



Sen. Julie A. Morrison

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10400SB1773sam001

LRB104 03029 RLC 22815 a

1 AMENDMENT TO SENATE BILL 1773

2 AMENDMENT NO. _____. Amend Senate Bill 1773 on page 1,
3 line 5, by replacing "and 208" with "208, and 401 and by adding
4 Section 309.1"; and

5 by deleting line 8 on page 1 through line 4 on page 25; and

6 by deleting line 5 on page 91 through line 20 on page 96; and

7 on page 102, by replacing lines 11 through 17 with the
8 following:

9 "(720 ILCS 570/309.1 new)

10 Sec. 309.1. Veterinarian; xylazine. Notwithstanding the
11 scheduling of xylazine as a Schedule III controlled substance,
12 the prohibition on delivery or possession with intent to
13 deliver xylazine does not apply to licensed veterinarians who
14 lawfully prescribe, dispense, administer, acquire, or use any

1 controlled substance, including xylazine, while acting in the
2 course of their professional practice, in good faith, and in
3 accordance with generally accepted medical standards.

4 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

5 Sec. 401. Manufacture or delivery, or possession with
6 intent to manufacture or deliver, a controlled substance, a
7 counterfeit substance, or controlled substance analog. Except
8 as authorized by this Act, it is unlawful for any person
9 knowingly to manufacture or deliver, or possess with intent to
10 manufacture or deliver, a controlled substance other than
11 methamphetamine and other than bath salts as defined in the
12 Bath Salts Prohibition Act sold or offered for sale in a retail
13 mercantile establishment as defined in Section 16-0.1 of the
14 Criminal Code of 2012, a counterfeit substance, or a
15 controlled substance analog. A violation of this Act with
16 respect to each of the controlled substances listed herein
17 constitutes a single and separate violation of this Act. For
18 purposes of this Section, "controlled substance analog" or
19 "analog" means a substance, other than a controlled substance,
20 which is not approved by the United States Food and Drug
21 Administration or, if approved, is not dispensed or possessed
22 in accordance with State or federal law, and that has a
23 chemical structure substantially similar to that of a
24 controlled substance in Schedule I or II, or that was
25 specifically designed to produce an effect substantially

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

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

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

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

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

26 (D) not less than 15 years and not more than 60 years

1 with respect to 900 grams or more of any substance
2 containing heroin, or an analog thereof;

3 (1.5) (A) not less than 6 years and not more than 30
4 years with respect to 15 grams or more but less than 100
5 grams of a substance containing fentanyl or xylazine, or
6 an analog thereof;

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

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

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

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

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

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

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

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

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

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

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

16 (4) 200 grams or more of any substance containing
17 peyote, or an analog thereof;

18 (5) 200 grams or more of any substance containing a
19 derivative of barbituric acid or any of the salts of a
20 derivative of barbituric acid, or an analog thereof;

21 (6) 200 grams or more of any substance containing
22 amphetamine or any salt of an optical isomer of
23 amphetamine, or an analog thereof;

24 (6.5) (blank);

25 (6.6) (blank);

26 (7) (A) not less than 6 years and not more than 30 years

1 with respect to: (i) 15 grams or more but less than 100
2 grams of a substance containing lysergic acid diethylamide
3 (LSD), or an analog thereof, or (ii) 15 or more objects or
4 15 or more segregated parts of an object or objects but
5 less than 200 objects or 200 segregated parts of an object
6 or objects containing in them or having upon them any
7 amounts of any substance containing lysergic acid
8 diethylamide (LSD), or an analog thereof;

9 (B) not less than 9 years and not more than 40 years
10 with respect to: (i) 100 grams or more but less than 400
11 grams of a substance containing lysergic acid diethylamide
12 (LSD), or an analog thereof, or (ii) 200 or more objects or
13 200 or more segregated parts of an object or objects but
14 less than 600 objects or less than 600 segregated parts of
15 an object or objects containing in them or having upon
16 them any amount of any substance containing lysergic acid
17 diethylamide (LSD), or an analog thereof;

18 (C) not less than 12 years and not more than 50 years
19 with respect to: (i) 400 grams or more but less than 900
20 grams of a substance containing lysergic acid diethylamide
21 (LSD), or an analog thereof, or (ii) 600 or more objects or
22 600 or more segregated parts of an object or objects but
23 less than 1500 objects or 1500 segregated parts of an
24 object or objects containing in them or having upon them
25 any amount of any substance containing lysergic acid
26 diethylamide (LSD), or an analog thereof;

