

SB3688



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3688

Introduced 1/21/2022, by Sen. Craig Wilcox

SYNOPSIS AS INTRODUCED:

720 ILCS 570/401
720 ILCS 570/402

from Ch. 56 1/2, par. 1401
from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act concerning the illegal manufacture or delivery, or possession with intent to manufacture or deliver, or the possession of a controlled substance analog. Provides that a "controlled substance analog" or "analog" means a substance, other than a controlled substance, which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law, and that has a chemical structure substantially similar to that of a controlled substance (rather than a controlled substance in Schedule I or II), or that was specifically designed to produce an effect substantially similar to that of a controlled substance (rather than a controlled substance in Schedule I or II). Effective immediately.

LRB102 23096 RLC 32253 b

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 Illinois Controlled Substances Act is
5 amended by changing Sections 401 and 402 as follows:

6 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

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

1 in accordance with State or federal law, and that has a
2 chemical structure substantially similar to that of a
3 controlled substance ~~in Schedule I or II~~, or that was
4 specifically designed to produce an effect substantially
5 similar to that of a controlled substance ~~in Schedule I or II~~.
6 Examples of chemical classes in which controlled substance
7 analogs are found include, but are not limited to, the
8 following: phenethylamines, N-substituted piperidines,
9 morphinans, ecgonines, quinazolinones, substituted indoles,
10 and arylcycloalkylamines. For purposes of this Act, a
11 controlled substance analog shall be treated in the same
12 manner as the controlled substance to which it is
13 substantially similar.

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

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

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

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

4 (D) not less than 15 years and not more than 60 years
5 with respect to 900 grams or more of any substance
6 containing heroin, or an analog thereof;

7 (1.5) (A) not less than 6 years and not more than 30
8 years with respect to 15 grams or more but less than 100
9 grams of a substance containing fentanyl, or an analog
10 thereof;

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

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

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

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

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

26 (C) not less than 12 years and not more than 50 years

1 with respect to 400 grams or more but less than 900 grams
2 of a substance containing cocaine, or an analog thereof;

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

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

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

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

18 (4) 200 grams or more of any substance containing
19 peyote, or an analog thereof;

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

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

26 (6.5) (blank);

1 (6.6) (blank);

2 (7) (A) not less than 6 years and not more than 30 years
3 with respect to: (i) 15 grams or more but less than 100
4 grams of a substance containing lysergic acid diethylamide
5 (LSD), or an analog thereof, or (ii) 15 or more objects or
6 15 or more segregated parts of an object or objects but
7 less than 200 objects or 200 segregated parts of an object
8 or objects containing in them or having upon them any
9 amounts of any substance containing lysergic acid
10 diethylamide (LSD), or an analog thereof;

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

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

1 any amount of any substance containing lysergic acid
2 diethylamide (LSD), or an analog thereof;

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

11 (7.5) (A) not less than 6 years and not more than 30 years
12 with respect to: (i) 15 grams or more but less than 100
13 grams of a substance listed in paragraph (1), (2), (2.1),
14 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
15 (26) of subsection (d) of Section 204, or an analog or
16 derivative thereof, or (ii) 15 or more pills, tablets,
17 caplets, capsules, or objects but less than 200 pills,
18 tablets, caplets, capsules, or objects containing in them
19 or having upon them any amounts of any substance listed in
20 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
21 (20.1), (21), (25), or (26) of subsection (d) of Section
22 204, or an analog or derivative thereof;

23 (B) not less than 9 years and not more than 40 years
24 with respect to: (i) 100 grams or more but less than 400
25 grams of a substance listed in paragraph (1), (2), (2.1),
26 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

1 (26) of subsection (d) of Section 204, or an analog or
2 derivative thereof, or (ii) 200 or more pills, tablets,
3 caplets, capsules, or objects but less than 600 pills,
4 tablets, caplets, capsules, or objects containing in them
5 or having upon them any amount of any substance listed in
6 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
7 (20.1), (21), (25), or (26) of subsection (d) of Section
8 204, or an analog or derivative thereof;

