



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1282

Introduced 2/18/2015, by Sen. Kyle McCarter

SYNOPSIS AS INTRODUCED:

720 ILCS 570/102	from Ch. 56 1/2, par. 1102
720 ILCS 570/204	from Ch. 56 1/2, par. 1204
720 ILCS 570/401	from Ch. 56 1/2, par. 1401
720 ILCS 570/402	from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act. Replaces the requirement that a controlled substance analog must be intended for human consumption, with the requirement that the analog is not approved by the United States Food and Drug Administration or, if approved, it is not dispensed or possessed in accordance with State and federal law. Defines "controlled substance" to include a synthetic drug enumerated as a scheduled drug under the Act. Adds chemical structural classes of synthetic cannabinoids, piperazines, and cathinones to the list of Schedule I controlled substances. Includes certain substances approved by the FDA which are not dispensed or possessed in accordance with State or federal law and certain modified substances.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 102, 204, 401, and 402 as follows:

6 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

7 Sec. 102. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Addict" means any person who habitually uses any drug,
10 chemical, substance or dangerous drug other than alcohol so as
11 to endanger the public morals, health, safety or welfare or who
12 is so far addicted to the use of a dangerous drug or controlled
13 substance other than alcohol as to have lost the power of self
14 control with reference to his or her addiction.

15 (b) "Administer" means the direct application of a
16 controlled substance, whether by injection, inhalation,
17 ingestion, or any other means, to the body of a patient,
18 research subject, or animal (as defined by the Humane
19 Euthanasia in Animal Shelters Act) by:

20 (1) a practitioner (or, in his or her presence, by his
21 or her authorized agent),

22 (2) the patient or research subject pursuant to an
23 order, or

1 (3) a euthanasia technician as defined by the Humane
2 Euthanasia in Animal Shelters Act.

3 (c) "Agent" means an authorized person who acts on behalf
4 of or at the direction of a manufacturer, distributor,
5 dispenser, prescriber, or practitioner. It does not include a
6 common or contract carrier, public warehouseman or employee of
7 the carrier or warehouseman.

8 (c-1) "Anabolic Steroids" means any drug or hormonal
9 substance, chemically and pharmacologically related to
10 testosterone (other than estrogens, progestins,
11 corticosteroids, and dehydroepiandrosterone), and includes:

- 12 (i) 3[beta] ,17-dihydroxy-5a-androstane,
13 (ii) 3[alpha] ,17[beta] -dihydroxy-5a-androstane,
14 (iii) 5[alpha] -androstane-3,17-dione,
15 (iv) 1-androstenediol (3[beta] ,
16 17[beta] -dihydroxy-5[alpha] -androst-1-ene),
17 (v) 1-androstenediol (3[alpha] ,
18 17[beta] -dihydroxy-5[alpha] -androst-1-ene),
19 (vi) 4-androstenediol
20 (3[beta] ,17[beta] -dihydroxy-androst-4-ene),
21 (vii) 5-androstenediol
22 (3[beta] ,17[beta] -dihydroxy-androst-5-ene),
23 (viii) 1-androstenedione
24 ([5alpha] -androst-1-en-3,17-dione),
25 (ix) 4-androstenedione
26 (androst-4-en-3,17-dione),

- 1 (x) 5-androstenedione
2 (androst-5-en-3,17-dione),
3 (xi) bolasterone (7[alpha] ,17a-dimethyl-17[beta] -
4 hydroxyandrost-4-en-3-one),
5 (xii) boldenone (17[beta] -hydroxyandrost-
6 1,4,-diene-3-one),
7 (xiii) boldione (androsta-1,4-
8 diene-3,17-dione),
9 (xiv) calusterone (7[beta] ,17[alpha] -dimethyl-17
10 [beta] -hydroxyandrost-4-en-3-one),
11 (xv) clostebol (4-chloro-17[beta] -
12 hydroxyandrost-4-en-3-one),
13 (xvi) dehydrochloromethyltestosterone (4-chloro-
14 17[beta] -hydroxy-17[alpha] -methyl-
15 androst-1,4-dien-3-one),
16 (xvii) desoxymethyltestosterone
17 (17[alpha] -methyl-5[alpha]
18 -androst-2-en-17[beta] -ol) (a.k.a., madol),
19 (xviii) [delta] 1-dihydrotestosterone (a.k.a.
20 '1-testosterone') (17[beta] -hydroxy-
21 5[alpha] -androst-1-en-3-one),
22 (xix) 4-dihydrotestosterone (17[beta] -hydroxy-
23 androstan-3-one),
24 (xx) drostanolone (17[beta] -hydroxy-2[alpha] -methyl-
25 5[alpha] -androstan-3-one),
26 (xxi) ethylestrenol (17[alpha] -ethyl-17[beta] -

1 hydroxyestr-4-ene),
2 (xxii) fluoxymesterone (9-fluoro-17[alpha] -methyl-
3 1[beta] ,17[beta] -dihydroxyandrost-4-en-3-one) ,
4 (xxiii) formebolone (2-formyl-17[alpha] -methyl-11[alpha] ,
5 17[beta] -dihydroxyandrost-1,4-dien-3-one) ,
6 (xxiv) furazabol (17[alpha] -methyl-17[beta] -
7 hydroxyandrostano[2,3-c] -furazan) ,
8 (xxv) 13[beta] -ethyl-17[beta] -hydroxygon-4-en-3-one)
9 (xxvi) 4-hydroxytestosterone (4,17[beta] -dihydroxy-
10 androst-4-en-3-one) ,
11 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta] -
12 dihydroxy-estr-4-en-3-one) ,
13 (xxviii) mestanolone (17[alpha] -methyl-17[beta] -
14 hydroxy-5-androstan-3-one) ,
15 (xxix) mesterolone (1amethyl-17[beta] -hydroxy-
16 [5a] -androstan-3-one) ,
17 (xxx) methandienone (17[alpha] -methyl-17[beta] -
18 hydroxyandrost-1,4-dien-3-one) ,
19 (xxxi) methandriol (17[alpha] -methyl-3[beta] ,17[beta] -
20 dihydroxyandrost-5-ene) ,
21 (xxxii) methenolone (1-methyl-17[beta] -hydroxy-
22 5[alpha] -androst-1-en-3-one) ,
23 (xxxiii) 17[alpha] -methyl-3[beta] , 17[beta] -
24 dihydroxy-5a-androstane) ,
25 (xxxiv) 17[alpha] -methyl-3[alpha] ,17[beta] -dihydroxy
26 -5a-androstane) ,

- 1 (xxxv) 17[alpha] -methyl-3[beta] ,17[beta] -
2 dihydroxyandrost-4-ene) ,
3 (xxxvi) 17[alpha] -methyl-4-hydroxynandrolone (17[alpha] -
4 methyl-4-hydroxy-17[beta] -hydroxyestr-4-en-3-one) ,
5 (xxxvii) methyldienolone (17[alpha] -methyl-17[beta] -
6 hydroxyestra-4,9(10)-dien-3-one) ,
7 (xxxviii) methyltrienolone (17[alpha] -methyl-17[beta] -
8 hydroxyestra-4,9-11-trien-3-one) ,
9 (xxxix) methyltestosterone (17[alpha] -methyl-17[beta] -
10 hydroxyandrost-4-en-3-one) ,
11 (xl) mibolerone (7[alpha] ,17a-dimethyl-17[beta] -
12 hydroxyestr-4-en-3-one) ,
13 (xli) 17[alpha] -methyl-[delta] 1-dihydrotestosterone
14 (17b[beta] -hydroxy-17[alpha] -methyl-5[alpha] -
15 androst-1-en-3-one) (a.k.a. '17-[alpha] -methyl-
16 1-testosterone') ,
17 (xlii) nandrolone (17[beta] -hydroxyestr-4-en-3-one) ,
18 (xliii) 19-nor-4-androstenediol (3[beta] , 17[beta] -
19 dihydroxyestr-4-ene) ,
20 (xliv) 19-nor-4-androstenediol (3[alpha] , 17[beta] -
21 dihydroxyestr-4-ene) ,
22 (xlv) 19-nor-5-androstenediol (3[beta] , 17[beta] -
23 dihydroxyestr-5-ene) ,
24 (xlvi) 19-nor-5-androstenediol (3[alpha] , 17[beta] -
25 dihydroxyestr-5-ene) ,
26 (xlvii) 19-nor-4,9(10)-androstadienedione

1 (estra-4,9(10)-diene-3,17-dione),
2 (xlvi) 19-nor-4-androstenedione (estr-4-
3 en-3,17-dione),
4 (xlix) 19-nor-5-androstenedione (estr-5-
5 en-3,17-dione),
6 (l) norbolethone (13[beta] , 17a-diethyl-17[beta] -
7 hydroxygon-4-en-3-one),
8 (li) norclostebol (4-chloro-17[beta] -
9 hydroxyestr-4-en-3-one),
10 (lii) norethandrolone (17[alpha] -ethyl-17[beta] -
11 hydroxyestr-4-en-3-one),
12 (liii) normethandrolone (17[alpha] -methyl-17[beta] -
13 hydroxyestr-4-en-3-one),
14 (liv) oxandrolone (17[alpha] -methyl-17[beta] -hydroxy-
15 2-oxa-5[alpha] -androstan-3-one),
16 (lv) oxymesterone (17[alpha] -methyl-4,17[beta] -
17 dihydroxyandrost-4-en-3-one),
18 (lvi) oxymetholone (17[alpha] -methyl-2-hydroxymethylene-
19 17[beta] -hydroxy-(5[alpha] -androstan-3-one),
20 (lvii) stanozolol (17[alpha] -methyl-17[beta] -hydroxy-
21 (5[alpha] -androst-2-eno[3,2-c] -pyrazole),
22 (lviii) stenbolone (17[beta] -hydroxy-2-methyl-
23 (5[alpha] -androst-1-en-3-one),
24 (lix) testolactone (13-hydroxy-3-oxo-13,17-
25 secoandrosta-1,4-dien-17-oic
26 acid lactone),

- 1 (lx) testosterone (17[beta] -hydroxyandrost-
2 4-en-3-one),
3 (lxi) tetrahydrogestrinone (13[beta] , 17[alpha] -
4 diethyl-17[beta] -hydroxygon-
5 4,9,11-trien-3-one),
6 (lxii) trenbolone (17[beta] -hydroxyestr-4,9,
7 11-trien-3-one).

