



Sen. Rachel Ventura

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1 AMENDMENT TO SENATE BILL 3695

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3695 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Compassionate Use and Research of Entheogens Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) The War on Drugs has given rise to significant  
8 financial and social costs, and the policies behind the  
9 War on Drugs reflect neither a modern understanding of  
10 substance use nor the actual risks or potential  
11 therapeutic benefits of the substances that have been  
12 criminalized.

13 (2) Moreover, criminalization has not deterred drug  
14 use. Instead, it has made drug use less safe and has  
15 created an unregulated, underground market in which  
16 dosages are difficult to verify and dangerous adulterants,

1 such as fentanyl, are common.

2 (3) Lack of honest drug education has laid the  
3 groundwork for decades of misinformation, stigma, and  
4 cultural appropriation, which have all contributed to  
5 increasing the dangers of drug use.

6 (4) Harm reduction tools, including drug-checking  
7 kits, scales, and capsules, allow users to make safe and  
8 more accurate, evidence-based decisions about their  
9 personal use of these substances, and allowing the use of  
10 such tools can increase public health and safety.

11 (5) Research is advancing to support the use of  
12 psychedelic compounds, along with psychotherapy, to treat  
13 mental health disorders, such as anxiety, depression,  
14 post-traumatic stress disorder, and substance use  
15 disorder.

16 (6) Voters of the city and county of Denver, Colorado  
17 approved Ordinance 301 in May of 2019, making the personal  
18 possession and use of the natural medicine psilocybin by  
19 adults the lowest level of law enforcement priority in  
20 Denver and to prohibit the city and county from spending  
21 resources enforcing related penalties.

22 (7) Measures 109 and 110 in Oregon, which both passed  
23 in November 2020, established a regulated psilocybin  
24 therapy system in Oregon to provide people therapeutic  
25 access to psilocybin and decriminalized the personal  
26 possession of all drugs.

1           (8) Almost 20 countries around the world, including  
2 Portugal, the Czech Republic, and Spain, have expressly or  
3 effectively decriminalized the personal use of all  
4 substances.

5           (9) The City of Oakland, California, and the City of  
6 Santa Cruz, California have passed resolutions  
7 decriminalizing or deprioritizing the enforcement of laws  
8 regulating the possession, use, and propagation of  
9 psychedelic plants and fungi. Since June 2019, the  
10 following cities have also decriminalized the possession,  
11 use, and propagation of psychedelic plants and fungi at  
12 the local level: Ann Arbor, Michigan; Somerville,  
13 Massachusetts; and Cambridge, Massachusetts. In 2020,  
14 Washington, D.C., passed Initiative 81 to decriminalize  
15 and deprioritize the enforcement of laws regulating the  
16 possession and use of psychedelic plants and fungi with  
17 76% voter approval.

18           (10) The State of Colorado passed Proposition 122 in  
19 November of 2022, decriminalizing the possession of  
20 psychedelic plants and fungi and eventually allowing  
21 state-licensed treatment centers to administer the  
22 compounds of psychedelic plants and fungi under the  
23 supervision of trained staff.

24           (11) To transition away from criminalization models  
25 while protecting people who use or may use drugs and  
26 reduce negative environmental or cultural impacts, it is

1 necessary to review the full legal context in which these  
2 changes to the law are made. It is also necessary to  
3 incorporate evidence-based policy, consult with experts,  
4 and maintain open discourse based in harm reduction,  
5 reciprocity, and human rights during the process of  
6 developing alternative regulatory systems.

7 (12) Criminalizing psychedelic plants and fungi has  
8 denied people access to accurate education and harm  
9 reduction information related to the use of psychedelic  
10 compounds and limited the development of appropriate  
11 training for first responders and multi-responders,  
12 including law enforcement, emergency medical services, and  
13 fire services.

14 (13) Illinoisans deserve more tools to address mental  
15 health issues, including approaches using psychedelic  
16 plants and fungi that are grounded in treatment, recovery,  
17 cultural competency, and wellness rather than  
18 criminalization, suffering, and punishment.

19 (14) This Act will allow for the noncommercial,  
20 personal use and sharing of specified controlled  
21 substances, including for the purpose of group counseling,  
22 community-based healing, or other related services.

23 (15) These changes in law will not displace any  
24 restrictions on driving or operating a vehicle while  
25 impaired, an employer's ability to restrict the use of  
26 controlled substances by its employees, or the legal

1 standard for negligence.

2 (16) Peyote is specifically excluded from the list of  
3 substances to be decriminalized, including any  
4 cultivation, harvest, extraction, tincture, or other  
5 product manufactured or derived from it, because of the  
6 nearly endangered status of the peyote plant and the  
7 special significance peyote holds in Native American  
8 spirituality. Furthermore, this Act does not amend or  
9 repeal paragraph (12) of subsection (d) of Section 204 of  
10 the Illinois Controlled Substances Act, which identifies  
11 peyote and its derivatives as a Schedule I drug.

12 (17) The State fully respects and supports the  
13 continued Native American possession and use of peyote  
14 under federal law, 42 U.S.C. 1996a, understanding that  
15 Native Americans in the United States were persecuted and  
16 prosecuted for their ceremonial practices, including the  
17 use of peyote, for more than a century, and had to fight  
18 numerous legal and political battles to achieve the  
19 current protected status. The enactment of this  
20 legislation does not intend to explicitly or implicitly  
21 undermine that status.

22 (18) Research conducted by domestic and international  
23 medical institutions indicates that psilocybin is  
24 efficacious and safe for the treatment of a variety of  
25 mental health conditions, including, but not limited to,  
26 addiction, depression, anxiety disorders, headache

1 disorders, and end-of-life psychological distress.

2 (19) The United States Food and Drug Administration  
3 has:

4 (A) determined that preliminary clinical evidence  
5 indicates that psilocybin may demonstrate substantial  
6 improvement over available therapies for  
7 treatment-resistant depression; and

8 (B) granted a "Breakthrough Therapy" designation  
9 for a treatment that uses psilocybin as a therapy for  
10 such depression.

11 (20) During the program development period, the  
12 Department of Public Health, the Department of  
13 Agriculture, the Department of Financial and Professional  
14 Regulation, the Illinois State Police, and the Department  
15 of Revenue shall:

16 (A) examine, publish, and distribute to the public  
17 available medical, psychological, and scientific  
18 studies, research, and other information relating to  
19 the safety and efficacy of psilocybin in treating  
20 mental health conditions; and

21 (B) adopt rules and regulations for the eventual  
22 implementation of a comprehensive regulatory framework  
23 that will allow persons 21 years of age and older in  
24 this State to be provided psilocybin services.

25 (21) An Advisory Board shall be established for the  
26 purpose of advising and making recommendations for program

1 development.

