



Rep. Lindsey LaPointe

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10400SB3322ham001

LRB104 17631 RLC 37633 a

1 AMENDMENT TO SENATE BILL 3322

2 AMENDMENT NO. _____. Amend Senate Bill 3322 by replacing
3 everything after the enacting clause with the following:

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

1 effect, if known;

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

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

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

6 (6) the risk to the public health;

7 (7) the potential of the substance to produce
8 psychological or physiological dependence or a substance
9 use disorder;

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

12 (9) the immediate harmful effect in terms of
13 potentially fatal dosage; and

14 (10) the long-range effects in terms of permanent
15 health impairment.

16 (b) (Blank).

17 (c) (Blank).

18 (d) If any substance is scheduled, rescheduled, or deleted
19 as a controlled substance under Federal law and notice thereof
20 is given to the Department, the Department shall similarly
21 control the substance under this Act after the expiration of
22 30 days from publication in the Federal Register of a final
23 order scheduling a substance as a controlled substance or
24 rescheduling or deleting a substance. If the Department does
25 not take action within 30 days, at the conclusion of the 30-day
26 period the substance shall be considered scheduled,

1 rescheduled, or deleted in the same manner as the federal law,
2 unless within that 30 day period the Department objects, ~~or a~~
3 ~~party adversely affected files with the Department substantial~~
4 ~~written objections objecting to inclusion, rescheduling, or~~
5 ~~deletion.~~ In that case, the Department shall publish the
6 reasons for objection ~~or the substantial written objections~~
7 and afford all interested parties an opportunity to be heard
8 in a public hearing to be held no later than 45 days after the
9 statement of objection. After ~~At the public conclusion of the~~
10 hearing, the Department shall publish its decision within 14
11 days of the conclusion of the public hearing, by means of a
12 rule, which shall be final unless altered by statute. Upon
13 publication of objections by the Department, similar control
14 under this Act whether by inclusion, rescheduling or deletion
15 is stayed until the Department publishes its ruling.

16 (e) (Blank).

17 (f) (Blank).

18 (g) Authority to control under this Section does not
19 extend to distilled spirits, wine, malt beverages, or tobacco
20 as those terms are defined or used in the Liquor Control Act of
21 1934 and the Tobacco Products Tax Act of 1995.

22 (h) Persons registered with the Drug Enforcement
23 Administration to manufacture or distribute controlled
24 substances shall maintain adequate security and provide
25 effective controls and procedures to guard against theft and
26 diversion, but shall not otherwise be required to meet the

1 physical security control requirements (such as cage or vault)
2 for Schedule V controlled substances containing
3 pseudoephedrine or Schedule II controlled substances
4 containing dextromethorphan.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".