8 Any person who is otherwise lawfully in possession of an
9 anabolic steroid, or who otherwise lawfully manufactures,
10 distributes, dispenses, delivers, or possesses with intent to
11 deliver an anabolic steroid, which anabolic steroid is
12 expressly intended for and lawfully allowed to be administered
13 through implants to livestock or other nonhuman species, and
14 which is approved by the Secretary of Health and Human Services
15 for such administration, and which the person intends to
16 administer or have administered through such implants, shall
17 not be considered to be in unauthorized possession or to
18 unlawfully manufacture, distribute, dispense, deliver, or
19 possess with intent to deliver such anabolic steroid for
20 purposes of this Act.

21 (d) "Administration" means the Drug Enforcement
22 Administration, United States Department of Justice, or its
23 successor agency.

24 (d-5) "Clinical Director, Prescription Monitoring Program"
25 means a Department of Human Services administrative employee
26 licensed to either prescribe or dispense controlled substances

1 who shall run the clinical aspects of the Department of Human
2 Services Prescription Monitoring Program and its Prescription
3 Information Library.

4 (d-10) "Compounding" means the preparation and mixing of
5 components, excluding flavorings, (1) as the result of a
6 prescriber's prescription drug order or initiative based on the
7 prescriber-patient-pharmacist relationship in the course of
8 professional practice or (2) for the purpose of, or incident
9 to, research, teaching, or chemical analysis and not for sale
10 or dispensing. "Compounding" includes the preparation of drugs
11 or devices in anticipation of receiving prescription drug
12 orders based on routine, regularly observed dispensing
13 patterns. Commercially available products may be compounded
14 for dispensing to individual patients only if both of the
15 following conditions are met: (i) the commercial product is not
16 reasonably available from normal distribution channels in a
17 timely manner to meet the patient's needs and (ii) the
18 prescribing practitioner has requested that the drug be
19 compounded.

20 (e) "Control" means to add a drug or other substance, or
21 immediate precursor, to a Schedule whether by transfer from
22 another Schedule or otherwise.

23 (f) "Controlled Substance" means (i) a drug, substance, ~~or~~
24 immediate precursor, or synthetic drug in the Schedules of
25 Article II of this Act or (ii) a drug or other substance, or
26 immediate precursor, designated as a controlled substance by

1 the Department through administrative rule. The term does not
2 include distilled spirits, wine, malt beverages, or tobacco, as
3 those terms are defined or used in the Liquor Control Act of
4 1934 and the Tobacco Products Tax Act of 1995.

5 (f-5) "Controlled substance analog" means a substance:

6 (1) the chemical structure of which is substantially
7 similar to the chemical structure of a controlled substance
8 in Schedule I or II;

9 (2) which has a stimulant, depressant, or
10 hallucinogenic effect on the central nervous system that is
11 substantially similar to or greater than the stimulant,
12 depressant, or hallucinogenic effect on the central
13 nervous system of a controlled substance in Schedule I or
14 II; or

15 (3) with respect to a particular person, which such
16 person represents or intends to have a stimulant,
17 depressant, or hallucinogenic effect on the central
18 nervous system that is substantially similar to or greater
19 than the stimulant, depressant, or hallucinogenic effect
20 on the central nervous system of a controlled substance in
21 Schedule I or II.

22 (g) "Counterfeit substance" means a controlled substance,
23 which, or the container or labeling of which, without
24 authorization bears the trademark, trade name, or other
25 identifying mark, imprint, number or device, or any likeness
26 thereof, of a manufacturer, distributor, or dispenser other

1 than the person who in fact manufactured, distributed, or
2 dispensed the substance.

3 (h) "Deliver" or "delivery" means the actual, constructive
4 or attempted transfer of possession of a controlled substance,
5 with or without consideration, whether or not there is an
6 agency relationship.

7 (i) "Department" means the Illinois Department of Human
8 Services (as successor to the Department of Alcoholism and
9 Substance Abuse) or its successor agency.

10 (j) (Blank).

11 (k) "Department of Corrections" means the Department of
12 Corrections of the State of Illinois or its successor agency.

13 (l) "Department of Financial and Professional Regulation"
14 means the Department of Financial and Professional Regulation
15 of the State of Illinois or its successor agency.

16 (m) "Depressant" means any drug that (i) causes an overall
17 depression of central nervous system functions, (ii) causes
18 impaired consciousness and awareness, and (iii) can be
19 habit-forming or lead to a substance abuse problem, including
20 but not limited to alcohol, cannabis and its active principles
21 and their analogs, benzodiazepines and their analogs,
22 barbiturates and their analogs, opioids (natural and
23 synthetic) and their analogs, and chloral hydrate and similar
24 sedative hypnotics.

25 (n) (Blank).

26 (o) "Director" means the Director of the Illinois State

1 Police or his or her designated agents.

2 (p) "Dispense" means to deliver a controlled substance to
3 an ultimate user or research subject by or pursuant to the
4 lawful order of a prescriber, including the prescribing,
5 administering, packaging, labeling, or compounding necessary
6 to prepare the substance for that delivery.

7 (q) "Dispenser" means a practitioner who dispenses.

8 (r) "Distribute" means to deliver, other than by
9 administering or dispensing, a controlled substance.

10 (s) "Distributor" means a person who distributes.

11 (t) "Drug" means (1) substances recognized as drugs in the
12 official United States Pharmacopoeia, Official Homeopathic
13 Pharmacopoeia of the United States, or official National
14 Formulary, or any supplement to any of them; (2) substances
15 intended for use in diagnosis, cure, mitigation, treatment, or
16 prevention of disease in man or animals; (3) substances (other
17 than food) intended to affect the structure of any function of
18 the body of man or animals and (4) substances intended for use
19 as a component of any article specified in clause (1), (2), or
20 (3) of this subsection. It does not include devices or their
21 components, parts, or accessories.

22 (t-5) "Euthanasia agency" means an entity certified by the
23 Department of Financial and Professional Regulation for the
24 purpose of animal euthanasia that holds an animal control
25 facility license or animal shelter license under the Animal
26 Welfare Act. A euthanasia agency is authorized to purchase,

1 store, possess, and utilize Schedule II nonnarcotic and
2 Schedule III nonnarcotic drugs for the sole purpose of animal
3 euthanasia.

4 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
5 substances (nonnarcotic controlled substances) that are used
6 by a euthanasia agency for the purpose of animal euthanasia.

7 (u) "Good faith" means the prescribing or dispensing of a
8 controlled substance by a practitioner in the regular course of
9 professional treatment to or for any person who is under his or
10 her treatment for a pathology or condition other than that
11 individual's physical or psychological dependence upon or
12 addiction to a controlled substance, except as provided herein:
13 and application of the term to a pharmacist shall mean the
14 dispensing of a controlled substance pursuant to the
15 prescriber's order which in the professional judgment of the
16 pharmacist is lawful. The pharmacist shall be guided by
17 accepted professional standards including, but not limited to
18 the following, in making the judgment:

19 (1) lack of consistency of prescriber-patient
20 relationship,

21 (2) frequency of prescriptions for same drug by one
22 prescriber for large numbers of patients,

23 (3) quantities beyond those normally prescribed,

24 (4) unusual dosages (recognizing that there may be
25 clinical circumstances where more or less than the usual
26 dose may be used legitimately),

1 (5) unusual geographic distances between patient,
2 pharmacist and prescriber,

3 (6) consistent prescribing of habit-forming drugs.

4 (u-0.5) "Hallucinogen" means a drug that causes markedly
5 altered sensory perception leading to hallucinations of any
6 type.

7 (u-1) "Home infusion services" means services provided by a
8 pharmacy in compounding solutions for direct administration to
9 a patient in a private residence, long-term care facility, or
10 hospice setting by means of parenteral, intravenous,
11 intramuscular, subcutaneous, or intraspinal infusion.

12 (u-5) "Illinois State Police" means the State Police of the
13 State of Illinois, or its successor agency.

14 (v) "Immediate precursor" means a substance:

15 (1) which the Department has found to be and by rule
16 designated as being a principal compound used, or produced
17 primarily for use, in the manufacture of a controlled
18 substance;

19 (2) which is an immediate chemical intermediary used or
20 likely to be used in the manufacture of such controlled
21 substance; and

22 (3) the control of which is necessary to prevent,
23 curtail or limit the manufacture of such controlled
24 substance.

25 (w) "Instructional activities" means the acts of teaching,
26 educating or instructing by practitioners using controlled

1 substances within educational facilities approved by the State
2 Board of Education or its successor agency.

