 different varieties and types of psilocybin products;

15 (2) may consider the effect on the environment of  
16 requiring certain packaging;

17 (3) shall consider the cost of a potential requirement  
18 and how that cost will affect the cost to the ultimate  
19 client; and

20 (4) may not adopt rules that are more restrictive than  
21 is reasonably necessary to protect the public health and  
22 safety.

23 Section 330. Preapproval of packaging.

24 (a) The Department of Agriculture may by rule require a  
25 licensee to submit packaging intended for a psilocybin product

1 for preapproval by the Department before the licensee may sell  
2 or transfer a psilocybin product packaged in the packaging.  
3 The Department shall determine whether packaging submitted  
4 under this Section complies with Section 325 and any rule  
5 adopted under Section 325.

6 (b) The Department of Agriculture may impose a fee for  
7 submitting packaging for preapproval under this Section that  
8 is reasonably calculated to not exceed the cost of  
9 administering this Section.

10 Section 335. Dosage requirements; rules.

11 (a) The Department of Agriculture shall adopt rules  
12 establishing the following:

13 (1) The maximum concentration of psilocybin that is  
14 permitted in a single serving of a psilocybin product.

15 (2) The number of servings that are permitted in a  
16 psilocybin product package.

17 (b) In adopting rules under this Act, the Department shall  
18 require all psilocybin products sold or transferred by a  
19 service center that holds a license under Section 95 to meet  
20 the concentration standards and packaging standards adopted by  
21 rule pursuant to this Section.

22 Section 340. Inspections. To ensure compliance with  
23 Sections 315 through 350 and any rule adopted under those  
24 Sections, the Department of Agriculture or the Department of

1 Financial and Professional Regulation may inspect the premises  
2 of a person that holds a license under Section 80 or 95.

3 Section 341. Violation of tax Acts; refusal, revocation,  
4 or suspension of license.

5 (a) In addition to other grounds specified in this Act,  
6 the Department of Agriculture and Department of Financial and  
7 Professional Regulation, upon notification by the Department  
8 of Revenue, shall refuse the issuance or renewal of a license  
9 or suspend or revoke the license of any person, for any of the  
10 following violations of any tax Act administered by the  
11 Department of Revenue:

12 (1) failure to file a tax return;

13 (2) the filing of a fraudulent return;

14 (3) failure to pay all or part of any tax or penalty  
15 finally determined to be due;

16 (4) failure to keep books and records;

17 (5) failure to secure and display a certificate or  
18 sub-certificate of registration, if required; or

19 (6) willful violation of any rule or regulation of the  
20 Department relating to the administration and enforcement  
21 of tax liability.

22 (b) After all violations of any of items (1) through (6) of  
23 subsection (a) have been corrected or resolved, the Department  
24 shall, upon request of the applicant or, if not requested, may  
25 notify the entities listed in subsection (a) that the

1 violations have been corrected or resolved. Upon receiving  
2 notice from the Department that a violation of any of items (1)  
3 through (6) of subsection (a) have been corrected or otherwise  
4 resolved to the Department of Revenue's satisfaction, the  
5 Department of Agriculture and the Department of Financial and  
6 Professional Regulation may issue or renew the license or  
7 vacate an order of suspension or revocation.

8 Section 345. Discipline of licensees. Subject to  
9 applicable provisions of law, if an applicant or licensee  
10 violates a provision of Sections 315 through 350 or a rule  
11 adopted under those Sections, the Department of Agriculture or  
12 the Department of Financial and Professional Regulation may  
13 refuse to issue or renew, or may suspend or revoke, a license  
14 issued under Section 80, 95, or 105.

15 Section 350. Civil penalties.

16 (a) In addition to any other liability or penalty provided  
17 by law, the Department of Agriculture may impose for each  
18 violation of a provision of Sections 315 through 350 or a rule  
19 adopted under those Sections, a civil penalty that does not  
20 exceed \$500 for each day that the violation occurs.

21 (b) The Department of Agriculture shall impose civil  
22 penalties under this Section in the manner provided under  
23 applicable Illinois law.

24 (c) Moneys collected under this Section shall be deposited

1 into the Psilocybin Control and Regulation Fund and are  
2 continuously appropriated to the Department for the purpose of  
3 carrying out the duties, functions, and powers of the  
4 Department under this Act.

5 Section 355. Definitions. In this Section through Section  
6 425:

7 "Psilocybin retailer" means a service center operator that  
8 sells psilocybin for use and not for resale.

9 "Retail sale" means any transfer or exchange of a  
10 psilocybin product by any person to a client.

11 "Retail sales price" means the price paid for a psilocybin  
12 product, excluding tax, to a service center operator by or on  
13 behalf of a client.

14 Section 360. Tax imposed.

15 (a) Beginning January 1, 2027, a tax is imposed upon  
16 purchasers for the privilege of using psilocybin at a rate of  
17 15% of the purchase price.

18 (b) The purchase of any product that contains any amount  
19 of psilocybin or any derivative thereof is subject to the tax  
20 under subsection (a) of this Section on the full purchase  
21 price of the product.

22 (c) The tax imposed by this Section is not imposed with  
23 respect to any transaction in interstate commerce, to the  
24 extent the transaction may not, under the Constitution and

1 statutes of the United States, be made the subject of taxation  
2 by this State.

3 (d) The tax imposed under this Article shall be in  
4 addition to all other occupation, privilege, or excise taxes  
5 imposed by the State or by any municipal corporation or  
6 political subdivision thereof.

7 (e) The tax imposed under this Article shall not be  
8 imposed on any purchase by a purchaser if the psilocybin  
9 retailer is prohibited by federal or State Constitution,  
10 treaty, convention, statute, or court decision from collecting  
11 the tax from the purchaser.

12 Section 365. Bundling of taxable and nontaxable items;  
13 prohibition; taxation. If a psilocybin retailer sells  
14 psilocybin or psilocybin-infused products in combination or  
15 bundled with items that are not subject to tax under this Act  
16 for one price, then the tax under this Act is imposed on the  
17 purchase price of the entire bundled product.

18 Section 370. Collection of tax.

19 (a) The tax imposed by this Article shall be collected  
20 from the purchaser by the psilocybin retailer at the rate  
21 stated in Section 360 with respect to psilocybin sold by the  
22 psilocybin retailer to the purchaser, and shall be remitted to  
23 the Department as provided in Section 385. Psilocybin  
24 retailers shall collect the tax from purchasers by adding the

1 tax to the amount of the purchase price received from the  
2 purchaser for selling psilocybin to the purchaser. The tax  
3 imposed by this Article shall, when collected, be stated as a  
4 distinct item separate and apart from the purchase price of  
5 the psilocybin.

6 (b) If a psilocybin retailer collects the tax imposed  
7 pursuant to Section 360 measured by a purchase price that is  
8 not subject to Section 360, or if a psilocybin retailer, in  
9 collecting the tax pursuant to Section 360 measured by a  
10 purchase price that is subject to tax under this Act, collects  
11 more from the purchaser than the required amount on the  
12 transaction, the purchaser shall have a legal right to claim a  
13 refund of that amount from the psilocybin retailer. If,  
14 however, that amount is not refunded to the purchaser for any  
15 reason, the psilocybin retailer is liable to pay that amount  
16 to the Department.

17 (c) Any person purchasing psilocybin subject to tax under  
18 this Article as to which there has been no charge made to the  
19 purchaser of the tax imposed by Section 360 shall make payment  
20 of the tax imposed by Section 360 in the form and manner  
21 provided by the Department not later than the 20th day of the  
22 month following the month of purchase of the psilocybin.

23 Section 375. Registration of psilocybin retailers. Every  
24 psilocybin retailer required to collect the tax under this  
25 Article shall apply to the Department for a certificate of

1 registration under this Article. All applications for  
2 registration under this Article shall be made by electronic  
3 means in the form and manner required by the Department. For  
4 that purpose, the provisions of Section 2a of the Retailers'  
5 Occupation Tax Act are incorporated into this Article to the  
6 extent not inconsistent with this Article. In addition, no  
7 certificate of registration shall be issued under this Article  
8 unless the applicant is licensed under this Act.

9 Section 380. Tax collected as debt owed to the State. Any  
10 psilocybin retailer required to collect the tax imposed by  
11 this Article shall be liable to the Department for the tax,  
12 whether or not the tax has been collected by the psilocybin  
13 retailer, and any such tax shall constitute a debt owed by the  
14 psilocybin retailer to this State. To the extent that a  
15 psilocybin retailer required to collect the tax imposed by  
16 this Act has actually collected that tax, the tax is held in  
17 trust for the benefit of the Department.

18 Section 385. Return and payment of tax by the psilocybin  
19 retailer. Each psilocybin retailer that is required or  
20 authorized to collect the tax imposed by this Article shall  
21 make a return to the Department, by electronic means, on or  
22 before the 20th day of each month for the preceding calendar  
23 month stating the following:

24 (1) the psilocybin retailer's name;

1           (2) the address of the psilocybin retailer's principal  
2           place of business and the address of the principal place  
3           of business (if that is a different address) from which  
4           the psilocybin retailer engaged in the business of selling  
5           psilocybin subject to tax under this Article;

6           (3) the total purchase price received by the  
7           psilocybin retailer for psilocybin subject to tax under  
8           this Article;

9           (4) the amount of tax due at each rate;

10          (5) the signature of the psilocybin retailer; and

11          (6) any other information as the Department may  
12          reasonably require.

13          All returns required to be filed and payments required to  
14          be made under this Article shall be by electronic means.  
15          Psilocybin retailers who demonstrate hardship in paying  
16          electronically may petition the Department to waive the  
17          electronic payment requirement.

18          Any amount that is required to be shown or reported on any  
19          return or other document under this Article shall, if the  
20          amount is not a whole-dollar amount, be increased to the  
21          nearest whole-dollar amount if the fractional part of a dollar  
22          is \$0.50 or more and decreased to the nearest whole-dollar  
23          amount if the fractional part of a dollar is less than \$0.50.  
24          If a total amount of less than \$1 is payable, refundable, or  
25          creditable, the amount shall be disregarded if it is less than  
26          \$0.50 and shall be increased to \$1 if it is \$0.50 or more.

1           The psilocybin retailer making the return provided for in  
2 this Section shall also pay to the Department, in accordance  
3 with this Section, the amount of tax imposed by this Article,  
4 less a discount of 2% per return period, which is allowed to  
5 reimburse the psilocybin retailer for the expenses incurred in  
6 keeping records, collecting tax, preparing and filing returns,  
7 remitting the tax, and supplying data to the Department upon  
8 request. No discount may be claimed by a psilocybin retailer  
9 on returns not timely filed and for taxes not timely remitted.  
10 No discount may be claimed by a taxpayer for any return that is  
11 not filed electronically. No discount may be claimed by a  
12 taxpayer for any payment that is not made electronically,  
13 unless a waiver has been granted under this Section.

14           Notwithstanding any other provision of this Article  
15 concerning the time within which a psilocybin retailer may  
16 file a return, any such psilocybin retailer who ceases to  
17 engage in the kind of business that makes the person  
18 responsible for filing returns under this Article shall file a  
19 final return under this Article with the Department within one  
20 month after discontinuing the business.

21           Each psilocybin retailer shall make estimated payments to  
22 the Department on or before the 7th, 15th, 22nd, and last day  
23 of the month during which tax liability to the Department is  
24 incurred. The payments shall be in an amount not less than the  
25 lower of either 22.5% of the psilocybin retailer's actual tax  
26 liability for the month or 25% of the psilocybin retailer's

1 actual tax liability for the same calendar month of the  
2 preceding year. The amount of the quarter-monthly payments  
3 shall be credited against the final tax liability of the  
4 psilocybin retailer's return for that month. If any such  
5 quarter-monthly payment is not paid at the time or in the  
6 amount required by this Section, then the psilocybin retailer  
7 shall be liable for penalties and interest on the difference  
8 between the minimum amount due as a payment and the amount of  
9 the quarter-monthly payment actually and timely paid, except  
10 insofar as the psilocybin retailer has previously made  
11 payments for that month to the Department in excess of the  
12 minimum payments previously due as provided in this Section.

13 If any payment provided for in this Section exceeds the  
14 taxpayer's liabilities under this Article, as shown on an  
15 original monthly return, the Department shall, if requested by  
16 the taxpayer, issue to the taxpayer a credit memorandum no  
17 later than 30 days after the date of payment. The credit  
18 evidenced by the credit memorandum may be assigned by the  
19 taxpayer to a similar taxpayer under this Article, in  
20 accordance with reasonable rules to be prescribed by the  
21 Department. If no such request is made, the taxpayer may  
22 credit the excess payment against tax liability subsequently  
23 to be remitted to the Department under this Article, in  
24 accordance with reasonable rules prescribed by the Department.  
25 If the Department subsequently determines that all or any part  
26 of the credit taken was not actually due to the taxpayer, the

1 taxpayer's discount shall be reduced, if necessary, to reflect  
2 the difference between the credit taken and that actually due,  
3 and that taxpayer shall be liable for penalties and interest  
4 on the difference. If a psilocybin retailer fails to sign a  
5 return within 30 days after the proper notice and demand for  
6 signature by the Department is received by the psilocybin  
7 retailer, the return shall be considered valid and any amount  
8 shown to be due on the return shall be deemed assessed.

9 Section 390. Deposit of proceeds. All moneys received by  
10 the Department under this Article shall be paid into the  
11 Illinois Psilocybin Fund.

12 Section 395. Recordkeeping; books and records.

13 (a) Every retailer of psilocybin, whether or not the  
14 retailer has obtained a certificate of registration under  
15 Section 375, shall keep complete and accurate records of  
16 psilocybin held, purchased, sold, or otherwise disposed of,  
17 and shall preserve and keep all invoices, bills of lading,  
18 sales records, and copies of bills of sale, returns, and other  
19 pertinent papers and documents relating to the purchase, sale,  
20 or disposition of psilocybin. Such records need not be  
21 maintained on the licensed premises but must be maintained in  
22 the State. However, all original invoices or copies thereof  
23 covering purchases of psilocybin must be retained on the  
24 licensed premises for a period of 90 days after such purchase,

1 unless the Department has granted a waiver in response to a  
2 written request in cases where records are kept at a central  
3 business location within the State. The Department shall adopt  
4 rules regarding the eligibility for a waiver, revocation of a  
5 waiver, and requirements and standards for maintenance and  
6 accessibility of records located at a central location under a  
7 waiver provided under this Section.

