



Sen. Laura Ellman

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LRB102 03907 RLC 38243 a

1 AMENDMENT TO HOUSE BILL 17

2 AMENDMENT NO. _____. Amend House Bill 17, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Controlled Substances Act is
6 amended by changing Sections 401, 414, and 415 as follows:

7 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

8 Sec. 401. Manufacture or delivery, or possession with
9 intent to manufacture or deliver, a controlled substance, a
10 counterfeit substance, or controlled substance analog. Except
11 as authorized by this Act, it is unlawful for any person
12 knowingly to manufacture or deliver, or possess with intent to
13 manufacture or deliver, a controlled substance other than
14 methamphetamine and other than bath salts as defined in the
15 Bath Salts Prohibition Act sold or offered for sale in a retail
16 mercantile establishment as defined in Section 16-0.1 of the

1 Criminal Code of 2012, a counterfeit substance, or a
2 controlled substance analog. A violation of this Act with
3 respect to each of the controlled substances listed herein
4 constitutes a single and separate violation of this Act. For
5 purposes of this Section, "controlled substance analog" or
6 "analog" means a substance, other than a controlled substance,
7 which is not approved by the United States Food and Drug
8 Administration or, if approved, is not dispensed or possessed
9 in accordance with State or federal law, and that has a
10 chemical structure substantially similar to that of a
11 controlled substance in Schedule I or II, or that was
12 specifically designed to produce an effect substantially
13 similar to that of a controlled substance in Schedule I or II.
14 Examples of chemical classes in which controlled substance
15 analogs are found include, but are not limited to, the
16 following: phenethylamines, N-substituted piperidines,
17 morphinans, ecgonines, quinazolinones, substituted indoles,
18 and arylcycloalkylamines. For purposes of this Act, a
19 controlled substance analog shall be treated in the same
20 manner as the controlled substance to which it is
21 substantially similar.

22 (a) Any person who violates this Section with respect to
23 the following amounts of controlled or counterfeit substances
24 or controlled substance analogs, notwithstanding any of the
25 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
26 contrary, is guilty of a Class X felony and shall be sentenced

1 to a term of imprisonment as provided in this subsection (a)
2 and fined as provided in subsection (b):

3 (1) (A) not less than 6 years and not more than 30 years
4 with respect to 15 grams or more but less than 100 grams of
5 a substance containing heroin, or an analog thereof;

6 (B) not less than 9 years and not more than 40 years
7 with respect to 100 grams or more but less than 400 grams
8 of a substance containing heroin, or an analog thereof;

9 (C) not less than 12 years and not more than 50 years
10 with respect to 400 grams or more but less than 900 grams
11 of a substance containing heroin, or an analog thereof;

12 (D) not less than 15 years and not more than 60 years
13 with respect to 900 grams or more of any substance
14 containing heroin, or an analog thereof;

15 (1.5) (A) not less than 6 years and not more than 30
16 years with respect to 15 grams or more but less than 100
17 grams of a substance containing fentanyl, or an analog
18 thereof;

19 (B) not less than 9 years and not more than 40 years
20 with respect to 100 grams or more but less than 400 grams
21 of a substance containing fentanyl, or an analog thereof;

22 (C) not less than 12 years and not more than 50 years
23 with respect to 400 grams or more but less than 900 grams
24 of a substance containing fentanyl, or an analog thereof;

25 (D) not less than 15 years and not more than 60 years
26 with respect to 900 grams or more of a substance

1 containing fentanyl, or an analog thereof;

2 (2) (A) not less than 6 years and not more than 30 years
3 with respect to 15 grams or more but less than 100 grams of
4 a substance containing cocaine, or an analog thereof;

5 (B) not less than 9 years and not more than 40 years
6 with respect to 100 grams or more but less than 400 grams
7 of a substance containing cocaine, or an analog thereof;