1 (D) not less than 15 years and not more than 60 years
2 with respect to: (i) 900 grams or more of any substance
3 containing lysergic acid diethylamide (LSD), or an analog
4 thereof, or (ii) 1500 or more objects or 1500 or more
5 segregated parts of an object or objects containing in
6 them or having upon them any amount of a substance
7 containing lysergic acid diethylamide (LSD), or an analog
8 thereof;

9 (7.5) (A) not less than 6 years and not more than 30 years
10 with respect to: (i) 15 grams or more but less than 100
11 grams of a substance listed in paragraph (1), (2), (2.1),
12 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
13 (26) of subsection (d) of Section 204, or an analog or
14 derivative thereof, or (ii) 15 or more pills, tablets,
15 caplets, capsules, or objects but less than 200 pills,
16 tablets, caplets, capsules, or objects containing in them
17 or having upon them any amounts of any substance listed in
18 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
19 (20.1), (21), (25), or (26) of subsection (d) of Section
20 204, or an analog or derivative thereof;

21 (B) not less than 9 years and not more than 40 years
22 with respect to: (i) 100 grams or more but less than 400
23 grams of a substance listed in paragraph (1), (2), (2.1),
24 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
25 (26) of subsection (d) of Section 204, or an analog or
26 derivative thereof, or (ii) 200 or more pills, tablets,

1 caplets, capsules, or objects but less than 600 pills,
2 tablets, caplets, capsules, or objects containing in them
3 or having upon them any amount of any substance listed in
4 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
5 (20.1), (21), (25), or (26) of subsection (d) of Section
6 204, or an analog or derivative thereof;

7 (C) not less than 12 years and not more than 50 years
8 with respect to: (i) 400 grams or more but less than 900
9 grams of a substance listed in paragraph (1), (2), (2.1),
10 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
11 (26) of subsection (d) of Section 204, or an analog or
12 derivative thereof, or (ii) 600 or more pills, tablets,
13 caplets, capsules, or objects but less than 1,500 pills,
14 tablets, caplets, capsules, or objects containing in them
15 or having upon them any amount of any substance listed in
16 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
17 (20.1), (21), (25), or (26) of subsection (d) of Section
18 204, or an analog or derivative thereof;

19 (D) not less than 15 years and not more than 60 years
20 with respect to: (i) 900 grams or more of any substance
21 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),
22 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
23 of Section 204, or an analog or derivative thereof, or
24 (ii) 1,500 or more pills, tablets, caplets, capsules, or
25 objects containing in them or having upon them any amount
26 of a substance listed in paragraph (1), (2), (2.1), (2.2),

1 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
2 subsection (d) of Section 204, or an analog or derivative
3 thereof;

4 (8) 30 grams or more of any substance containing
5 pentazocine or any of the salts, isomers and salts of
6 isomers of pentazocine, or an analog thereof;

7 (9) 30 grams or more of any substance containing
8 methaqualone or any of the salts, isomers and salts of
9 isomers of methaqualone, or an analog thereof;

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

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

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

19 (10.7) (blank);

20 (10.8) 100 grams or more of any substance containing
21 dihydrocodeine, or any of the salts, isomers and salts of
22 isomers of dihydrocodeine, or an analog thereof;

23 (10.9) 100 grams or more of any substance containing
24 oxycodone, or any of the salts, isomers and salts of
25 isomers of oxycodone, or an analog thereof;

26 (11) 200 grams or more of any substance containing any

1 other controlled substance classified in Schedules I or
2 II, or an analog thereof, which is not otherwise included
3 in this subsection.

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

16 (b-1) Excluding violations of this Act when the controlled
17 substance is fentanyl, any person sentenced to a term of
18 imprisonment with respect to violations of Section 401, 401.1,
19 405, 405.1, 405.2, or 407, when the substance containing the
20 controlled substance contains any amount of fentanyl, 3 years
21 shall be added to the term of imprisonment imposed by the
22 court, and the maximum sentence for the offense shall be
23 increased by 3 years.

24 (c) Any person who violates this Section with regard to
25 the following amounts of controlled or counterfeit substances
26 or controlled substance analogs, notwithstanding any of the

1 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
2 to the contrary, is guilty of a Class 1 felony. The fine for
3 violation of this subsection (c) shall not be more than
4 \$250,000:

5 (1) 1 gram or more but less than 15 grams of any
6 substance containing heroin, or an analog thereof;

7 (1.5) 1 gram or more but less than 15 grams of any
8 substance containing fentanyl, or an analog thereof;

9 (2) 1 gram or more but less than 15 grams of any
10 substance containing cocaine, or an analog thereof;

11 (2.5) 1 gram or more but less than 15 grams of any
12 substance containing xylazine, or an analog thereof;