2 Section 10. Purposes.

3 (a) The purpose of this Act is to establish a new,  
4 compassionate, and effective approach to entheogens by:

5 (1) adopting a public health and harm reduction  
6 approach to natural medicines by removing criminal  
7 penalties for the possession of some entheogens for  
8 personal use by adults who are 21 years of age or older;

9 (2) developing and promoting public education related  
10 to the use of entheogens and appropriate training for  
11 first responders;

12 (3) reducing the prevalence of behavioral health  
13 disorders among adults in this State to improve the  
14 physical, mental, and social well-being of all people in  
15 this State;

16 (4) promoting health and healing by reducing focus on  
17 criminal punishments for persons who suffer from mental  
18 health issues by establishing regulated access to natural  
19 medicines through a humane, cost-effective, and  
20 responsible approach;

21 (5) developing a long-term strategic plan for ensuring  
22 that psilocybin services will become and remain a safe,  
23 accessible, and affordable option for all persons 21 years  
24 of age and older in this State for whom psilocybin may be  
25 appropriate;

1 (6) protecting the safety, welfare, health, and peace  
2 of the people of this State by prioritizing this State's  
3 limited law enforcement resources in the most effective,  
4 consistent, and rational way; and

5 (7) after the program development period:

6 (A) permitting persons licensed, controlled, and  
7 regulated by this State to legally manufacture  
8 psilocybin products and provide psilocybin services to  
9 persons 21 years of age and older, subject to the  
10 provisions of this Act;

11 (B) establishing a comprehensive regulatory  
12 framework concerning psilocybin products and  
13 psilocybin services under State law; and

14 (C) preparing proposed rules for the addition of  
15 botanical forms of dimethyltryptamine,  
16 methylenedioxymethamphetamine, ibogaine (except  
17 ibogaine from iboga), and mescaline (except mescaline  
18 from peyote) to substances regulated under this Act on  
19 or before June 1, 2027.

20 (b) The People of the State intend that the provisions of  
21 this Act, together with other provisions of State law, will  
22 prevent:

23 (1) the distribution of psilocybin products to other  
24 persons who are not permitted to possess psilocybin  
25 products under the provisions of this Act and rules  
26 adopted under this Act, including, but not limited to,



1 persons under 21 years of age; and

2 (2) the diversion of psilocybin products from this  
3 State to other states.

4 Section 15. Construction. This Act may not be construed  
5 to:

6 (1) Require a government medical assistance program or  
7 private health insurer to reimburse a person for costs  
8 associated with the use of psilocybin products.

9 (2) Amend or affect State or federal law pertaining to  
10 employment matters.

11 (3) Amend or affect State or federal law pertaining to  
12 landlord-tenant matters.

13 (4) Prohibit a recipient of a federal grant or an  
14 applicant for a federal grant from prohibiting the  
15 manufacture, delivery, possession, or use of psilocybin  
16 products to the extent necessary to satisfy federal  
17 requirements for the grant.

18 (5) Prohibit a party to a federal contract or a person  
19 applying to be a party to a federal contract from prohibiting  
20 the manufacture, delivery, possession, or use of psilocybin  
21 products to the extent necessary to comply with the terms and  
22 conditions of the contract or to satisfy federal requirements  
23 for the contract.

24 (6) Require a person to violate a federal law.

25 (7) Exempt a person from a federal law or obstruct the

1 enforcement of a federal law.

2 (8) Amend or affect State law to the extent that a person  
3 does not manufacture, deliver, or possess psilocybin products  
4 in accordance with the provisions of this Act and rules  
5 adopted under this Act.

6 Section 20. Definitions. In this Act:

7 "Administration session" means a session held under the  
8 supervision of a facilitator at which a client consumes and  
9 experiences the effects of a psilocybin product under the  
10 supervision of a facilitator.

11 "Advisory Board" or "Board" means the Illinois Psilocybin  
12 Advisory Board established under Section 25.

13 "Client" means an individual who has received a referral  
14 for psilocybin service and who consumes a psilocybin product  
15 in an administration session in this State.

16 "Entheogen" means the following substances in any form,  
17 regardless of whether the substance is regulated under the  
18 federal Controlled Substances Act or the Illinois Controlled  
19 Substances Act:

- 20 (1) Dimethyltryptamine;
- 21 (2) Ibogaine, except ibogaine from iboga;
- 22 (3) Mescaline, except mescaline from peyote;
- 23 (4) Psilocybin; and
- 24 (5) Psilocin.

25 "Facilitator" means an individual who facilitates the

1 provision of a psilocybin service in this State.

2 "Integration session" means a meeting between a client and  
3 a facilitator that may occur after the client completes an  
4 administration session.

5 "Legal entity" means a corporation, limited liability  
6 company, limited partnership, or other legal entity that is  
7 registered with the office of the Secretary of State or with a  
8 comparable office of another jurisdiction.

9 "Licensee" means a person who holds a license issued under  
10 Section 80, 95, 105, or 275.

11 "Licensee representative" means an owner, director,  
12 officer, manager, employee, agent, or other representative of  
13 a licensee, to the extent that the person acts in a  
14 representative capacity.

15 "Manufacture" means the manufacture, planting,  
16 cultivation, growing, harvesting, production, preparation,  
17 propagation, compounding, conversion, or processing of a  
18 psilocybin product, directly or indirectly, by extraction from  
19 substances of natural origin, independently by means of  
20 chemical synthesis or by a combination of extraction and  
21 chemical synthesis. "Manufacture" includes any packaging or  
22 repackaging of the psilocybin product or labeling or  
23 relabeling of its container.

24 "Post-administration evaluation session" means a meeting  
25 between a client and a facilitator that must occur immediately  
26 following the conclusion of an administration session and

1 prior to the client's release from the service center.

2 "Premises" includes the following areas of a location  
3 licensed under this Act:

4 (1) All public and private enclosed areas at the  
5 location that are used in the business operated at the  
6 location, including offices, kitchens, restrooms, and  
7 storerooms.

8 (2) All areas outside of a building that the  
9 Department has specifically licensed for the manufacturing  
10 of psilocybin products or the operation of a service  
11 center.

12 (3) For a location that the Department has  
13 specifically licensed for the operation of a service  
14 center outside of a building, that portion of the location  
15 used to operate the service center and provide a  
16 psilocybin service to a client.

17 "Premises" does not include a primary residence, unless a  
18 primary residence is necessary for the provision of a  
19 psilocybin service to a recipient who is a hospice patient or  
20 who is unable to travel to a service center due to a chronic,  
21 life-threatening illness.

22 "Preparation session" means a meeting between a client and  
23 a facilitator that must occur before the client participates  
24 in an administration session.

25 "Program development period" means the period beginning on  
26 January 1 of the year following the year of enactment of this

1 Act and ending no later than 24 months after the beginning  
2 date.

3 "Psilocybin" means psilocybin or psilocin.

4 "Psilocybin product" means:

5 (1) psilocybin-producing fungi; or

6 (2) mixtures or substances containing a detectable  
7 amount of psilocybin naturally produced from  
8 psilocybin-producing fungi.

9 "Psilocybin product" does not include a psilocybin  
10 service.

11 "Psilocybin product manufacturer" means a person who  
12 manufactures a psilocybin product in this State.

13 "Psilocybin service" means a service provided to a client  
14 before, during, or after the client's consumption of a  
15 psilocybin product, including any of the following:

16 (1) a preparation session;

17 (2) an administration session;

18 (3) an integration session; or

19 (4) a post-administration evaluation session.

20 "Referral" means a recommendation in writing by a licensed  
21 physician, psychiatrist, professional counselor, clinical  
22 professional counselor, prescribing psychologist, clinical  
23 psychologist, clinical social worker, or an advanced practice  
24 registered nurse or physician's assistant who has prescribing  
25 authority through a collaborative agreement with a physician,  
26 provided to a patient for whom they determine psilocybin

1 service to be appropriate as a treatment or intervention for a  
2 medical or mental health condition.

