



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3640

Introduced 2/9/2024, by Sen. Patrick J. Joyce

SYNOPSIS AS INTRODUCED:

| | |
|------------------------|----------------------------|
| 720 ILCS 570/208 | from Ch. 56 1/2, par. 1208 |
| 720 ILCS 570/309.1 new | |
| 720 ILCS 570/401 | from Ch. 56 1/2, par. 1401 |

Amends the Illinois Controlled Substances Act. Schedules Xylazine as a Schedule III controlled substance. Provides for penalties for the knowing manufacture or delivery, or possession with intent to manufacture or deliver xylazine. Provides that, notwithstanding the scheduling of Xylazine as a Schedule III controlled substance, the prohibition on delivery or possession with intent to deliver Xylazine does not apply to licensed veterinarians who lawfully prescribe, dispense, administer, acquire, or use any controlled substance, including Xylazine, while acting in the course of their professional practice, in good faith, and in accordance with generally accepted medical standards.

LRB103 37597 RLC 69548 b

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 208 and 401 and by adding Section
6 309.1 as follows:

7 (720 ILCS 570/208) (from Ch. 56 1/2, par. 1208)

8 Sec. 208. (a) The controlled substances listed in this
9 Section are included in Schedule III.

10 (b) Unless specifically excepted or unless listed in
11 another schedule, any material, compound, mixture, or
12 preparation which contains any quantity of the following
13 substances having a stimulant effect on the central nervous
14 system, including its salts, isomers (whether optical
15 position, or geometric), and salts of such isomers whenever
16 the existence of such salts, isomers, and salts of isomers is
17 possible within the specific chemical designation;

18 (1) Those compounds, mixtures, or preparations in
19 dosage unit form containing any stimulant substances
20 listed in Schedule II which compounds, mixtures, or
21 preparations were listed on August 25, 1971, as excepted
22 compounds under Title 21, Code of Federal Regulations,
23 Section 308.32, and any other drug of the quantitative

1 composition shown in that list for those drugs or which is
2 the same except that it contains a lesser quantity of
3 controlled substances;

4 (2) Benzphetamine;

5 (3) Chlorphentermine;

6 (4) Clortermine;

7 (5) Phendimetrazine.

8 (c) Unless specifically excepted or unless listed in
9 another schedule, any material, compound, mixture, or
10 preparation which contains any quantity of the following
11 substances having a potential for abuse associated with a
12 depressant effect on the central nervous system:

13 (1) Any compound, mixture, or preparation containing
14 amobarbital, secobarbital, pentobarbital or any salt
15 thereof and one or more other active medicinal ingredients
16 which are not listed in any schedule;

17 (2) Any suppository dosage form containing
18 amobarbital, secobarbital, pentobarbital or any salt of
19 any of these drugs and approved by the Federal Food and
20 Drug Administration for marketing only as a suppository;

21 (3) Any substance which contains any quantity of a
22 derivative of barbituric acid, or any salt thereof:

23 (3.1) Aprobarbital;

24 (3.2) Butobarbital (secbutobarbital);

25 (3.3) Butalbital;

26 (3.4) Butobarbital (butethal);

- 1 (4) Chlorhexadol;
- 2 (5) Methyprylon;
- 3 (6) Sulfondiethylmethane;
- 4 (7) Sulfonethylmethane;
- 5 (8) Sulfonmethane;
- 6 (9) Lysergic acid;
- 7 (10) Lysergic acid amide;
- 8 (10.1) Tiletamine or zolazepam or both, or any salt of
- 9 either of them.
- 10 Some trade or other names for a tiletamine-zolazepam
- 11 combination product: Telazol.
- 12 Some trade or other names for Tiletamine:
- 13 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.
- 14 Some trade or other names for zolazepam:
- 15 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-
- 16 [3,4-e], [1,4]-diazepin-7(1H)-one, and flupyrazapon.
- 17 (11) Any material, compound, mixture or preparation
- 18 containing not more than 12.5 milligrams of pentazocine or
- 19 any of its salts, per 325 milligrams of aspirin;
- 20 (12) Any material, compound, mixture or preparation
- 21 containing not more than 12.5 milligrams of pentazocine or
- 22 any of its salts, per 325 milligrams of acetaminophen;
- 23 (13) Any material, compound, mixture or preparation
- 24 containing not more than 50 milligrams of pentazocine or
- 25 any of its salts plus naloxone HCl USP 0.5 milligrams, per
- 26 dosage unit;

- 1 (14) Ketamine;
2 (15) Thiopental; ~~+~~
3 (16) Xylazine.