8 (C) not less than 12 years and not more than 50 years
9 with respect to 400 grams or more but less than 900 grams
10 of a substance containing cocaine, or an analog thereof;

11 (D) not less than 15 years and not more than 60 years
12 with respect to 900 grams or more of any substance
13 containing cocaine, or an analog thereof;

14 (3) (A) not less than 6 years and not more than 30 years
15 with respect to 15 grams or more but less than 100 grams of
16 a substance containing morphine, or an analog thereof;

17 (B) not less than 9 years and not more than 40 years
18 with respect to 100 grams or more but less than 400 grams
19 of a substance containing morphine, or an analog thereof;

20 (C) not less than 12 years and not more than 50 years
21 with respect to 400 grams or more but less than 900 grams
22 of a substance containing morphine, or an analog thereof;

23 (D) not less than 15 years and not more than 60 years
24 with respect to 900 grams or more of a substance
25 containing morphine, or an analog thereof;

26 (4) 200 grams or more of any substance containing

1 peyote, or an analog thereof;

2 (5) 200 grams or more of any substance containing a
3 derivative of barbituric acid or any of the salts of a
4 derivative of barbituric acid, or an analog thereof;

5 (6) 200 grams or more of any substance containing
6 amphetamine or any salt of an optical isomer of
7 amphetamine, or an analog thereof;

8 (6.5) (blank);

9 (6.6) (blank);

10 (7) (A) not less than 6 years and not more than 30 years
11 with respect to: (i) 15 grams or more but less than 100
12 grams of a substance containing lysergic acid diethylamide
13 (LSD), or an analog thereof, or (ii) 15 or more objects or
14 15 or more segregated parts of an object or objects but
15 less than 200 objects or 200 segregated parts of an object
16 or objects containing in them or having upon them any
17 amounts of any substance containing lysergic acid
18 diethylamide (LSD), or an analog thereof;

19 (B) not less than 9 years and not more than 40 years
20 with respect to: (i) 100 grams or more but less than 400
21 grams of a substance containing lysergic acid diethylamide
22 (LSD), or an analog thereof, or (ii) 200 or more objects or
23 200 or more segregated parts of an object or objects but
24 less than 600 objects or less than 600 segregated parts of
25 an object or objects containing in them or having upon
26 them any amount of any substance containing lysergic acid

1 diethylamide (LSD), or an analog thereof;

2 (C) not less than 12 years and not more than 50 years
3 with respect to: (i) 400 grams or more but less than 900
4 grams of a substance containing lysergic acid diethylamide
5 (LSD), or an analog thereof, or (ii) 600 or more objects or
6 600 or more segregated parts of an object or objects but
7 less than 1500 objects or 1500 segregated parts of an
8 object or objects containing in them or having upon them
9 any amount of any substance containing lysergic acid
10 diethylamide (LSD), or an analog thereof;

11 (D) not less than 15 years and not more than 60 years
12 with respect to: (i) 900 grams or more of any substance
13 containing lysergic acid diethylamide (LSD), or an analog
14 thereof, or (ii) 1500 or more objects or 1500 or more
15 segregated parts of an object or objects containing in
16 them or having upon them any amount of a substance
17 containing lysergic acid diethylamide (LSD), or an analog
18 thereof;

19 (7.5) (A) not less than 6 years and not more than 30 years
20 with respect to: (i) 15 grams or more but less than 100
21 grams of a substance listed in paragraph (1), (2), (2.1),
22 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
23 (26) of subsection (d) of Section 204, or an analog or
24 derivative thereof, or (ii) 15 or more pills, tablets,
25 caplets, capsules, or objects but less than 200 pills,
26 tablets, caplets, capsules, or objects containing in them

1 or having upon them any amounts of any substance listed in
2 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
3 (20.1), (21), (25), or (26) of subsection (d) of Section
4 204, or an analog or derivative thereof;