3 "Service center" means an establishment at which:

- 4 (1) an administration session is held;
- 5 (2) a psilocybin product is purchased; or
- 6 (3) other psilocybin services may be provided.

7 "Service center operator" means a person who operates a  
8 service center in this State.

9 Section 25. Illinois Psilocybin Advisory Board; members;  
10 terms; meetings; compensation.

11 (a) The Illinois Psilocybin Advisory Board is established  
12 within the Department of Financial and Professional Regulation  
13 for the purpose of advising and making recommendations for the  
14 administration of this Act. The Illinois Psilocybin Advisory  
15 Board shall consist of the following members:

16 (1) the Secretary of Financial and Professional  
17 Regulation or the Secretary's designee;

18 (2) the Director of Agriculture or the Director's  
19 designee;

20 (3) the Director of Public Health or the Director's  
21 designee;

22 (4) the Director of the Illinois State Police or the  
23 Director's designee;

24 (5) the Director of Revenue or the Director's  
25 designee;

1           (6) the Secretary of Human Services or the Secretary's  
2           designee;

3           (7) the Secretary of Veterans Affairs or the  
4           Secretary's designee;

5           (8) the Illinois Chief Behavioral Health Officer;

6           (9) an expert in the field of public health, appointed  
7           by the Governor with the advice and consent of the Senate;

8           (10) a local health official, appointed by the  
9           Governor with the advice and consent of the Senate;

10          (11) an individual who is a member of or represents a  
11          group that provides public health services directly to  
12          members of the public, appointed by the Governor with the  
13          advice and consent of the Senate;

14          (12) a psychologist who has experience engaging in the  
15          diagnosis or treatment of mental, emotional, and  
16          behavioral conditions, appointed by the Governor with the  
17          advice and consent of the Senate;

18          (13) a psychiatrist licensed to practice in Illinois  
19          who has experience engaging in the diagnosis or treatment  
20          of mental, emotional, and behavioral conditions, appointed  
21          by the Governor with the advice and consent of the Senate;

22          (14) a counselor licensed to practice in Illinois who  
23          has experience engaging in the diagnosis or treatment of  
24          mental, emotional, and behavioral conditions, appointed by  
25          the Governor with the advice and consent of the Senate;

26          (15) a physician licensed to practice medicine in all

1 its branches appointed by the Governor with the advice and  
2 consent of the Senate;

3 (16) a doctor of osteopathic medicine licensed to  
4 practice in Illinois, appointed by the Governor with the  
5 advice and consent of the Senate;

6 (17) a naturopathic physician or a member of an  
7 organization representing Naturopathic Physicians in  
8 Illinois, appointed by the Governor with the advice and  
9 consent of the Senate;

10 (18) an expert in the field of public health who has  
11 obtained a doctorate degree in the field of public health,  
12 community sciences, or a related health field, appointed  
13 by the Governor with the advice and consent of the Senate;

14 (19) a licensed social worker or a licensed clinical  
15 social worker, appointed by the Governor with the advice  
16 and consent of the Senate;

17 (20) a representative of the Behavioral Health  
18 Workforce Education Center of Illinois, appointed by the  
19 Governor with the advice and consent of the Senate;

20 (21) at least 3 individuals who meet at least one of  
21 the following qualifications, appointed by the Governor  
22 with the advice and consent of the Senate:

23 (a) professional experience conducting scientific  
24 research regarding the use of psychedelic compounds in  
25 clinical therapy;

26 (b) experience in the field of mycology;



- 1 (c) experience in the field of ethnobotany;  
2 (d) experience in the field of psychopharmacology;  
3 or  
4 (e) experience in the field of psilocybin harm  
5 reduction;

6 (22) a current or former member of the Senate,  
7 appointed by the President of the Senate;

8 (23) a current or former member of the Senate,  
9 appointed by the Minority Leader of the Senate;

10 (24) a current or former member of the House,  
11 appointed by the Speaker of the House; and

12 (25) a current or former member of the House,  
13 appointed by the Minority Leader of the House.

14 (c) The term of office for an Advisory Board member  
15 appointed under this Section is 4 years, but a member serves at  
16 the pleasure of the Governor. Before the expiration of the  
17 term of a member, the Governor shall appoint a successor whose  
18 term begins on January 1 of the following calendar year.  
19 Members may be eligible for reappointment. If there is a  
20 vacancy for any reason, the Governor shall make an appointment  
21 to serve in an acting capacity until approved by the Senate for  
22 the remainder of the unexpired term.

23 (d) A majority of the voting members of the Advisory Board  
24 constitutes a quorum for the transaction of business.

25 (e) Official action by the Advisory Board requires the  
26 approval of a majority of the voting members of the board.

1 (f) The Advisory Board shall elect one of its voting  
2 members to serve as chairperson.

3 (g) During the program development period, the Advisory  
4 Board shall meet at least once every 2 calendar months at a  
5 time and place determined by the chairperson, or a majority of  
6 the voting members of the Advisory Board. After the program  
7 development period, the Advisory Board shall meet at least  
8 once every calendar quarter at a time and place determined by  
9 the chairperson or a majority of the voting members of the  
10 Advisory Board. The Advisory Board may also meet at other  
11 times and places specified by the call of the chairperson or of  
12 a majority of the voting members of the board.

13 (h) The Advisory Board may adopt policies and procedures  
14 necessary for the operation of the board.

15 (i) The Advisory Board may establish committees or  
16 subcommittees necessary for the operation of the board.

17 (j) Members of the Advisory Board shall not be paid a  
18 salary but shall be reimbursed for travel and other reasonable  
19 expenses incurred while fulfilling the responsibilities of the  
20 Advisory Board.

21 Section 30. Duties of the Illinois Psilocybin Advisory  
22 Board.

23 (a) The Illinois Psilocybin Advisory Board shall perform  
24 the following duties:

25 (1) Provide advice to the Department of Public Health,

1 the Department of Agriculture, the Department of Financial  
2 and Professional Regulation, the Illinois State Police,  
3 and the Department of Revenue with respect to the  
4 administration of this Act as it relates to accurate  
5 public health approaches regarding use, effect, and risk  
6 reduction of entheogens and the content and scope of  
7 educational campaigns related to entheogens.

8 (2) Make recommendations on available medical,  
9 psychological, and scientific studies, research, and other  
10 information relating to the safety and efficacy of  
11 psilocybin in treating mental health conditions,  
12 including, but not limited to, addiction, depression,  
13 anxiety and trauma disorders, headache disorders, and  
14 end-of-life psychological distress.

15 (3) Study and review the Oregon Psilocybin Services  
16 Act (Measure 109), the Colorado Natural Medicine Health  
17 Act of 2022 (Proposition 122), and relevant initiatives to  
18 legalize or decriminalize entheogen use in other states  
19 and units of local government in an effort to determine  
20 successes and pitfalls that may be applied to the  
21 rulemaking process in Illinois.

22 (4) Review scientific and cultural literature  
23 concerning ibogaine (except ibogaine from iboga),  
24 mescaline (except mescaline from peyote), and botanical  
25 forms of dimethyltryptamine and make recommendations  
26 concerning whether these substances may be included in

1           this Act or a similar appropriate regulatory framework  
2           based on medical, psychological, and scientific studies,  
3           research, and other information related to the safety and  
4           efficacy of each compound to avoid an unregulated de facto  
5           market for other natural plants and fungi.