3 (x) "Local authorities" means a duly organized State,
4 County or Municipal peace unit or police force.

5 (y) "Look-alike substance" means a substance, other than a
6 controlled substance which (1) by overall dosage unit
7 appearance, including shape, color, size, markings or lack
8 thereof, taste, consistency, or any other identifying physical
9 characteristic of the substance, would lead a reasonable person
10 to believe that the substance is a controlled substance, or (2)
11 is expressly or impliedly represented to be a controlled
12 substance or is distributed under circumstances which would
13 lead a reasonable person to believe that the substance is a
14 controlled substance. For the purpose of determining whether
15 the representations made or the circumstances of the
16 distribution would lead a reasonable person to believe the
17 substance to be a controlled substance under this clause (2) of
18 subsection (y), the court or other authority may consider the
19 following factors in addition to any other factor that may be
20 relevant:

21 (a) statements made by the owner or person in control
22 of the substance concerning its nature, use or effect;

23 (b) statements made to the buyer or recipient that the
24 substance may be resold for profit;

25 (c) whether the substance is packaged in a manner
26 normally used for the illegal distribution of controlled

1 substances;

2 (d) whether the distribution or attempted distribution
3 included an exchange of or demand for money or other
4 property as consideration, and whether the amount of the
5 consideration was substantially greater than the
6 reasonable retail market value of the substance.

7 Clause (1) of this subsection (y) shall not apply to a
8 noncontrolled substance in its finished dosage form that was
9 initially introduced into commerce prior to the initial
10 introduction into commerce of a controlled substance in its
11 finished dosage form which it may substantially resemble.

12 Nothing in this subsection (y) prohibits the dispensing or
13 distributing of noncontrolled substances by persons authorized
14 to dispense and distribute controlled substances under this
15 Act, provided that such action would be deemed to be carried
16 out in good faith under subsection (u) if the substances
17 involved were controlled substances.

18 Nothing in this subsection (y) or in this Act prohibits the
19 manufacture, preparation, propagation, compounding,
20 processing, packaging, advertising or distribution of a drug or
21 drugs by any person registered pursuant to Section 510 of the
22 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

23 (y-1) "Mail-order pharmacy" means a pharmacy that is
24 located in a state of the United States that delivers,
25 dispenses or distributes, through the United States Postal
26 Service or other common carrier, to Illinois residents, any

1 substance which requires a prescription.

2 (z) "Manufacture" means the production, preparation,
3 propagation, compounding, conversion or processing of a
4 controlled substance other than methamphetamine, either
5 directly or indirectly, by extraction from substances of
6 natural origin, or independently by means of chemical
7 synthesis, or by a combination of extraction and chemical
8 synthesis, and includes any packaging or repackaging of the
9 substance or labeling of its container, except that this term
10 does not include:

11 (1) by an ultimate user, the preparation or compounding
12 of a controlled substance for his or her own use; or

13 (2) by a practitioner, or his or her authorized agent
14 under his or her supervision, the preparation,
15 compounding, packaging, or labeling of a controlled
16 substance:

17 (a) as an incident to his or her administering or
18 dispensing of a controlled substance in the course of
19 his or her professional practice; or

20 (b) as an incident to lawful research, teaching or
21 chemical analysis and not for sale.

22 (z-1) (Blank).

23 (z-5) "Medication shopping" means the conduct prohibited
24 under subsection (a) of Section 314.5 of this Act.

25 (z-10) "Mid-level practitioner" means (i) a physician
26 assistant who has been delegated authority to prescribe through

1 a written delegation of authority by a physician licensed to
2 practice medicine in all of its branches, in accordance with
3 Section 7.5 of the Physician Assistant Practice Act of 1987,
4 (ii) an advanced practice nurse who has been delegated
5 authority to prescribe through a written delegation of
6 authority by a physician licensed to practice medicine in all
7 of its branches or by a podiatric physician, in accordance with
8 Section 65-40 of the Nurse Practice Act, (iii) an animal
9 euthanasia agency, or (iv) a prescribing psychologist.

10 (aa) "Narcotic drug" means any of the following, whether
11 produced directly or indirectly by extraction from substances
12 of vegetable origin, or independently by means of chemical
13 synthesis, or by a combination of extraction and chemical
14 synthesis:

15 (1) opium, opiates, derivatives of opium and opiates,
16 including their isomers, esters, ethers, salts, and salts
17 of isomers, esters, and ethers, whenever the existence of
18 such isomers, esters, ethers, and salts is possible within
19 the specific chemical designation; however the term
20 "narcotic drug" does not include the isoquinoline
21 alkaloids of opium;

22 (2) (blank);

23 (3) opium poppy and poppy straw;

24 (4) coca leaves, except coca leaves and extracts of
25 coca leaves from which substantially all of the cocaine and
26 ecgonine, and their isomers, derivatives and salts, have

1 been removed;

2 (5) cocaine, its salts, optical and geometric isomers,
3 and salts of isomers;

4 (6) ecgonine, its derivatives, their salts, isomers,
5 and salts of isomers;

6 (7) any compound, mixture, or preparation which
7 contains any quantity of any of the substances referred to
8 in subparagraphs (1) through (6).

9 (bb) "Nurse" means a registered nurse licensed under the
10 Nurse Practice Act.

11 (cc) (Blank).

12 (dd) "Opiate" means any substance having an addiction
13 forming or addiction sustaining liability similar to morphine
14 or being capable of conversion into a drug having addiction
15 forming or addiction sustaining liability.

16 (ee) "Opium poppy" means the plant of the species *Papaver*
17 *somniferum* L., except its seeds.

18 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
19 solution or other liquid form of medication intended for
20 administration by mouth, but the term does not include a form
21 of medication intended for buccal, sublingual, or transmucosal
22 administration.

23 (ff) "Parole and Pardon Board" means the Parole and Pardon
24 Board of the State of Illinois or its successor agency.

25 (gg) "Person" means any individual, corporation,
26 mail-order pharmacy, government or governmental subdivision or

1 agency, business trust, estate, trust, partnership or
2 association, or any other entity.

3 (hh) "Pharmacist" means any person who holds a license or
4 certificate of registration as a registered pharmacist, a local
5 registered pharmacist or a registered assistant pharmacist
6 under the Pharmacy Practice Act.

7 (ii) "Pharmacy" means any store, shop or other place in
8 which pharmacy is authorized to be practiced under the Pharmacy
9 Practice Act.

10 (ii-5) "Pharmacy shopping" means the conduct prohibited
11 under subsection (b) of Section 314.5 of this Act.

12 (ii-10) "Physician" (except when the context otherwise
13 requires) means a person licensed to practice medicine in all
14 of its branches.

15 (jj) "Poppy straw" means all parts, except the seeds, of
16 the opium poppy, after mowing.

17 (kk) "Practitioner" means a physician licensed to practice
18 medicine in all its branches, dentist, optometrist, podiatric
19 physician, veterinarian, scientific investigator, pharmacist,
20 physician assistant, advanced practice nurse, licensed
21 practical nurse, registered nurse, hospital, laboratory, or
22 pharmacy, or other person licensed, registered, or otherwise
23 lawfully permitted by the United States or this State to
24 distribute, dispense, conduct research with respect to,
25 administer or use in teaching or chemical analysis, a
26 controlled substance in the course of professional practice or

1 research.

2 (ll) "Pre-printed prescription" means a written
3 prescription upon which the designated drug has been indicated
4 prior to the time of issuance; the term does not mean a written
5 prescription that is individually generated by machine or
6 computer in the prescriber's office.

7 (mm) "Prescriber" means a physician licensed to practice
8 medicine in all its branches, dentist, optometrist,
9 prescribing psychologist licensed under Section 4.2 of the
10 Clinical Psychologist Licensing Act with prescriptive
11 authority delegated under Section 4.3 of the Clinical
12 Psychologist Licensing Act, podiatric physician, or
13 veterinarian who issues a prescription, a physician assistant
14 who issues a prescription for a controlled substance in
15 accordance with Section 303.05, a written delegation, and a
16 written supervision agreement required under Section 7.5 of the
17 Physician Assistant Practice Act of 1987, or an advanced
18 practice nurse with prescriptive authority delegated under
19 Section 65-40 of the Nurse Practice Act and in accordance with
20 Section 303.05, a written delegation, and a written
21 collaborative agreement under Section 65-35 of the Nurse
22 Practice Act.

23 (nn) "Prescription" means a written, facsimile, or oral
24 order, or an electronic order that complies with applicable
25 federal requirements, of a physician licensed to practice
26 medicine in all its branches, dentist, podiatric physician or

1 veterinarian for any controlled substance, of an optometrist
2 for a Schedule II, III, IV, or V controlled substance in
3 accordance with Section 15.1 of the Illinois Optometric
4 Practice Act of 1987, of a prescribing psychologist licensed
5 under Section 4.2 of the Clinical Psychologist Licensing Act
6 with prescriptive authority delegated under Section 4.3 of the
7 Clinical Psychologist Licensing Act, of a physician assistant
8 for a controlled substance in accordance with Section 303.05, a
9 written delegation, and a written supervision agreement
10 required under Section 7.5 of the Physician Assistant Practice
11 Act of 1987, or of an advanced practice nurse with prescriptive
12 authority delegated under Section 65-40 of the Nurse Practice
13 Act who issues a prescription for a controlled substance in
14 accordance with Section 303.05, a written delegation, and a
15 written collaborative agreement under Section 65-35 of the
16 Nurse Practice Act when required by law.