9 (C) not less than 12 years and not more than 50 years
10 with respect to: (i) 400 grams or more but less than 900
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) 600 or more pills, tablets,
15 caplets, capsules, or objects but less than 1,500 pills,
16 tablets, caplets, capsules, or objects containing in them
17 or having upon them any amount 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 (D) not less than 15 years and not more than 60 years
22 with respect to: (i) 900 grams or more of any substance
23 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),
24 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
25 of Section 204, or an analog or derivative thereof, or
26 (ii) 1,500 or more pills, tablets, caplets, capsules, or

1 objects containing in them or having upon them any amount
2 of a substance listed in paragraph (1), (2), (2.1), (2.2),
3 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
4 subsection (d) of Section 204, or an analog or derivative
5 thereof;

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

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

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

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

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

21 (10.7) (blank);

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

25 (10.9) 100 grams or more of any substance containing
26 oxycodone, or any of the salts, isomers and salts of

1 isomers of oxycodone, or an analog thereof;

2 (11) 200 grams or more of any substance containing any
3 other controlled substance classified in Schedules I or
4 II, or an analog thereof, which is not otherwise included
5 in this subsection.

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

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

26 (c) Any person who violates this Section with regard to

1 the following amounts of controlled or counterfeit substances
2 or controlled substance analogs, notwithstanding any of the
3 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
4 to the contrary, is guilty of a Class 1 felony. The fine for
5 violation of this subsection (c) shall not be more than
6 \$250,000:

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

9 (1.5) 1 gram or more but less than 15 grams of any
10 substance containing fentanyl, or an analog thereof;

11 (2) 1 gram or more but less than 15 grams of any
12 substance containing cocaine, 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 any salt
5 or optical isomer of amphetamine or fentanyl, or an analog
6 thereof, or (iv) any substance containing N-Benzylpiperazine
7 (BZP) or any salt or optical isomer of N-Benzylpiperazine
8 (BZP), or an analog thereof, is guilty of a Class 2 felony. The
9 fine for violation of this subsection (d) shall not be more
10 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.)

16 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

17 Sec. 402. Except as otherwise authorized by this Act, it
18 is unlawful for any person knowingly to possess a controlled
19 or counterfeit substance or controlled substance analog. A
20 violation of this Act with respect to each of the controlled
21 substances listed herein constitutes a single and separate
22 violation of this Act. For purposes of this Section,
23 "controlled substance analog" or "analog" means a substance,
24 other than a controlled substance, which is not approved by
25 the United States Food and Drug Administration or, if

1 approved, is not dispensed or possessed in accordance with
2 State or federal law, and that has a chemical structure
3 substantially similar to that of a controlled substance ~~in~~
4 ~~Schedule I or II~~, or that was specifically designed to produce
5 an effect substantially similar to that of a controlled
6 substance ~~in Schedule I or II~~. Examples of chemical classes in
7 which controlled substance analogs are found include, but are
8 not limited to, the following: phenethylamines, N-substituted
9 piperidines, morphinans, ecgonines, quinazolinones,
10 substituted indoles, and arylcycloalkylamines. For purposes of
11 this Act, a controlled substance analog shall be treated in
12 the same manner as the controlled substance to which it is
13 substantially similar.

14 (a) Any person who violates this Section with respect to
15 the following controlled or counterfeit substances and
16 amounts, notwithstanding any of the provisions of subsections
17 (c) and (d) to the contrary, is guilty of a Class 1 felony and
18 shall, if sentenced to a term of imprisonment, be sentenced as
19 provided in this subsection (a) and fined as provided in
20 subsection (b):

21 (1) (A) not less than 4 years and not more than 15
22 years with respect to 15 grams or more but less than
23 100 grams of a substance containing heroin;

24 (B) not less than 6 years and not more than 30
25 years with respect to 100 grams or more but less than
26 400 grams of a substance containing heroin;

1 (C) not less than 8 years and not more than 40
2 years with respect to 400 grams or more but less than
3 900 grams of any substance containing heroin;