6           (5) Make recommendations on the requirements,  
7           specifications, and guidelines for providing psilocybin  
8           services to a client, including the following:

9                   (A) The requirements, specifications, and  
10                   guidelines for holding and verifying the completion of  
11                   a preparation session, an administration session, and  
12                   an integration session.

13                   (B) The contents of the client information form  
14                   that a client must complete and sign before the client  
15                   participates in an administration session, giving  
16                   particular consideration to the following:

17                           (i) The information that should be solicited  
18                           from the client to determine whether the client  
19                           should participate in the administration session,  
20                           including information that may identify risk  
21                           factors and contraindications.

22                           (ii) The information that should be solicited  
23                           from the client to assist the service center  
24                           operator and the facilitator in meeting any public  
25                           health and safety standards and industry best  
26                           practices during the administration session.

1                   (iii) The health and safety warnings and other  
2                   disclosures that should be made to the client  
3                   before the client participates in the  
4                   administration session.

5                   (6) Make recommendations on public health and safety  
6                   standards and industry best practices for each type of  
7                   licensee under this Act.

8                   (7) Make recommendations on the formulation of a code  
9                   of professional conduct for facilitators, giving  
10                  particular consideration to a code of ethics, cultural  
11                  responsibility, and outlining a clear process for  
12                  reporting complaints of unethical conduct by facilitators  
13                  or service center employees.

14                  (8) Make recommendations on the education, experience,  
15                  and training that facilitators must achieve, giving  
16                  particular consideration to the following and including  
17                  whether such education, experience, and training should be  
18                  available through online resources:

19                         (A) Facilitation skills that are affirming,  
20                         nonjudgmental, nondirective, trauma-informed, and  
21                         rooted in informed consent.

22                         (B) Support skills for clients during an  
23                         administration session, including specialized skills  
24                         for the following:

25                                 (i) client safety;

26                                 (ii) clients who may have a mental health

1 condition;

2 (iii) appropriate boundaries, heightened  
3 transference in expanded states of consciousness,  
4 and special precautions related to the use of  
5 touch in psilocybin sessions;

6 (iv) crisis assessment and appropriate  
7 referral for those who need ongoing support if  
8 challenging mental health issues emerge in  
9 psilocybin sessions;

10 (C) the environment in which psilocybin services  
11 should occur;

12 (D) social and cultural considerations; and

13 (E) affordable, equitable, ethical, and culturally  
14 responsible access to entheogens and requirements to  
15 ensure that the regulated entheogen access program is  
16 equitable and inclusive.

17 (9) Make recommendations on the examinations that  
18 facilitators must pass.

19 (10) Make recommendations on public health and safety  
20 standards and industry best practices for holding and  
21 completing an administration session, including the  
22 following:

23 (A) best practices surrounding group  
24 administration;

25 (B) how clients can safely access common or  
26 outside areas on the premises at which the

1 administration session is held;

2 (C) the circumstances under which an  
3 administration session is considered complete; and

4 (D) the transportation needs of the client after  
5 the completion of the administration session.

6 (11) Develop a long-term strategic plan for ensuring  
7 that psilocybin services will become and remain a safe,  
8 accessible, and affordable therapeutic option for all  
9 persons 21 years of age and older in this State for whom  
10 psilocybin may be appropriate.

11 (12) Monitor and study federal laws, regulations, and  
12 policies regarding psilocybin.

13 (13) On an ongoing basis, review and evaluate existing  
14 research studies and real-world data related to entheogens  
15 and make recommendations to the General Assembly and  
16 relevant State agencies as to whether entheogens and  
17 associated services should be covered under any Illinois  
18 State health insurance or other insurance program as a  
19 cost-effective intervention for various mental health  
20 conditions, including, but not limited to, anxiety,  
21 substance use disorder, alcoholism, depressive disorders,  
22 neurological disorders, post-traumatic stress disorder,  
23 other painful conditions, including, but not limited to,  
24 cluster headaches, migraines, cancer, and phantom limbs,  
25 and comfort care, including palliative care, support care,  
26 and hospice care.

1           (14) On an ongoing basis, review and evaluate  
2 sustainability issues related to natural entheogens and  
3 their impact on indigenous cultures and document existing  
4 reciprocity efforts and continuing support measures that  
5 are needed as part of the Advisory Board's annual report.

6           (15) Publish an annual report describing the Advisory  
7 Board's activities, including, but not limited to, any  
8 recommendations and advice to the Department of Public  
9 Health, the Department of Agriculture, the Department of  
10 Financial and Professional Regulation, the Illinois State  
11 Police, the Department of Revenue, or the General  
12 Assembly.

13           (b) The Department of Financial and Professional  
14 Regulation shall provide technical, logistical, and other  
15 support to the Advisory Board, as requested by the Advisory  
16 Board, to assist the Advisory Board with its duties and  
17 obligations.

18           Section 35. General powers and duties; rules.

19           (a) The Department of Public Health, the Department of  
20 Agriculture, the Department of Financial and Professional  
21 Regulation, the Illinois State Police, and the Department of  
22 Revenue have the duties, functions, and powers necessary or  
23 proper to enable each agency to carry out their duties,  
24 functions, and powers under this Act. This includes the duty  
25 to regulate the manufacturing, transportation, delivery, sale,



1 and purchase of psilocybin products and the provision of  
2 psilocybin services in this State in accordance with the  
3 provisions of this Act. The Department of Public Health, the  
4 Department of Agriculture, the Department of Financial and  
5 Professional Regulation, the Illinois State Police, and the  
6 Department of Revenue may adopt, amend, or repeal rules as  
7 necessary to carry out the intent and provisions of this Act,  
8 including rules necessary to protect public health and safety.

9 (b) The Department of Public Health, the Department of  
10 Agriculture, the Department of Financial and Professional  
11 Regulation, the Illinois State Police, and the Department of  
12 Revenue shall enter into intergovernmental agreements, as  
13 necessary, to carry out the provisions of this Act, including,  
14 but not limited to, the provisions relating to the  
15 registration and oversight of any person who produces,  
16 possesses, transports, delivers, sells, or purchases a  
17 psilocybin product in this State or who provides a psilocybin  
18 service in this State. There shall be no requirement that a  
19 client be diagnosed with or have any particular medical  
20 condition as a prerequisite to being provided psilocybin  
21 services.

22 (c) The Department of Public Health, the Department of  
23 Agriculture, and the Department of Financial and Professional  
24 Regulation may suspend, revoke, or impose other penalties upon  
25 a person licensed under this Act for violations of this Act and  
26 any rules adopted in accordance with this Act. The suspension

1 or revocation of a license or imposition of any other penalty  
2 upon a licensee is a final Agency action subject to judicial  
3 review. Jurisdiction and venue for judicial review are vested  
4 in the circuit court.

5 (d) The Department of Public Health shall examine,  
6 publish, and distribute to the public available medical,  
7 psychological, and scientific studies, research, and other  
8 information relating to the safety and efficacy of psilocybin  
9 in treating mental health conditions, including, but not  
10 limited to, addiction, depression, anxiety disorders, headache  
11 disorders, and end-of-life psychological distress.

