

HB4796



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4796

by Rep. Lindsey LaPointe

SYNOPSIS AS INTRODUCED:

720 ILCS 570/201

from Ch. 56 1/2, par. 1201

Amends the Illinois Controlled Substances Act. Provides that, if any substance, scheduled as a Schedule I controlled substance by the United States Drug Enforcement Administration, is rescheduled for the purpose of treating mental health disorders, including, but not limited to, anxiety, depression, and post traumatic stress disorder, the Department of Human Services shall reschedule the substance accordingly within 30 days from the publication in the Federal Register of the final order rescheduling the substance.

LRB104 16241 RLC 29625 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 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
17 effect, if known;
- 18 (3) the state of current scientific knowledge
19 regarding the substance;
- 20 (4) the history and current pattern of misuse;
- 21 (5) the scope, duration, and significance of misuse;
- 22 (6) the risk to the public health;
- 23 (7) the potential of the substance to produce

1 psychological or physiological dependence or a substance
2 use disorder;

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

5 (9) the immediate harmful effect in terms of
6 potentially fatal dosage; and

7 (10) the long-range effects in terms of permanent
8 health impairment.

9 (b) (Blank).

10 (c) (Blank).

11 (d) If any substance is scheduled, rescheduled, or deleted
12 as a controlled substance under Federal law and notice thereof
13 is given to the Department, the Department shall similarly
14 control the substance under this Act after the expiration of
15 30 days from publication in the Federal Register of a final
16 order scheduling a substance as a controlled substance or
17 rescheduling or deleting a substance, unless within that 30
18 day period the Department objects, or a party adversely
19 affected files with the Department substantial written
20 objections objecting to inclusion, rescheduling, or deletion.
21 In that case, the Department shall publish the reasons for
22 objection or the substantial written objections and afford all
23 interested parties an opportunity to be heard. At the
24 conclusion of the hearing, the Department shall publish its
25 decision, by means of a rule, which shall be final unless
26 altered by statute. Upon publication of objections by the

1 Department, similar control under this Act whether by
2 inclusion, rescheduling or deletion is stayed until the
3 Department publishes its ruling.

4 (d-1) If any substance, scheduled as a Schedule I
5 controlled substance by the Administration, is rescheduled for
6 the purpose of treating mental health disorders, including,
7 but not limited to, anxiety, depression, and post traumatic
8 stress disorder, the Department shall reschedule the substance
9 accordingly within 30 days from the publication in the Federal
10 Register of the final order rescheduling the substance.

11 (e) (Blank).

12 (f) (Blank).

13 (g) Authority to control under this Section does not
14 extend to distilled spirits, wine, malt beverages, or tobacco
15 as those terms are defined or used in the Liquor Control Act of
16 1934 and the Tobacco Products Tax Act of 1995.

17 (h) Persons registered with the Drug Enforcement
18 Administration to manufacture or distribute controlled
19 substances shall maintain adequate security and provide
20 effective controls and procedures to guard against theft and
21 diversion, but shall not otherwise be required to meet the
22 physical security control requirements (such as cage or vault)
23 for Schedule V controlled substances containing
24 pseudoephedrine or Schedule II controlled substances
25 containing dextromethorphan.

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