4 (D) not less than 10 years and not more than 50
5 years with respect to 900 grams or more of any
6 substance containing heroin;

7 (2) (A) not less than 4 years and not more than 15
8 years with respect to 15 grams or more but less than
9 100 grams of any substance containing cocaine;

10 (B) not less than 6 years and not more than 30
11 years with respect to 100 grams or more but less than
12 400 grams of any substance containing cocaine;

13 (C) not less than 8 years and not more than 40
14 years with respect to 400 grams or more but less than
15 900 grams of any substance containing cocaine;

16 (D) not less than 10 years and not more than 50
17 years with respect to 900 grams or more of any
18 substance containing cocaine;

19 (3) (A) not less than 4 years and not more than 15
20 years with respect to 15 grams or more but less than
21 100 grams of any substance containing morphine;

22 (B) not less than 6 years and not more than 30
23 years with respect to 100 grams or more but less than
24 400 grams of any substance containing morphine;

25 (C) not less than 6 years and not more than 40
26 years with respect to 400 grams or more but less than

1 900 grams of any substance containing morphine;

2 (D) not less than 10 years and not more than 50
3 years with respect to 900 grams or more of any
4 substance containing morphine;

5 (4) 200 grams or more of any substance containing
6 peyote;

7 (5) 200 grams or more of any substance containing a
8 derivative of barbituric acid or any of the salts of a
9 derivative of barbituric acid;

10 (6) 200 grams or more of any substance containing
11 amphetamine or any salt of an optical isomer of
12 amphetamine;

13 (6.5) (blank);

14 (7) (A) not less than 4 years and not more than 15
15 years with respect to: (i) 15 grams or more but less
16 than 100 grams of any substance containing lysergic
17 acid diethylamide (LSD), or an analog thereof, or (ii)
18 15 or more objects or 15 or more segregated parts of an
19 object or objects but less than 200 objects or 200
20 segregated parts of an object or objects containing in
21 them or having upon them any amount of any substance
22 containing lysergic acid diethylamide (LSD), or an
23 analog thereof;

24 (B) not less than 6 years and not more than 30
25 years with respect to: (i) 100 grams or more but less
26 than 400 grams of any substance containing lysergic

1 acid diethylamide (LSD), or an analog thereof, or (ii)
2 200 or more objects or 200 or more segregated parts of
3 an object or objects but less than 600 objects or less
4 than 600 segregated parts of an object or objects
5 containing in them or having upon them any amount of
6 any substance containing lysergic acid diethylamide
7 (LSD), or an analog thereof;

8 (C) not less than 8 years and not more than 40
9 years with respect to: (i) 400 grams or more but less
10 than 900 grams of any substance containing lysergic
11 acid diethylamide (LSD), or an analog thereof, or (ii)
12 600 or more objects or 600 or more segregated parts of
13 an object or objects but less than 1500 objects or 1500
14 segregated parts of an object or objects containing in
15 them or having upon them any amount of any substance
16 containing lysergic acid diethylamide (LSD), or an
17 analog thereof;

18 (D) not less than 10 years and not more than 50
19 years with respect to: (i) 900 grams or more of any
20 substance containing lysergic acid diethylamide (LSD),
21 or an analog thereof, or (ii) 1500 or more objects or
22 1500 or more segregated parts of an object or objects
23 containing in them or having upon them any amount of a
24 substance containing lysergic acid diethylamide (LSD),
25 or an analog thereof;

26 (7.5) (A) not less than 4 years and not more than 15

1 years with respect to: (i) 15 grams or more but less
2 than 100 grams of any substance listed in paragraph
3 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
4 (20.1), (21), (25), or (26) of subsection (d) of
5 Section 204, or an analog or derivative thereof, or
6 (ii) 15 or more pills, tablets, caplets, capsules, or
7 objects but less than 200 pills, tablets, caplets,
8 capsules, or objects containing in them or having upon
9 them any amount of any substance listed in paragraph
10 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
11 (20.1), (21), (25), or (26) of subsection (d) of
12 Section 204, or an analog or derivative thereof;