12 (e) The Department of Agriculture shall issue, renew,  
13 suspend, revoke, or refuse to issue or renew licenses for the  
14 manufacturing and testing of psilocybin products and to  
15 permit, at the Department of Agriculture's discretion, the  
16 transfer of licenses. There shall be no requirement that a  
17 psilocybin product be manufactured by means of chemical  
18 synthesis.

19 (f) The Department of Financial and Professional  
20 Regulation shall issue, renew, suspend, revoke, or refuse to  
21 issue or renew licenses for the sale of psilocybin products,  
22 the provision of psilocybin services, or other licenses  
23 related to the consumption of psilocybin products, and to  
24 permit, at the Department's discretion, the transfer of a  
25 license between persons.

26 (g) Any fees collected pursuant to this Section shall be

1 deposited into the Psilocybin Control and Regulation Fund.

2 Section 40. Authority to purchase, possess, seize,  
3 transfer to a licensee, or dispose of psilocybin products.  
4 Subject to any applicable provision of State law, the  
5 Department of Public Health, the Department of Agriculture,  
6 the Department of Financial and Professional Regulation, the  
7 Illinois State Police, and the Department of Revenue may  
8 purchase, possess, seize, transfer to a licensee, or dispose  
9 of psilocybin products as is necessary to ensure compliance  
10 with and enforce the provisions of this Act and any rule  
11 adopted under this Act.

12 Section 45. Program development period; dates.

13 (a) Unless the General Assembly provides otherwise, the  
14 Department may not issue any licenses under this Act during  
15 the program development period.

16 (b) On or before February 28 of the year following the  
17 effective date of this Act, the Governor, the Senate  
18 President, and the Speaker of the House shall appoint the  
19 individuals specified in subsection (b) of Section 25 to the  
20 Advisory Board.

21 (c) On or before March 31 of the year following the  
22 effective date of this Act, the Advisory Board shall hold its  
23 first meeting at a time and place specified by the Governor.

24 (d) On or before June 30 of the year following the

1 effective date of this Act, and on a regular basis after that  
2 date, the Advisory Board shall submit its findings and  
3 recommendations to the Department of Public Health, the  
4 Department of Agriculture, the Department of Financial and  
5 Professional Regulation, the Illinois State Police, and the  
6 Department of Revenue on available medical, psychological, and  
7 scientific studies, research, and other information relating  
8 to the safety and efficacy of psilocybin and other entheogens  
9 in treating mental health conditions, including, but not  
10 limited to, addiction, depression, anxiety disorders, headache  
11 disorders, and end-of-life psychological distress.

12 (e) On or before June 30 of the year 2 years after the  
13 effective date of this Act, the Advisory Board shall submit  
14 its findings and recommendations concerning the following:

15 (1) rules and regulations for the implementation of  
16 this Act;

17 (2) a long-term strategic plan for ensuring that  
18 psilocybin services will become and remain a safe,  
19 accessible, and affordable therapeutic option for all  
20 persons 21 years of age and older in this State for whom  
21 psilocybin may be appropriate; and

22 (3) with respect to federal laws, regulations, and  
23 policies regarding psilocybin and other entheogens.

24 (f) On or before July 31 of the year 2 years after the  
25 effective date of this Act, and on a regular basis after that  
26 date, the Department of Public Health shall publish and

1 distribute to the public available medical, psychological, and  
2 scientific studies, research, and other information relating  
3 to the safety and efficacy of psilocybin and other entheogens  
4 in treating mental health conditions, including, but not  
5 limited to, addiction, depression, anxiety disorders, headache  
6 disorders, and end-of-life psychological distress.

7 (g) On or before before June 30 of the year 3 years after  
8 the effective date of this Act, the Department of Public  
9 Health, the Department of Agriculture, the Department of  
10 Revenue, and the Department of Financial and Professional  
11 Regulation shall prescribe forms and adopt such rules as the  
12 Departments deem necessary for the implementation of this Act.  
13 The Department of Public Health, the Department of  
14 Agriculture, the Department of Revenue, the Illinois State  
15 Police, and the Department of Financial and Professional  
16 Regulation shall hold at least one public hearing regarding  
17 this rulemaking. The public hearing may be held jointly or the  
18 Departments may hold individual hearings.

19 Section 50. Licensing.

20 (a) On or before July 1 of the year 3 years after the  
21 effective date of this Act:

22 (1) The Department of Financial and Professional  
23 Regulation shall begin receiving applications for the  
24 licensing of persons to:

25 (A) operate a service center; and

1 (B) facilitate psilocybin services.

2 (2) The Department of Agriculture shall begin  
3 receiving applications for the licensing of persons to:

4 (A) manufacture psilocybin products; and

5 (B) test psilocybin products.

6 (b) Except as provided in subsection (c), an applicant for  
7 a license or renewal of a license issued under this Act shall  
8 apply to the appropriate Department in the form required by  
9 that Department, by rule, showing the name and address of the  
10 applicant, the location of the facility that is to be operated  
11 under the license, and other pertinent information required by  
12 the Department. The Department may not issue or renew a  
13 license until the applicant has complied with the provisions  
14 of this Act and rules adopted under this Act.

15 (b-5) If an application does not meet the technical  
16 standards set forth by the applicable Department, the  
17 Department must notify the applicant and provide the applicant  
18 with at least 30 days after the applicant receives notice of  
19 the deficiency to rectify the application materials.

20 (c) A Department may reject any application that is not  
21 submitted in the form required by the Department by rule. The  
22 approval or denial of any application is a final decision of  
23 the Department subject to judicial review. Jurisdiction and  
24 venue are vested in the circuit court.

25 (d) Except as provided in subsection (c), a revocation of  
26 or refusal to issue or renew a license issued under this Act is

1 a final decision of the Department subject to judicial review.  
2 Jurisdiction and venue are vested in the circuit court.

3 (e) An applicant for a facilitator license or renewal of a  
4 facilitator license issued under Section 105 need not show the  
5 location of any premises.

6 (f) The Department of Financial and Professional  
7 Regulation or the Department of Agriculture shall not license  
8 an applicant under the provisions of this Act if the applicant  
9 is under 21 years of age.

10 (g) The Department of Financial or Professional Regulation  
11 or the Department of Agriculture shall refuse to issue a  
12 license or may issue a restricted license to an applicant  
13 under the provisions of this Act if the Department finds that  
14 the applicant meets any of the following conditions:

15 (1) has failed to complete any of the education or  
16 training required by the provisions of this Act or rules  
17 adopted under this Act;

18 (2) has failed to complete any of the examinations  
19 required by the provisions of this Act or rules adopted  
20 under this Act;

21 (3) is in the habit of using alcoholic beverages,  
22 habit-forming drugs, or controlled substances to excess as  
23 determined by the Department;

24 (4) has made false statements to the Department;

25 (5) is incompetent or physically unable to carry on  
26 the management of the establishment proposed to be

1 licensed as determined by the Department;

2 (6) has been convicted of violating a federal law,  
3 State law, or local ordinance if the conviction is  
4 substantially related to the fitness and ability of the  
5 applicant to lawfully carry out activities under the  
6 license;

7 (7) is not of good repute and moral character as  
8 determined by the Department;

9 (8) does not have a good record of compliance with  
10 this Act or any rule adopted under this Act;

11 (9) is not the legitimate owner of the premises  
12 proposed to be licensed or has not disclosed that any  
13 other person has an ownership interest in the premises  
14 proposed to be licensed;

15 (10) has not demonstrated financial responsibility  
16 sufficient to adequately meet the requirements of the  
17 premises proposed to be licensed; or

18 (11) is unable to understand the laws of this State  
19 relating to psilocybin products, psilocybin services, or  
20 the rules adopted under this Act.