13 (3) 10 grams or more but less than 15 grams of any
14 substance containing morphine, or an analog thereof;

15 (4) 50 grams or more but less than 200 grams of any
16 substance containing peyote, or an analog thereof;

17 (5) 50 grams or more but less than 200 grams of any
18 substance containing a derivative of barbituric acid or
19 any of the salts of a derivative of barbituric acid, or an
20 analog thereof;

21 (6) 50 grams or more but less than 200 grams of any
22 substance containing amphetamine or any salt of an optical
23 isomer of amphetamine, or an analog thereof;

24 (6.5) (blank);

25 (7) (i) 5 grams or more but less than 15 grams of any
26 substance containing lysergic acid diethylamide (LSD), or

1 an analog thereof, or (ii) more than 10 objects or more
2 than 10 segregated parts of an object or objects but less
3 than 15 objects or less than 15 segregated parts of an
4 object containing in them or having upon them any amount
5 of any substance containing lysergic acid diethylamide
6 (LSD), or an analog thereof;

7 (7.5) (i) 5 grams or more but less than 15 grams of any
8 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
9 (14.1), (19), (20), (20.1), (21), (25), or (26) of
10 subsection (d) of Section 204, or an analog or derivative
11 thereof, or (ii) more than 10 pills, tablets, caplets,
12 capsules, or objects but less than 15 pills, tablets,
13 caplets, capsules, or objects containing in them or having
14 upon them any amount of any substance listed in paragraph
15 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
16 (21), (25), or (26) of subsection (d) of Section 204, or an
17 analog or derivative thereof;

18 (8) 10 grams or more but less than 30 grams of any
19 substance containing pentazocine or any of the salts,
20 isomers and salts of isomers of pentazocine, or an analog
21 thereof;

22 (9) 10 grams or more but less than 30 grams of any
23 substance containing methaqualone or any of the salts,
24 isomers and salts of isomers of methaqualone, or an analog
25 thereof;

26 (10) 10 grams or more but less than 30 grams of any

1 substance containing phencyclidine or any of the salts,
2 isomers and salts of isomers of phencyclidine (PCP), or an
3 analog thereof;

4 (10.5) 10 grams or more but less than 30 grams of any
5 substance containing ketamine or any of the salts, isomers
6 and salts of isomers of ketamine, or an analog thereof;

7 (10.6) 50 grams or more but less than 100 grams of any
8 substance containing hydrocodone, or any of the salts,
9 isomers and salts of isomers of hydrocodone, or an analog
10 thereof;

11 (10.7) (blank);

12 (10.8) 50 grams or more but less than 100 grams of any
13 substance containing dihydrocodeine, or any of the salts,
14 isomers and salts of isomers of dihydrocodeine, or an
15 analog thereof;

16 (10.9) 50 grams or more but less than 100 grams of any
17 substance containing oxycodone, or any of the salts,
18 isomers and salts of isomers of oxycodone, or an analog
19 thereof;

20 (11) 50 grams or more but less than 200 grams of any
21 substance containing a substance classified in Schedules I
22 or II, or an analog thereof, which is not otherwise
23 included in this subsection.

24 (c-5) (Blank).

25 (d) Any person who violates this Section with regard to
26 any other amount of a controlled or counterfeit substance

1 containing dihydrocodeine or classified in Schedules I or II,
2 or an analog thereof, which is (i) a narcotic drug, (ii)
3 lysergic acid diethylamide (LSD) or an analog thereof, (iii)
4 any substance containing amphetamine or fentanyl or xylazine
5 or any salt or optical isomer of amphetamine or fentanyl or
6 xylazine, or an analog thereof, or (iv) any substance
7 containing N-Benzylpiperazine (BZP) or any salt or optical
8 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
9 guilty of a Class 2 felony. The fine for violation of this
10 subsection (d) shall not be more than \$200,000.

11 (d-5) (Blank).

12 (e) Any person who violates this Section with regard to
13 any other amount of a controlled substance other than
14 methamphetamine or counterfeit substance classified in
15 Schedule I or II, or an analog thereof, which substance is not
16 included under subsection (d) of this Section, is guilty of a
17 Class 3 felony. The fine for violation of this subsection (e)
18 shall not be more than \$150,000.

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

24 (g) Any person who violates this Section with regard to
25 any other amount of a controlled or counterfeit substance
26 classified in Schedule IV is guilty of a Class 3 felony. The

1 fine for violation of this subsection (g) shall not be more
2 than \$100,000.

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

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

13 (j) (Blank).

14 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17;
15 100-368, eff. 1-1-18.)".