4 (d) Nalorphine.

5 (d.5) Buprenorphine.

6 (e) Unless specifically excepted or unless listed in
7 another schedule, any material, compound, mixture, or
8 preparation containing limited quantities of any of the
9 following narcotic drugs, or their salts calculated as the
10 free anhydrous base or alkaloid, as set forth below:

11 (1) not more than 1.8 grams of codeine per 100
12 milliliters or not more than 90 milligrams per dosage
13 unit, with an equal or greater quantity of an isoquinoline
14 alkaloid of opium;

15 (2) not more than 1.8 grams of codeine per 100
16 milliliters or not more than 90 milligrams per dosage
17 unit, with one or more active non-narcotic ingredients in
18 recognized therapeutic amounts;

19 (3) (blank);

20 (4) (blank);

21 (5) not more than 1.8 grams of dihydrocodeine per 100
22 milliliters or not more than 90 milligrams per dosage
23 unit, with one or more active, non-narcotic ingredients in
24 recognized therapeutic amounts;

25 (6) not more than 300 milligrams of ethylmorphine per
26 100 milliliters or not more than 15 milligrams per dosage

1 unit, with one or more active, non-narcotic ingredients in
2 recognized therapeutic amounts;

3 (7) not more than 500 milligrams of opium per 100
4 milliliters or per 100 grams, or not more than 25
5 milligrams per dosage unit, with one or more active,
6 non-narcotic ingredients in recognized therapeutic
7 amounts;

8 (8) not more than 50 milligrams of morphine per 100
9 milliliters or per 100 grams with one or more active,
10 non-narcotic ingredients in recognized therapeutic
11 amounts.

12 (f) Anabolic steroids, except the following anabolic
13 steroids that are exempt:

- 14 (1) Androgyn L.A.;
- 15 (2) Andro-Estro 90-4;
- 16 (3) depANDROGYN;
- 17 (4) DEPO-T.E.;
- 18 (5) depTESTROGEN;
- 19 (6) Duomone;
- 20 (7) DURATESTRIN;
- 21 (8) DUO-SPAN II;
- 22 (9) Estratest;
- 23 (10) Estratest H.S.;
- 24 (11) PAN ESTRA TEST;
- 25 (12) Premarin with Methyltestosterone;
- 26 (13) TEST-ESTRO Cypionates;

- 1 (14) Testosterone Cyp 50 Estradiol Cyp 2;
2 (15) Testosterone Cypionate-Estradiol Cypionate
3 injection; and
4 (16) Testosterone Enanthate-Estradiol Valerate
5 injection.

6 (g) Hallucinogenic substances.

- 7 (1) Dronabinol (synthetic) in sesame oil and
8 encapsulated in a soft gelatin capsule in a U.S. Food and
9 Drug Administration approved product. Some other names for
10 dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-
11 6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol) or
12 (-)-delta-9-(trans)-tetrahydrocannabinol.

13 (2) (Reserved).

14 (h) The Department may except by rule any compound,
15 mixture, or preparation containing any stimulant or depressant
16 substance listed in subsection (b) from the application of all
17 or any part of this Act if the compound, mixture, or
18 preparation contains one or more active medicinal ingredients
19 not having a stimulant or depressant effect on the central
20 nervous system, and if the admixtures are included therein in
21 combinations, quantity, proportion, or concentration that
22 vitiate the potential for abuse of the substances which have a
23 stimulant or depressant effect on the central nervous system.

24 (Source: P.A. 100-368, eff. 1-1-18.)

25 (720 ILCS 570/309.1 new)

1 Sec. 309.1. Veterinarian; Xylazine. Notwithstanding the
2 scheduling of Xylazine as a Schedule III controlled substance,
3 the prohibition on delivery or possession with intent to
4 deliver Xylazine does not apply to licensed veterinarians who
5 lawfully prescribe, dispense, administer, acquire, or use any
6 controlled substance, including Xylazine, while acting in the
7 course of their professional practice, in good faith, and in
8 accordance with generally accepted medical standards.