5 (B) not less than 9 years and not more than 40 years
6 with respect to: (i) 100 grams or more but less than 400
7 grams of a substance listed in paragraph (1), (2), (2.1),
8 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
9 (26) of subsection (d) of Section 204, or an analog or
10 derivative thereof, or (ii) 200 or more pills, tablets,
11 caplets, capsules, or objects but less than 600 pills,
12 tablets, caplets, capsules, or objects containing in them
13 or having upon them any amount of any substance listed in
14 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
15 (20.1), (21), (25), or (26) of subsection (d) of Section
16 204, or an analog or derivative thereof;

17 (C) not less than 12 years and not more than 50 years
18 with respect to: (i) 400 grams or more but less than 900
19 grams of a substance listed in paragraph (1), (2), (2.1),
20 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
21 (26) of subsection (d) of Section 204, or an analog or
22 derivative thereof, or (ii) 600 or more pills, tablets,
23 caplets, capsules, or objects but less than 1,500 pills,
24 tablets, caplets, capsules, or objects containing in them
25 or having upon them any amount of any substance listed in
26 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),

1 (20.1), (21), (25), or (26) of subsection (d) of Section
2 204, or an analog or derivative thereof;

3 (D) not less than 15 years and not more than 60 years
4 with respect to: (i) 900 grams or more of any substance
5 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),
6 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
7 of Section 204, or an analog or derivative thereof, or
8 (ii) 1,500 or more pills, tablets, caplets, capsules, or
9 objects containing in them or having upon them any amount
10 of a substance listed in paragraph (1), (2), (2.1), (2.2),
11 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
12 subsection (d) of Section 204, or an analog or derivative
13 thereof;

14 (8) 30 grams or more of any substance containing
15 pentazocine or any of the salts, isomers and salts of
16 isomers of pentazocine, or an analog thereof;

17 (9) 30 grams or more of any substance containing
18 methaqualone or any of the salts, isomers and salts of
19 isomers of methaqualone, or an analog thereof;

20 (10) 30 grams or more of any substance containing
21 phencyclidine or any of the salts, isomers and salts of
22 isomers of phencyclidine (PCP), or an analog thereof;

23 (10.5) 30 grams or more of any substance containing
24 ketamine or any of the salts, isomers and salts of isomers
25 of ketamine, or an analog thereof;

26 (10.6) 100 grams or more of any substance containing

1 hydrocodone, or any of the salts, isomers and salts of
2 isomers of hydrocodone, or an analog thereof;

3 (10.7) (blank);

4 (10.8) 100 grams or more of any substance containing
5 dihydrocodeine, or any of the salts, isomers and salts of
6 isomers of dihydrocodeine, or an analog thereof;

7 (10.9) 100 grams or more of any substance containing
8 oxycodone, or any of the salts, isomers and salts of
9 isomers of oxycodone, or an analog thereof;

10 (11) 200 grams or more of any substance containing any
11 other controlled substance classified in Schedules I or
12 II, or an analog thereof, which is not otherwise included
13 in this subsection.

14 (b) Any person sentenced with respect to violations of
15 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
16 involving 100 grams or more of the controlled substance named
17 therein, may in addition to the penalties provided therein, be
18 fined an amount not more than \$500,000 or the full street value
19 of the controlled or counterfeit substance or controlled
20 substance analog, whichever is greater. The term "street
21 value" shall have the meaning ascribed in Section 110-5 of the
22 Code of Criminal Procedure of 1963. Any person sentenced with
23 respect to any other provision of subsection (a), may in
24 addition to the penalties provided therein, be fined an amount
25 not to exceed \$500,000.

26 (b-1) Excluding violations of this Act when the controlled

1 substance is fentanyl, any person sentenced to a term of
2 imprisonment with respect to violations of Section 401, 401.1,
3 405, 405.1, 405.2, or 407, when the person knew or should have
4 known that the substance containing the controlled substance
5 contains any amount of fentanyl or an analog thereof, 3 years
6 shall be added to the term of imprisonment imposed by the
7 court, and the maximum sentence for the offense shall be
8 increased by 3 years.