8 (b) Books, records, papers, and documents that are  
9 required by this Article to be kept shall, at all times during  
10 the usual business hours of the day, be subject to inspection  
11 by the Department or its duly authorized agents and employees.  
12 The books, records, papers, and documents for any period with  
13 respect to which the Department is authorized to issue a  
14 notice of tax liability shall be preserved until the  
15 expiration of that period.

16 Section 400. Violations and penalties.

17 (a) When the amount due is under \$300, any retailer of  
18 psilocybin who fails to file a return, willfully fails or  
19 refuses to make any payment to the Department of the tax  
20 imposed by this Article, or files a fraudulent return, or any  
21 officer or agent of a corporation engaged in the business of  
22 selling psilocybin to purchasers located in this State who  
23 signs a fraudulent return filed on behalf of the corporation,  
24 or any accountant or other agent who knowingly enters false  
25 information on the return of any taxpayer under this Article

1 is guilty of a Class 4 felony.

2 (b) When the amount due is \$300 or more, any retailer of  
3 psilocybin who files, or causes to be filed, a fraudulent  
4 return, or any officer or agent of a corporation engaged in the  
5 business of selling psilocybin to purchasers located in this  
6 State who files or causes to be filed or signs or causes to be  
7 signed a fraudulent return filed on behalf of the corporation,  
8 or any accountant or other agent who knowingly enters false  
9 information on the return of any taxpayer under this Article  
10 is guilty of a Class 3 felony.

11 (c) Any person who violates any provision of Section 375,  
12 fails to keep books and records as required under this  
13 Article, or willfully violates a rule of the Department for  
14 the administration and enforcement of this Article is guilty  
15 of a Class 4 felony. A person commits a separate offense on  
16 each day that he or she engages in business in violation of  
17 Section 375 or a rule of the Department for the administration  
18 and enforcement of this Article. If a person fails to produce  
19 the books and records for inspection by the Department upon  
20 request, a prima facie presumption shall arise that the person  
21 has failed to keep books and records as required under this  
22 Article. A person who is unable to rebut this presumption is in  
23 violation of this Article and is subject to the penalties  
24 provided in this Section.

25 (d) Any person who violates any provision of Sections 375,  
26 fails to keep books and records as required under this

1 Article, or willfully violates a rule of the Department for  
2 the administration and enforcement of this Article, is guilty  
3 of a business offense and may be fined up to \$5,000. If a  
4 person fails to produce books and records for inspection by  
5 the Department upon request, a prima facie presumption shall  
6 arise that the person has failed to keep books and records as  
7 required under this Article. A person who is unable to rebut  
8 this presumption is in violation of this Article and is  
9 subject to the penalties provided in this Section. A person  
10 commits a separate offense on each day that he or she engages  
11 in business in violation of Section 375.

12 (e) Any taxpayer or agent of a taxpayer who with the intent  
13 to defraud purports to make a payment due to the Department by  
14 issuing or delivering a check or other order upon a real or  
15 fictitious depository for the payment of money, knowing that  
16 it will not be paid by the depository, is guilty of a deceptive  
17 practice in violation of Section 17-1 of the Criminal Code of  
18 2012.

19 (f) Any person who fails to keep books and records or fails  
20 to produce books and records for inspection, as required by  
21 Section 65-36, is liable to pay to the Department, for deposit  
22 in the Tax Compliance and Administration Fund, a penalty of  
23 \$1,000 for the first failure to keep books and records or  
24 failure to produce books and records for inspection, as  
25 required by Section 65-36, and \$3,000 for each subsequent  
26 failure to keep books and records or failure to produce books

1 and records for inspection, as required by Section 395.

2 (g) Any person who knowingly acts as a retailer of  
3 psilocybin in this State without first having obtained a  
4 certificate of registration to do so in compliance with this  
5 Article shall be guilty of a Class 4 felony.

6 (h) A person commits the offense of tax evasion under this  
7 Article when the person knowingly attempts in any manner to  
8 evade or defeat the tax imposed on the person or on any other  
9 person, or the payment thereof, and the person commits an  
10 affirmative act in furtherance of the evasion. As used in this  
11 Section, "affirmative act in furtherance of the evasion" means  
12 an act designed in whole or in part to (i) conceal,  
13 misrepresent, falsify, or manipulate any material fact or (ii)  
14 tamper with or destroy documents or materials related to a  
15 person's tax liability under this Article. 2 or more acts of  
16 sales tax evasion may be charged as a single count in any  
17 indictment, information, or complaint and the amount of tax  
18 deficiency may be aggregated for purposes of determining the  
19 amount of tax that is attempted to be or is evaded and the  
20 period between the first and last acts may be alleged as the  
21 date of the offense.

22 (1) When the amount of tax, the assessment or payment  
23 of which is attempted to be or is evaded is less than \$500,  
24 a person is guilty of a Class 4 felony.

25 (2) When the amount of tax, the assessment or payment  
26 of which is attempted to be or is evaded is \$500 or more

1 but less than \$10,000, a person is guilty of a Class 3  
2 felony.

3 (3) When the amount of tax, the assessment or payment  
4 of which is attempted to be or is evaded is \$10,000 or more  
5 but less than \$100,000, a person is guilty of a Class 2  
6 felony.

7 (4) When the amount of tax, the assessment or payment  
8 of which is attempted to be or is evaded is \$100,000 or  
9 more, a person is guilty of a Class 1 felony.

10 Any person who knowingly sells, purchases, installs,  
11 transfers, possesses, uses, or accesses any automated sales  
12 suppression device, zapper, or phantom-ware in this State is  
13 guilty of a Class 3 felony.

14 As used in this Section:

15 "Automated sales suppression device" or "zapper" means a  
16 software program that falsifies the electronic records of an  
17 electronic cash register or other point-of-sale system,  
18 including, but not limited to, transaction data and  
19 transaction reports. The term includes the software program,  
20 any device that carries the software program, or an Internet  
21 link to the software program.

22 "Phantom-ware" means a hidden programming option embedded  
23 in the operating system of an electronic cash register or  
24 hardwired into an electronic cash register that can be used to  
25 create a second set of records or that can eliminate or  
26 manipulate transaction records in an electronic cash register.

1 "Electronic cash register" means a device that keeps a  
2 register or supporting documents through the use of an  
3 electronic device or computer system designed to record  
4 transaction data for the purpose of computing, compiling, or  
5 processing retail sales transaction data in any manner.

6 "Transaction data" includes: items purchased by a  
7 purchaser; the price of each item; a taxability determination  
8 for each item; a segregated tax amount for each taxed item; the  
9 amount of cash or credit tendered; the net amount returned to  
10 the customer in change; the date and time of the purchase; the  
11 name, address, and identification number of the vendor; and  
12 the receipt or invoice number of the transaction.

13 "Transaction report" means a report that documents,  
14 without limitation, the sales, taxes, or fees collected, media  
15 totals, and discount voids at an electronic cash register and  
16 that is printed on a cash register tape at the end of a day or  
17 shift, or a report that documents every action at an  
18 electronic cash register and is stored electronically.

19 A prosecution for any act in violation of this Section may  
20 be commenced at any time within 5 years of the commission of  
21 that act.

22 (i) The Department may adopt rules to administer the  
23 penalties under this Section.

24 (j) Any person whose principal place of business is in  
25 this State and who is charged with a violation under this  
26 Section shall be tried in the county where his or her principal

1 place of business is located unless he or she asserts a right  
2 to be tried in another venue.

3 (k) Except as otherwise provided in subsection (h), a  
4 prosecution for a violation described in this Section may be  
5 commenced within 3 years after the commission of the act  
6 constituting the violation.

7 Section 405. Arrest; search and seizure without warrant.  
8 Any duly authorized employee of the Department: (i) may arrest  
9 without warrant any person committing in the employee's  
10 presence a violation of any of the provisions of this Article;  
11 (ii) may without a search warrant inspect all psilocybin  
12 located in any place of business; (iii) may seize any  
13 psilocybin in the possession of the retailer in violation of  
14 this Act; and (iv) may seize any psilocybin on which the tax  
15 imposed by this Act has not been paid. The psilocybin seized is  
16 subject to confiscation and forfeiture as provided in Sections  
17 415 and 416.

18 Section 410. Seizure and forfeiture. After seizing any  
19 psilocybin as provided in this Article, the Department must  
20 hold a hearing and determine whether the retailer was properly  
21 registered to sell the psilocybin at the time of its seizure by  
22 the Department. The Department shall give not less than 20  
23 days' notice of the time and place of the hearing to the owner  
24 of the psilocybin, if the owner is known, and also to the

1 person in whose possession the psilocybin was found, if that  
2 person is known and if the person in possession is not the  
3 owner of the psilocybin. If neither the owner nor the person in  
4 possession of the psilocybin is known, the Department must  
5 cause publication of the time and place of the hearing to be  
6 made at least once in each week for 3 weeks successively in a  
7 newspaper of general circulation in the county where the  
8 hearing is to be held.

9 If, as the result of the hearing, the Department  
10 determines that the retailer was not properly registered at  
11 the time the psilocybin was seized, the Department must enter  
12 an order declaring the psilocybin confiscated and forfeited to  
13 the State, to be held by the Department for disposal by it as  
14 provided in Section 416. The Department must give notice of  
15 the order to the owner of the psilocybin, if the owner is  
16 known, and also to the person in whose possession the  
17 psilocybin was found, if that person is known and if the person  
18 in possession is not the owner of the psilocybin. If neither  
19 the owner nor the person in possession of the psilocybin is  
20 known, the Department must cause publication of the order to  
21 be made at least once in each week for 3 weeks successively in  
22 a newspaper of general circulation in the county where the  
23 hearing was held.

24 Section 415. Search warrant; issuance and return; process;  
25 confiscation of psilocybin; forfeitures.

1           (a) If a peace officer of this State or any duly authorized  
2 officer or employee of the Department has reason to believe  
3 that any violation of this Article or a rule of the Department  
4 for the administration and enforcement of this Article has  
5 occurred and that the person violating this Article or rule  
6 has in that person's possession any psilocybin in violation of  
7 this Article or a rule of the Department for the  
8 administration and enforcement of this Article, that peace  
9 officer, or officer or employee of the Department, may file or  
10 cause to be filed his or her complaint in writing, verified by  
11 affidavit, with any court within whose jurisdiction the  
12 premises to be searched are situated, stating the facts upon  
13 which the belief is founded, the premises to be searched, and  
14 the property to be seized, and procure a search warrant and  
15 execute that warrant. Upon the execution of the search  
16 warrant, the peace officer, or officer or employee of the  
17 Department, executing the search warrant shall make due return  
18 of the warrant to the court issuing the warrant, together with  
19 an inventory of the property taken under the warrant. The  
20 court must then issue process against the owner of the  
21 property if the owner is known; otherwise, process must be  
22 issued against the person in whose possession the property is  
23 found, if that person is known. In case of inability to serve  
24 process upon the owner or the person in possession of the  
25 property at the time of its seizure, notice of the proceedings  
26 before the court must be given in the same manner as required

1 by the law governing cases of attachment. Upon the return of  
2 the process duly served or upon the posting or publishing of  
3 notice made, as appropriate, the court or jury, if a jury is  
4 demanded, shall proceed to determine whether the property  
5 seized was held or possessed in violation of this Article or a  
6 rule of the Department for the administration and enforcement  
7 of this Article. If a violation is found, judgment shall be  
8 entered confiscating the property and forfeiting it to the  
9 State and ordering its delivery to the Department. In  
10 addition, the court may tax and assess the costs of the  
11 proceedings.

12 (b) When any psilocybin has been declared forfeited to the  
13 State by the Department, as provided in Section III and this  
14 Section, and when all proceedings for the judicial review of  
15 the Department's decision have terminated, the Department  
16 shall, to the extent that its decision is sustained on review,  
17 destroy or maintain and use such psilocybin in an undercover  
18 capacity.

19 (c) The Department may, before any destruction of  
20 psilocybin, permit the true holder of trademark rights in the  
21 psilocybin to inspect such psilocybin in order to assist the  
22 Department in any investigation regarding such psilocybin.

23 Section 416. Psilocybin retailers; purchase and possession  
24 of psilocybin. Psilocybin retailers shall purchase psilocybin  
25 for resale only from manufacturers as authorized by this Act.

1           Section 417. Rulemaking. The Department may adopt rules in  
2 accordance with the Illinois Administrative Procedure Act and  
3 prescribe forms relating to the administration and enforcement  
4 of this Article as it deems appropriate.

5           Section 420. Illinois Psilocybin Fund. The Illinois  
6 Psilocybin Fund is created as a special fund in the State  
7 treasury. The Fund shall consist of moneys transferred to the  
8 Fund under Section 425. The Department of Revenue shall  
9 certify quarterly the amount of moneys available in the  
10 Illinois Psilocybin Fund. The Department of Revenue shall  
11 transfer quarterly the moneys in the Illinois Psilocybin Fund  
12 to the Psilocybin Control and Regulation Fund.

13           Section 425. Illinois Psilocybin Fund; payment of  
14 expenses. All moneys received by the Department of Revenue  
15 under Sections 355 through this Section shall be deposited  
16 into the Illinois Psilocybin Fund. The Department of Revenue  
17 may pay expenses for the administration and enforcement of  
18 Sections 355 through this Section out of moneys received from  
19 the tax imposed under Section 360. Amounts necessary to pay  
20 administrative and enforcement expenses are continuously  
21 appropriated to the Department of Revenue from the Illinois  
22 Psilocybin Fund.

1           Section 430. Incorporation by reference. All of the  
2 provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,  
3 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11, 11a, and 12 of the  
4 Retailers' Occupation Tax Act, and all applicable provisions  
5 of the Uniform Penalty and Interest Act that are not  
6 inconsistent with this Act, apply to clients, legal entities,  
7 licensees, licensee representatives, psilocybin product  
8 manufacturers, service centers, service center operators, and  
9 facilitators to the same extent as if those provisions were  
10 included in this Act. References in the incorporated Sections  
11 of the Retailers' Occupation Tax Act to retailers, to sellers,  
12 or to persons engaged in the business of selling tangible  
13 personal property mean distributors when used in this Act.  
14 References in the incorporated Sections to sales of tangible  
15 personal property mean sales of tobacco products when used in  
16 this Act.

