



Rep. Lindsey LaPointe

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10400HB1811ham002

LRB104 06256 RLC 36134 a

1 AMENDMENT TO HOUSE BILL 1811

2 AMENDMENT NO. _____. Amend House Bill 1811 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 201 as follows:

6 (720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

7 Sec. 201. (a) The Department shall carry out the
8 provisions of this Article. The Department or its successor
9 agency may, by administrative rule, add additional substances
10 to or delete or reschedule all controlled substances in the
11 Schedules of Sections 204, 206, 208, 210 and 212 of this Act.
12 In making a determination regarding the addition, deletion, or
13 rescheduling of a substance, the Department shall consider the
14 following:

15 (1) the actual or relative potential for misuse;

16 (2) the scientific evidence of its pharmacological

1 effect, if known;

2 (3) the state of current scientific knowledge
3 regarding the substance;

4 (4) the history and current pattern of misuse;

5 (5) the scope, duration, and significance of misuse;

6 (6) the risk to the public health;

7 (7) the potential of the substance to produce
8 psychological or physiological dependence or a substance
9 use disorder;

10 (8) whether the substance is an immediate precursor of
11 a substance already controlled under this Article;

12 (9) the immediate harmful effect in terms of
13 potentially fatal dosage; and

14 (10) the long-range effects in terms of permanent
15 health impairment.

16 (b) (Blank).

17 (c) (Blank).

18 (d) If any substance is scheduled, rescheduled, or deleted
19 as a controlled substance under federal ~~Federal~~ law and notice
20 thereof is given to the Department, the Department shall
21 similarly control the substance under this Act after the
22 expiration of 30 days from publication in the Federal Register
23 of a final order scheduling a substance as a controlled
24 substance or rescheduling or deleting a substance. If the
25 Department does not take action within 30 days, at the
26 conclusion of the 30-day period, the substance shall be

1 considered scheduled, rescheduled, or deleted in the same
2 manner as under federal law, unless within that 30-day ~~30-day~~
3 period the Department objects, ~~or a party adversely affected~~
4 ~~files with the Department substantial written objections~~
5 ~~objecting to inclusion, rescheduling, or deletion.~~ In that
6 case, the Department shall publish the reasons for objection
7 ~~or the substantial written objections~~ and afford all
8 interested parties an opportunity to be heard in a public
9 hearing to be held no later than 45 days after the statement of
10 objection. After ~~At~~ the public conclusion of the hearing, the
11 Department shall publish its decision within 14 days of the
12 conclusion of the public hearing, by means of a rule, which
13 shall be final unless altered by statute. Upon publication of
14 objections by the Department, similar control under this Act
15 whether by inclusion, rescheduling or deletion is stayed until
16 the Department publishes its ruling.

17 (e) (Blank).

18 (f) (Blank).

19 (g) Authority to control under this Section does not
20 extend to distilled spirits, wine, malt beverages, or tobacco
21 as those terms are defined or used in the Liquor Control Act of
22 1934 and the Tobacco Products Tax Act of 1995.

23 (h) Persons registered with the Drug Enforcement
24 Administration to manufacture or distribute controlled
25 substances shall maintain adequate security and provide
26 effective controls and procedures to guard against theft and

1 diversion, but shall not otherwise be required to meet the
2 physical security control requirements (such as cage or vault)
3 for Schedule V controlled substances containing
4 pseudoephedrine or Schedule II controlled substances
5 containing dextromethorphan.

6 (Source: P.A. 103-881, eff. 1-1-25.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".