9 (c) Any person who violates this Section with regard to
10 the following amounts of controlled or counterfeit substances
11 or controlled substance analogs, notwithstanding any of the
12 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
13 to the contrary, is guilty of a Class 1 felony. The fine for
14 violation of this subsection (c) shall not be more than
15 \$250,000:

16 (1) 1 gram or more but less than 15 grams of any
17 substance containing heroin, or an analog thereof;

18 (1.5) 1 gram or more but less than 15 grams of any
19 substance containing fentanyl, or an analog thereof;

20 (2) 1 gram or more but less than 15 grams of any
21 substance containing cocaine, or an analog thereof;

22 (3) 10 grams or more but less than 15 grams of any
23 substance containing morphine, or an analog thereof;

24 (4) 50 grams or more but less than 200 grams of any
25 substance containing peyote, or an analog thereof;

26 (5) 50 grams or more but less than 200 grams of any

1 substance containing a derivative of barbituric acid or
2 any of the salts of a derivative of barbituric acid, or an
3 analog thereof;

4 (6) 50 grams or more but less than 200 grams of any
5 substance containing amphetamine or any salt of an optical
6 isomer of amphetamine, or an analog thereof;

7 (6.5) (blank);

8 (7) (i) 5 grams or more but less than 15 grams of any
9 substance containing lysergic acid diethylamide (LSD), or
10 an analog thereof, or (ii) more than 10 objects or more
11 than 10 segregated parts of an object or objects but less
12 than 15 objects or less than 15 segregated parts of an
13 object containing in them or having upon them any amount
14 of any substance containing lysergic acid diethylamide
15 (LSD), or an analog thereof;

16 (7.5) (i) 5 grams or more but less than 15 grams of any
17 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
18 (14.1), (19), (20), (20.1), (21), (25), or (26) of
19 subsection (d) of Section 204, or an analog or derivative
20 thereof, or (ii) more than 10 pills, tablets, caplets,
21 capsules, or objects but less than 15 pills, tablets,
22 caplets, capsules, or objects containing in them or having
23 upon them any amount of any substance listed in paragraph
24 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
25 (21), (25), or (26) of subsection (d) of Section 204, or an
26 analog or derivative thereof;

1 (8) 10 grams or more but less than 30 grams of any
2 substance containing pentazocine or any of the salts,
3 isomers and salts of isomers of pentazocine, or an analog
4 thereof;

5 (9) 10 grams or more but less than 30 grams of any
6 substance containing methaqualone or any of the salts,
7 isomers and salts of isomers of methaqualone, or an analog
8 thereof;

9 (10) 10 grams or more but less than 30 grams of any
10 substance containing phencyclidine or any of the salts,
11 isomers and salts of isomers of phencyclidine (PCP), or an
12 analog thereof;

13 (10.5) 10 grams or more but less than 30 grams of any
14 substance containing ketamine or any of the salts, isomers
15 and salts of isomers of ketamine, or an analog thereof;

16 (10.6) 50 grams or more but less than 100 grams of any
17 substance containing hydrocodone, or any of the salts,
18 isomers and salts of isomers of hydrocodone, or an analog
19 thereof;

20 (10.7) (blank);

21 (10.8) 50 grams or more but less than 100 grams of any
22 substance containing dihydrocodeine, or any of the salts,
23 isomers and salts of isomers of dihydrocodeine, or an
24 analog thereof;

25 (10.9) 50 grams or more but less than 100 grams of any
26 substance containing oxycodone, or any of the salts,

1 isomers and salts of isomers of oxycodone, or an analog
2 thereof;

3 (11) 50 grams or more but less than 200 grams of any
4 substance containing a substance classified in Schedules I
5 or II, or an analog thereof, which is not otherwise
6 included in this subsection.