17           Section 435. Registration under the Retailers' Occupation  
18 Tax Act. A retailer maintaining a place of business in this  
19 State, if required to register under the Retailers' Occupation  
20 Tax Act, need not obtain an additional certificate of  
21 registration under this Act, but shall be deemed to be  
22 sufficiently registered by virtue of his being registered  
23 under the Retailers' Occupation Tax Act. Every retailer  
24 maintaining a place of business in this State, if not required  
25 to register under the Retailers' Occupation Tax Act, shall

1 apply to the Department of Revenue (upon a form prescribed and  
2 furnished by the Department of Revenue) for a certificate of  
3 registration under this Act. In completing such application,  
4 the applicant shall furnish such information as the Department  
5 of Revenue may reasonably require. Upon approval of an  
6 application for certificate of registration, the Department of  
7 Revenue shall issue, without charge, a certificate of  
8 registration to the applicant. Such certificate of  
9 registration shall be displayed at the address which the  
10 applicant states in his or her application to be the principal  
11 place of business or location from which he or she will act as  
12 a retailer in this State. If the applicant will act as a  
13 retailer in this State from other places of business or  
14 locations, he shall list the addresses of such additional  
15 places of business or locations in this application for  
16 certificate of registration, and the Department of Revenue  
17 shall issue a sub-certificate of registration to the applicant  
18 for each such additional place of business or location. Each  
19 sub-certificate of registration shall be conspicuously  
20 displayed at the place for which it is issued. Such  
21 sub-certificate of registration shall bear the same  
22 registration number as that appearing upon the certificate of  
23 registration to which such sub-certificates of registration  
24 relate. Where a retailer operates more than one place of  
25 business which is subject to registration under this Section  
26 and such businesses are substantially different in character

1 or are engaged in under different trade names or are engaged in  
2 under other substantially dissimilar circumstances (so that it  
3 is more practicable, from an accounting, auditing, or  
4 bookkeeping standpoint, for such businesses to be separately  
5 registered), the Department of Revenue may require or permit  
6 such person to apply for and obtain a separate certificate of  
7 registration for each such business or for any of such  
8 businesses instead of registering such person, as to all such  
9 businesses, under a single certificate of registration  
10 supplemented by related sub-certificates of registration. No  
11 certificate of registration shall be issued to any person who  
12 is in default to the State for moneys due hereunder.

13 The Department of Revenue may, in its discretion, upon  
14 application, authorize the collection of the tax herein  
15 imposed by any retailer not maintaining a place of business  
16 within this State, who, to the satisfaction of the Department  
17 of Revenue, furnishes adequate security to insure collection  
18 and payment of the tax. Such retailer shall be issued, without  
19 charge, a permit to collect such tax. When so authorized, it  
20 shall be the duty of such retailer to collect the tax upon all  
21 tangible personal property sold to his knowledge for use  
22 within this State, in the same manner and subject to the same  
23 requirements, including the furnishing of a receipt to the  
24 purchaser (if demanded by the purchaser), as a retailer  
25 maintaining a place of business within this State. The receipt  
26 given to the purchaser shall be sufficient to relieve him or

1 her from further liability for the tax to which such receipt  
2 may refer. Such permit may be revoked by the Department as  
3 provided herein.

4 Section 440. Severability. The provisions of this Act are  
5 severable under Section 1.31 of the Statute on Statutes.

6 Section 900. The Freedom of Information Act is amended by  
7 changing Section 7 as follows:

8 (5 ILCS 140/7)

9 Sec. 7. Exemptions.

10 (1) When a request is made to inspect or copy a public  
11 record that contains information that is exempt from  
12 disclosure under this Section, but also contains information  
13 that is not exempt from disclosure, the public body may elect  
14 to redact the information that is exempt. The public body  
15 shall make the remaining information available for inspection  
16 and copying. Subject to this requirement, the following shall  
17 be exempt from inspection and copying:

18 (a) Information specifically prohibited from  
19 disclosure by federal or State law or rules and  
20 regulations implementing federal or State law.

21 (b) Private information, unless disclosure is required  
22 by another provision of this Act, a State or federal law,  
23 or a court order.

1           (b-5) Files, documents, and other data or databases  
2 maintained by one or more law enforcement agencies and  
3 specifically designed to provide information to one or  
4 more law enforcement agencies regarding the physical or  
5 mental status of one or more individual subjects.

6           (c) Personal information contained within public  
7 records, the disclosure of which would constitute a  
8 clearly unwarranted invasion of personal privacy, unless  
9 the disclosure is consented to in writing by the  
10 individual subjects of the information. "Unwarranted  
11 invasion of personal privacy" means the disclosure of  
12 information that is highly personal or objectionable to a  
13 reasonable person and in which the subject's right to  
14 privacy outweighs any legitimate public interest in  
15 obtaining the information. The disclosure of information  
16 that bears on the public duties of public employees and  
17 officials shall not be considered an invasion of personal  
18 privacy.

19           (d) Records in the possession of any public body  
20 created in the course of administrative enforcement  
21 proceedings, and any law enforcement or correctional  
22 agency for law enforcement purposes, but only to the  
23 extent that disclosure would:

24           (i) interfere with pending or actually and  
25 reasonably contemplated law enforcement proceedings  
26 conducted by any law enforcement or correctional

1 agency that is the recipient of the request;

2 (ii) interfere with active administrative  
3 enforcement proceedings conducted by the public body  
4 that is the recipient of the request;

5 (iii) create a substantial likelihood that a  
6 person will be deprived of a fair trial or an impartial  
7 hearing;

8 (iv) unavoidably disclose the identity of a  
9 confidential source, confidential information  
10 furnished only by the confidential source, or persons  
11 who file complaints with or provide information to  
12 administrative, investigative, law enforcement, or  
13 penal agencies; except that the identities of  
14 witnesses to traffic crashes, traffic crash reports,  
15 and rescue reports shall be provided by agencies of  
16 local government, except when disclosure would  
17 interfere with an active criminal investigation  
18 conducted by the agency that is the recipient of the  
19 request;

20 (v) disclose unique or specialized investigative  
21 techniques other than those generally used and known  
22 or disclose internal documents of correctional  
23 agencies related to detection, observation, or  
24 investigation of incidents of crime or misconduct, and  
25 disclosure would result in demonstrable harm to the  
26 agency or public body that is the recipient of the

1 request;

2 (vi) endanger the life or physical safety of law  
3 enforcement personnel or any other person; or

4 (vii) obstruct an ongoing criminal investigation  
5 by the agency that is the recipient of the request.

6 (d-5) A law enforcement record created for law  
7 enforcement purposes and contained in a shared electronic  
8 record management system if the law enforcement agency  
9 that is the recipient of the request did not create the  
10 record, did not participate in or have a role in any of the  
11 events which are the subject of the record, and only has  
12 access to the record through the shared electronic record  
13 management system.

14 (d-6) Records contained in the Officer Professional  
15 Conduct Database under Section 9.2 of the Illinois Police  
16 Training Act, except to the extent authorized under that  
17 Section. This includes the documents supplied to the  
18 Illinois Law Enforcement Training Standards Board from the  
19 Illinois State Police and Illinois State Police Merit  
20 Board.

21 (d-7) Information gathered or records created from the  
22 use of automatic license plate readers in connection with  
23 Section 2-130 of the Illinois Vehicle Code.

24 (e) Records that relate to or affect the security of  
25 correctional institutions and detention facilities.

26 (e-5) Records requested by persons committed to the

1 Department of Corrections, Department of Human Services  
2 Division of Mental Health, or a county jail if those  
3 materials are available in the library of the correctional  
4 institution or facility or jail where the inmate is  
5 confined.

6 (e-6) Records requested by persons committed to the  
7 Department of Corrections, Department of Human Services  
8 Division of Mental Health, or a county jail if those  
9 materials include records from staff members' personnel  
10 files, staff rosters, or other staffing assignment  
11 information.

12 (e-7) Records requested by persons committed to the  
13 Department of Corrections or Department of Human Services  
14 Division of Mental Health if those materials are available  
15 through an administrative request to the Department of  
16 Corrections or Department of Human Services Division of  
17 Mental Health.

18 (e-8) Records requested by a person committed to the  
19 Department of Corrections, Department of Human Services  
20 Division of Mental Health, or a county jail, the  
21 disclosure of which would result in the risk of harm to any  
22 person or the risk of an escape from a jail or correctional  
23 institution or facility.

24 (e-9) Records requested by a person in a county jail  
25 or committed to the Department of Corrections or  
26 Department of Human Services Division of Mental Health,

1 containing personal information pertaining to the person's  
2 victim or the victim's family, including, but not limited  
3 to, a victim's home address, home telephone number, work  
4 or school address, work telephone number, social security  
5 number, or any other identifying information, except as  
6 may be relevant to a requester's current or potential case  
7 or claim.

8 (e-10) Law enforcement records of other persons  
9 requested by a person committed to the Department of  
10 Corrections, Department of Human Services Division of  
11 Mental Health, or a county jail, including, but not  
12 limited to, arrest and booking records, mug shots, and  
13 crime scene photographs, except as these records may be  
14 relevant to the requester's current or potential case or  
15 claim.

16 (f) Preliminary drafts, notes, recommendations,  
17 memoranda, and other records in which opinions are  
18 expressed, or policies or actions are formulated, except  
19 that a specific record or relevant portion of a record  
20 shall not be exempt when the record is publicly cited and  
21 identified by the head of the public body. The exemption  
22 provided in this paragraph (f) extends to all those  
23 records of officers and agencies of the General Assembly  
24 that pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial  
26 information obtained from a person or business where the

1 trade secrets or commercial or financial information are  
2 furnished under a claim that they are proprietary,  
3 privileged, or confidential, and that disclosure of the  
4 trade secrets or commercial or financial information would  
5 cause competitive harm to the person or business, and only  
6 insofar as the claim directly applies to the records  
7 requested.

8 The information included under this exemption includes  
9 all trade secrets and commercial or financial information  
10 obtained by a public body, including a public pension  
11 fund, from a private equity fund or a privately held  
12 company within the investment portfolio of a private  
13 equity fund as a result of either investing or evaluating  
14 a potential investment of public funds in a private equity  
15 fund. The exemption contained in this item does not apply  
16 to the aggregate financial performance information of a  
17 private equity fund, nor to the identity of the fund's  
18 managers or general partners. The exemption contained in  
19 this item does not apply to the identity of a privately  
20 held company within the investment portfolio of a private  
21 equity fund, unless the disclosure of the identity of a  
22 privately held company may cause competitive harm.

23 Nothing contained in this paragraph (g) shall be  
24 construed to prevent a person or business from consenting  
25 to disclosure.

26 (h) Proposals and bids for any contract, grant, or

1 agreement, including information which if it were  
2 disclosed would frustrate procurement or give an advantage  
3 to any person proposing to enter into a contractor  
4 agreement with the body, until an award or final selection  
5 is made. Information prepared by or for the body in  
6 preparation of a bid solicitation shall be exempt until an  
7 award or final selection is made.

8 (i) Valuable formulae, computer geographic systems,  
9 designs, drawings, and research data obtained or produced  
10 by any public body when disclosure could reasonably be  
11 expected to produce private gain or public loss. The  
12 exemption for "computer geographic systems" provided in  
13 this paragraph (i) does not extend to requests made by  
14 news media as defined in Section 2 of this Act when the  
15 requested information is not otherwise exempt and the only  
16 purpose of the request is to access and disseminate  
17 information regarding the health, safety, welfare, or  
18 legal rights of the general public.

19 (j) The following information pertaining to  
20 educational matters:

21 (i) test questions, scoring keys, and other  
22 examination data used to administer an academic  
23 examination;

24 (ii) information received by a primary or  
25 secondary school, college, or university under its  
26 procedures for the evaluation of faculty members by

1           their academic peers;

2           (iii) information concerning a school or  
3           university's adjudication of student disciplinary  
4           cases, but only to the extent that disclosure would  
5           unavoidably reveal the identity of the student; and

6           (iv) course materials or research materials used  
7           by faculty members.

8           (k) Architects' plans, engineers' technical  
9           submissions, and other construction related technical  
10          documents for projects not constructed or developed in  
11          whole or in part with public funds and the same for  
12          projects constructed or developed with public funds,  
13          including, but not limited to, power generating and  
14          distribution stations and other transmission and  
15          distribution facilities, water treatment facilities,  
16          airport facilities, sport stadiums, convention centers,  
17          and all government owned, operated, or occupied buildings,  
18          but only to the extent that disclosure would compromise  
19          security.

20          (1) Minutes of meetings of public bodies closed to the  
21          public as provided in the Open Meetings Act until the  
22          public body makes the minutes available to the public  
23          under Section 2.06 of the Open Meetings Act.

24          (m) Communications between a public body and an  
25          attorney or auditor representing the public body that  
26          would not be subject to discovery in litigation, and

1 materials prepared or compiled by or for a public body in  
2 anticipation of a criminal, civil, or administrative  
3 proceeding upon the request of an attorney advising the  
4 public body, and materials prepared or compiled with  
5 respect to internal audits of public bodies.

6 (n) Records relating to a public body's adjudication  
7 of employee grievances or disciplinary cases; however,  
8 this exemption shall not extend to the final outcome of  
9 cases in which discipline is imposed.

10 (o) Administrative or technical information associated  
11 with automated data processing operations, including, but  
12 not limited to, software, operating protocols, computer  
13 program abstracts, file layouts, source listings, object  
14 modules, load modules, user guides, documentation  
15 pertaining to all logical and physical design of  
16 computerized systems, employee manuals, and any other  
17 information that, if disclosed, would jeopardize the  
18 security of the system or its data or the security of  
19 materials exempt under this Section.

20 (p) Records relating to collective negotiating matters  
21 between public bodies and their employees or  
22 representatives, except that any final contract or  
23 agreement shall be subject to inspection and copying.

24 (q) Test questions, scoring keys, and other  
25 examination data used to determine the qualifications of  
26 an applicant for a license or employment.

1           (r) The records, documents, and information relating  
2           to real estate purchase negotiations until those  
3           negotiations have been completed or otherwise terminated.  
4           With regard to a parcel involved in a pending or actually  
5           and reasonably contemplated eminent domain proceeding  
6           under the Eminent Domain Act, records, documents, and  
7           information relating to that parcel shall be exempt except  
8           as may be allowed under discovery rules adopted by the  
9           Illinois Supreme Court. The records, documents, and  
10          information relating to a real estate sale shall be exempt  
11          until a sale is consummated.

12          (s) Any and all proprietary information and records  
13          related to the operation of an intergovernmental risk  
14          management association or self-insurance pool or jointly  
15          self-administered health and accident cooperative or pool.  
16          Insurance or self-insurance (including any  
17          intergovernmental risk management association or  
18          self-insurance pool) claims, loss or risk management  
19          information, records, data, advice, or communications.

20          (t) Information contained in or related to  
21          examination, operating, or condition reports prepared by,  
22          on behalf of, or for the use of a public body responsible  
23          for the regulation or supervision of financial  
24          institutions, insurance companies, or pharmacy benefit  
25          managers, unless disclosure is otherwise required by State  
26          law.