13 (B) not less than 6 years and not more than 30
14 years with respect to: (i) 100 grams or more but less
15 than 400 grams of any substance listed in paragraph
16 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
17 (20.1), (21), (25), or (26) of subsection (d) of
18 Section 204, or an analog or derivative thereof, or
19 (ii) 200 or more pills, tablets, caplets, capsules, or
20 objects but less than 600 pills, tablets, caplets,
21 capsules, or objects containing in them or having upon
22 them any amount of any substance listed in paragraph
23 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
24 (20.1), (21), (25), or (26) of subsection (d) of
25 Section 204, or an analog or derivative thereof;

26 (C) not less than 8 years and not more than 40

1 years with respect to: (i) 400 grams or more but less
2 than 900 grams of any substance listed in paragraph
3 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
4 (20.1), (21), (25), or (26) of subsection (d) of
5 Section 204, or an analog or derivative thereof, or
6 (ii) 600 or more pills, tablets, caplets, capsules, or
7 objects but less than 1,500 pills, tablets, caplets,
8 capsules, or objects containing in them or having upon
9 them any amount of any substance listed in paragraph
10 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
11 (20.1), (21), (25), or (26) of subsection (d) of
12 Section 204, or an analog or derivative thereof;

13 (D) not less than 10 years and not more than 50
14 years with respect to: (i) 900 grams or more of any
15 substance listed in paragraph (1), (2), (2.1), (2.2),
16 (3), (14.1), (19), (20), (20.1), (21), (25), or (26)
17 of subsection (d) of Section 204, or an analog or
18 derivative thereof, or (ii) 1,500 or more pills,
19 tablets, caplets, capsules, or objects containing in
20 them or having upon them any amount of a substance
21 listed in paragraph (1), (2), (2.1), (2.2), (3),
22 (14.1), (19), (20), (20.1), (21), (25), or (26) of
23 subsection (d) of Section 204, or an analog or
24 derivative thereof;

25 (8) 30 grams or more of any substance containing
26 pentazocine or any of the salts, isomers and salts of

1 isomers of pentazocine, or an analog thereof;

2 (9) 30 grams or more of any substance containing
3 methaqualone or any of the salts, isomers and salts of
4 isomers of methaqualone;

5 (10) 30 grams or more of any substance containing
6 phencyclidine or any of the salts, isomers and salts of
7 isomers of phencyclidine (PCP);

8 (10.5) 30 grams or more of any substance containing
9 ketamine or any of the salts, isomers and salts of isomers
10 of ketamine;

11 (11) 200 grams or more of any substance containing any
12 substance classified as a narcotic drug in Schedules I or
13 II, or an analog thereof, which is not otherwise included
14 in this subsection.

15 (b) Any person sentenced with respect to violations of
16 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
17 involving 100 grams or more of the controlled substance named
18 therein, may in addition to the penalties provided therein, be
19 fined an amount not to exceed \$200,000 or the full street value
20 of the controlled or counterfeit substances, whichever is
21 greater. The term "street value" shall have the meaning
22 ascribed in Section 110-5 of the Code of Criminal Procedure of
23 1963. Any person sentenced with respect to any other provision
24 of subsection (a), may in addition to the penalties provided
25 therein, be fined an amount not to exceed \$200,000.

26 (c) Any person who violates this Section with regard to an

1 amount of a controlled substance other than methamphetamine or
2 counterfeit substance not set forth in subsection (a) or (d)
3 is guilty of a Class 4 felony. The fine for a violation
4 punishable under this subsection (c) shall not be more than
5 \$25,000.

6 (d) Any person who violates this Section with regard to
7 any amount of anabolic steroid is guilty of a Class C
8 misdemeanor for the first offense and a Class B misdemeanor
9 for a subsequent offense committed within 2 years of a prior
10 conviction.

11 (Source: P.A. 99-371, eff. 1-1-16; 100-368, eff. 1-1-18.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.