



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3614

by Rep. John D. Cavaletto

#### SYNOPSIS AS INTRODUCED:

720 ILCS 690/1	from Ch. 38, par. 81-1
720 ILCS 690/2	from Ch. 38, par. 81-2
720 ILCS 690/4	from Ch. 38, par. 81-4

Amends the Use of Intoxicating Compounds Act. Provides that no person shall possess any substance not listed in the Act for the purpose of inducing in the user an intoxicated condition, other than: (1) distilled spirits, wine, malt beverages, or tobacco; (2) any product or substance regulated by the federal Food and Drug Administration; or (3) any controlled substance listed in the Illinois Controlled Substances Act. Provides that no person shall knowingly sell or offer for sale, deliver, or give to any person any substance not listed in the Act which will induce an intoxicated condition, when the seller, offeror, or deliverer knows or has reason to know that the compound is intended for use to induce that condition. Establishes penalties based on the amount of the prohibited substance.

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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 Use of Intoxicating Compounds Act is amended  
5 by changing Sections 1, 2, and 4 as follows:

6 (720 ILCS 690/1) (from Ch. 38, par. 81-1)

7 Sec. 1. Use or possession prohibited.

8 (a) No person shall ingest, breathe, inhale or drink any  
9 compound, liquid, or chemical containing toluol, hexane,  
10 trichloroethylene, acetone, toluene, ethyl acetate, methyl  
11 ethyl ketone, trichloroethane, isopropanol, methyl isobutyl  
12 ketone, methyl cellosolve acetate, cyclohexanone, the  
13 alkaloids atropine, hyoscyamine, or scopolamine, ~~or any other~~  
14 ~~substance~~ for the purpose of inducing a condition of  
15 intoxication, physical impairment or incapacity, ~~stupefaction,~~  
16 ~~depression, giddiness, paralysis or irrational behavior, or~~  
17 distortion or disturbance of ~~in any manner changing, distorting~~  
18 ~~or disturbing~~ the auditory, visual or mental processes. For the  
19 purposes of this Act, any such condition so induced shall be  
20 deemed to be an intoxicated condition.

21 (b) No person shall possess any other substance for the  
22 purpose of inducing in the user an intoxicated condition. This  
23 provision shall not apply to:

1           (1) distilled spirits, wine, malt beverages, or  
2           tobacco, as those terms are defined or used in the Liquor  
3           Control Act of 1934 and the Tobacco Products Tax Act of  
4           1995;

5           (2) any product or substance regulated by the federal  
6           Food and Drug Administration; or

7           (3) any controlled substance listed in the Illinois  
8           Controlled Substances Act.

9           (Source: P.A. 89-235, eff. 8-4-95; 89-640, eff. 1-1-97.)

10           (720 ILCS 690/2) (from Ch. 38, par. 81-2)

11           Sec. 2. Sale or delivery prohibited.

12           (a) No person shall knowingly sell or offer for sale,  
13           deliver or give to any person under 17 years of age, unless  
14           upon written order of such person's parent or guardian, any  
15           compound, liquid, or chemical containing toluol, hexane,  
16           trichloroethylene, acetone, toluene, ethyl acetate, methyl  
17           ethyl ketone, trichloroethane, isopropanol, methyl isobutyl  
18           ketone, methyl cellosolve acetate, cyclohexanone, ~~or any other~~  
19           ~~substance which will induce an intoxicated condition, as~~  
20           ~~defined herein,~~ when the seller, offeror, or deliverer knows or  
21           has reason to know that the compound is intended for use to  
22           induce an intoxicated ~~such~~ condition.

23           (b) No person shall knowingly sell or offer for sale,  
24           deliver, or give to any person any compound, liquid, or  
25           chemical containing alkaloids atropine, hyoscyamine, or

1 scopolamine when the seller, offeror, or deliverer knows or has  
2 reason to know that the compound, liquid, or chemical is  
3 intended for use to induce an intoxicated condition.

4 (c) No person shall knowingly sell or offer for sale,  
5 deliver, or give to any person any other substance which will  
6 induce an intoxicated condition, as defined herein, when the  
7 seller, offeror, or deliverer knows or has reason to know that  
8 the compound is intended for use to induce that condition.

9 (Source: P.A. 89-235, eff. 8-4-95; 89-640, eff. 1-1-97.)

10 (720 ILCS 690/4) (from Ch. 38, par. 81-4)

11 Sec. 4. Sentence.

12 (a) Except as otherwise provided in subsection (b), (c), or  
13 (d), violation of this Act is a Class C misdemeanor for a first  
14 offense and a Class A misdemeanor for a second or subsequent  
15 offense.

16 (b) (1) The knowing ingestion of any compound, liquid, or  
17 chemical containing the alkaloids atropine, hyoscyamine, or  
18 scopolamine is a Class A misdemeanor.

19 (2) The sale, offer for sale, delivery, or giving to any  
20 person of a compound, liquid, or chemical containing the  
21 alkaloids atropine, hyoscyamine, or scopolamine is a Class 4  
22 felony.

23 (3) This subsection (b) does not prohibit the sale, offer  
24 for sale, delivery, giving, or ingestion of a compound, liquid,  
25 or chemical containing the alkaloids atropine, hyoscyamine, or

1 scopolamine under the direction or prescription of a  
2 practitioner authorized to so direct or prescribe as provided  
3 in Section 3.

4 (c) Any person who violates subsection (b) of Section 1 of  
5 this Act with respect to:

6 (1) not more than 2.5 grams of a prohibited substance  
7 is guilty of a Class C misdemeanor;

8 (2) more than 2.5 grams but not more than 10 grams of a  
9 prohibited substance is guilty of a Class B misdemeanor;

10 (3) more than 10 grams but not more than 30 grams of a  
11 prohibited substance is guilty of a Class A misdemeanor for  
12 a first offense and a Class 4 felony for a subsequent  
13 offense;

14 (4) more than 30 grams but not more than 500 grams of a  
15 prohibited substance is guilty of a Class 4 felony for a  
16 first offense and a Class 3 felony for a subsequent  
17 offense;

18 (5) more than 500 grams but not more than 2,000 grams  
19 of a prohibited substance is guilty of a Class 3 felony;

20 (6) more than 2,000 grams but not more than 5,000 grams  
21 of a prohibited substance is guilty of a Class 2 felony;

22 (7) more than 5,000 grams of a prohibited substance is  
23 guilty of a Class 1 felony.

24 (d) Any person who violates subsection (c) of Section 2 of  
25 this Act with respect to:

26 (1) not more than 2.5 grams of a prohibited substance

1 is guilty of a Class B misdemeanor;

2 (2) more than 2.5 grams but not more than 10 grams of a  
3 prohibited substance is guilty of a Class A misdemeanor;

4 (3) more than 10 grams but not more than 30 grams of a  
5 prohibited substance is guilty of a Class 4 felony;

6 (4) more than 30 grams but not more than 500 grams of a  
7 prohibited substance is guilty of a Class 3 felony for  
8 which a fine not to exceed \$50,000 may be imposed;

9 (5) more than 500 grams but not more than 2,000 grams  
10 of a prohibited substance is guilty of a Class 2 felony for  
11 which a fine not to exceed \$100,000 may be imposed;

12 (6) more than 2,000 grams but not more than 5,000 grams  
13 of a prohibited substance is guilty of a Class 1 felony for  
14 which a fine not to exceed \$150,000 may be imposed;

15 (7) more than 5,000 grams of a prohibited substance is  
16 guilty of a Class X felony for which a fine not to exceed  
17 \$200,000 may be imposed.

18 (Source: P.A. 96-1440, eff. 1-1-11.)