1           (u) Information that would disclose or might lead to  
2           the disclosure of secret or confidential information,  
3           codes, algorithms, programs, or private keys intended to  
4           be used to create electronic signatures under the Uniform  
5           Electronic Transactions Act.

6           (v) Vulnerability assessments, security measures, and  
7           response policies or plans that are designed to identify,  
8           prevent, or respond to potential attacks upon a  
9           community's population or systems, facilities, or  
10          installations, but only to the extent that disclosure  
11          could reasonably be expected to expose the vulnerability  
12          or jeopardize the effectiveness of the measures, policies,  
13          or plans, or the safety of the personnel who implement  
14          them or the public. Information exempt under this item may  
15          include such things as details pertaining to the  
16          mobilization or deployment of personnel or equipment, to  
17          the operation of communication systems or protocols, to  
18          cybersecurity vulnerabilities, or to tactical operations.

19          (w) (Blank).

20          (x) Maps and other records regarding the location or  
21          security of generation, transmission, distribution,  
22          storage, gathering, treatment, or switching facilities  
23          owned by a utility, by a power generator, or by the  
24          Illinois Power Agency.

25          (y) Information contained in or related to proposals,  
26          bids, or negotiations related to electric power

1 procurement under Section 1-75 of the Illinois Power  
2 Agency Act and Section 16-111.5 of the Public Utilities  
3 Act that is determined to be confidential and proprietary  
4 by the Illinois Power Agency or by the Illinois Commerce  
5 Commission.

6 (z) Information about students exempted from  
7 disclosure under Section 10-20.38 or 34-18.29 of the  
8 School Code, and information about undergraduate students  
9 enrolled at an institution of higher education exempted  
10 from disclosure under Section 25 of the Illinois Credit  
11 Card Marketing Act of 2009.

12 (aa) Information the disclosure of which is exempted  
13 under the Viatical Settlements Act of 2009.

14 (bb) Records and information provided to a mortality  
15 review team and records maintained by a mortality review  
16 team appointed under the Department of Juvenile Justice  
17 Mortality Review Team Act.

18 (cc) Information regarding interments, entombments, or  
19 inurnments of human remains that are submitted to the  
20 Cemetery Oversight Database under the Cemetery Care Act or  
21 the Cemetery Oversight Act, whichever is applicable.

22 (dd) Correspondence and records (i) that may not be  
23 disclosed under Section 11-9 of the Illinois Public Aid  
24 Code or (ii) that pertain to appeals under Section 11-8 of  
25 the Illinois Public Aid Code.

26 (ee) The names, addresses, or other personal

1 information of persons who are minors and are also  
2 participants and registrants in programs of park  
3 districts, forest preserve districts, conservation  
4 districts, recreation agencies, and special recreation  
5 associations.

6 (ff) The names, addresses, or other personal  
7 information of participants and registrants in programs of  
8 park districts, forest preserve districts, conservation  
9 districts, recreation agencies, and special recreation  
10 associations where such programs are targeted primarily to  
11 minors.

12 (gg) Confidential information described in Section  
13 1-100 of the Illinois Independent Tax Tribunal Act of  
14 2012.

15 (hh) The report submitted to the State Board of  
16 Education by the School Security and Standards Task Force  
17 under item (8) of subsection (d) of Section 2-3.160 of the  
18 School Code and any information contained in that report.

19 (ii) Records requested by persons committed to or  
20 detained by the Department of Human Services under the  
21 Sexually Violent Persons Commitment Act or committed to  
22 the Department of Corrections under the Sexually Dangerous  
23 Persons Act if those materials: (i) are available in the  
24 library of the facility where the individual is confined;  
25 (ii) include records from staff members' personnel files,  
26 staff rosters, or other staffing assignment information;

1 or (iii) are available through an administrative request  
2 to the Department of Human Services or the Department of  
3 Corrections.

4 (jj) Confidential information described in Section  
5 5-535 of the Civil Administrative Code of Illinois.

6 (kk) The public body's credit card numbers, debit card  
7 numbers, bank account numbers, Federal Employer  
8 Identification Number, security code numbers, passwords,  
9 and similar account information, the disclosure of which  
10 could result in identity theft or impersonation or defrauding  
11 of a governmental entity or a person.

12 (ll) Records concerning the work of the threat  
13 assessment team of a school district, including, but not  
14 limited to, any threat assessment procedure under the  
15 School Safety Drill Act and any information contained in  
16 the procedure.

17 (mm) Information prohibited from being disclosed under  
18 subsections (a) and (b) of Section 15 of the Student  
19 Confidential Reporting Act.

20 (nn) Proprietary information submitted to the  
21 Environmental Protection Agency under the Drug Take-Back  
22 Act.

23 (oo) Records described in subsection (f) of Section  
24 3-5-1 of the Unified Code of Corrections.

25 (pp) Any and all information regarding burials,  
26 interments, or entombments of human remains as required to

1 be reported to the Department of Natural Resources  
2 pursuant either to the Archaeological and Paleontological  
3 Resources Protection Act or the Human Remains Protection  
4 Act.

5 (qq) Reports described in subsection (e) of Section  
6 16-15 of the Abortion Care Clinical Training Program Act.

7 (rr) Information obtained by a certified local health  
8 department under the Access to Public Health Data Act.

9 (ss) For a request directed to a public body that is  
10 also a HIPAA-covered entity, all information that is  
11 protected health information, including demographic  
12 information, that may be contained within or extracted  
13 from any record held by the public body in compliance with  
14 State and federal medical privacy laws and regulations,  
15 including, but not limited to, the Health Insurance  
16 Portability and Accountability Act and its regulations, 45  
17 CFR Parts 160 and 164. As used in this paragraph,  
18 "HIPAA-covered entity" has the meaning given to the term  
19 "covered entity" in 45 CFR 160.103 and "protected health  
20 information" has the meaning given to that term in 45 CFR  
21 160.103.

22 (tt) Proposals or bids submitted by engineering  
23 consultants in response to requests for proposal or other  
24 competitive bidding requests by the Department of  
25 Transportation or the Illinois Toll Highway Authority.

26 (uu) Correspondence and records that may not be

1 disclosed under Section 265 of the Compassionate Use and  
2 Research of Entheogens Act.

3 (1.5) Any information exempt from disclosure under the  
4 Judicial Privacy Act shall be redacted from public records  
5 prior to disclosure under this Act.

6 (2) A public record that is not in the possession of a  
7 public body but is in the possession of a party with whom the  
8 agency has contracted to perform a governmental function on  
9 behalf of the public body, and that directly relates to the  
10 governmental function and is not otherwise exempt under this  
11 Act, shall be considered a public record of the public body,  
12 for purposes of this Act.

13 (3) This Section does not authorize withholding of  
14 information or limit the availability of records to the  
15 public, except as stated in this Section or otherwise provided  
16 in this Act.

17 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
18 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
19 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,  
20 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
21 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
22 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,  
23 eff. 7-1-24; 103-865, eff. 1-1-25.)

24 Section 905. The State Finance Act is amended by adding  
25 Sections 5.1030 and 5.1031 as follows:

1 (30 ILCS 105/5.1030 new)

2 Sec. 5.1030. The Psilocybin Control and Regulation Fund.

3 (30 ILCS 105/5.1031 new)

4 Sec. 5.1031. The Illinois Psilocybin Fund.

5 Section 910. The Illinois Independent Tax Tribunal Act of  
6 2012 is amended by changing Section 1-45 as follows:

7 (35 ILCS 1010/1-45)

8 Sec. 1-45. Jurisdiction of the Tax Tribunal.

9 (a) Except as provided by the Constitution of the United  
10 States, the Constitution of the State of Illinois, or any  
11 statutes of this State, including, but not limited to, the  
12 State Officers and Employees Money Disposition Act, the Tax  
13 Tribunal shall have original jurisdiction over all  
14 determinations of the Department reflected on a Notice of  
15 Deficiency, Notice of Tax Liability, Notice of Claim Denial,  
16 or Notice of Penalty Liability issued under the Illinois  
17 Income Tax Act, the Use Tax Act, the Service Use Tax Act, the  
18 Service Occupation Tax Act, the Retailers' Occupation Tax Act,  
19 the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco  
20 Products Tax Act of 1995, the Hotel Operators' Occupation Tax  
21 Act, the Motor Fuel Tax Law, the Automobile Renting Occupation  
22 and Use Tax Act, the Coin-Operated Amusement Device and

1 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water  
2 Company Invested Capital Tax Act, the Telecommunications  
3 Excise Tax Act, the Telecommunications Infrastructure  
4 Maintenance Fee Act, the Public Utilities Revenue Act, the  
5 Electricity Excise Tax Law, the Aircraft Use Tax Law, the  
6 Watercraft Use Tax Law, the Gas Use Tax Law, ~~or~~ the Uniform  
7 Penalty and Interest Act, or the Compassionate Use and  
8 Research of Entheogens Act. Jurisdiction of the Tax Tribunal  
9 is limited to Notices of Tax Liability, Notices of Deficiency,  
10 Notices of Claim Denial, and Notices of Penalty Liability  
11 where the amount at issue in a notice, or the aggregate amount  
12 at issue in multiple notices issued for the same tax year or  
13 audit period, exceeds \$15,000, exclusive of penalties and  
14 interest. In notices solely asserting either an interest or  
15 penalty assessment, or both, the Tax Tribunal shall have  
16 jurisdiction over cases where the combined total of all  
17 penalties or interest assessed exceeds \$15,000.

18 (b) Except as otherwise permitted by this Act and by the  
19 Constitution of the State of Illinois or otherwise by State  
20 law, including, but not limited to, the State Officers and  
21 Employees Money Disposition Act, no person shall contest any  
22 matter within the jurisdiction of the Tax Tribunal in any  
23 action, suit, or proceeding in the circuit court or any other  
24 court of the State. If a person attempts to do so, then such  
25 action, suit, or proceeding shall be dismissed without  
26 prejudice. The improper commencement of any action, suit, or

1 proceeding does not extend the time period for commencing a  
2 proceeding in the Tax Tribunal.

3 (c) The Tax Tribunal may require the taxpayer to post a  
4 bond equal to 25% of the liability at issue (1) upon motion of  
5 the Department and a showing that (A) the taxpayer's action is  
6 frivolous or legally insufficient or (B) the taxpayer is  
7 acting primarily for the purpose of delaying the collection of  
8 tax or prejudicing the ability ultimately to collect the tax,  
9 or (2) if, at any time during the proceedings, it is determined  
10 by the Tax Tribunal that the taxpayer is not pursuing the  
11 resolution of the case with due diligence. If the Tax Tribunal  
12 finds in a particular case that the taxpayer cannot procure  
13 and furnish a satisfactory surety or sureties for the kind of  
14 bond required herein, the Tax Tribunal may relieve the  
15 taxpayer of the obligation of filing such bond, if, upon the  
16 timely application for a lien in lieu thereof and accompanying  
17 proof therein submitted, the Tax Tribunal is satisfied that  
18 any such lien imposed would operate to secure the assessment  
19 in the manner and to the degree as would a bond. The Tax  
20 Tribunal shall adopt rules for the procedures to be used in  
21 securing a bond or lien under this Section.

22 (d) If, with or after the filing of a timely petition, the  
23 taxpayer pays all or part of the tax or other amount in issue  
24 before the Tax Tribunal has rendered a decision, the Tax  
25 Tribunal shall treat the taxpayer's petition as a protest of a  
26 denial of claim for refund of the amount so paid upon a written

1 motion filed by the taxpayer.

2 (e) The Tax Tribunal shall not have jurisdiction to  
3 review:

4 (1) any assessment made under the Property Tax Code;

5 (2) any decisions relating to the issuance or denial  
6 of an exemption ruling for any entity claiming exemption  
7 from any tax imposed under the Property Tax Code or any  
8 State tax administered by the Department;

9 (3) a notice of proposed tax liability, notice of  
10 proposed deficiency, or any other notice of proposed  
11 assessment or notice of intent to take some action;

12 (4) any action or determination of the Department  
13 regarding tax liabilities that have become finalized by  
14 law, including but not limited to the issuance of liens,  
15 levies, and revocations, suspensions, or denials of  
16 licenses or certificates of registration or any other  
17 collection activities;

18 (5) any proceedings of the Department's informal  
19 administrative appeals function; and

20 (6) any challenge to an administrative subpoena issued  
21 by the Department.

22 (f) The Tax Tribunal shall decide questions regarding the  
23 constitutionality of statutes and rules adopted by the  
24 Department as applied to the taxpayer, but shall not have the  
25 power to declare a statute or rule unconstitutional or  
26 otherwise invalid on its face. A taxpayer challenging the

1 constitutional of a statute or rule on its face may present  
2 such challenge to the Tax Tribunal for the sole purpose of  
3 making a record for review by the Illinois Appellate Court.  
4 Failure to raise a constitutional issue regarding the  
5 application of a statute or regulations to the taxpayer shall  
6 not preclude the taxpayer or the Department from raising those  
7 issues at the appellate court level.

8 (Source: P.A. 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13.)

9 Section 914. The Illinois Vehicle Code is amended by  
10 changing Section 11-501 as follows:

11 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

12 Sec. 11-501. Driving while under the influence of alcohol,  
13 other drug or drugs, intoxicating compound or compounds or any  
14 combination thereof.

15 (a) A person shall not drive or be in actual physical  
16 control of any vehicle within this State while:

17 (1) the alcohol concentration in the person's blood,  
18 other bodily substance, or breath is 0.08 or more based on  
19 the definition of blood and breath units in Section  
20 11-501.2;

21 (2) under the influence of alcohol;

22 (3) under the influence of any intoxicating compound  
23 or combination of intoxicating compounds to a degree that  
24 renders the person incapable of driving safely;

1           (4) under the influence of any other drug or  
2 combination of drugs to a degree that renders the person  
3 incapable of safely driving;

4           (5) under the combined influence of alcohol, other  
5 drug or drugs, or intoxicating compound or compounds to a  
6 degree that renders the person incapable of safely  
7 driving;

8           (6) there is any amount of a drug, substance, or  
9 compound in the person's breath, blood, other bodily  
10 substance, or urine resulting from the unlawful use or  
11 consumption of a controlled substance listed in the  
12 Illinois Controlled Substances Act, an intoxicating  
13 compound listed in the Use of Intoxicating Compounds Act,  
14 ~~or~~ methamphetamine as listed in the Methamphetamine  
15 Control and Community Protection Act, or psilocybin or  
16 psilocin as defined in the Compassionate Use and Research  
17 of Entheogens Act; or

18           (7) the person has, within 2 hours of driving or being  
19 in actual physical control of a vehicle, a  
20 tetrahydrocannabinol concentration in the person's whole  
21 blood or other bodily substance as defined in paragraph 6  
22 of subsection (a) of Section 11-501.2 of this Code.  
23 Subject to all other requirements and provisions under  
24 this Section, this paragraph (7) does not apply to the  
25 lawful consumption of cannabis by a qualifying patient  
26 licensed under the Compassionate Use of Medical Cannabis

1           Program Act who is in possession of a valid registry card  
2           issued under that Act, unless that person is impaired by  
3           the use of cannabis.