7 (c-5) (Blank).

8 (d) Any person who violates this Section with regard to
9 any other amount of a controlled or counterfeit substance
10 containing dihydrocodeine or classified in Schedules I or II,
11 or an analog thereof, which is (i) a narcotic drug, (ii)
12 lysergic acid diethylamide (LSD) or an analog thereof, (iii)
13 any substance containing amphetamine or fentanyl or any salt
14 or optical isomer of amphetamine or fentanyl, or an analog
15 thereof, or (iv) any substance containing N-Benzylpiperazine
16 (BZP) or any salt or optical isomer of N-Benzylpiperazine
17 (BZP), or an analog thereof, is guilty of a Class 2 felony. The
18 fine for violation of this subsection (d) shall not be more
19 than \$200,000.

20 (d-5) (Blank).

21 (e) Any person who violates this Section with regard to
22 any other amount of a controlled substance other than
23 methamphetamine or counterfeit substance classified in
24 Schedule I or II, or an analog thereof, which substance is not
25 included under subsection (d) of this Section, is guilty of a
26 Class 3 felony. The fine for violation of this subsection (e)

1 shall not be more than \$150,000.

2 (f) Any person who violates this Section with regard to
3 any other amount of a controlled or counterfeit substance
4 classified in Schedule III is guilty of a Class 3 felony. The
5 fine for violation of this subsection (f) shall not be more
6 than \$125,000.

7 (g) Any person who violates this Section with regard to
8 any other amount of a controlled or counterfeit substance
9 classified in Schedule IV is guilty of a Class 3 felony. The
10 fine for violation of this subsection (g) shall not be more
11 than \$100,000.

12 (h) Any person who violates this Section with regard to
13 any other amount of a controlled or counterfeit substance
14 classified in Schedule V is guilty of a Class 3 felony. The
15 fine for violation of this subsection (h) shall not be more
16 than \$75,000.

17 (i) This Section does not apply to the manufacture,
18 possession or distribution of a substance in conformance with
19 the provisions of an approved new drug application or an
20 exemption for investigational use within the meaning of
21 Section 505 of the Federal Food, Drug and Cosmetic Act.

22 (j) (Blank).

23 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17;
24 100-368, eff. 1-1-18.)

25 (720 ILCS 570/414)

1 Sec. 414. Overdose; limited immunity.

2 (a) For the purposes of this Section, "overdose" means a
3 controlled substance-induced physiological event that results
4 in a life-threatening emergency to the individual who
5 ingested, inhaled, injected or otherwise bodily absorbed a
6 controlled, counterfeit, or look-alike substance or a
7 controlled substance analog.

8 (b) A person who, in good faith, seeks or obtains
9 emergency medical assistance for someone experiencing an
10 overdose shall not be arrested, charged, or prosecuted for a
11 violation of Section 401 or 402 of the Illinois Controlled
12 Substances Act, Section 3.5 of the Drug Paraphernalia Control
13 Act, Section 55 or 60 of the Methamphetamine Control and
14 Community Protection Act, Section 9-3.3 of the Criminal Code
15 of 2012, or paragraph (1) of subsection (g) of Section 12-3.05
16 of the Criminal Code of 2012 if evidence for the violation was
17 acquired as a result of the person seeking or obtaining
18 emergency medical assistance and providing the amount of
19 substance recovered is within the amount identified in
20 subsection (d) of this Section. The violations listed in this
21 subsection (b) must not serve as the sole basis of a violation
22 of parole, mandatory supervised release, probation, or
23 conditional discharge, a person's pretrial release, or
24 furlough, or any seizure of property under any State law
25 authorizing civil forfeiture so long as the evidence for the
26 violation was acquired as a result of the person seeking or

1 obtaining emergency medical assistance in the event of an
2 overdose.