17 (nn-5) "Prescription Information Library" (PIL) means an
18 electronic library that contains reported controlled substance
19 data.

20 (nn-10) "Prescription Monitoring Program" (PMP) means the
21 entity that collects, tracks, and stores reported data on
22 controlled substances and select drugs pursuant to Section 316.

23 (oo) "Production" or "produce" means manufacture,
24 planting, cultivating, growing, or harvesting of a controlled
25 substance other than methamphetamine.

26 (pp) "Registrant" means every person who is required to

1 register under Section 302 of this Act.

2 (qq) "Registry number" means the number assigned to each
3 person authorized to handle controlled substances under the
4 laws of the United States and of this State.

5 (qq-5) "Secretary" means, as the context requires, either
6 the Secretary of the Department or the Secretary of the
7 Department of Financial and Professional Regulation, and the
8 Secretary's designated agents.

9 (rr) "State" includes the State of Illinois and any state,
10 district, commonwealth, territory, insular possession thereof,
11 and any area subject to the legal authority of the United
12 States of America.

13 (rr-5) "Stimulant" means any drug that (i) causes an
14 overall excitation of central nervous system functions, (ii)
15 causes impaired consciousness and awareness, and (iii) can be
16 habit-forming or lead to a substance abuse problem, including
17 but not limited to amphetamines and their analogs,
18 methylphenidate and its analogs, cocaine, and phencyclidine
19 and its analogs.

20 (rr-10) "Synthetic drug" includes, but is not limited to,
21 any synthetic cannabinoids or piperazines or any synthetic
22 cathinones as provided for in Schedule I.

23 (ss) "Ultimate user" means a person who lawfully possesses
24 a controlled substance for his or her own use or for the use of
25 a member of his or her household or for administering to an
26 animal owned by him or her or by a member of his or her

1 household.

2 (Source: P.A. 97-334, eff. 1-1-12; 98-214, eff. 8-9-13; 98-668,
3 eff. 6-25-14; 98-756, eff. 7-16-14; 98-1111, eff. 8-26-14;
4 revised 10-1-14.)

5 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

6 Sec. 204. (a) The controlled substances listed in this
7 Section are included in Schedule I.

8 (b) Unless specifically excepted or unless listed in
9 another schedule, any of the following opiates, including their
10 isomers, esters, ethers, salts, and salts of isomers, esters,
11 and ethers, whenever the existence of such isomers, esters,
12 ethers and salts is possible within the specific chemical
13 designation:

14 (1) Acetylmethadol;

15 (1.1) Acetyl-alpha-methylfentanyl

16 (N-[1-(1-methyl-2-phenethyl)-

17 4-piperidinyl]-N-phenylacetamide);

18 (2) Allylprodine;

19 (3) Alphacetylmethadol, except

20 levo-alphacetylmethadol (also known as levo-alpha-

21 acetylmethadol, levomethadyl acetate, or LAAM);

22 (4) Alphameprodine;

23 (5) Alphamethadol;

24 (6) Alpha-methylfentanyl

25 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)

1 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
2 propanilido) piperidine;
3 (6.1) Alpha-methylthiofentanyl
4 (N-[1-methyl-2-(2-thienyl)ethyl-
5 4-piperidinyl]-N-phenylpropanamide);
6 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
7 (7.1) PEPAP
8 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
9 (8) Benzethidine;
10 (9) Betacetylmethadol;
11 (9.1) Beta-hydroxyfentanyl
12 (N-[1-(2-hydroxy-2-phenethyl)-
13 4-piperidinyl]-N-phenylpropanamide);
14 (10) Betameprodine;
15 (11) Betamethadol;
16 (12) Betaprodine;
17 (13) Clonitazene;
18 (14) Dextromoramide;
19 (15) Diampromide;
20 (16) Diethylthiambutene;
21 (17) Difenoxylin;
22 (18) Dimenoxadol;
23 (19) Dimepheptanol;
24 (20) Dimethylthiambutene;
25 (21) Dioxaphetylbutyrate;
26 (22) Dipipanone;

- 1 (23) Ethylmethylthiambutene;
- 2 (24) Etonitazene;
- 3 (25) Etoxeridine;
- 4 (26) Furethidine;
- 5 (27) Hydroxpethidine;
- 6 (28) Ketobemidone;
- 7 (29) Levomoramide;
- 8 (30) Levophenacylmorphan;
- 9 (31) 3-Methylfentanyl
- 10 (N-[3-methyl-1-(2-phenylethyl)-
- 11 4-piperidyl] -N-phenylpropanamide);
- 12 (31.1) 3-Methylthiofentanyl
- 13 (N-[(3-methyl-1-(2-thienyl)ethyl-
- 14 4-piperidinyl] -N-phenylpropanamide);
- 15 (32) Morpheridine;
- 16 (33) Noracymethadol;
- 17 (34) Norlevorphanol;
- 18 (35) Normethadone;
- 19 (36) Norpipanone;
- 20 (36.1) Para-fluorofentanyl
- 21 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-
- 22 4-piperidinyl] propanamide);
- 23 (37) Phenadoxone;
- 24 (38) Phenampromide;
- 25 (39) Phenomorphan;
- 26 (40) Phenoperidine;

- 1 (41) Piritramide;
- 2 (42) Proheptazine;
- 3 (43) Properidine;
- 4 (44) Propiram;
- 5 (45) Racemoramide;
- 6 (45.1) Thiofentanyl
- 7 (N-phenyl-N-[1-(2-thienyl)ethyl-
- 8 4-piperidinyl] -propanamide);
- 9 (46) Tilidine;
- 10 (47) Trimeperidine;
- 11 (48) Beta-hydroxy-3-methylfentanyl (other name:
- 12 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl] -
- 13 N-phenylpropanamide).

14 (c) Unless specifically excepted or unless listed in
15 another schedule, any of the following opium derivatives, its
16 salts, isomers and salts of isomers, whenever the existence of
17 such salts, isomers and salts of isomers is possible within the
18 specific chemical designation:

- 19 (1) Acetorphine;
- 20 (2) Acetyldihydrocodeine;
- 21 (3) Benzylmorphine;
- 22 (4) Codeine methylbromide;
- 23 (5) Codeine-N-Oxide;
- 24 (6) Cyprenorphine;
- 25 (7) Desomorphine;
- 26 (8) Diacetyldihydromorphine (Dihydroheroin);

- 1 (9) Dihydromorphine;
- 2 (10) Drotebanol;
- 3 (11) Etorphine (except hydrochloride salt);
- 4 (12) Heroin;
- 5 (13) Hydromorphenol;
- 6 (14) Methyldesorphine;
- 7 (15) Methyldihydromorphine;
- 8 (16) Morphine methylbromide;
- 9 (17) Morphine methylsulfonate;
- 10 (18) Morphine-N-Oxide;
- 11 (19) Myrophine;
- 12 (20) Nicocodeine;
- 13 (21) Nicomorphine;
- 14 (22) Normorphine;
- 15 (23) Pholcodine;
- 16 (24) Thebacon.

17 (d) Unless specifically excepted or unless listed in
18 another schedule, any material, compound, mixture, or
19 preparation which contains any quantity of the following
20 hallucinogenic substances, or which contains any of its salts,
21 isomers and salts of isomers, whenever the existence of such
22 salts, isomers, and salts of isomers is possible within the
23 specific chemical designation (for the purposes of this
24 paragraph only, the term "isomer" includes the optical,
25 position and geometric isomers):

- 26 (1) 3,4-methylenedioxyamphetamine

1 (alpha-methyl,3,4-methylenedioxyphenethylamine,
2 methylenedioxyamphetamine, MDA);

3 (1.1) Alpha-ethyltryptamine

4 (some trade or other names: etryptamine;
5 MONASE; alpha-ethyl-1H-indole-3-ethanamine;
6 3-(2-aminobutyl)indole; a-ET; and AET);

7 (2) 3,4-methylenedioxymethamphetamine (MDMA);

8 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

9 (also known as: N-ethyl-alpha-methyl-
10 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
11 and MDEA);

12 (2.2) N-Benzylpiperazine (BZP);

13 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

14 (4) 3,4,5-trimethoxyamphetamine (TMA);

15 (5) (Blank);

16 (6) Diethyltryptamine (DET);

17 (7) Dimethyltryptamine (DMT);

18 (7.1) 5-Methoxy-diallyltryptamine;

19 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);

20 (9) Ibogaine (some trade and other names:

21 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
22 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
23 indole; Tabernanthe iboga);

24 (10) Lysergic acid diethylamide;

25 (10.1) Salvinorin A;

26 (10.5) Salvia divinorum (meaning all parts of the plant

1 presently classified botanically as *Salvia divinorum*,
2 whether growing or not, the seeds thereof, any extract from
3 any part of that plant, and every compound, manufacture,
4 salts, isomers, and salts of isomers whenever the existence
5 of such salts, isomers, and salts of isomers is possible
6 within the specific chemical designation, derivative,
7 mixture, or preparation of that plant, its seeds or
8 extracts);

9 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);

10 (12) Peyote (meaning all parts of the plant presently
11 classified botanically as *Lophophora williamsii* Lemaire,
12 whether growing or not, the seeds thereof, any extract from
13 any part of that plant, and every compound, manufacture,
14 salts, derivative, mixture, or preparation of that plant,
15 its seeds or extracts);

16 (13) N-ethyl-3-piperidyl benzilate (JB 318);

17 (14) N-methyl-3-piperidyl benzilate;

