



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB4202

Introduced 5/12/2026, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

720 ILCS 570/201

from Ch. 56 1/2, par. 1201

Amends the Illinois Controlled Substances Act. Provides that, when any substance is scheduled, rescheduled, or deleted as a controlled substance under federal law and notice is given to the Department of Human Services and the Department does not similarly control the substance under the Act, after the expiration of 30 days from publication in the Federal Register of a final order scheduling a substance as a controlled substance or rescheduling or deleting a substance, the substance shall be considered scheduled, rescheduled, or deleted in the same manner as under federal law. Provides that after the public hearing to consider objections to the scheduling, rescheduling, or deletion of the controlled substance, the Department shall publish its decision within 14 days of the conclusion of the public hearing, by means of a rule, which shall be final unless altered by statute. Effective immediately.

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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 ~~Federal~~ law and notice
13 thereof is given to the Department, the Department shall
14 similarly control the substance under this Act after the
15 expiration of 30 days from publication in the Federal Register
16 of a final order scheduling a substance as a controlled
17 substance or rescheduling or deleting a substance. If the
18 Department does not take action within 30 days, at the
19 conclusion of the 30-day period, the substance shall be
20 considered scheduled, rescheduled, or deleted in the same
21 manner as under federal law, unless within that 30-day 30-day
22 period the Department objects, or a party adversely affected
23 files with the Department substantial written objections
24 objecting to inclusion, rescheduling, or deletion. In that
25 case, the Department shall publish the reasons for objection
26 ~~or the substantial written objections~~ and afford all

1 interested parties an opportunity to be heard in a public
2 hearing to be held no later than 45 days after the statement of
3 objection. After ~~At~~ the public conclusion of the hearing, the
4 Department shall publish its decision within 14 days of the
5 conclusion of the public hearing, by means of a rule, which
6 shall be final unless altered by statute. Upon publication of
7 objections by the Department, similar control under this Act
8 whether by inclusion, rescheduling or deletion is stayed until
9 the Department publishes its ruling.

10 (e) (Blank).

11 (f) (Blank).

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

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

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

26 Section 99. Effective date. This Act takes effect upon

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1 becoming law.