4           (b) The fact that any person charged with violating this  
5           Section is or has been legally entitled to use alcohol,  
6           cannabis under the Compassionate Use of Medical Cannabis  
7           Program Act, other drug or drugs, or intoxicating compound or  
8           compounds, or any combination thereof, shall not constitute a  
9           defense against any charge of violating this Section.

10          (c) Penalties.

11                 (1) Except as otherwise provided in this Section, any  
12                 person convicted of violating subsection (a) of this  
13                 Section is guilty of a Class A misdemeanor.

14                 (2) A person who violates subsection (a) or a similar  
15                 provision a second time shall be sentenced to a mandatory  
16                 minimum term of either 5 days of imprisonment or 240 hours  
17                 of community service in addition to any other criminal or  
18                 administrative sanction.

19                 (3) A person who violates subsection (a) is subject to  
20                 6 months of imprisonment, an additional mandatory minimum  
21                 fine of \$1,000, and 25 days of community service in a  
22                 program benefiting children if the person was transporting  
23                 a person under the age of 16 at the time of the violation.

24                 (4) A person who violates subsection (a) a first time,  
25                 if the alcohol concentration in his or her blood, breath,  
26                 other bodily substance, or urine was 0.16 or more based on

1 the definition of blood, breath, other bodily substance,  
2 or urine units in Section 11-501.2, shall be subject, in  
3 addition to any other penalty that may be imposed, to a  
4 mandatory minimum of 100 hours of community service and a  
5 mandatory minimum fine of \$500.

6 (5) A person who violates subsection (a) a second  
7 time, if at the time of the second violation the alcohol  
8 concentration in his or her blood, breath, other bodily  
9 substance, or urine was 0.16 or more based on the  
10 definition of blood, breath, other bodily substance, or  
11 urine units in Section 11-501.2, shall be subject, in  
12 addition to any other penalty that may be imposed, to a  
13 mandatory minimum of 2 days of imprisonment and a  
14 mandatory minimum fine of \$1,250.

15 (d) Aggravated driving under the influence of alcohol,  
16 other drug or drugs, or intoxicating compound or compounds, or  
17 any combination thereof.

18 (1) Every person convicted of committing a violation  
19 of this Section shall be guilty of aggravated driving  
20 under the influence of alcohol, other drug or drugs, or  
21 intoxicating compound or compounds, or any combination  
22 thereof if:

23 (A) the person committed a violation of subsection  
24 (a) or a similar provision for the third or subsequent  
25 time;

26 (B) the person committed a violation of subsection

1 (a) while driving a school bus with one or more  
2 passengers on board;

3 (C) the person in committing a violation of  
4 subsection (a) was involved in a motor vehicle crash  
5 that resulted in great bodily harm or permanent  
6 disability or disfigurement to another, when the  
7 violation was a proximate cause of the injuries;

8 (D) the person committed a violation of subsection  
9 (a) and has been previously convicted of violating  
10 Section 9-3 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 or a similar provision of a law  
12 of another state relating to reckless homicide in  
13 which the person was determined to have been under the  
14 influence of alcohol, other drug or drugs, or  
15 intoxicating compound or compounds as an element of  
16 the offense or the person has previously been  
17 convicted under subparagraph (C) or subparagraph (F)  
18 of this paragraph (1);

19 (E) the person, in committing a violation of  
20 subsection (a) while driving at any speed in a school  
21 speed zone at a time when a speed limit of 20 miles per  
22 hour was in effect under subsection (a) of Section  
23 11-605 of this Code, was involved in a motor vehicle  
24 crash that resulted in bodily harm, other than great  
25 bodily harm or permanent disability or disfigurement,  
26 to another person, when the violation of subsection

1 (a) was a proximate cause of the bodily harm;

2 (F) the person, in committing a violation of  
3 subsection (a), was involved in a motor vehicle crash  
4 or snowmobile, all-terrain vehicle, or watercraft  
5 accident that resulted in the death of another person,  
6 when the violation of subsection (a) was a proximate  
7 cause of the death;

8 (G) the person committed a violation of subsection  
9 (a) during a period in which the defendant's driving  
10 privileges are revoked or suspended, where the  
11 revocation or suspension was for a violation of  
12 subsection (a) or a similar provision, Section  
13 11-501.1, paragraph (b) of Section 11-401, or for  
14 reckless homicide as defined in Section 9-3 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012;

16 (H) the person committed the violation while he or  
17 she did not possess a driver's license or permit or a  
18 restricted driving permit or a judicial driving permit  
19 or a monitoring device driving permit;

20 (I) the person committed the violation while he or  
21 she knew or should have known that the vehicle he or  
22 she was driving was not covered by a liability  
23 insurance policy;

24 (J) the person in committing a violation of  
25 subsection (a) was involved in a motor vehicle crash  
26 that resulted in bodily harm, but not great bodily

1           harm, to the child under the age of 16 being  
2           transported by the person, if the violation was the  
3           proximate cause of the injury;

4           (K) the person in committing a second violation of  
5           subsection (a) or a similar provision was transporting  
6           a person under the age of 16; or

7           (L) the person committed a violation of subsection  
8           (a) of this Section while transporting one or more  
9           passengers in a vehicle for-hire.

10          (2) (A) Except as provided otherwise, a person  
11          convicted of aggravated driving under the influence of  
12          alcohol, other drug or drugs, or intoxicating compound or  
13          compounds, or any combination thereof is guilty of a Class  
14          4 felony.

15          (B) A third violation of this Section or a similar  
16          provision is a Class 2 felony. If at the time of the third  
17          violation the alcohol concentration in his or her blood,  
18          breath, other bodily substance, or urine was 0.16 or more  
19          based on the definition of blood, breath, other bodily  
20          substance, or urine units in Section 11-501.2, a mandatory  
21          minimum of 90 days of imprisonment and a mandatory minimum  
22          fine of \$2,500 shall be imposed in addition to any other  
23          criminal or administrative sanction. If at the time of the  
24          third violation, the defendant was transporting a person  
25          under the age of 16, a mandatory fine of \$25,000 and 25  
26          days of community service in a program benefiting children

1 shall be imposed in addition to any other criminal or  
2 administrative sanction.

3 (C) A fourth violation of this Section or a similar  
4 provision is a Class 2 felony, for which a sentence of  
5 probation or conditional discharge may not be imposed. If  
6 at the time of the violation, the alcohol concentration in  
7 the defendant's blood, breath, other bodily substance, or  
8 urine was 0.16 or more based on the definition of blood,  
9 breath, other bodily substance, or urine units in Section  
10 11-501.2, a mandatory minimum fine of \$5,000 shall be  
11 imposed in addition to any other criminal or  
12 administrative sanction. If at the time of the fourth  
13 violation, the defendant was transporting a person under  
14 the age of 16 a mandatory fine of \$25,000 and 25 days of  
15 community service in a program benefiting children shall  
16 be imposed in addition to any other criminal or  
17 administrative sanction.

18 (D) A fifth violation of this Section or a similar  
19 provision is a Class 1 felony, for which a sentence of  
20 probation or conditional discharge may not be imposed. If  
21 at the time of the violation, the alcohol concentration in  
22 the defendant's blood, breath, other bodily substance, or  
23 urine was 0.16 or more based on the definition of blood,  
24 breath, other bodily substance, or urine units in Section  
25 11-501.2, a mandatory minimum fine of \$5,000 shall be  
26 imposed in addition to any other criminal or

1 administrative sanction. If at the time of the fifth  
2 violation, the defendant was transporting a person under  
3 the age of 16, a mandatory fine of \$25,000, and 25 days of  
4 community service in a program benefiting children shall  
5 be imposed in addition to any other criminal or  
6 administrative sanction.

7 (E) A sixth or subsequent violation of this Section or  
8 similar provision is a Class X felony. If at the time of  
9 the violation, the alcohol concentration in the  
10 defendant's blood, breath, other bodily substance, or  
11 urine was 0.16 or more based on the definition of blood,  
12 breath, other bodily substance, or urine units in Section  
13 11-501.2, a mandatory minimum fine of \$5,000 shall be  
14 imposed in addition to any other criminal or  
15 administrative sanction. If at the time of the violation,  
16 the defendant was transporting a person under the age of  
17 16, a mandatory fine of \$25,000 and 25 days of community  
18 service in a program benefiting children shall be imposed  
19 in addition to any other criminal or administrative  
20 sanction.

21 (F) For a violation of subparagraph (C) of paragraph  
22 (1) of this subsection (d), the defendant, if sentenced to  
23 a term of imprisonment, shall be sentenced to not less  
24 than one year nor more than 12 years.

25 (G) A violation of subparagraph (F) of paragraph (1)  
26 of this subsection (d) is a Class 2 felony, for which the

1 defendant, unless the court determines that extraordinary  
2 circumstances exist and require probation, shall be  
3 sentenced to: (i) a term of imprisonment of not less than 3  
4 years and not more than 14 years if the violation resulted  
5 in the death of one person; or (ii) a term of imprisonment  
6 of not less than 6 years and not more than 28 years if the  
7 violation resulted in the deaths of 2 or more persons.

8 (H) For a violation of subparagraph (J) of paragraph  
9 (1) of this subsection (d), a mandatory fine of \$2,500,  
10 and 25 days of community service in a program benefiting  
11 children shall be imposed in addition to any other  
12 criminal or administrative sanction.

13 (I) A violation of subparagraph (K) of paragraph (1)  
14 of this subsection (d), is a Class 2 felony and a mandatory  
15 fine of \$2,500, and 25 days of community service in a  
16 program benefiting children shall be imposed in addition  
17 to any other criminal or administrative sanction. If the  
18 child being transported suffered bodily harm, but not  
19 great bodily harm, in a motor vehicle crash, and the  
20 violation was the proximate cause of that injury, a  
21 mandatory fine of \$5,000 and 25 days of community service  
22 in a program benefiting children shall be imposed in  
23 addition to any other criminal or administrative sanction.

24 (J) A violation of subparagraph (D) of paragraph (1)  
25 of this subsection (d) is a Class 3 felony, for which a  
26 sentence of probation or conditional discharge may not be

1 imposed.

2 (3) Any person sentenced under this subsection (d) who  
3 receives a term of probation or conditional discharge must  
4 serve a minimum term of either 480 hours of community  
5 service or 10 days of imprisonment as a condition of the  
6 probation or conditional discharge in addition to any  
7 other criminal or administrative sanction.

8 (e) Any reference to a prior violation of subsection (a)  
9 or a similar provision includes any violation of a provision  
10 of a local ordinance or a provision of a law of another state  
11 or an offense committed on a military installation that is  
12 similar to a violation of subsection (a) of this Section.

13 (f) The imposition of a mandatory term of imprisonment or  
14 assignment of community service for a violation of this  
15 Section shall not be suspended or reduced by the court.

16 (g) Any penalty imposed for driving with a license that  
17 has been revoked for a previous violation of subsection (a) of  
18 this Section shall be in addition to the penalty imposed for  
19 any subsequent violation of subsection (a).

20 (h) For any prosecution under this Section, a certified  
21 copy of the driving abstract of the defendant shall be  
22 admitted as proof of any prior conviction.

23 (Source: P.A. 101-363, eff. 8-9-19; 102-982, eff. 7-1-23.)

24 Section 915. The Illinois Controlled Substances Act is  
25 amended by changing Sections 102 and 204 as follows:

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

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

4 (a) "Person with a substance use disorder" means any  
5 person who has a substance use disorder diagnosis defined as a  
6 spectrum of persistent and recurring problematic behavior that  
7 encompasses 10 separate classes of drugs: alcohol; caffeine;  
8 cannabis; hallucinogens; inhalants; opioids; sedatives,  
9 hypnotics and anxiolytics; stimulants; and tobacco; and other  
10 unknown substances leading to clinically significant  
11 impairment or distress.

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  
16 Euthanasia in Animal Shelters Act) by:

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

19 (2) the patient or research subject pursuant to an  
20 order, or

21 (3) a euthanasia technician as defined by the Humane  
22 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,  
25 dispenser, prescriber, or practitioner. It does not include a

1 common or contract carrier, public warehouseman or employee of  
2 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,  
6 corticosteroids, and dehydroepiandrosterone), and includes:

- 7 (i) 3[beta],17-dihydroxy-5a-androstane,  
8 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,  
9 (iii) 5[alpha]-androstan-3,17-dione,  
10 (iv) 1-androstenediol (3[beta],  
11 17[beta]-dihydroxy-5[alpha]-androst-1-ene),  
12 (v) 1-androstenediol (3[alpha],  
13 17[beta]-dihydroxy-5[alpha]-androst-1-ene),  
14 (vi) 4-androstenediol  
15 (3[beta],17[beta]-dihydroxy-androst-4-ene),  
16 (vii) 5-androstenediol  
17 (3[beta],17[beta]-dihydroxy-androst-5-ene),  
18 (viii) 1-androstenedione  
19 ([5alpha]-androst-1-en-3,17-dione),  
20 (ix) 4-androstenedione  
21 (androst-4-en-3,17-dione),  
22 (x) 5-androstenedione  
23 (androst-5-en-3,17-dione),  
24 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-  
25 hydroxyandrost-4-en-3-one),  
26 (xii) boldenone (17[beta]-hydroxyandrost-

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

- 1 (xxiv) furazabol (17[alpha]-methyl-17[beta]-  
2 hydroxyandrostando[2,3-c]-furazan),  
3 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,  
4 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-  
5 androst-4-en-3-one),  
6 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-  
7 dihydroxy-estr-4-en-3-one),  
8 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
9 hydroxy-5-androstan-3-one),  
10 (xxix) mesterolone (1-methyl-17[beta]-hydroxy-  
11 [5a]-androstan-3-one),  
12 (xxx) methandienone (17[alpha]-methyl-17[beta]-  
13 hydroxyandrost-1,4-dien-3-one),  
14 (xxxii) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
15 dihydroxyandrost-5-ene),  
16 (xxxiii) methenolone (1-methyl-17[beta]-hydroxy-  
17 5[alpha]-androst-1-en-3-one),  
18 (xxxiiii) 17[alpha]-methyl-3[beta], 17[beta]-  
19 dihydroxy-5a-androstane,  
20 (xxxv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
21 -5a-androstane,  
22 (xxxvi) 17[alpha]-methyl-3[beta],17[beta]-  
23 dihydroxyandrost-4-ene),  
24 (xxxvii) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
25 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
26 (xxxviii) methyldienolone (17[alpha]-methyl-17[beta]-

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

- 1 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-  
2 hydroxygon-4-en-3-one),  
3 (li) norclostebol (4-chloro-17[beta]-  
4 hydroxyestr-4-en-3-one),  
5 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-  
6 hydroxyestr-4-en-3-one),  
7 (liii) normethandrolone (17[alpha]-methyl-17[beta]-  
8 hydroxyestr-4-en-3-one),  
9 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-  
10 2-oxa-5[alpha]-androstane-3-one),  
11 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-  
12 dihydroxyandrost-4-en-3-one),  
13 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-  
14 17[beta]-hydroxy-(5[alpha]-androstane-3-one),  
15 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
16 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
17 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
18 (5[alpha]-androst-1-en-3-one),  
19 (lix) testolactone (13-hydroxy-3-oxo-13,17-  
20 secoandrosta-1,4-dien-17-oic  
21 acid lactone),  
22 (lx) testosterone (17[beta]-hydroxyandrost-  
23 4-en-3-one),  
24 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
25 diethyl-17[beta]-hydroxygon-  
26 4,9,11-trien-3-one),

1           (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
2           11-trien-3-one).