3 (c) A person who is experiencing an overdose shall not be
4 arrested, charged, or prosecuted for a violation of Section
5 401 or 402 of the Illinois Controlled Substances Act, Section
6 3.5 of the Drug Paraphernalia Control Act, Section 9-3.3 of
7 the Criminal Code of 2012, or paragraph (1) of subsection (g)
8 of Section 12-3.05 of the Criminal Code of 2012 if evidence for
9 the violation was acquired as a result of the person seeking or
10 obtaining emergency medical assistance and providing the
11 amount of substance recovered is within the amount identified
12 in subsection (d) of this Section. The violations listed in
13 this subsection (c) must not serve as the sole basis of a
14 violation of parole, mandatory supervised release, probation,
15 or conditional discharge, or any seizure of property under any
16 State law authorizing civil forfeiture so long as the evidence
17 for the violation was acquired as a result of the person
18 seeking or obtaining emergency medical assistance in the event
19 of an overdose.

20 (d) For the purposes of subsections (b) and (c), the
21 limited immunity shall only apply to a person possessing the
22 following amount:

23 (1) less than 3 grams of a substance containing
24 heroin;

25 (2) less than 3 grams of a substance containing
26 cocaine;

1 (3) less than 3 grams of a substance containing
2 morphine;

3 (4) less than 40 grams of a substance containing
4 peyote;

5 (5) less than 40 grams of a substance containing a
6 derivative of barbituric acid or any of the salts of a
7 derivative of barbituric acid;

8 (6) less than 40 grams of a substance containing
9 amphetamine or any salt of an optical isomer of
10 amphetamine;

11 (7) less than 3 grams of a substance containing
12 lysergic acid diethylamide (LSD), or an analog thereof;

13 (8) less than 6 grams of a substance containing
14 pentazocine or any of the salts, isomers and salts of
15 isomers of pentazocine, or an analog thereof;

16 (9) less than 6 grams of a substance containing
17 methaqualone or any of the salts, isomers and salts of
18 isomers of methaqualone;

19 (10) less than 6 grams of a substance containing
20 phencyclidine or any of the salts, isomers and salts of
21 isomers of phencyclidine (PCP);

22 (11) less than 6 grams of a substance containing
23 ketamine or any of the salts, isomers and salts of isomers
24 of ketamine;

25 (11.5) less than 3 grams of a substance containing
26 fentanyl, or an analog thereof;

1 (12) less than 40 grams of a substance containing a
2 substance classified as a narcotic drug in Schedules I or
3 II, or an analog thereof, which is not otherwise included
4 in this subsection.

5 (e) The limited immunity described in subsections (b) and
6 (c) of this Section shall not be extended if law enforcement
7 has reasonable suspicion or probable cause to detain, arrest,
8 or search the person described in subsection (b) or (c) of this
9 Section for criminal activity and the reasonable suspicion or
10 probable cause is based on information obtained prior to or
11 independent of the individual described in subsection (b) or
12 (c) taking action to seek or obtain emergency medical
13 assistance and not obtained as a direct result of the action of
14 seeking or obtaining emergency medical assistance. Nothing in
15 this Section is intended to interfere with or prevent the
16 investigation, arrest, or prosecution of any person for the
17 delivery or distribution of cannabis, methamphetamine or other
18 controlled substances, drug-induced homicide, or any other
19 crime if the evidence of the violation is not acquired as a
20 result of the person seeking or obtaining emergency medical
21 assistance in the event of an overdose.

22 (Source: P.A. 102-4, eff. 4-27-21; 102-476, eff. 1-1-22.)

23 (720 ILCS 570/415)

24 Sec. 415. Use, possession, and consumption of a controlled
25 substance related to sexual assault; limited immunity from

1 prosecution.

2 (a) In this Section:

3 "Medical forensic services" has the meaning defined in
4 Section 1a of the Sexual Assault Survivors Emergency Treatment
5 Act.