9 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

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

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

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

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

25 (B) not less than 9 years and not more than 40 years
26 with respect to 100 grams or more but less than 400 grams

1 of a substance containing heroin, or an analog thereof;

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

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

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

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

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

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

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

26 (B) not less than 9 years and not more than 40 years

1 with respect to 100 grams or more but less than 400 grams
2 of a substance containing cocaine, or an analog thereof;

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

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

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

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

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

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

21 (4) 200 grams or more of any substance containing
22 peyote, or an analog thereof;

23 (5) 200 grams or more of any substance containing a
24 derivative of barbituric acid or any of the salts of a
25 derivative of barbituric acid, or an analog thereof;

26 (6) 200 grams or more of any substance containing

1 amphetamine or any salt of an optical isomer of
2 amphetamine, or an analog thereof;

3 (6.5) (blank);

4 (6.6) (blank);

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

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

23 (C) not less than 12 years and not more than 50 years
24 with respect to: (i) 400 grams or more but less than 900
25 grams of a substance containing lysergic acid diethylamide
26 (LSD), or an analog thereof, or (ii) 600 or more objects or

1 600 or more segregated parts of an object or objects but
2 less than 1500 objects or 1500 segregated parts of an
3 object or objects containing in them or having upon them
4 any amount of any substance containing lysergic acid
5 diethylamide (LSD), or an analog thereof;

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

14 (7.5) (A) not less than 6 years and not more than 30 years
15 with respect to: (i) 15 grams or more but less than 100
16 grams of a substance listed in paragraph (1), (2), (2.1),
17 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
18 (26) of subsection (d) of Section 204, or an analog or
19 derivative thereof, or (ii) 15 or more pills, tablets,
20 caplets, capsules, or objects but less than 200 pills,
21 tablets, caplets, capsules, or objects containing in them
22 or having upon them any amounts of any substance listed in
23 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
24 (20.1), (21), (25), or (26) of subsection (d) of Section
25 204, or an analog or derivative thereof;

26 (B) not less than 9 years and not more than 40 years

1 with respect to: (i) 100 grams or more but less than 400
2 grams of a substance listed in paragraph (1), (2), (2.1),
3 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
4 (26) of subsection (d) of Section 204, or an analog or
5 derivative thereof, or (ii) 200 or more pills, tablets,
6 caplets, capsules, or objects but less than 600 pills,
7 tablets, caplets, capsules, or objects containing in them
8 or having upon them any amount of any substance listed in
9 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
10 (20.1), (21), (25), or (26) of subsection (d) of Section
11 204, or an analog or derivative thereof;

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

24 (D) not less than 15 years and not more than 60 years
25 with respect to: (i) 900 grams or more of any substance
26 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),

1 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
2 of Section 204, or an analog or derivative thereof, or
3 (ii) 1,500 or more pills, tablets, caplets, capsules, or
4 objects containing in them or having upon them any amount
5 of a substance listed in paragraph (1), (2), (2.1), (2.2),
6 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
7 subsection (d) of Section 204, or an analog or derivative
8 thereof;

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

12 (9) 30 grams or more of any substance containing
13 methaqualone or any of the salts, isomers and salts of
14 isomers of methaqualone, or an analog thereof;

15 (10) 30 grams or more of any substance containing
16 phencyclidine or any of the salts, isomers and salts of
17 isomers of phencyclidine (PCP), or an analog thereof;

18 (10.5) 30 grams or more of any substance containing
19 ketamine or any of the salts, isomers and salts of isomers
20 of ketamine, or an analog thereof;

21 (10.6) 100 grams or more of any substance containing
22 hydrocodone, or any of the salts, isomers and salts of
23 isomers of hydrocodone, or an analog thereof;

24 (10.7) (blank);

25 (10.8) 100 grams or more of any substance containing
26 dihydrocodeine, or any of the salts, isomers and salts of

1 isomers of dihydrocodeine, or an analog thereof;

2 (10.9) 100 grams or more of any substance containing
3 oxycodone, or any of the salts, isomers and salts of
4 isomers of oxycodone, or an analog thereof;

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

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

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

1 court, and the maximum sentence for the offense shall be
2 increased by 3 years.