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

16          (d) "Administration" means the Drug Enforcement  
17          Administration, United States Department of Justice, or its  
18          successor agency.

19          (d-5) "Clinical Director, Prescription Monitoring Program"  
20          means a Department of Human Services administrative employee  
21          licensed to either prescribe or dispense controlled substances  
22          who shall run the clinical aspects of the Department of Human  
23          Services Prescription Monitoring Program and its Prescription  
24          Information Library.

25          (d-10) "Compounding" means the preparation and mixing of  
26          components, excluding flavorings, (1) as the result of a

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

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

18 (f) "Controlled Substance" means (i) a drug, substance,  
19 immediate precursor, or synthetic drug in the Schedules of  
20 Article II of this Act or (ii) a drug or other substance, or  
21 immediate precursor, designated as a controlled substance by  
22 the Department through administrative rule. The term does not  
23 include: distilled spirits, wine, malt beverages, or tobacco,  
24 as those terms are defined or used in the Liquor Control Act of  
25 1934 and the Tobacco Products Tax Act of 1995; or psilocybin or  
26 a psilocybin product, as those terms are defined or used in the

1 Compassionate Use and Research of Entheogens Act.

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

3 (1) the chemical structure of which is substantially  
4 similar to the chemical structure of a controlled  
5 substance in Schedule I or II;

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

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

19 (g) "Counterfeit substance" means a controlled substance,  
20 which, or the container or labeling of which, without  
21 authorization bears the trademark, trade name, or other  
22 identifying mark, imprint, number or device, or any likeness  
23 thereof, of a manufacturer, distributor, or dispenser other  
24 than the person who in fact manufactured, distributed, or  
25 dispensed the substance.

26 (h) "Deliver" or "delivery" means the actual, constructive

1 or attempted transfer of possession of a controlled substance,  
2 with or without consideration, whether or not there is an  
3 agency relationship. "Deliver" or "delivery" does not include  
4 the donation of drugs to the extent permitted under the  
5 Illinois Drug Reuse Opportunity Program Act.

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

9 (j) (Blank).

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

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

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

24 (n) (Blank).

25 (o) "Director" means the Director of the Illinois State  
26 Police or his or her designated agents.

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

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

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

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

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

21 (t-3) "Electronic health record" or "EHR" means an  
22 electronic record of health-related information on an  
23 individual that is created, gathered, managed, and consulted  
24 by authorized health care clinicians and staff.

25 (t-3.5) "Electronic health record system" or "EHR system"  
26 means any computer-based system or combination of federally

1 certified Health IT Modules (defined at 42 CFR 170.102 or its  
2 successor) used as a repository for electronic health records  
3 and accessed or updated by a prescriber or authorized  
4 surrogate in the ordinary course of his or her medical  
5 practice. For purposes of connecting to the Prescription  
6 Information Library maintained by the Bureau of Pharmacy and  
7 Clinical Support Systems or its successor, an EHR system may  
8 connect to the Prescription Information Library directly or  
9 through all or part of a computer program or system that is a  
10 federally certified Health IT Module maintained by a third  
11 party and used by the EHR system to secure access to the  
12 database.

13 (t-4) "Emergency medical services personnel" has the  
14 meaning ascribed to it in the Emergency Medical Services (EMS)  
15 Systems Act.

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

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

1 euthanasia.

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

14 (1) lack of consistency of prescriber-patient  
15 relationship,

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

18 (3) quantities beyond those normally prescribed,

19 (4) unusual dosages (recognizing that there may be  
20 clinical circumstances where more or less than the usual  
21 dose may be used legitimately),

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

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

25 (u-0.5) "Hallucinogen" means a drug that causes markedly  
26 altered sensory perception leading to hallucinations of any

1 type.

2 (u-1) "Home infusion services" means services provided by  
3 a pharmacy in compounding solutions for direct administration  
4 to a patient in a private residence, long-term care facility,  
5 or hospice setting by means of parenteral, intravenous,  
6 intramuscular, subcutaneous, or intraspinal infusion.

7 (u-5) "Illinois State Police" means the Illinois State  
8 Police or its successor agency.

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

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

14 (2) which is an immediate chemical intermediary used  
15 or likely to be used in the manufacture of such controlled  
16 substance; and

17 (3) the control of which is necessary to prevent,  
18 curtail or limit the manufacture of such controlled  
19 substance.

20 (w) "Instructional activities" means the acts of teaching,  
21 educating or instructing by practitioners using controlled  
22 substances within educational facilities approved by the State  
23 Board of Education or its successor agency.

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

26 (y) "Look-alike substance" means a substance, other than a

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

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

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

20 (c) whether the substance is packaged in a manner  
21 normally used for the illegal distribution of controlled  
22 substances;

23 (d) whether the distribution or attempted distribution  
24 included an exchange of or demand for money or other  
25 property as consideration, and whether the amount of the  
26 consideration was substantially greater than the

1 reasonable retail market value of the substance.

2 Clause (1) of this subsection (y) shall not apply to a  
3 noncontrolled substance in its finished dosage form that was  
4 initially introduced into commerce prior to the initial  
5 introduction into commerce of a controlled substance in its  
6 finished dosage form which it may substantially resemble.

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

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

18 (y-1) "Mail-order pharmacy" means a pharmacy that is  
19 located in a state of the United States that delivers,  
20 dispenses or distributes, through the United States Postal  
21 Service or other common carrier, to Illinois residents, any  
22 substance which requires a prescription.

23 (z) "Manufacture" means the production, preparation,  
24 propagation, compounding, conversion or processing of a  
25 controlled substance other than methamphetamine, either  
26 directly or indirectly, by extraction from substances of

1 natural origin, or independently by means of chemical  
2 synthesis, or by a combination of extraction and chemical  
3 synthesis, and includes any packaging or repackaging of the  
4 substance or labeling of its container, except that this term  
5 does not include:

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

9 (2) by a practitioner, or his or her authorized agent  
10 under his or her supervision, the preparation,  
11 compounding, packaging, or labeling of a controlled  
12 substance:

13 (a) as an incident to his or her administering or  
14 dispensing of a controlled substance in the course of  
15 his or her professional practice; or

16 (b) as an incident to lawful research, teaching or  
17 chemical analysis and not for sale; or

18 (3) the packaging, repackaging, or labeling of drugs  
19 only to the extent permitted under the Illinois Drug Reuse  
20 Opportunity Program Act.

21 (z-1) (Blank).

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

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

1 licensed to practice medicine in all of its branches, in  
2 accordance with Section 7.5 of the Physician Assistant  
3 Practice Act of 1987, (ii) an advanced practice registered  
4 nurse who has been delegated authority to prescribe through a  
5 written delegation of authority by a physician licensed to  
6 practice medicine in all of its branches or by a podiatric  
7 physician, in accordance with Section 65-40 of the Nurse  
8 Practice Act, (iii) an advanced practice registered nurse  
9 certified as a nurse practitioner, nurse midwife, or clinical  
10 nurse specialist who has been granted authority to prescribe  
11 by a hospital affiliate in accordance with Section 65-45 of  
12 the Nurse Practice Act, (iv) an animal euthanasia agency, or  
13 (v) a prescribing psychologist.

14 (aa) "Narcotic drug" means any of the following, whether  
15 produced directly or indirectly by extraction from substances  
16 of vegetable origin, or independently by means of chemical  
17 synthesis, or by a combination of extraction and chemical  
18 synthesis:

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

26 (2) (blank);

1 (3) opium poppy and poppy straw;

2 (4) coca leaves, except coca leaves and extracts of  
3 coca leaves from which substantially all of the cocaine  
4 and ecgonine, and their isomers, derivatives and salts,  
5 have been removed;

6 (5) cocaine, its salts, optical and geometric isomers,  
7 and salts of isomers;

8 (6) ecgonine, its derivatives, their salts, isomers,  
9 and salts of isomers;

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

13 (bb) "Nurse" means a registered nurse licensed under the  
14 Nurse Practice Act.

15 (cc) (Blank).

16 (dd) "Opiate" means a drug derived from or related to  
17 opium.

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

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

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

1 (gg) "Person" means any individual, corporation,  
2 mail-order pharmacy, government or governmental subdivision or  
3 agency, business trust, estate, trust, partnership or  
4 association, or any other entity.

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

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

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

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

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

19 (kk) "Practitioner" means a physician licensed to practice  
20 medicine in all its branches, dentist, optometrist, podiatric  
21 physician, veterinarian, scientific investigator, pharmacist,  
22 physician assistant, advanced practice registered nurse,  
23 licensed practical nurse, registered nurse, emergency medical  
24 services personnel, hospital, laboratory, or pharmacy, or  
25 other person licensed, registered, or otherwise lawfully  
26 permitted by the United States or this State to distribute,

1 dispense, conduct research with respect to, administer or use  
2 in teaching or chemical analysis, a controlled substance in  
3 the course of professional practice or research.

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

9 (mm) "Prescriber" means a physician licensed to practice  
10 medicine in all its branches, dentist, optometrist,  
11 prescribing psychologist licensed under Section 4.2 of the  
12 Clinical Psychologist Licensing Act with prescriptive  
13 authority delegated under Section 4.3 of the Clinical  
14 Psychologist Licensing Act, podiatric physician, or  
15 veterinarian who issues a prescription, a physician assistant  
16 who issues a prescription for a controlled substance in  
17 accordance with Section 303.05, a written delegation, and a  
18 written collaborative agreement required under Section 7.5 of  
19 the Physician Assistant Practice Act of 1987, an advanced  
20 practice registered nurse with prescriptive authority  
21 delegated under Section 65-40 of the Nurse Practice Act and in  
22 accordance with Section 303.05, a written delegation, and a  
23 written collaborative agreement under Section 65-35 of the  
24 Nurse Practice Act, an advanced practice registered nurse  
25 certified as a nurse practitioner, nurse midwife, or clinical  
26 nurse specialist who has been granted authority to prescribe

1 by a hospital affiliate in accordance with Section 65-45 of  
2 the Nurse Practice Act and in accordance with Section 303.05,  
3 or an advanced practice registered nurse certified as a nurse  
4 practitioner, nurse midwife, or clinical nurse specialist who  
5 has full practice authority pursuant to Section 65-43 of the  
6 Nurse Practice Act.

7 (nn) "Prescription" means a written, facsimile, or oral  
8 order, or an electronic order that complies with applicable  
9 federal requirements, of a physician licensed to practice  
10 medicine in all its branches, dentist, podiatric physician or  
11 veterinarian for any controlled substance, of an optometrist  
12 in accordance with Section 15.1 of the Illinois Optometric  
13 Practice Act of 1987, of a prescribing psychologist licensed  
14 under Section 4.2 of the Clinical Psychologist Licensing Act  
15 with prescriptive authority delegated under Section 4.3 of the  
16 Clinical Psychologist Licensing Act, of a physician assistant  
17 for a controlled substance in accordance with Section 303.05,  
18 a written delegation, and a written collaborative agreement  
19 required under Section 7.5 of the Physician Assistant Practice  
20 Act of 1987, of an advanced practice registered nurse with  
21 prescriptive authority delegated under Section 65-40 of the  
22 Nurse Practice Act who issues a prescription for a controlled  
23 substance in accordance with Section 303.05, a written  
24 delegation, and a written collaborative agreement under  
25 Section 65-35 of the Nurse Practice Act, of an advanced  
26 practice registered nurse certified as a nurse practitioner,

1 nurse midwife, or clinical nurse specialist who has been  
2 granted authority to prescribe by a hospital affiliate in  
3 accordance with Section 65-45 of the Nurse Practice Act and in  
4 accordance with Section 303.05 when required by law, or of an  
5 advanced practice registered nurse certified as a nurse  
6 practitioner, nurse midwife, or clinical nurse specialist who  
7 has full practice authority pursuant to Section 65-43 of the  
8 Nurse Practice Act.

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

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

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-5) "Secretary" means, as the context requires, either  
25 the Secretary of the Department or the Secretary of the  
26 Department of Financial and Professional Regulation, and the

1 Secretary's designated agents.

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

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

13 (rr-10) "Synthetic drug" includes, but is not limited to,  
14 any synthetic cannabinoids or piperazines or any synthetic  
15 cathinones as provided for in Schedule I.

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

21 (Source: P.A. 102-389, eff. 1-1-22; 102-538, eff. 8-20-21;  
22 102-813, eff. 5-13-22; 103-881, eff. 1-1-25.)

