

1 AN ACT concerning regulation.

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 201 as follows:

6 (720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

7 Sec. 201. (a) The Department shall carry out the
8 provisions of this Article. The Department or its successor
9 agency may, by administrative rule, add additional substances
10 to or delete or reschedule all controlled substances in the
11 Schedules of Sections 204, 206, 208, 210 and 212 of this Act.
12 In making a determination regarding the addition, deletion, or
13 rescheduling of a substance, the Department shall consider the
14 following:

15 (1) the actual or relative potential for misuse;

16 (2) the scientific evidence of its pharmacological
17 effect, if known;

18 (3) the state of current scientific knowledge
19 regarding the substance;

20 (4) the history and current pattern of misuse;

21 (5) the scope, duration, and significance of misuse;

22 (6) the risk to the public health;

23 (7) the potential of the substance to produce

1 psychological or physiological dependence or a substance
2 use disorder;

3 (8) whether the substance is an immediate precursor of
4 a substance already controlled under this Article;

5 (9) the immediate harmful effect in terms of
6 potentially fatal dosage; and

7 (10) the long-range effects in terms of permanent
8 health impairment.

9 (b) (Blank).

10 (c) (Blank).

11 (d) If any substance is scheduled, rescheduled, or deleted
12 as a controlled substance under Federal law and notice thereof
13 is given to the Department, the Department shall similarly
14 control the substance under this Act after the expiration of
15 30 days from publication in the Federal Register of a final
16 order scheduling a substance as a controlled substance or
17 rescheduling or deleting a substance. If the Department does
18 not take action within 30 days, at the conclusion of the 30-day
19 period the substance shall be considered scheduled,
20 rescheduled, or deleted in the same manner as the federal law,
21 unless within that 30-day ~~30-day~~ period the Department
22 objects, or a party adversely affected files with the
23 Department substantial written objections objecting to
24 inclusion, rescheduling, or deletion. In that case, the
25 Department shall publish the reasons for objection ~~or the~~
26 ~~substantial written objections~~ and afford all interested

1 parties an opportunity to be heard in a public hearing to be
2 held no later than 45 days after the statement of objection.
3 After ~~At~~ the public ~~conclusion of the~~ hearing, the Department
4 shall publish its decision within 14 days of the conclusion of
5 the public hearing, by means of a rule, which shall be final
6 unless altered by statute. Upon publication of objections by
7 the Department, similar control under this Act whether by
8 inclusion, rescheduling or deletion is stayed until the
9 Department publishes its ruling.

10 (e) (Blank).

11 (f) (Blank).

12 (g) Authority to control under this Section does not
13 extend to distilled spirits, wine, malt beverages, or tobacco
14 as those terms are defined or used in the Liquor Control Act of
15 1934 and the Tobacco Products Tax Act of 1995.

16 (h) Persons registered with the Drug Enforcement
17 Administration to manufacture or distribute controlled
18 substances shall maintain adequate security and provide
19 effective controls and procedures to guard against theft and
20 diversion, but shall not otherwise be required to meet the
21 physical security control requirements (such as cage or vault)
22 for Schedule V controlled substances containing
23 pseudoephedrine or Schedule II controlled substances
24 containing dextromethorphan.

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

26 Section 99. Effective date. This Act takes effect upon

SB3322 Enrolled

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1 becoming law.