18 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine
19 (also known as N-hydroxy-alpha-methyl-
20 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

21 (15) Parahexyl; some trade or other names:
22 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
23 dibenzo (b,d) pyran; Synhexyl;

24 (16) Psilocybin;

25 (17) Psilocyn;

26 (18) Alpha-methyltryptamine (AMT);

- 1 (19) 2,5-dimethoxyamphetamine
2 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
- 3 (20) 4-bromo-2,5-dimethoxyamphetamine
4 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
5 4-bromo-2,5-DMA);
- 6 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
7 Some trade or other names: 2-(4-bromo-
8 2,5-dimethoxyphenyl)-1-aminoethane;
9 alpha-desmethyl DOB, 2CB, Nexus;
- 10 (21) 4-methoxyamphetamine
11 (4-methoxy-alpha-methylphenethylamine;
12 paramethoxyamphetamine; PMA);
- 13 (22) (Blank);
- 14 (23) Ethylamine analog of phencyclidine.
15 Some trade or other names:
16 N-ethyl-1-phenylcyclohexylamine,
17 (1-phenylcyclohexyl) ethylamine,
18 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
- 19 (24) Pyrrolidine analog of phencyclidine. Some trade
20 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,
21 PHP;
- 22 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 23 (26) 2,5-dimethoxy-4-ethylamphetamine
24 (another name: DOET);
- 25 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine
26 (another name: TCPy);

1 (28) (Blank);

2 (29) Thiophene analog of phencyclidine (some trade
3 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;
4 2-thienyl analog of phencyclidine; TPCP; TCP);

5 (30) Bufotenine (some trade or other names:
6 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;
7 3-(2-dimethylaminoethyl)-5-indolol;
8 5-hydroxy-N,N-dimethyltryptamine;
9 N,N-dimethylserotonin; mappine);

10 (31) 1-Pentyl-3-(1-naphthoyl)indole
11 Some trade or other names: JWH-018;

12 (32) 1-Butyl-3-(1-naphthoyl)indole
13 Some trade or other names: JWH-073;

14 (33) 1-[(5-fluoropentyl)-1H-indol-3-yl] -
15 (2-iodophenyl)methanone
16 Some trade or other names: AM-694;

17 (34) 2-[(1R,3S)-3-hydroxycyclohexyl] -5-
18 (2-methyloctan-2-yl)phenol
19 Some trade or other names: CP 47,497
20 and its C6, C8 and C9 homologs;

21 (34.5) 2-[(1R,3S)-3-hydroxycyclohexyl] -5-
22 (2-methyloctan-2-yl)phenol), where side chain n=5;
23 and homologues where side chain n=4, 6, or 7; Some
24 trade or other names: CP 47,497;

25 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
26 (2-methyloctan-2-yl)-6a,7,

1 10,10a-tetrahydrobenzo[c] chromen-1-ol

2 Some trade or other names: HU-210;

3 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-

4 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-

5 tetrahydrobenzo[c] chromen-1-ol, its isomers,

6 salts, and salts of isomers; Some trade or other

7 names: HU-210, Dexanabinol;

8 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-

9 6,6-dimethyl-3-(2-methyloctan-2-yl)-

10 6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol

11 Some trade or other names: HU-211;

12 (37) (2-methyl-1-propyl-1H-indol-

13 3-yl)-1-naphthalenyl-methanone

14 Some trade or other names: JWH-015;

15 (38) 4-methoxynaphthalen-1-yl-

16 (1-pentylindol-3-yl)methanone

17 Some trade or other names: JWH-081;

18 (39) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole

19 Some trade or other names: JWH-122;

20 (40) 2-(2-methylphenyl)-1-(1-pentyl-

21 1H-indol-3-yl)-ethanone

22 Some trade or other names: JWH-251;

23 (41) 1-(2-cyclohexylethyl)-3-

24 (2-methoxyphenylacetyl)indole

25 Some trade or other names: RCS-8, BTW-8 and SR-18;

26 (42) Any compound structurally derived from

1 3-(1-naphthoyl)indole or 1H-indol-3-yl-
2 (1-naphthyl)methane by substitution at the
3 nitrogen atom of the indole ring by alkyl, haloalkyl,
4 alkenyl, cycloalkylmethyl, cycloalkylethyl or
5 2-(4-morpholinyl)ethyl whether or not further
6 substituted in the indole ring to any extent, whether
7 or not substituted in the naphthyl ring to any extent;

8 (43) Any compound structurally derived from
9 3-(1-naphthoyl)pyrrole by substitution at the nitrogen
10 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
11 cycloalkylmethyl, cycloalkylethyl or
12 2-(4-morpholinyl)ethyl, whether or not further
13 substituted in the pyrrole ring to any extent, whether
14 or not substituted in the naphthyl ring to any extent;

15 (44) Any compound structurally derived from
16 1-(1-naphthylmethyl)indene by substitution
17 at the 3-position of the indene ring by alkyl, haloalkyl,
18 alkenyl, cycloalkylmethyl, cycloalkylethyl or
19 2-(4-morpholinyl)ethyl whether or not further
20 substituted in the indene ring to any extent, whether
21 or not substituted in the naphthyl ring to any extent;

22 (45) Any compound structurally derived from
23 3-phenylacetylindole by substitution at the
24 nitrogen atom of the indole ring with alkyl, haloalkyl,
25 alkenyl, cycloalkylmethyl, cycloalkylethyl or
26 2-(4-morpholinyl)ethyl, whether or not further

1 substituted in the indole ring to any extent, whether
2 or not substituted in the phenyl ring to any extent;

3 (46) Any compound structurally derived from
4 2-(3-hydroxycyclohexyl)phenol by substitution
5 at the 5-position of the phenolic ring by alkyl,
6 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl
7 or 2-(4-morpholinyl)ethyl, whether or not substituted
8 in the cyclohexyl ring to any extent;

9 (47) 3,4-Methylenedioxy-methcathinone
10 Some trade or other names: Methylone;

11 (48) 3,4-Methylenedioxy-pyrovalerone
12 Some trade or other names: MDPV;

13 (49) 4-Methylmethcathinone
14 Some trade or other names: Mephedrone;

15 (50) 4-methoxymethcathinone;

16 (51) 4-Fluoromethcathinone;

17 (52) 3-Fluoromethcathinone;

18 (53) 2,5-Dimethoxy-4-(n)-propylthio-
19 phenethylamine;

20 (54) 5-Methoxy-N,N-diisopropyltryptamine;

21 (55) Pentedrone;

22 (56) 4-iodo-2,5-dimethoxy-N-(2-methoxy
23 phenyl)methyl)-benzeneethanamine
24 (trade or other name: 25I-NBOMe);

25 (57) 4-chloro-2,5-dimethoxy-N-(2-methoxyphenyl)
26 methyl)-benzeneethanamine (trade or other name:

1 25C-NBOMe);

2 (58) 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)

3 methyl] -benzeneethanamine (trade or other name:

4 25B-NBOMe).

5 (e) Unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or
7 preparation which contains any quantity of the following
8 substances having a depressant effect on the central nervous
9 system, including its salts, isomers, and salts of isomers
10 whenever the existence of such salts, isomers, and salts of
11 isomers is possible within the specific chemical designation:

12 (1) mecloqualone;

13 (2) methaqualone; and

14 (3) gamma hydroxybutyric acid.

15 (f) Unless specifically excepted or unless listed in
16 another schedule, any material, compound, mixture, or
17 preparation which contains any quantity of the following
18 substances having a stimulant effect on the central nervous
19 system, including its salts, isomers, and salts of isomers:

20 (1) Fenethylamine;

21 (2) N-ethylamphetamine;

22 (3) Aminorex (some other names:

23 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

24 4-5-dihydro-5-phenyl-2-oxazolamine) and its

25 salts, optical isomers, and salts of optical isomers;

26 (4) Methcathinone (some other names:

1 2-methylamino-1-phenylpropan-1-one;
2 Ephedrone; 2-(methylamino)-propiofenone;
3 alpha-(methylamino)propiofenone; N-methylcathinone;
4 methycathinone; Monomethylpropion; UR 1431) and its
5 salts, optical isomers, and salts of optical isomers;

6 (5) Cathinone (some trade or other names:
7 2-aminopropiofenone; alpha-aminopropiofenone;
8 2-amino-1-phenyl-propanone; norephedrone);

9 (6) N,N-dimethylamphetamine (also known as:
10 N,N-alpha-trimethyl-benzeneethanamine;
11 N,N-alpha-trimethylphenethylamine);

12 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-
13 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);

14 (8) 3,4-Methylenedioxypropylvalerone (MDPV).

15 (g) Temporary listing of substances subject to emergency
16 scheduling. Any material, compound, mixture, or preparation
17 that contains any quantity of the following substances:

18 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
19 (benzylfentanyl), its optical isomers, isomers, salts,
20 and salts of isomers;

21 (2) N-[1(2-thienyl)
22 methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl),
23 its optical isomers, salts, and salts of isomers.