23 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

24 Sec. 204. (a) The controlled substances listed in this  
25 Section are included in Schedule I.

1 (b) Unless specifically excepted or unless listed in  
2 another schedule, any of the following opiates, including  
3 their isomers, esters, ethers, salts, and salts of isomers,  
4 esters, and ethers, whenever the existence of such isomers,  
5 esters, ethers and salts is possible within the specific  
6 chemical designation:

7 (1) Acetylmethadol;

8 (1.1) Acetyl-alpha-methylfentanyl

9 (N-[1-(1-methyl-2-phenethyl)-

10 4-piperidinyl]-N-phenylacetamide);

11 (2) Allylprodine;

12 (3) Alphacetylmethadol, except

13 levo-alphacetylmethadol (also known as levo-alpha-

14 acetylmethadol, levomethadyl acetate, or LAAM);

15 (4) Alphameprodine;

16 (5) Alphamethadol;

17 (6) Alpha-methylfentanyl

18 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)

19 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-

20 propanilido) piperidine;

21 (6.1) Alpha-methylthiofentanyl

22 (N-[1-methyl-2-(2-thienyl)ethyl-

23 4-piperidinyl]-N-phenylpropanamide);

24 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);

25 (7.1) PEPAP

26 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

- 1 (8) Benzethidine;
- 2 (9) Betacetylmethadol;
- 3 (9.1) Beta-hydroxyfentanyl
- 4 (N-[1-(2-hydroxy-2-phenethyl)-
- 5 4-piperidinyll]-N-phenylpropanamide);
- 6 (10) Betameprodine;
- 7 (11) Betamethadol;
- 8 (12) Betaprodine;
- 9 (13) Clonitazene;
- 10 (14) Dextromoramide;
- 11 (15) Diampromide;
- 12 (16) Diethylthiambutene;
- 13 (17) Difenoquin;
- 14 (18) Dimenoxadol;
- 15 (19) Dimepheptanol;
- 16 (20) Dimethylthiambutene;
- 17 (21) Dioxaphetylbutyrate;
- 18 (22) Dipipanone;
- 19 (23) Ethylmethylthiambutene;
- 20 (24) Etonitazene;
- 21 (25) Etoxadine;
- 22 (26) Furethidine;
- 23 (27) Hydroxypethidine;
- 24 (28) Ketobemidone;
- 25 (29) Levomoramide;
- 26 (30) Levophenacetylmorphan;

- 1 (31) 3-Methylfentanyl  
2 (N-[3-methyl-1-(2-phenylethyl)-  
3 4-piperidyl]-N-phenylpropanamide);  
4 (31.1) 3-Methylthiofentanyl  
5 (N-[(3-methyl-1-(2-thienyl)ethyl-  
6 4-piperidinyl]-N-phenylpropanamide);  
7 (32) Morpheridine;  
8 (33) Noracymethadol;  
9 (34) Norlevorphanol;  
10 (35) Normethadone;  
11 (36) Norpipanone;  
12 (36.1) Para-fluorofentanyl  
13 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-  
14 4-piperidinyl]propanamide);  
15 (37) Phenadoxone;  
16 (38) Phenampromide;  
17 (39) Phenomorphan;  
18 (40) Phenoperidine;  
19 (41) Piritramide;  
20 (42) Proheptazine;  
21 (43) Properidine;  
22 (44) Propiram;  
23 (45) Racemoramide;  
24 (45.1) Thiofentanyl  
25 (N-phenyl-N-[1-(2-thienyl)ethyl-  
26 4-piperidinyl]-propanamide);

- 1 (46) Tilidine;
- 2 (47) Trimeperidine;
- 3 (48) Beta-hydroxy-3-methylfentanyl (other name:  
4 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-  
5 N-phenylpropanamide);
- 6 (49) Furanyl fentanyl (FU-F);
- 7 (50) Butyryl fentanyl;
- 8 (51) Valeryl fentanyl;
- 9 (52) Acetyl fentanyl;
- 10 (53) Beta-hydroxy-thiofentanyl;
- 11 (54) 3,4-dichloro-N-[2-  
12 (dimethylamino)cyclohexyl]-N-  
13 methylbenzamide (U-47700);
- 14 (55) 4-chloro-N-[1-[2-  
15 (4-nitrophenyl)ethyl]-2-piperidinylidene]-  
16 benzenesulfonamide (W-18);
- 17 (56) 4-chloro-N-[1-(2-phenylethyl)  
18 -2-piperidinylidene]-benzenesulfonamide (W-15);
- 19 (57) acrylfentanyl (acryloylfentanyl).

20 (c) Unless specifically excepted or unless listed in  
21 another schedule, any of the following opium derivatives, its  
22 salts, isomers and salts of isomers, whenever the existence of  
23 such salts, isomers and salts of isomers is possible within  
24 the specific chemical designation:

- 25 (1) Acetorphine;
- 26 (2) Acetyldihydrocodeine;

- 1 (3) Benzylmorphine;
- 2 (4) Codeine methylbromide;
- 3 (5) Codeine-N-Oxide;
- 4 (6) Cyprenorphine;
- 5 (7) Desomorphine;
- 6 (8) Diacetyldihydromorphine (Dihydroheroin);
- 7 (9) Dihydromorphine;
- 8 (10) Drotebanol;
- 9 (11) Etorphine (except hydrochloride salt);
- 10 (12) Heroin;
- 11 (13) Hydromorphenol;
- 12 (14) Methyldesorphine;
- 13 (15) Methyldihydromorphine;
- 14 (16) Morphine methylbromide;
- 15 (17) Morphine methylsulfonate;
- 16 (18) Morphine-N-Oxide;
- 17 (19) Myrophine;
- 18 (20) Nicocodeine;
- 19 (21) Nicomorphine;
- 20 (22) Normorphine;
- 21 (23) Pholcodine;
- 22 (24) Thebacon.

23 (d) Unless specifically excepted or unless listed in  
24 another schedule, any material, compound, mixture, or  
25 preparation which contains any quantity of the following  
26 hallucinogenic substances, or which contains any of its salts,

1 isomers and salts of isomers, whenever the existence of such  
2 salts, isomers, and salts of isomers is possible within the  
3 specific chemical designation (for the purposes of this  
4 paragraph only, the term "isomer" includes the optical,  
5 position and geometric isomers):

6 (1) 3,4-methylenedioxyamphetamine

7 (alpha-methyl, 3,4-methylenedioxyphenethylamine,  
8 methylenedioxyamphetamine, MDA);

9 (1.1) Alpha-ethyltryptamine

10 (some trade or other names: etryptamine;  
11 MONASE; alpha-ethyl-1H-indole-3-ethanamine;  
12 3-(2-aminobutyl)indole; a-ET; and AET);

13 (2) 3,4-methylenedioxymethamphetamine (MDMA);

14 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

15 (also known as: N-ethyl-alpha-methyl-  
16 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,  
17 and MDEA);

18 (2.2) N-Benzylpiperazine (BZP);

19 (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);

20 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

21 (4) 3,4,5-trimethoxyamphetamine (TMA);

22 (5) (Blank);

23 (6) Diethyltryptamine (DET);

24 (7) Dimethyltryptamine (DMT);

25 (7.1) 5-Methoxy-diallyltryptamine;

26 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);

- 1           (9) Ibogaine (some trade and other names:  
2           7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-  
3           6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]  
4           indole; Tabernanthe iboga);
- 5           (10) Lysergic acid diethylamide;
- 6           (10.1) Salvinorin A;
- 7           (10.5) Salvia divinorum (meaning all parts of the  
8           plant presently classified botanically as Salvia  
9           divinorum, whether growing or not, the seeds thereof, any  
10          extract from any part of that plant, and every compound,  
11          manufacture, salts, isomers, and salts of isomers whenever  
12          the existence of such salts, isomers, and salts of isomers  
13          is possible within the specific chemical designation,  
14          derivative, mixture, or preparation of that plant, its  
15          seeds or extracts);
- 16          (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- 17          (12) Peyote (meaning all parts of the plant presently  
18          classified botanically as Lophophora williamsii Lemaire,  
19          whether growing or not, the seeds thereof, any extract  
20          from any part of that plant, and every compound,  
21          manufacture, salts, derivative, mixture, or preparation of  
22          that plant, its seeds or extracts);
- 23          (13) N-ethyl-3-piperidyl benzilate (JB 318);
- 24          (14) N-methyl-3-piperidyl benzilate;
- 25          (14.1) N-hydroxy-3,4-methylenedioxyamphetamine  
26          (also known as N-hydroxy-alpha-methyl-

1 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

2 (15) Parahexyl; some trade or other names:

3 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-

4 dibenzo (b,d) pyran; Synhexyl;

5 (16) (Blank); ~~Psilocybin~~;

6 (17) (Blank); ~~Psilocyn~~;

7 (18) Alpha-methyltryptamine (AMT);

8 (19) 2,5-dimethoxyamphetamine

9 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

10 (20) 4-bromo-2,5-dimethoxyamphetamine

11 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;

12 4-bromo-2,5-DMA);

13 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.

14 Some trade or other names: 2-(4-bromo-

15 2,5-dimethoxyphenyl)-1-aminoethane;

16 alpha-desmethyl DOB, 2CB, Nexus;

17 (21) 4-methoxyamphetamine

18 (4-methoxy-alpha-methylphenethylamine;

19 paramethoxyamphetamine; PMA);

20 (22) (Blank);

21 (23) Ethylamine analog of phencyclidine.

22 Some trade or other names:

23 N-ethyl-1-phenylcyclohexylamine,

24 (1-phenylcyclohexyl) ethylamine,

25 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

26 (24) Pyrrolidine analog of phencyclidine. Some trade

1 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,  
2 PHP;  
3 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;  
4 (26) 2,5-dimethoxy-4-ethylamphetamine  
5 (another name: DOET);  
6 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
7 (another name: TCPy);  
8 (28) (Blank);  
9 (29) Thiophene analog of phencyclidine (some trade  
10 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;  
11 2-thienyl analog of phencyclidine; TCPy; TCP);  
12 (29.1) Benzothiophene analog of phencyclidine. Some  
13 trade or other names: BTCP or benocyclidine;  
14 (29.2) 3-Methoxyphencyclidine (3-MeO-PCP);  
15 (30) Bufotenine (some trade or other names:  
16 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;  
17 3-(2-dimethylaminoethyl)-5-indolol;  
18 5-hydroxy-N,N-dimethyltryptamine;  
19 N,N-dimethylserotonin; mappine);  
20 (31) (Blank);  
21 (32) (Blank);  
22 (33) (Blank);  
23 (34) (Blank);  
24 (34.5) (Blank);  
25 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-  
26 (2-methyloctan-2-yl)-6a,7,

1 10,10a-tetrahydrobenzo[c]chromen-1-ol

2 Some trade or other names: HU-210;

3 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-

4 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-

5 tetrahydrobenzo[c]chromen-1-ol, its isomers,

6 salts, and salts of isomers; Some trade or other

7 names: HU-210, Dexanabinol;

8 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-

9 6,6-dimethyl-3-(2-methyloctan-2-yl)-

10 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

11 Some trade or other names: HU-211;

12 (37) (Blank);

13 (38) (Blank);

14 (39) (Blank);

15 (40) (Blank);

16 (41) (Blank);

17 (42) Any compound structurally derived from

18 3-(1-naphthoyl)indole or

19 1H-indol-3-yl-(1-naphthyl)methane by substitution at the

20 nitrogen atom of the indole ring by alkyl, haloalkyl,

21 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,

22 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or

23 2-(4-morpholinyl)ethyl whether or not further substituted

24 in the indole ring to any extent, whether or not

25 substituted in the naphthyl ring to any extent. Examples

26 of this structural class include, but are not limited to,

1 JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

2 (43) Any compound structurally derived from  
3 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
4 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,  
5 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
6 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
7 2-(4-morpholinyl)ethyl, whether or not further substituted  
8 in the pyrrole ring to any extent, whether or not  
9 substituted in the naphthyl ring to any extent. Examples  
10 of this structural class include, but are not limited to,  
11 JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

12 (44) Any compound structurally derived from  
13 1-(1-naphthylmethyl)indene by substitution at the  
14 3-position of the indene ring by alkyl, haloalkyl,  
15 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
16 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
17 2-(4-morpholinyl)ethyl whether or not further substituted  
18 in the indene ring to any extent, whether or not  
19 substituted in the naphthyl ring to any extent. Examples  
20 of this structural class include, but are not limited to,  
21 JWH-176;

22 (45) Any compound structurally derived from  
23 3-phenylacetylindole by substitution at the nitrogen atom  
24 of the indole ring with alkyl, haloalkyl, alkenyl,  
25 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
26 halide, 1-(N-methyl-2-piperidinyl)methyl, or

1 2-(4-morpholinyl)ethyl, whether or not further substituted  
2 in the indole ring to any extent, whether or not  
3 substituted in the phenyl ring to any extent. Examples of  
4 this structural class include, but are not limited to,  
5 JWH-167, JWH-250, JWH-251, and RCS-8;

6 (46) Any compound structurally derived from  
7 2-(3-hydroxycyclohexyl)phenol by substitution at the  
8 5-position of the phenolic ring by alkyl, haloalkyl,  
9 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
10 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
11 2-(4-morpholinyl)ethyl, whether or not substituted in the  
12 cyclohexyl ring to any extent. Examples of this structural  
13 class include, but are not limited to, CP 47, 497 and its  
14 C8 homologue (cannabicyclohexanol);

15 (46.1) Any compound structurally derived from  
16 3-(benzoyl) indole with substitution at the nitrogen atom  
17 of the indole ring by an alkyl, haloalkyl, alkenyl,  
18 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
19 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
20 2-(4-morpholinyl)ethyl group whether or not further  
21 substituted in the indole ring to any extent and whether  
22 or not substituted in the phenyl ring to any extent.  
23 Examples of this structural class include, but are not  
24 limited to, AM-630, AM-2233, AM-694, Pravadoline (WIN  
25 48,098), and RCS-4;

26 (47) (Blank);

1 (48) (Blank);

2 (49) (Blank);

3 (50) (Blank);

4 (51) (Blank);

5 (52) (Blank);

6 (53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine.

7 Some trade or other names: 2C-T-7;

8 (53.1) 4-ethyl-2,5-dimethoxyphenethylamine. Some

9 trade or other names: 2C-E;

10 (53.2) 2,5-dimethoxy-4-methylphenethylamine. Some

11 trade or other names: 2C-D;

12 (53.3) 4-chloro-2,5-dimethoxyphenethylamine. Some

13 trade or other names: 2C-C;

14 (53.4) 4-iodo-2,5-dimethoxyphenethylamine. Some trade

15 or other names: 2C-I;

16 (53.5) 4-ethylthio-2,5-dimethoxyphenethylamine. Some

17 trade or other names: 2C-T-2;

18 (53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine.

19 Some trade or other names: 2C-T-4;

20 (53.7) 2,5-dimethoxyphenethylamine. Some trade or

21 other names: 2C-H;

22 (53.8) 2,5-dimethoxy-4-nitrophenethylamine. Some

23 trade or other names: 2C-N;

24 (53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine. Some

25 trade or other names: 2C-P;

26 (53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine.