6 "Sexual assault" means an act of sexual conduct or sexual
7 penetration, defined in Section 11-0.1 of the Criminal Code of
8 2012, including, without limitation, acts prohibited under
9 Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

10 (b) A person who is a victim of a sexual assault shall not
11 be charged or prosecuted for Class 4 felony possession of a
12 controlled, counterfeit, or look-alike substance or a
13 controlled substance analog:

14 (1) if evidence for the Class 4 felony possession
15 charge was acquired as a result of the person reporting
16 the sexual assault to law enforcement, or seeking or
17 obtaining emergency medical assistance or medical forensic
18 services; and

19 (2) provided the amount of substance recovered is
20 within the amount identified in subsection (d) of this
21 Section.

22 (c) A person who, in good faith, reports to law
23 enforcement the commission of a sexual assault against another
24 person or seeks or obtains emergency medical assistance or
25 medical forensic services for a victim of sexual assault shall
26 not be charged or prosecuted for Class 4 felony possession of a

1 controlled, counterfeit, or look-alike substance or a
2 controlled substance analog:

3 (1) if evidence for the Class 4 felony possession
4 charge was acquired as a result of the person seeking or
5 obtaining emergency medical assistance or medical forensic
6 services; and

7 (2) provided the amount of substance recovered is
8 within the amount identified in subsection (d) of this
9 Section.

10 (d) For the purposes of subsections (b) and (c) of this
11 Section, the limited immunity shall only apply to a person
12 possessing the following amount:

13 (1) less than 3 grams of a substance containing
14 heroin;

15 (2) less than 3 grams of a substance containing
16 cocaine;

17 (3) less than 3 grams of a substance containing
18 morphine;

19 (4) less than 40 grams of a substance containing
20 peyote;

21 (5) less than 40 grams of a substance containing a
22 derivative of barbituric acid or any of the salts of a
23 derivative of barbituric acid;

24 (6) less than 40 grams of a substance containing
25 amphetamine or any salt of an optical isomer of
26 amphetamine;

1 (7) less than 3 grams of a substance containing
2 lysergic acid diethylamide (LSD), or an analog thereof;

3 (8) less than 6 grams of a substance containing
4 pentazocine or any of the salts, isomers and salts of
5 isomers of pentazocine, or an analog thereof;

6 (9) less than 6 grams of a substance containing
7 methaqualone or any of the salts, isomers and salts of
8 isomers of methaqualone;

9 (10) less than 6 grams of a substance containing
10 phencyclidine or any of the salts, isomers and salts of
11 isomers of phencyclidine (PCP);

12 (11) less than 6 grams of a substance containing
13 ketamine or any of the salts, isomers and salts of isomers
14 of ketamine; ~~or~~

15 (11.5) less than 3 grams of a substance containing
16 fentanyl, or an analog thereof; or

17 (12) less than 40 grams of a substance containing a
18 substance classified as a narcotic drug in Schedules I or
19 II, or an analog thereof, which is not otherwise included
20 in this subsection (d).

21 (e) The limited immunity described in subsections (b) and
22 (c) of this Section shall not be extended if law enforcement
23 has reasonable suspicion or probable cause to detain, arrest,
24 or search the person described in subsection (b) or (c) of this
25 Section for criminal activity and the reasonable suspicion or
26 probable cause is based on information obtained prior to or

1 independent of the person described in subsection (b) or (c)
2 of this Section taking action to report a sexual assault to law
3 enforcement or to seek or obtain emergency medical assistance
4 or medical forensic services and not obtained as a direct
5 result of the action of seeking or obtaining emergency medical
6 assistance or medical forensic services. Nothing in this
7 Section is intended to interfere with or prevent the
8 investigation, arrest, or prosecution of any person for the
9 delivery or distribution of cannabis, methamphetamine, or
10 other controlled substances, drug-induced homicide, or any
11 other crime.

12 (Source: P.A. 100-1087, eff. 1-1-19.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."