

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 216 as follows:

6 (720 ILCS 570/216)

7 Sec. 216. Ephedrine.

8 (a) The following drug products containing ephedrine, its
9 salts, optical isomers and salts of optical isomers shall be
10 exempt from the application of Sections 312 and 313 of this Act
11 if they: (i) may lawfully be sold over-the-counter without a
12 prescription under the Federal Food, Drug, and Cosmetic Act;
13 (ii) are labeled and marketed in a manner consistent with
14 Section 341.76 of Title 21 of the Code of Federal Regulations;
15 (iii) are manufactured and distributed for legitimate
16 medicinal use in a manner that reduces or eliminates the
17 likelihood of abuse; and (iv) are not marketed, advertised, or
18 labeled for the indications of stimulation, mental alertness,
19 weight loss, muscle enhancement, appetite control, or energy:

20 (1) Solid oral dosage forms, including soft gelatin
21 caplets, which are formulated pursuant to 21 CFR 341 or
22 its successor, and packaged in blister packs of not more
23 than 2 tablets per blister.

1 (2) Anorectal preparations containing not more than 5%
2 ephedrine.

3 (b) The marketing, advertising, or labeling of any product
4 containing ephedrine, a salt of ephedrine, an optical isomer
5 of ephedrine, or a salt of an optical isomer of ephedrine, for
6 the indications of stimulation, mental alertness, weight loss,
7 appetite control, or energy, is prohibited. In determining
8 compliance with this requirement the Department may consider
9 the following factors:

10 (1) The packaging of the drug product;

11 (2) The name and labeling of the product;

12 (3) The manner of distribution, advertising, and
13 promotion of the product;

14 (4) Verbal representations made concerning the
15 product;

16 (5) The duration, scope, and significance of misuse of
17 the particular product.

18 (c) A violation of this Section is a Class A misdemeanor. A
19 second or subsequent violation of this Section is a Class 4
20 felony.

21 (d) This Section does not apply to dietary supplements,
22 herbs, or other natural products, including concentrates or
23 extracts, which:

24 (1) are not otherwise prohibited by law; and

25 (2) may contain naturally occurring ephedrine,
26 ephedrine alkaloids, or pseudoephedrine, or their salts,

1 isomers, or salts of isomers, or a combination of these
2 substances, that:

3 (i) are contained in a matrix of organic material;

4 and

5 (ii) do not exceed 15% of the total weight of the
6 natural product.

7 (e) Nothing in this Section limits the scope or terms of
8 the Methamphetamine Precursor Control Act.

9 (f) This Section does not apply to the sale of any product
10 dispensed or delivered by a practitioner or pharmacy according
11 to a prescription issued by a prescriber authorized by this
12 State or another state for a valid medical purpose and in the
13 course of professional practice.

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