24 (h) Synthetic cannabinoids or piperazines. Unless
25 specifically excepted, any chemical compound which is not
26 approved by the United States Food and Drug Administration or,

1 if approved, which is not dispensed or possessed in accordance
2 with State and federal law, that contains:

3 (1) Benzylpiperazine (BZP);

4 (2) Trifluoromethylphenylpiperazine (TFMPP);

5 (3) 1,1-

6 Dimethylheptyl-11-hydroxytetrahydrocannabinol

7 (HU-210); 1-Butyl-3-(1-naphthoyl) indole; 1-

8 Pentyl-3-(1-naphthoyl) indole;

9 (4) dexanabinol (HU-211); or

10 (5) any compound in the following

11 structural classes:

12 (A) Naphthylmethylindoles: Any compound

13 containing a 1H-indol-3-yl-(1-naphthyl) methane

14 structure with substitution at the nitrogen

15 atom of the indole ring by an alkyl, haloalkyl,

16 alkenyl, cycloalkylmethyl, cycloalkylethyl,

17 1-(N-methyl-2-piperidinyl)methyl, or

18 2-(4-morpholinyl)ethyl group whether or not

19 further substituted in the indole ring to any extent

20 and whether or not substituted in the naphthyl ring

21 to any extent. Examples of this structural class

22 include, but are not limited to, JWH-175, JWH-184,

23 and JWH-185;

24 (B) Phenylacetylindoles: Any compound

25 containing a 3-phenylacetylinde structure

26 with substitution at the nitrogen atom of the

1 indole ring by an alkyl, haloalkyl, alkenyl,
2 cycloalkylmethyl, cycloalkylethyl,
3 1-(N-methyl-2-piperidinyl)methyl, or
4 2-(4-morpholinyl)ethyl group whether or not
5 further substituted in the indole ring
6 to any extent and whether or not substituted
7 in the phenyl ring to any extent. Examples of
8 this structural class include, but are not
9 limited to, JWH-167, JWH-250, JWH-251, and RCS-8;

10 (C) Benzoylindoles: Any compound
11 containing a 3-(benzoyl) indole structure with
12 substitution at the nitrogen atom of the
13 indole ring by an alkyl, haloalkyl, alkenyl,
14 cycloalkylmethyl, cycloalkylethyl,
15 1-(N-methyl-2-piperidinyl)methyl,
16 or 2-(4-morpholinyl)ethyl group
17 whether or not further substituted
18 in the indole ring to any extent and
19 whether or not substituted in the phenyl ring
20 to any extent. Examples of this structural class
21 include, but are not limited, to AM-630,
22 AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

23 (D) Cyclohexylphenols: Any compound
24 containing a 2-(3-hydroxycyclohexyl)phenol
25 structure with substitution at the 5-position
26 of the phenolic ring by an alkyl, haloalkyl,

1 alkenyl, cycloalkylmethyl, cycloalkylethyl,
2 1-(N-methyl-2-piperidinyl)methyl, or
3 2-(4-morpholinyl)ethyl group whether or
4 not substituted in the cyclohexyl ring to
5 any extent. Examples of this structural
6 class include, but are not limited to,
7 CP 47,497 and its C8 homologue
8 (cannabicyclohexanol);

9 (E) Naphthylmethylindoles: Any compound
10 containing a 1H-indol-3-yl-(1-naphthyl) methane
11 structure with substitution at the nitrogen atom of
12 the indole ring by an alkyl, haloalkyl, alkenyl,
13 cycloalkylmethyl, cycloalkylethyl,
14 1-(N-methyl-2-piperidinyl)methyl, or
15 2-(4-morpholinyl)ethyl group whether
16 or not further substituted in the indole
17 ring to any extent and whether or not
18 substituted in the naphthyl ring to any extent.
19 Examples of this structural class include,
20 but are not limited to, JWH-175, JWH-184,
21 and JWH-185;

22 (F) Naphthoylpyrroles: Any compound
23 containing a 3-(1-naphthoyl)pyrrole structure
24 with substitution at the nitrogen atom of
25 the pyrrole ring by an alkyl, haloalkyl, alkenyl,
26 cycloalkylmethyl, cycloalkylethyl,

1 1-(N-methyl-2-piperidinyl)methyl, or
2 2-(4-morpholinyl)ethyl group whether
3 or not further substituted in the pyrrole ring
4 to any extent and whether or not substituted
5 in the naphthyl ring to any extent. Examples
6 of this structural class include, but are not
7 limited, to JWH-030, JWH-145, JWH-146, JWH-307,
8 and JWH-368;

9 (G) Naphthylmethylenes: Any compound
10 containing a 1-(1-naphthylmethyl)indene structure
11 with substitution at the 3-position of the indene
12 ring by an alkyl, haloalkyl, alkenyl,
13 cycloalkylmethyl, cycloalkylethyl,
14 1-(N-methyl-2-piperidinyl)methyl,
15 or 2-(4-morpholinyl)ethyl group whether or
16 not further substituted in the indene ring
17 to any extent and whether or not substituted in
18 the naphthyl ring to any extent. Examples of this
19 structural class include, but are not limited
20 to, JWH-176; or

21 (H) Any other synthetic cannabinoid
22 or piperazine which is not approved by the United
23 States Food and Drug Administration or, if
24 approved, which is not dispensed or possessed
25 in accordance with State and federal law.

26 (i) Synthetic cathinones. Unless specifically excepted,

1 any chemical compound which is not approved by the United
2 States Food and Drug Administration or, if approved, which is
3 not dispensed or possessed in accordance with State and federal
4 law, not including bupropion, structurally derived from
5 2-aminopropan-1-one by substitution at the 1-position with
6 either phenyl, naphthyl, or thiophene ring systems, whether or
7 not the compound is further modified in one or more of the
8 following ways:

9 (1) By substitution in the ring system to
10 any extent with alkyl, alkylendioxy, alkoxy,
11 haloalkyl, hydroxyl, or halide substituents, whether
12 or not further substituted in the ring system
13 by one or more other univalent substituents.
14 Examples of this class include, but are not
15 limited to, 3,4-Methylenedioxycathinone
16 (bk-MDA);

17 (2) By substitution at the 3-position
18 with an acyclic alkyl substituent. Examples of
19 this class include, but are not limited to,
20 2-methylamino-1-phenylbutan-1-one
21 (buphedrone);

22 (3) By substitution at the 2-amino nitrogen
23 atom with alkyl, dialkyl, benzyl, or methoxybenzyl
24 groups, or by inclusion of the 2-amino nitrogen atom
25 in a cyclic structure. Examples of this class include,
26 but are not limited to, Dimethylcathinone, Ethcathinone,

1 and a-Pyrrolidinopropiophenone (a-PPP); or
2 (4) Any other synthetic cathinone
3 which is not approved by the United States Food and Drug
4 Administration or, if approved, is not dispensed or
5 possessed in accordance with State or federal law.

6 (Source: P.A. 97-192, eff. 7-22-11; 97-193, eff. 1-1-12;
7 97-194, eff. 7-22-11; 97-334, eff. 1-1-12; 97-813, eff.
8 7-13-12; 97-872, eff. 7-31-12; 98-987, eff. 1-1-15.)

9 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

10 Sec. 401. Except as authorized by this Act, it is unlawful
11 for any person knowingly to manufacture or deliver, or possess
12 with intent to manufacture or deliver, a controlled substance
13 other than methamphetamine, a counterfeit substance, or a
14 controlled substance analog. A violation of this Act with
15 respect to each of the controlled substances listed herein
16 constitutes a single and separate violation of this Act. For
17 purposes of this Section, "controlled substance analog" or
18 "analog" means a substance ~~which is intended for human~~
19 ~~consumption~~, other than a controlled substance, which is not
20 approved by the United States Food and Drug Administration or,
21 if approved, is not dispensed or possessed in accordance with
22 State or federal law, and that has a chemical structure
23 substantially similar to that of a controlled substance in
24 Schedule I or II, or that was specifically designed to produce
25 an effect substantially similar to that of a controlled

1 substance in Schedule I or II. Examples of chemical classes in
2 which controlled substance analogs are found include, but are
3 not limited to, the following: phenethylamines, N-substituted
4 piperidines, morphinans, ecgonines, quinazolinones,
5 substituted indoles, and arylcycloalkylamines. For purposes of
6 this Act, a controlled substance analog shall be treated in the
7 same manner as the controlled substance to which it is
8 substantially similar.

9 (a) Any person who violates this Section with respect to
10 the following amounts of controlled or counterfeit substances
11 or controlled substance analogs, notwithstanding any of the
12 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
13 contrary, is guilty of a Class X felony and shall be sentenced
14 to a term of imprisonment as provided in this subsection (a)
15 and fined as provided in subsection (b):

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

20 (B) not less than 9 years and not more than 40
21 years with respect to 100 grams or more but less than
22 400 grams of a substance containing heroin, or an
23 analog thereof;

24 (C) not less than 12 years and not more than 50
25 years with respect to 400 grams or more but less than
26 900 grams of a substance containing heroin, or an

1 analog thereof;

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

5 (1.5) (A) not less than 6 years and not more than 30
6 years with respect to 15 grams or more but less than
7 100 grams of a substance containing fentanyl, or an
8 analog thereof;

9 (B) not less than 9 years and not more than 40
10 years with respect to 100 grams or more but less than
11 400 grams of a substance containing fentanyl, or an
12 analog thereof;

13 (C) not less than 12 years and not more than 50
14 years with respect to 400 grams or more but less than
15 900 grams of a substance containing fentanyl, or an
16 analog thereof;

17 (D) not less than 15 years and not more than 60
18 years with respect to 900 grams or more of a substance
19 containing fentanyl, or an analog thereof;

20 (2) (A) not less than 6 years and not more than 30
21 years with respect to 15 grams or more but less than
22 100 grams of a substance containing cocaine, or an
23 analog thereof;

24 (B) not less than 9 years and not more than 40
25 years with respect to 100 grams or more but less than
26 400 grams of a substance containing cocaine, or an