1 Some trade or other names: 2C-G;

2 (53.11) The N-(2-methoxybenzyl) derivative of any 2C  
3 phenethylamine referred to in subparagraphs (20.1), (53),  
4 (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7),  
5 (53.8), (53.9), and (53.10) including, but not limited to,  
6 25I-NBOMe and 25C-NBOMe;

7 (54) 5-Methoxy-N,N-diisopropyltryptamine;

8 (55) (Blank);

9 (56) (Blank);

10 (57) (Blank);

11 (58) (Blank);

12 (59) 3-cyclopropoylindole with substitution at the  
13 nitrogen atom of the indole ring by alkyl, haloalkyl,  
14 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
15 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
16 2-(4-morpholinyl)ethyl, whether or not further substituted  
17 on the indole ring to any extent, whether or not  
18 substituted on the cyclopropyl ring to any extent:  
19 including, but not limited to, XLR11, UR144, FUB-144;

20 (60) 3-adamantoylindole with substitution at the  
21 nitrogen atom of the indole ring by alkyl, haloalkyl,  
22 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
23 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
24 2-(4-morpholinyl)ethyl, whether or not further substituted  
25 on the indole ring to any extent, whether or not  
26 substituted on the adamantyl ring to any extent:

1 including, but not limited to, AB-001;

2 (61) N-(adamantyl)-indole-3-carboxamide with  
3 substitution at the nitrogen atom of the indole ring by  
4 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
5 cycloalkylethyl, aryl halide, alkyl aryl halide,  
6 1-(N-methyl-2-piperidinyl)methyl, or  
7 2-(4-morpholinyl)ethyl, whether or not further substituted  
8 on the indole ring to any extent, whether or not  
9 substituted on the adamantyl ring to any extent:  
10 including, but not limited to, APICA/2NE-1, STS-135;

11 (62) N-(adamantyl)-indazole-3-carboxamide with  
12 substitution at a nitrogen atom of the indazole ring by  
13 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
14 cycloalkylethyl, aryl halide, alkyl aryl halide,  
15 1-(N-methyl-2-piperidinyl)methyl, or  
16 2-(4-morpholinyl)ethyl, whether or not further substituted  
17 on the indazole ring to any extent, whether or not  
18 substituted on the adamantyl ring to any extent:  
19 including, but not limited to, AKB48, 5F-AKB48;

20 (63) 1H-indole-3-carboxylic acid 8-quinolinyl ester  
21 with substitution at the nitrogen atom of the indole ring  
22 by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
23 cycloalkylethyl, aryl halide, alkyl aryl halide,  
24 1-(N-methyl-2-piperidinyl)methyl, or  
25 2-(4-morpholinyl)ethyl, whether or not further substituted  
26 on the indole ring to any extent, whether or not

1 substituted on the quinoline ring to any extent:  
2 including, but not limited to, PB22, 5F-PB22, FUB-PB-22;

3 (64) 3-(1-naphthoyl)indazole with substitution at the  
4 nitrogen atom of the indazole ring by alkyl, haloalkyl,  
5 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
6 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
7 2-(4-morpholinyl)ethyl, whether or not further substituted  
8 on the indazole ring to any extent, whether or not  
9 substituted on the naphthyl ring to any extent: including,  
10 but not limited to, THJ-018, THJ-2201;

11 (65) 2-(1-naphthoyl)benzimidazole with substitution  
12 at the nitrogen atom of the benzimidazole ring by alkyl,  
13 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
14 aryl halide, alkyl aryl halide,  
15 1-(N-methyl-2-piperidinyl)methyl, or  
16 2-(4-morpholinyl)ethyl, whether or not further substituted  
17 on the benzimidazole ring to any extent, whether or not  
18 substituted on the naphthyl ring to any extent: including,  
19 but not limited to, FUBIMINA;

20 (66)  
21 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-  
22 3-carboxamide with substitution on the nitrogen atom of  
23 the indazole ring by alkyl, haloalkyl, alkenyl,  
24 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
25 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
26 2-(4-morpholinyl)ethyl, whether or not further substituted

1 on the indazole ring to any extent: including, but not  
2 limited to, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

3 (67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
4 indazole-3-carboxamide with substitution on the nitrogen  
5 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
6 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
7 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
8 2-(4-morpholinyl)ethyl, whether or not further substituted  
9 on the indazole ring to any extent: including, but not  
10 limited to, ADB-PINACA, ADB-FUBINACA;

11 (68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
12 indole-3-carboxamide with substitution on the nitrogen  
13 atom of the indole ring by alkyl, haloalkyl, alkenyl,  
14 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
15 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
16 2-(4-morpholinyl)ethyl, whether or not further substituted  
17 on the indole ring to any extent: including, but not  
18 limited to, ADBICA, 5F-ADBICA;

19 (69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-  
20 3-carboxamide with substitution on the nitrogen atom of  
21 the indole ring by alkyl, haloalkyl, alkenyl,  
22 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
23 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
24 2-(4-morpholinyl)ethyl, whether or not further substituted  
25 on the indole ring to any extent: including, but not  
26 limited to, ABICA, 5F-ABICA;

1           (70)       Methyl       2-(1H-indazole-3-carboxamido)-3-  
2 methylbutanoate with substitution on the nitrogen atom of  
3 the indazole ring by alkyl, haloalkyl, alkenyl,  
4 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
5 halide,       1-(N-methyl-2-piperidinyl)methyl,       or  
6 2-(4-morpholinyl)ethyl, whether or not further substituted  
7 on the indazole ring to any extent: including, but not  
8 limited to, AMB, 5F-AMB;

9           (71)       Methyl       2-(1H-indazole-3-carboxamido)-3,3-  
10 dimethylbutanoate with substitution on the nitrogen atom  
11 of the indazole ring by alkyl, haloalkyl, alkenyl,  
12 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
13 halide,       1-(N-methyl-2-piperidinyl)methyl,       or  
14 2-(4-morpholinyl)ethyl, whether or not further substituted  
15 on the indazole ring to any extent: including, but not  
16 limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

17           (72)       Methyl       2-(1H-indole-3-carboxamido)-3-  
18 methylbutanoate with substitution on the nitrogen atom of  
19 the indole ring by alkyl, haloalkyl, alkenyl,  
20 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
21 halide,       1-(N-methyl-2-piperidinyl)methyl,       or  
22 2-(4-morpholinyl)ethyl, whether or not further substituted  
23 on the indazole ring to any extent: including, but not  
24 limited to, MMB018, MMB2201, and AMB-CHMICA;

25           (73)       Methyl       2-(1H-indole-3-carboxamido)-3,3-  
26 dimethylbutanoate with substitution on the nitrogen atom

1 of the indole ring by alkyl, haloalkyl, alkenyl,  
2 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
3 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
4 2-(4-morpholinyl)ethyl, whether or not further substituted  
5 on the indazole ring to any extent: including, but not  
6 limited to, MDMA-CHMICA;

7 (74) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-  
8 indazole-3-carboxamide with substitution on the nitrogen  
9 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
10 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
11 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl, whether or not further substituted  
13 on the indazole ring to any extent: including, but not  
14 limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

15 (75) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-  
16 3-carboxamide with substitution on the nitrogen atom of  
17 the indole ring by alkyl, haloalkyl, alkenyl,  
18 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
19 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
20 2-(4-morpholinyl)ethyl, whether or not further substituted  
21 on the indazole ring to any extent: including, but not  
22 limited to, APP-PICA and 5-fluoro-APP-PICA;

23 (76) 4-Acetoxy-N,N-dimethyltryptamine: trade name  
24 4-AcO-DMT;

25 (77) 5-Methoxy-N-methyl-N-isopropyltryptamine: trade  
26 name 5-MeO-MIPT;

- 1 (78) 4-hydroxy Diethyltryptamine (4-HO-DET);  
2 (79) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);  
3 (80) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);  
4 (81) 4-hydroxy-N-methyl-N-isopropyltryptamine  
5 (4-HO-MiPT);  
6 (82) Fluorophenylpiperazine;  
7 (83) Methoxetamine;  
8 (84) 1-(Ethylamino)-2-phenylpropan-2-one (iso-  
9 ethcathinone).

10 (e) Unless specifically excepted or unless listed in  
11 another schedule, any material, compound, mixture, or  
12 preparation which contains any quantity of the following  
13 substances having a depressant effect on the central nervous  
14 system, including its salts, isomers, and salts of isomers  
15 whenever the existence of such salts, isomers, and salts of  
16 isomers is possible within the specific chemical designation:

- 17 (1) mecloqualone;  
18 (2) methaqualone; and  
19 (3) gamma hydroxybutyric acid.

20 (f) Unless specifically excepted or unless listed in  
21 another schedule, any material, compound, mixture, or  
22 preparation which contains any quantity of the following  
23 substances having a stimulant effect on the central nervous  
24 system, including its salts, isomers, and salts of isomers:

- 25 (1) Fenethylamine;  
26 (2) N-ethylamphetamine;

- 1           (3) Aminorex (some other names:  
2           2-amino-5-phenyl-2-oxazoline; aminoxaphen;  
3           4-5-dihydro-5-phenyl-2-oxazolamine) and its  
4           salts, optical isomers, and salts of optical isomers;
- 5           (4) Methcathinone (some other names:  
6           2-methylamino-1-phenylpropan-1-one;  
7           Ephedrone; 2-(methylamino)-propiophenone;  
8           alpha-(methylamino)propiophenone; N-methylcathinone;  
9           methcathinone; Monomethylpropion; UR 1431) and its  
10          salts, optical isomers, and salts of optical isomers;
- 11          (5) Cathinone (some trade or other names:  
12          2-aminopropiophenone; alpha-aminopropiophenone;  
13          2-amino-1-phenyl-propanone; norephedrone);
- 14          (6) N,N-dimethylamphetamine (also known as:  
15          N,N-alpha-trimethyl-benzeneethanamine;  
16          N,N-alpha-trimethylphenethylamine);
- 17          (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-  
18          4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);
- 19          (8) 3,4-Methylenedioxypropylamphetamine (MDPV);
- 20          (9) Halogenated amphetamines and  
21          methamphetamines - any compound derived from either  
22          amphetamine or methamphetamine through the substitution  
23          of a halogen on the phenyl ring, including, but not  
24          limited to, 2-fluoroamphetamine, 3-  
25          fluoroamphetamine and 4-fluoroamphetamine;
- 26          (10) Aminopropylbenzofuran (APB):

1 including 4-(2-Aminopropyl) benzofuran, 5-  
2 (2-Aminopropyl)benzofuran, 6-(2-Aminopropyl)  
3 benzofuran, and 7-(2-Aminopropyl) benzofuran;

4 (11) Aminopropyl dihydrobenzofuran (APDB):  
5 including 4-(2-Aminopropyl)-2,3- dihydrobenzofuran,  
6 5-(2-Aminopropyl)-2, 3-dihydrobenzofuran,  
7 6-(2-Aminopropyl)-2,3-dihydrobenzofuran,  
8 and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;

9 (12) Methylaminopropylbenzofuran  
10 (MAPB): including 4-(2-methylaminopropyl)  
11 benzofuran, 5-(2-methylaminopropyl)benzofuran,  
12 6-(2-methylaminopropyl)benzofuran  
13 and 7-(2-methylaminopropyl)benzofuran.

14 (g) Temporary listing of substances subject to emergency  
15 scheduling. Any material, compound, mixture, or preparation  
16 that contains any quantity of the following substances:

17 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
18 (benzylfentanyl), its optical isomers, isomers, salts, and  
19 salts of isomers;

20 (2) N-[1(2-thienyl) methyl-4-piperidyl]-N-  
21 phenylpropanamide (thenylfentanyl), its optical isomers,  
22 salts, and salts of isomers.

23 (h) Synthetic cathinones. Unless specifically excepted,  
24 any chemical compound which is not approved by the United  
25 States Food and Drug Administration or, if approved, is not  
26 dispensed or possessed in accordance with State or federal

1 law, not including bupropion, structurally derived from  
2 2-aminopropan-1-one by substitution at the 1-position with  
3 either phenyl, naphthyl, or thiophene ring systems, whether or  
4 not the compound is further modified in one or more of the  
5 following ways:

6 (1) by substitution in the ring system to any extent  
7 with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or  
8 halide substituents, whether or not further substituted in  
9 the ring system by one or more other univalent  
10 substituents. Examples of this class include, but are not  
11 limited to, 3,4-Methylenedioxycathinone (bk-MDA);

12 (2) by substitution at the 3-position with an acyclic  
13 alkyl substituent. Examples of this class include, but are  
14 not limited to, 2-methylamino-1-phenylbutan-1-one  
15 (buphedrone); or

16 (3) by substitution at the 2-amino nitrogen atom with  
17 alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by  
18 inclusion of the 2-amino nitrogen atom in a cyclic  
19 structure. Examples of this class include, but are not  
20 limited to, Dimethylcathinone, Ethcathinone, and  
21  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP); or

22 Any other synthetic cathinone which is not approved by the  
23 United States Food and Drug Administration or, if approved, is  
24 not dispensed or possessed in accordance with State or federal  
25 law.

26 (i) Synthetic cannabinoids or piperazines. Any synthetic

1 cannabinoid or piperazine which is not approved by the United  
2 States Food and Drug Administration or, if approved, which is  
3 not dispensed or possessed in accordance with State and  
4 federal law.

5 (j) Unless specifically excepted or listed in another  
6 schedule, any chemical compound which is not approved by the  
7 United States Food and Drug Administration or, if approved, is  
8 not dispensed or possessed in accordance with State or federal  
9 law, and is derived from the following structural classes and  
10 their salts:

11 (1) Benzodiazepine class: A fused 1,4-diazepine and  
12 benzene ring structure with a phenyl connected to the  
13 1,4-diazepine ring, with any substitution(s) or  
14 replacement(s) on the 1,4-diazepine or benzene ring, any  
15 substitution(s) on the phenyl ring, or any combination  
16 thereof. Examples of this class include but are not  
17 limited to: Clonazepam, Flualprazolam; or

18 (2) Thienodiazepine class: A fused 1,4-diazepine and  
19 thiophene ring structure with a phenyl connected to the  
20 1,4-diazepine ring, with any substitution(s) or  
21 replacement(s) on the 1,4-diazepine or thiophene ring, any  
22 substitution(s) on the phenyl ring, or any combination  
23 thereof. Examples of this class include but are not  
24 limited to: Etizolam.

25 (Source: P.A. 103-245, eff. 1-1-24.)

26 Section 999. Effective date. This Act takes effect upon

1 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 140/7

5 30 ILCS 105/5.1030 new

6 30 ILCS 105/5.1031 new

7 35 ILCS 1010/1-45

8 625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501

9 720 ILCS 570/102 from Ch. 56 1/2, par. 1102

10 720 ILCS 570/204 from Ch. 56 1/2, par. 1204