21 (h) Notwithstanding paragraph (6) of subsection (g), in  
22 determining whether to issue a license or a restricted license  
23 to an applicant, the Department of Financial and Professional  
24 Regulation or the Department of Agriculture shall not consider  
25 the prior conviction of the applicant or any owner, director,  
26 officer, manager, employee, agent, or other representative of



1 the applicant for the following:

2 (1) The manufacture of psilocybin or the manufacture  
3 of cannabis, as defined under Section 1-10 of the Cannabis  
4 Regulation and Tax Act, or cannabis product if any of the  
5 following apply:

6 (A) The date of the conviction is 2 or more years  
7 before the date of the application.

8 (B) The person has not been convicted more than  
9 once for the manufacture of psilocybin.

10 (2) The possession of a controlled substance, as  
11 defined in the Illinois Controlled Substances Act, if any  
12 of the following apply:

13 (A) The date of the conviction is 2 or more years  
14 before the date of the application.

15 (B) The person has not been convicted more than  
16 once for the possession of a controlled substance.

17 (i) The Department of Financial and Professional  
18 Regulation and the Department of Agriculture shall not issue a  
19 license pursuant to this Act if the licensee, principal  
20 officer, board member, or person having a financial or voting  
21 interest of 5% or greater in the licensee or applicant, or the  
22 agent thereof is delinquent in filing any required tax returns  
23 or paying any amounts owed to the State.

24 Section 55. Authority to require fingerprints. The  
25 Department of Agriculture or the Department of Financial and

1 Professional Regulation, through the Illinois State Police,  
2 may require the fingerprints of any individual listed on an  
3 application to perform any of the functions listed in  
4 subsection (a) of Section 50 for purposes of conducting a  
5 background check. The Department of Agriculture or the  
6 Department of Financial and Professional Regulation may  
7 require fingerprints to be submitted for a background check  
8 prior to or after the submission of an application. The  
9 Illinois State Police shall charge a fee for conducting the  
10 criminal history record check, which shall be deposited in the  
11 State Police Services Fund and shall not exceed the actual  
12 cost of the record check. In order to carry out this provision,  
13 each person applying to perform one of the functions listed in  
14 subsection (a) of Section 50 may be required to submit a full  
15 set of fingerprints to the Illinois State Police for the  
16 purpose of obtaining a State and federal criminal records  
17 check. These fingerprints shall be checked against the  
18 fingerprint records now and hereafter, to the extent allowed  
19 by law, filed in the Illinois State Police and Federal Bureau  
20 of Investigation criminal history records databases. The  
21 Illinois State Police shall furnish, following positive  
22 identification, all Illinois conviction information to the  
23 Department of Agriculture or the Department of Financial and  
24 Professional Regulation. The Department of Agriculture or the  
25 Department of Financial and Professional Regulation, through  
26 the Illinois State Police, may require the fingerprints of the

1 following persons:

2 (1) If the applicant is a limited partnership, each  
3 general partner of the limited partnership.

4 (2) If the applicant is a manager-managed limited  
5 liability company, each manager of the limited liability  
6 company.

7 (3) If the applicant is a member-managed limited  
8 liability company, each voting member of the limited  
9 liability company.

10 (4) If the applicant is a corporation, each director  
11 and officer of the corporation.

12 (5) Any individual who holds a financial interest of  
13 10% or more in the person applying for the license.

14 Section 60. Properties of license. A license issued under  
15 this Act is all of the following:

16 (1) a personal privilege;

17 (2) renewable in the manner provided under Section 50,  
18 except for a cause that would be grounds for refusal to  
19 issue the license under Section 50;

20 (3) subject to revocation or suspension as provided in  
21 Section 185;

22 (4) except for a license issued to a facilitator under  
23 Section 105, transferable from the premises for which the  
24 license was originally issued to another premises subject  
25 to the provisions of this Act, applicable rules adopted

1 under this Act, and applicable local ordinances;

2 (5) subject to expiration upon the death of the  
3 licensee, if the license was issued to an individual  
4 except as provided under subsection (p) of Section 155;

5 (6) not considered property;

6 (7) not alienable;

7 (8) not subject to attachment or execution; and

8 (9) not subject to descent by the laws of testate or  
9 intestate succession.

10 Section 65. Duties of the Departments with respect to  
11 issuing licenses.

12 (a) The Department of Financial and Professional  
13 Regulation or the Department of Agriculture shall approve or  
14 deny an application to be licensed under this Act. Upon  
15 receiving an application under Section 50, the Department may  
16 not unreasonably delay processing, approving, or denying the  
17 application or, if the application is approved, issuing the  
18 license.

19 (b) The licenses described in this Act must be issued by  
20 the Department of Financial and Professional Regulation or the  
21 Department of Agriculture subject to the provisions of this  
22 Act and rules adopted under this Act.

23 (c) The Department of Financial and Professional  
24 Regulation may not license premises that do not have defined  
25 boundaries. Premises do not need to be enclosed by a wall,

1 fence, or other structure, but the Department of Financial and  
2 Professional Regulation may require premises to be enclosed as  
3 a condition of issuing or renewing a license. The Department  
4 of Financial and Professional Regulation may not license  
5 mobile premises.

6 Section 70. Lawful manufacture, delivery, and possession  
7 of psilocybin products. A licensee or licensee representative  
8 may manufacture, deliver, or possess a psilocybin product  
9 subject to the provisions of this Act and rules adopted under  
10 this Act. The manufacture, delivery, or possession of a  
11 psilocybin product by a licensee or a licensee representative  
12 in compliance with this Act and rules adopted under this Act  
13 does not constitute a criminal or civil offense under the laws  
14 of this State.

15 Section 75. Restriction on financial interests in multiple  
16 licensees.

17 (a) An individual may not have a financial interest in  
18 either of the following:

19 (1) More than one psilocybin product manufacturer.

20 (2) More than 5 service center operators.

21 (b) Subject to subsection (a), a person may hold multiple  
22 service center operator licenses under Section 95 and may hold  
23 both a manufacturer license under Section 80 and a service  
24 center operator license under Section 95 at the same or

1 different premises.

2 Section 80. License to manufacture psilocybin products.

3 (a) The manufacture of psilocybin products is subject to  
4 regulation by the Department of Agriculture.

5 (b) A psilocybin product manufacturer must have a  
6 manufacturer license issued by the Department of Agriculture  
7 for the premises at which the psilocybin products are  
8 manufactured. To hold a manufacturer license issued under this  
9 Section, a psilocybin product manufacturer must comply with  
10 the following:

11 (1) apply for a license in the manner described in  
12 Section 50; and

13 (2) provide proof that the applicant is 21 years of  
14 age or older.

15 (c) If the applicant is not the owner of the premises at  
16 which the psilocybin is to be manufactured, the applicant  
17 shall submit to the Department of Agriculture signed informed  
18 consent from the owner of the premises to manufacture  
19 psilocybin at the premises. The Department of Agriculture may  
20 adopt rules regarding the informed consent described in this  
21 subsection.