1 analog thereof;

2 (C) not less than 12 years and not more than 50
3 years with respect to 400 grams or more but less than
4 900 grams of a substance containing cocaine, or an
5 analog thereof;

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

9 (3) (A) not less than 6 years and not more than 30
10 years with respect to 15 grams or more but less than
11 100 grams of a substance containing morphine, or an
12 analog thereof;

13 (B) not less than 9 years and not more than 40
14 years with respect to 100 grams or more but less than
15 400 grams of a substance containing morphine, or an
16 analog thereof;

17 (C) not less than 12 years and not more than 50
18 years with respect to 400 grams or more but less than
19 900 grams of a substance containing morphine, or an
20 analog thereof;

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

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

26 (5) 200 grams or more of any substance containing a

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

3 (6) 200 grams or more of any substance containing
4 amphetamine or any salt of an optical isomer of
5 amphetamine, or an analog thereof;

6 (6.5) (blank);

7 (6.6) (blank);

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

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

1 (LSD), or an analog thereof;

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

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

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

1 than 200 pills, tablets, caplets, capsules, or objects
2 containing in them or having upon them any amounts of
3 any substance listed in paragraph (1), (2), (2.1),
4 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
5 (26) of subsection (d) of Section 204, or an analog or
6 derivative thereof;

7 (B) not less than 9 years and not more than 40
8 years with respect to: (i) 100 grams or more but less
9 than 400 grams of a substance listed in paragraph (1),
10 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
11 (21), (25), or (26) of subsection (d) of Section 204,
12 or an analog or derivative thereof, or (ii) 200 or more
13 pills, tablets, caplets, capsules, or objects but less
14 than 600 pills, tablets, caplets, capsules, or objects
15 containing in them or having upon them any amount of
16 any substance listed in paragraph (1), (2), (2.1),
17 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
18 (26) of subsection (d) of Section 204, or an analog or
19 derivative thereof;

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

1 than 1,500 pills, tablets, caplets, capsules, or
2 objects containing in them or having upon them any
3 amount of any substance listed in paragraph (1), (2),
4 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),
5 (25), or (26) of subsection (d) of Section 204, or an
6 analog or derivative thereof;

7 (D) not less than 15 years and not more than 60
8 years with respect to: (i) 900 grams or more of any
9 substance listed in paragraph (1), (2), (2.1), (2.2),
10 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
11 subsection (d) of Section 204, or an analog or
12 derivative thereof, or (ii) 1,500 or more pills,
13 tablets, caplets, capsules, or objects containing in
14 them or having upon them any amount of a substance
15 listed in paragraph (1), (2), (2.1), (2.2), (3),
16 (14.1), (19), (20), (20.1), (21), (25), or (26) of
17 subsection (d) of Section 204, or an analog or
18 derivative thereof;

19 (8) 30 grams or more of any substance containing
20 pentazocine or any of the salts, isomers and salts of
21 isomers of pentazocine, or an analog thereof;

22 (9) 30 grams or more of any substance containing
23 methaqualone or any of the salts, isomers and salts of
24 isomers of methaqualone, or an analog thereof;

25 (10) 30 grams or more of any substance containing
26 phencyclidine or any of the salts, isomers and salts of

1 isomers of phencyclidine (PCP), or an analog thereof;

2 (10.5) 30 grams or more of any substance containing
3 ketamine or any of the salts, isomers and salts of isomers
4 of ketamine, or an analog thereof;

5 (10.6) 100 grams or more of any substance containing
6 hydrocodone, or any of the salts, isomers and salts of
7 isomers of hydrocodone, or an analog thereof;

8 (10.7) 100 grams or more of any substance containing
9 dihydrocodeinone, or any of the salts, isomers and salts of
10 isomers of dihydrocodeinone, or an analog thereof;

11 (10.8) 100 grams or more of any substance containing
12 dihydrocodeine, or any of the salts, isomers and salts of
13 isomers of dihydrocodeine, or an analog thereof;

14 (10.9) 100 grams or more of any substance containing
15 oxycodone, or any of the salts, isomers and salts of
16 isomers of oxycodone, or an analog thereof;

17 (11) 200 grams or more of any substance containing any
18 other controlled substance classified in Schedules I or II,
19 or an analog thereof, which is not otherwise included in
20 this subsection.

21 (b) Any person sentenced with respect to violations of
22 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
23 involving 100 grams or more of the controlled substance named
24 therein, may in addition to the penalties provided therein, be
25 fined an amount not more than \$500,000 or the full street value
26 of the controlled or counterfeit substance or controlled

1 substance analog, whichever is greater. The term "street value"
2 shall have the meaning ascribed in Section 110-5 of the Code of
3 Criminal Procedure of 1963. Any person sentenced with respect
4 to any other provision of subsection (a), may in addition to
5 the penalties provided therein, be fined an amount not to
6 exceed \$500,000.

7 (b-1) Excluding violations of this Act when the controlled
8 substance is fentanyl, any person sentenced to a term of
9 imprisonment with respect to violations of Section 401, 401.1,
10 405, 405.1, 405.2, or 407, when the substance containing the
11 controlled substance contains any amount of fentanyl, 3 years
12 shall be added to the term of imprisonment imposed by the
13 court, and the maximum sentence for the offense shall be
14 increased by 3 years.

15 (c) Any person who violates this Section with regard to the
16 following amounts of controlled or counterfeit substances or
17 controlled substance analogs, notwithstanding any of the
18 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
19 to the contrary, is guilty of a Class 1 felony. The fine for
20 violation of this subsection (c) shall not be more than
21 \$250,000:

22 (1) 1 gram or more but less than 15 grams of any
23 substance containing heroin, or an analog thereof;

24 (1.5) 1 gram or more but less than 15 grams of any
25 substance containing fentanyl, or an analog thereof;

26 (2) 1 gram or more but less than 15 grams of any

1 substance containing cocaine, or an analog thereof;

2 (3) 10 grams or more but less than 15 grams of any
3 substance containing morphine, or an analog thereof;

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

6 (5) 50 grams or more but less than 200 grams of any
7 substance containing a derivative of barbituric acid or any
8 of the salts of a derivative of barbituric acid, or an
9 analog thereof;

10 (6) 50 grams or more but less than 200 grams of any
11 substance containing amphetamine or any salt of an optical
12 isomer of amphetamine, or an analog thereof;

13 (6.5) (blank);

14 (7) (i) 5 grams or more but less than 15 grams of any
15 substance containing lysergic acid diethylamide (LSD), or
16 an analog thereof, or (ii) more than 10 objects or more
17 than 10 segregated parts of an object or objects but less
18 than 15 objects or less than 15 segregated parts of an
19 object containing in them or having upon them any amount of
20 any substance containing lysergic acid diethylamide (LSD),
21 or an analog thereof;

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

1 capsules, or objects but less than 15 pills, tablets,
2 caplets, capsules, or objects containing in them or having
3 upon them any amount of any substance listed in paragraph
4 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
5 (21), (25), or (26) of subsection (d) of Section 204, or an
6 analog or derivative thereof;

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

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

15 (10) 10 grams or more but less than 30 grams of any
16 substance containing phencyclidine or any of the salts,
17 isomers and salts of isomers of phencyclidine (PCP), or an
18 analog thereof;

19 (10.5) 10 grams or more but less than 30 grams of any
20 substance containing ketamine or any of the salts, isomers
21 and salts of isomers of ketamine, or an analog thereof;

22 (10.6) 50 grams or more but less than 100 grams of any
23 substance containing hydrocodone, or any of the salts,
24 isomers and salts of isomers of hydrocodone, or an analog
25 thereof;

26 (10.7) 50 grams or more but less than 100 grams of any

1 substance containing dihydrocodeinone, or any of the
2 salts, isomers and salts of isomers of dihydrocodeinone, or
3 an analog thereof;

4 (10.8) 50 grams or more but less than 100 grams of any
5 substance containing dihydrocodeine, or any of the salts,
6 isomers and salts of isomers of dihydrocodeine, or an
7 analog thereof;

8 (10.9) 50 grams or more but less than 100 grams of any
9 substance containing oxycodone, or any of the salts,
10 isomers and salts of isomers of oxycodone, or an analog
11 thereof;

12 (11) 50 grams or more but less than 200 grams of any
13 substance containing a substance classified in Schedules I
14 or II, or an analog thereof, which is not otherwise
15 included in this subsection.

16 (c-5) (Blank).

17 (d) Any person who violates this Section with regard to any
18 other amount of a controlled or counterfeit substance
19 containing dihydrocodeinone or dihydrocodeine or classified in
20 Schedules I or II, or an analog thereof, which is (i) a
21 narcotic drug, (ii) lysergic acid diethylamide (LSD) or an
22 analog thereof, (iii) any substance containing amphetamine or
23 fentanyl or any salt or optical isomer of amphetamine or
24 fentanyl, or an analog thereof, or (iv) any substance
25 containing N-Benzylpiperazine (BZP) or any salt or optical
26 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is

1 guilty of a Class 2 felony. The fine for violation of this
2 subsection (d) shall not be more than \$200,000.

3 (d-5) (Blank).

4 (e) Any person who violates this Section with regard to any
5 other amount of a controlled substance other than
6 methamphetamine or counterfeit substance classified in
7 Schedule I or II, or an analog thereof, which substance is not
8 included under subsection (d) of this Section, is guilty of a
9 Class 3 felony. The fine for violation of this subsection (e)
10 shall not be more than \$150,000.

