

# HB2874



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

**HB2874**

Introduced 2/6/2025, by Rep. Martha Deuter

### SYNOPSIS AS INTRODUCED:

720 ILCS 570/216

Amends the Illinois Controlled Substances Act. Provides that the law concerning limitations on the over-the-counter sale of ephedrine without a prescription does not apply to the sale of any product dispensed or delivered by a practitioner or pharmacy according to a prescription issued by a prescriber authorized by the State or another state for a valid medical purpose and in the course of professional practice.

LRB104 09796 RLC 19862 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is  
5 amended by changing Section 216 as follows:

6 (720 ILCS 570/216)

7 Sec. 216. Ephedrine.

8 (a) The following drug products containing ephedrine, its  
9 salts, optical isomers and salts of optical isomers shall be  
10 exempt from the application of Sections 312 and 313 of this Act  
11 if they: (i) may lawfully be sold over-the-counter without a  
12 prescription under the Federal Food, Drug, and Cosmetic Act;  
13 (ii) are labeled and marketed in a manner consistent with  
14 Section 341.76 of Title 21 of the Code of Federal Regulations;  
15 (iii) are manufactured and distributed for legitimate  
16 medicinal use in a manner that reduces or eliminates the  
17 likelihood of abuse; and (iv) are not marketed, advertised, or  
18 labeled for the indications of stimulation, mental alertness,  
19 weight loss, muscle enhancement, appetite control, or energy:

20 (1) Solid oral dosage forms, including soft gelatin  
21 caplets, which are formulated pursuant to 21 CFR 341 or  
22 its successor, and packaged in blister packs of not more  
23 than 2 tablets per blister.

1           (2) Anorectal preparations containing not more than 5%  
2           ephedrine.

3           (b) The marketing, advertising, or labeling of any product  
4           containing ephedrine, a salt of ephedrine, an optical isomer  
5           of ephedrine, or a salt of an optical isomer of ephedrine, for  
6           the indications of stimulation, mental alertness, weight loss,  
7           appetite control, or energy, is prohibited. In determining  
8           compliance with this requirement the Department may consider  
9           the following factors:

10           (1) The packaging of the drug product;

11           (2) The name and labeling of the product;

12           (3) The manner of distribution, advertising, and  
13           promotion of the product;

14           (4) Verbal representations made concerning the  
15           product;

16           (5) The duration, scope, and significance of misuse of  
17           the particular product.

18           (c) A violation of this Section is a Class A misdemeanor. A  
19           second or subsequent violation of this Section is a Class 4  
20           felony.

21           (d) This Section does not apply to dietary supplements,  
22           herbs, or other natural products, including concentrates or  
23           extracts, which:

24           (1) are not otherwise prohibited by law; and

25           (2) may contain naturally occurring ephedrine,  
26           ephedrine alkaloids, or pseudoephedrine, or their salts,

1 isomers, or salts of isomers, or a combination of these  
2 substances, that:

3 (i) are contained in a matrix of organic material;  
4 and

5 (ii) do not exceed 15% of the total weight of the  
6 natural product.

7 (e) Nothing in this Section limits the scope or terms of  
8 the Methamphetamine Precursor Control Act.

9 (f) This Section does not apply to the sale of any product  
10 dispensed or delivered by a practitioner or pharmacy according  
11 to a prescription issued by a prescriber authorized by this  
12 State or another state for a valid medical purpose and in the  
13 course of professional practice.

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