22 (d) The Department of Agriculture shall adopt rules that  
23 comply with the following:

24 (1) require a psilocybin product manufacturer to  
25 annually renew a license issued under this Section;

1           (2) establish application, licensure, and renewal of  
2           licensure fees for psilocybin product manufacturers; and

3           (3) require psilocybin products manufactured by  
4           psilocybin product manufacturers to be tested in  
5           accordance with Section 270.

6           (e) Fees adopted under paragraph (2) of subsection (d) may  
7           not exceed, together with other fees collected under this Act,  
8           the cost of administering this Act and shall be deposited into  
9           the Psilocybin Control and Regulation Fund.

10          Section 85. Psilocybin product manufacturers;  
11          endorsements.

12          (a) The Department of Agriculture shall adopt rules that  
13          designate different types of manufacturing activities. A  
14          psilocybin product manufacturer may only engage in a type of  
15          manufacturing activity if the psilocybin product manufacturer  
16          has received an endorsement from the Department for that type  
17          of manufacturing activity.

18          (b) An applicant must request an endorsement upon  
19          submission of an initial application but may also request an  
20          endorsement at any time following licensure.

21          (c) Only one application and license fee is required  
22          regardless of how many endorsements an applicant or licensee  
23          requests or at what time the request is made.

24          (d) A psilocybin product manufacturer licensee may hold  
25          multiple endorsements.

1           (e) The Department of Agriculture may deny a psilocybin  
2 product manufacturer's request for an endorsement or revoke an  
3 existing endorsement if the psilocybin product manufacturer  
4 cannot or does not meet the requirements for the endorsement  
5 that is requested.

6           Section 90. Psilocybin product quantities; rules. The  
7 Department of Agriculture shall adopt rules restricting the  
8 quantities of psilocybin products at premises for which a  
9 license has been issued under Section 80. In adopting rules  
10 under this Section, the Department shall take into  
11 consideration the demand for psilocybin services in this  
12 State, the number of psilocybin product manufacturers applying  
13 for a license under Section 80, the number of psilocybin  
14 product manufacturers that hold a license issued under Section  
15 80, and whether the availability of psilocybin products in  
16 this State is commensurate with the demand for psilocybin  
17 services.

18           Section 95. License to operate a service center.

19           (a) The operation of a service center is subject to  
20 regulation by the Department of Financial and Professional  
21 Regulation.

22           (b) A service center operator must have a service center  
23 operator license issued by the Department of Financial and  
24 Professional Regulation for the premises at which psilocybin



1 services are provided. To hold a service center operator  
2 license under this Section, a service center operator must  
3 comply with the following:

4 (1) apply for a license in the manner described in  
5 Section 50;

6 (2) provide proof that the applicant is 21 years of  
7 age or older;

8 (3) ensure that the service center is located in an  
9 area that is not within the limits of an area zoned  
10 exclusively for residential use;

11 (4) ensure that the service center is not located  
12 within 1,000 feet of a public, private, or parochial  
13 school; and

14 (5) meet the requirements of any rule adopted by the  
15 Department of Financial and Professional Regulation under  
16 subsection (c).

17 (c) The Department of Financial and Professional  
18 Regulation shall adopt rules that comply with the following:

19 (1) require a service center operator to annually  
20 renew a license issued under this Section;

21 (2) establish application, licensure, and renewal of  
22 licensure fees for service center operators;

23 (3) require psilocybin products sold by a service  
24 center operator to be tested in accordance with Section  
25 270; and

26 (4) require a service center operator to meet any

1 public health and safety standards and industry best  
2 practices established by the Department by rule.

3 Fees adopted under paragraph (2) of this subsection may  
4 not exceed, together with other fees collected under this Act,  
5 the cost of administering this Act and shall be deposited into  
6 the Psilocybin Control and Regulation Fund established under  
7 Section 190.

8 Section 100. Establishment of schools after issuance of  
9 license.

10 (a) If a school described under paragraph (5) of  
11 subsection (b) of Section 95 that has not previously been  
12 attended by children is established within 1,000 feet of  
13 premises for which a license has been issued under Section 95,  
14 the service center operator located at that premises may  
15 remain at that location unless the Department of Financial and  
16 Professional Regulation revokes the license of the service  
17 center operator under Section 175.

18 (b) The Department of Financial and Professional  
19 Regulation may adopt rules establishing the circumstances  
20 under which the Department may require a service center  
21 operator that holds a license issued under Section 95 to use an  
22 age verification scanner or any other equipment used to verify  
23 a person's age for the purpose of ensuring that the service  
24 center operator does not sell psilocybin products to a person  
25 under 21 years of age. Information obtained under this

1 subsection may not be retained after verifying a person's age  
2 and may not be used for any purpose other than verifying a  
3 person's age.

4 Section 105. License to facilitate psilocybin services.

5 (a) The facilitation of psilocybin services is subject to  
6 regulation by the Department of Financial and Professional  
7 Regulation.

8 (b) A facilitator must have a facilitator license issued  
9 by the Department of Financial and Professional Regulation. To  
10 hold a facilitator license issued under this Section, a  
11 facilitator must comply with the following:

12 (1) apply for a license in the manner described in  
13 Section 50;

14 (2) provide proof that the applicant is 21 years of  
15 age or older;

16 (3) have either:

17 (i) a baccalaureate degree from an accredited  
18 university or college;

19 (ii) a high school diploma or its equivalent and  
20 demonstrable experience administering psilocybin in a  
21 manner of cultural significance as part of a  
22 tradition, ceremony, or rite that is more than merely  
23 recreational use; or

24 (iii) a high school diploma or its equivalent and  
25 be licensed or certified as at least one of the

1 following in good standing in Illinois:

2 (A) licensed behavior analyst as defined under  
3 the Behavior Analyst Licensing Act;

4 (B) clinical psychologist or prescribing  
5 psychologist as defined under the Clinical  
6 Psychologist Licensing Act;

7 (C) licensed clinical social worker or  
8 licensed social worker as defined under the  
9 Clinical Social Work and Social Work Practice Act;

10 (D) licensed marriage and family therapist as  
11 defined under the Marriage and Family Therapy  
12 Licensing Act;

13 (E) licensed professional music therapist as  
14 defined under the Music Therapy Licensing and  
15 Practice Act;

16 (F) physician as defined under the Medical  
17 Practice Act of 1987;

18 (G) certified nurse midwife or licensed  
19 certified professional midwife as defined under  
20 the Licensed Certified Professional Midwife  
21 Practice Act;

22 (H) advanced practice registered nurse,  
23 license-pending registered nurse, licensed  
24 practical nurse, or registered nurse as defined  
25 under the Nurse Practice Act;

26 (I) occupational therapist as defined under

1 the Illinois Occupational Therapy Practice Act;

2 (J) licensed pharmacist under the Pharmacy  
3 Practice Act;

4 (K) physician assistant as defined under the  
5 Physician Assistant Practice Act of 1987;

6 (L) licensed professional counselor or  
7 licensed clinical professional counselor as  
8 defined under the Professional Counselor and  
9 Clinical Professional Counselor Licensing and  
10 Practice Act;

11 (M) naprapath as defined under the Naprapathic  
12 Practice Act;

13 (N) licensed orthoptist, licensed pedorthist,  
14 a licensed podiatric physician, or a licensed  
15 prosthetist as defined under the Orthotics,  
16 Prosthetics, and Pedorthics Practice Act;

17 (O) certified Recovery Support Specialist  
18 certified by the Illinois Certification Board;

19 (P) certified Peer Recovery Specialist; or

20 (Q) certified alcohol and drug counselor.