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

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

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

26 (i) This Section does not apply to the manufacture,

1 possession or distribution of a substance in conformance with
2 the provisions of an approved new drug application or an
3 exemption for investigational use within the meaning of Section
4 505 of the Federal Food, Drug and Cosmetic Act.

5 (j) (Blank).

6 (Source: P.A. 96-347, eff. 1-1-10; 97-997, eff. 1-1-13.)

7 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

8 Sec. 402. Except as otherwise authorized by this Act, it is
9 unlawful for any person knowingly to possess a controlled or
10 counterfeit substance or controlled substance analog. A
11 violation of this Act with respect to each of the controlled
12 substances listed herein constitutes a single and separate
13 violation of this Act. For purposes of this Section,
14 "controlled substance analog" or "analog" means a substance
15 ~~which is intended for human consumption~~, other than a
16 controlled substance, which is not approved by the United
17 States Food and Drug Administration or, if approved, is not
18 dispensed or possessed in accordance with State or federal law,
19 and that has a chemical structure substantially similar to that
20 of a controlled substance in Schedule I or II, or that was
21 specifically designed to produce an effect substantially
22 similar to that of a controlled substance in Schedule I or II.
23 Examples of chemical classes in which controlled substance
24 analogs are found include, but are not limited to, the
25 following: phenethylamines, N-substituted piperidines,

1 morphinans, ecgonines, quinazolinones, substituted indoles,
2 and arylcycloalkylamines. For purposes of this Act, a
3 controlled substance analog shall be treated in the same manner
4 as the controlled substance to which it is substantially
5 similar.

6 (a) Any person who violates this Section with respect to
7 the following controlled or counterfeit substances and
8 amounts, notwithstanding any of the provisions of subsections
9 (c) and (d) to the contrary, is guilty of a Class 1 felony and
10 shall, if sentenced to a term of imprisonment, be sentenced as
11 provided in this subsection (a) and fined as provided in
12 subsection (b):

13 (1) (A) not less than 4 years and not more than 15
14 years with respect to 15 grams or more but less than
15 100 grams of a substance containing heroin;

16 (B) not less than 6 years and not more than 30
17 years with respect to 100 grams or more but less than
18 400 grams of a substance containing heroin;

19 (C) not less than 8 years and not more than 40
20 years with respect to 400 grams or more but less than
21 900 grams of any substance containing heroin;

22 (D) not less than 10 years and not more than 50
23 years with respect to 900 grams or more of any
24 substance containing heroin;

25 (2) (A) not less than 4 years and not more than 15
26 years with respect to 15 grams or more but less than

1 100 grams of any substance containing cocaine;

2 (B) not less than 6 years and not more than 30
3 years with respect to 100 grams or more but less than
4 400 grams of any substance containing cocaine;

5 (C) not less than 8 years and not more than 40
6 years with respect to 400 grams or more but less than
7 900 grams of any substance containing cocaine;

8 (D) not less than 10 years and not more than 50
9 years with respect to 900 grams or more of any
10 substance containing cocaine;

11 (3) (A) not less than 4 years and not more than 15
12 years with respect to 15 grams or more but less than
13 100 grams of any substance containing morphine;

14 (B) not less than 6 years and not more than 30
15 years with respect to 100 grams or more but less than
16 400 grams of any substance containing morphine;

17 (C) not less than 6 years and not more than 40
18 years with respect to 400 grams or more but less than
19 900 grams of any substance containing morphine;

20 (D) not less than 10 years and not more than 50
21 years with respect to 900 grams or more of any
22 substance containing morphine;

23 (4) 200 grams or more of any substance containing
24 peyote;

25 (5) 200 grams or more of any substance containing a
26 derivative of barbituric acid or any of the salts of a

1 derivative of barbituric acid;

2 (6) 200 grams or more of any substance containing
3 amphetamine or any salt of an optical isomer of
4 amphetamine;

5 (6.5) (blank);

6 (7) (A) not less than 4 years and not more than 15
7 years with respect to: (i) 15 grams or more but less
8 than 100 grams of any substance containing lysergic
9 acid diethylamide (LSD), or an analog thereof, or (ii)
10 15 or more objects or 15 or more segregated parts of an
11 object or objects but less than 200 objects or 200
12 segregated parts of an object or objects containing in
13 them or having upon them any amount of any substance
14 containing lysergic acid diethylamide (LSD), or an
15 analog thereof;

16 (B) not less than 6 years and not more than 30
17 years with respect to: (i) 100 grams or more but less
18 than 400 grams of any substance containing lysergic
19 acid diethylamide (LSD), or an analog thereof, or (ii)
20 200 or more objects or 200 or more segregated parts of
21 an object or objects but less than 600 objects or less
22 than 600 segregated parts of an object or objects
23 containing in them or having upon them any amount of
24 any substance containing lysergic acid diethylamide
25 (LSD), or an analog thereof;

26 (C) not less than 8 years and not more than 40

1 years with respect to: (i) 400 grams or more but less
2 than 900 grams of any substance containing lysergic
3 acid diethylamide (LSD), or an analog thereof, or (ii)
4 600 or more objects or 600 or more segregated parts of
5 an object or objects but less than 1500 objects or 1500
6 segregated parts of an object or objects containing in
7 them or having upon them any amount of any substance
8 containing lysergic acid diethylamide (LSD), or an
9 analog thereof;

10 (D) not less than 10 years and not more than 50
11 years with respect to: (i) 900 grams or more of any
12 substance containing lysergic acid diethylamide (LSD),
13 or an analog thereof, or (ii) 1500 or more objects or
14 1500 or more segregated parts of an object or objects
15 containing in them or having upon them any amount of a
16 substance containing lysergic acid diethylamide (LSD),
17 or an analog thereof;

18 (7.5) (A) not less than 4 years and not more than 15
19 years with respect to: (i) 15 grams or more but less
20 than 100 grams of any substance listed in paragraph
21 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
22 (20.1), (21), (25), or (26) of subsection (d) of
23 Section 204, or an analog or derivative thereof, or
24 (ii) 15 or more pills, tablets, caplets, capsules, or
25 objects but less than 200 pills, tablets, caplets,
26 capsules, or objects containing in them or having upon

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

5 (B) not less than 6 years and not more than 30
6 years with respect to: (i) 100 grams or more but less
7 than 400 grams of any substance listed in paragraph
8 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
9 (20.1), (21), (25), or (26) of subsection (d) of
10 Section 204, or an analog or derivative thereof, or
11 (ii) 200 or more pills, tablets, caplets, capsules, or
12 objects but less than 600 pills, tablets, caplets,
13 capsules, or objects containing in them or having upon
14 them any amount of any substance listed in paragraph
15 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
16 (20.1), (21), (25), or (26) of subsection (d) of
17 Section 204, or an analog or derivative thereof;

18 (C) not less than 8 years and not more than 40
19 years with respect to: (i) 400 grams or more but less
20 than 900 grams of any substance listed in paragraph
21 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
22 (20.1), (21), (25), or (26) of subsection (d) of
23 Section 204, or an analog or derivative thereof, or
24 (ii) 600 or more pills, tablets, caplets, capsules, or
25 objects but less than 1,500 pills, tablets, caplets,
26 capsules, or objects containing in them or having upon

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

5 (D) not less than 10 years and not more than 50
6 years with respect to: (i) 900 grams or more of any
7 substance listed in paragraph (1), (2), (2.1), (2.2),
8 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
9 subsection (d) of Section 204, or an analog or
10 derivative thereof, or (ii) 1,500 or more pills,
11 tablets, caplets, capsules, or objects containing in
12 them or having upon them any amount of a substance
13 listed in paragraph (1), (2), (2.1), (2.2), (3),
14 (14.1), (19), (20), (20.1), (21), (25), or (26) of
15 subsection (d) of Section 204, or an analog or
16 derivative thereof;

17 (8) 30 grams or more of any substance containing
18 pentazocine or any of the salts, isomers and salts of
19 isomers of pentazocine, or an analog thereof;

20 (9) 30 grams or more of any substance containing
21 methaqualone or any of the salts, isomers and salts of
22 isomers of methaqualone;

23 (10) 30 grams or more of any substance containing
24 phencyclidine or any of the salts, isomers and salts of
25 isomers of phencyclidine (PCP);

26 (10.5) 30 grams or more of any substance containing

1 ketamine or any of the salts, isomers and salts of isomers
2 of ketamine;

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

7 (b) Any person sentenced with respect to violations of
8 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
9 involving 100 grams or more of the controlled substance named
10 therein, may in addition to the penalties provided therein, be
11 fined an amount not to exceed \$200,000 or the full street value
12 of the controlled or counterfeit substances, whichever is
13 greater. The term "street value" shall have the meaning
14 ascribed in Section 110-5 of the Code of Criminal Procedure of
15 1963. Any person sentenced with respect to any other provision
16 of subsection (a), may in addition to the penalties provided
17 therein, be fined an amount not to exceed \$200,000.

18 (c) Any person who violates this Section with regard to an
19 amount of a controlled substance other than methamphetamine or
20 counterfeit substance not set forth in subsection (a) or (d) is
21 guilty of a Class 4 felony. The fine for a violation punishable
22 under this subsection (c) shall not be more than \$25,000.

23 (d) Any person who violates this Section with regard to any
24 amount of anabolic steroid is guilty of a Class C misdemeanor
25 for the first offense and a Class B misdemeanor for a
26 subsequent offense committed within 2 years of a prior

1 conviction.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-347, eff. 1-1-10.)