3 (c) Any person who violates this Section with regard to
4 the following amounts of controlled or counterfeit substances
5 or controlled substance analogs, notwithstanding any of the
6 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
7 to the contrary, is guilty of a Class 1 felony. The fine for
8 violation of this subsection (c) shall not be more than
9 \$250,000:

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

12 (1.5) 1 gram or more but less than 15 grams of any
13 substance containing fentanyl, or an analog thereof;

14 (2) 1 gram or more but less than 15 grams of any
15 substance containing cocaine, or an analog thereof;

16 (2.5) 1 gram or more but less than 15 grams of any
17 substance containing xylazine, or an analog thereof;

18 (3) 10 grams or more but less than 15 grams of any
19 substance containing morphine, or an analog thereof;

20 (4) 50 grams or more but less than 200 grams of any
21 substance containing peyote, or an analog thereof;

22 (5) 50 grams or more but less than 200 grams of any
23 substance containing a derivative of barbituric acid or
24 any of the salts of a derivative of barbituric acid, or an
25 analog thereof;

26 (6) 50 grams or more but less than 200 grams of any

1 substance containing amphetamine or any salt of an optical
2 isomer of amphetamine, or an analog thereof;

3 (6.5) (blank);

4 (7) (i) 5 grams or more but less than 15 grams of any
5 substance containing lysergic acid diethylamide (LSD), or
6 an analog thereof, or (ii) more than 10 objects or more
7 than 10 segregated parts of an object or objects but less
8 than 15 objects or less than 15 segregated parts of an
9 object containing in them or having upon them any amount
10 of any substance containing lysergic acid diethylamide
11 (LSD), or an analog thereof;

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

23 (8) 10 grams or more but less than 30 grams of any
24 substance containing pentazocine or any of the salts,
25 isomers and salts of isomers of pentazocine, or an analog
26 thereof;

1 (9) 10 grams or more but less than 30 grams of any
2 substance containing methaqualone or any of the salts,
3 isomers and salts of isomers of methaqualone, or an analog
4 thereof;

5 (10) 10 grams or more but less than 30 grams of any
6 substance containing phencyclidine or any of the salts,
7 isomers and salts of isomers of phencyclidine (PCP), or an
8 analog thereof;

9 (10.5) 10 grams or more but less than 30 grams of any
10 substance containing ketamine or any of the salts, isomers
11 and salts of isomers of ketamine, or an analog thereof;

12 (10.6) 50 grams or more but less than 100 grams of any
13 substance containing hydrocodone, or any of the salts,
14 isomers and salts of isomers of hydrocodone, or an analog
15 thereof;

16 (10.7) (blank);

17 (10.8) 50 grams or more but less than 100 grams of any
18 substance containing dihydrocodeine, or any of the salts,
19 isomers and salts of isomers of dihydrocodeine, or an
20 analog thereof;

21 (10.9) 50 grams or more but less than 100 grams of any
22 substance containing oxycodone, or any of the salts,
23 isomers and salts of isomers of oxycodone, or an analog
24 thereof;

25 (11) 50 grams or more but less than 200 grams of any
26 substance containing a substance classified in Schedules I

1 or II, or an analog thereof, which is not otherwise
2 included in this subsection.

3 (c-5) (Blank).

4 (d) Any person who violates this Section with regard to
5 any other amount of a controlled or counterfeit substance
6 containing dihydrocodeine or classified in Schedules I or II,
7 or an analog thereof, which is (i) a narcotic drug, (ii)
8 lysergic acid diethylamide (LSD) or an analog thereof, (iii)
9 any substance containing amphetamine or fentanyl or xylazine
10 or any salt or optical isomer of amphetamine or fentanyl or
11 xylazine, or an analog thereof, or (iv) any substance
12 containing N-Benzylpiperazine (BZP) or any salt or optical
13 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
14 guilty of a Class 2 felony. The fine for violation of this
15 subsection (d) shall not be more than \$200,000.

16 (d-5) (Blank).

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

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

1 fine for violation of this subsection (f) shall not be more
2 than \$125,000.

3 (g) Any person who violates this Section with regard to
4 any other amount of a controlled or counterfeit substance
5 classified in Schedule IV is guilty of a Class 3 felony. The
6 fine for violation of this subsection (g) shall not be more
7 than \$100,000.

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

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

18 (j) (Blank).

19 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17;
20 100-368, eff. 1-1-18.)