21 (4) submit evidence of completion of education and  
22 training prescribed and approved by the Department;

23 (5) have passed an examination approved, administered,  
24 or recognized by the Department; and

25 (6) meet the requirements of any rule adopted by the  
26 Department under subsection (d).

1 (c) The Department of Financial and Professional  
2 Regulation shall adopt rules that comply with the following:

3 (1) require a facilitator to annually renew a license  
4 issued under this Section;

5 (2) establish application, licensure, and renewal of  
6 licensure fees for facilitators;

7 (3) require a facilitator to meet any public health  
8 and safety standards and industry best practices  
9 established by the Department by rule.

10 (d) Fees adopted under paragraph (2) of subsection (d) may  
11 not exceed, together with other fees collected under this Act,  
12 the cost of administering this Act and shall be deposited into  
13 the Psilocybin Control and Regulation Fund.

14 (e) A facilitator may be, but need not be, an employee,  
15 manager, director, officer, partner, member, shareholder, or  
16 direct or indirect owner of one or more service center  
17 operators.

18 (f) A license issued to a facilitator under this Section  
19 is not limited to any one or more premises.

20 Section 110. License examinations; rules. The Department  
21 of Financial and Professional Regulation shall offer an  
22 examination for applicants for licenses to facilitate  
23 psilocybin services at least twice a year. An applicant who  
24 fails any part of the examination may retake the failed  
25 section in accordance with rules adopted by the Department.

1 The rules adopted by the Department in accordance with this  
2 Section shall require that applicants for facilitator licenses  
3 retake any training program required for licensure by the  
4 Department if the applicant has failed an examination twice in  
5 a row prior to being permitted to retake the test for a third  
6 time. Such retraining shall be required after any subsequent  
7 instances of an applicant failing the examination twice in a  
8 row.

9 Section 115. Age verification. The Department of  
10 Financial and Professional Regulation may adopt rules  
11 establishing the circumstances under which the Department may  
12 require a facilitator that holds a license issued under  
13 Section 105 to use an age verification scanner or any other  
14 equipment used to verify a person's age for the purpose of  
15 ensuring that the facilitator does not provide psilocybin  
16 services to a person under 21 years of age. Information  
17 obtained under this Section may not be retained after  
18 verifying a person's age and may not be used for any purpose  
19 other than verifying a person's age.

20 Section 120. Psilocybin services. The Department of  
21 Financial and Professional Regulation shall adopt by rule the  
22 requirements, specifications, and guidelines for the  
23 following:

24 (1) providing psilocybin services to a client;

1           (2) holding and verifying the completion of a  
2 preparation session;

3           (3) having a client complete, sign, and deliver a  
4 client information form to a service center operator and a  
5 facilitator;

6           (4) holding and verifying the completion of an  
7 administration session; and

8           (5) holding and verifying the completion of an  
9 integration session.

10          Section 125. Preparation session.

11          (a) Before a client participates in an administration  
12 session, the client must attend a preparation session with a  
13 facilitator. A preparation session is intended to provide  
14 individuals with comprehensive information about the potential  
15 risks and benefits of the use of psilocybin.

16          (b) A preparation session may be, but need not be, held at  
17 a service center. During the preparation session, the client  
18 must complete a client intake form, develop a transportation  
19 plan, and a safety and support plan.

20          (c) If a preparation session is completed in accordance  
21 with all applicable requirements, specifications, and  
22 guidelines, as determined by the Department, the facilitator  
23 must certify, in a form and manner prescribed by the  
24 Department, that the client completed the preparation session.  
25 This certification shall be collected for the limited purpose



1 of ensuring the facilitator adheres to all applicable  
2 requirements, specifications, and guidelines. The Department,  
3 facilitator, and service center operator shall maintain such  
4 certifications in a manner that ensures confidentiality and  
5 shall not sell, disclose, or otherwise transfer any personally  
6 identifiable information of the client without the client's  
7 express written consent. The Department, facilitator, and  
8 service center shall only maintain personally identifiable  
9 information of the client to the extent necessary to transact  
10 business and ensure compliance with all laws and rules.

11 Section 130. Client information form.

12 (a) Before a client participates in an administration  
13 session, the following must occur:

14 (1) The client must complete and sign a client  
15 information form in a form and manner prescribed by the  
16 Department.

17 (2) A copy of the completed and signed client  
18 information form must be delivered to the service center  
19 operator that operates the service center at which the  
20 administration session is to be held and to the  
21 facilitator that will supervise the administration  
22 session.

23 (3) Enable the service center operator to confirm the  
24 client has obtained a referral from a licensed physician,  
25 psychiatrist, professional counselor, clinical

1 professional counselor, prescribing psychologist, or  
2 clinical psychologist for psilocybin service.

3 (b) The client information form must comply with the  
4 following:

5 (1) Solicit from the client such information as may be  
6 necessary: (i) to enable a service center operator and a  
7 facilitator to determine whether the client should  
8 participate in an administration session, including  
9 information that may identify risk factors and  
10 contraindications, and (ii) to assist the service center  
11 operator and the facilitator in meeting any public health  
12 and safety standards and industry best practices during  
13 the administration session.

14 (2) Contain such health and safety warnings and other  
15 disclosures to the client as the Department may require.

16 (c) The service center operator shall maintain the client  
17 information form in a manner that ensures confidentiality and  
18 shall not sell, disclose, or otherwise transfer any personally  
19 identifiable information of the client without the client's  
20 express written consent.

21 (d) The service center operator shall require proof of a  
22 referral for psilocybin service prior to the preparation  
23 session.

24 Section 131. Safety and support plans.

25 (a) A facilitator must work with every client who will

1 participate in an administration session to draft a safety and  
2 support plan that identifies risks and challenges specific to  
3 the client's circumstances and resources available to mitigate  
4 those risks and challenges, including the client's existing  
5 support network and appropriate external resources.

6 (b) Safety and support plans must include contact  
7 information for a person to be contacted if the client  
8 experiences a medical or other emergency.

9 (c) Safety and support plans may not be changed during an  
10 administration session.

11 (d) Client records described by this Act must be available  
12 to the facilitator at the service center where the client  
13 participates or intends to participate in an administration  
14 session.

15 Section 132. Transportation plans.

16 (a) A facilitator must create and record a transportation  
17 plan for every client that receives psilocybin services.

18 (b) Transportation plans must be signed by the client and  
19 describe how the client will access safe transportation away  
20 from the service center at the conclusion of an administration  
21 session.

22 (c) Transportation plans shall advise a client not to  
23 operate a motor vehicle directly following an administration  
24 session. Facilitators shall make reasonable efforts to prevent  
25 clients from operating a motor vehicle at the conclusion of an

1 administration session. If a client's failure to follow the  
2 client's transportation plan creates a danger to the client's  
3 safety or the safety of others, a facilitator must make  
4 reasonable efforts to resolve the safety issue.

5 (d) If a facilitator is unable to resolve safety issues  
6 caused by a client's failure to follow the client's  
7 transportation plan after making reasonable efforts required  
8 by subsection (c), a facilitator must contact appropriate  
9 emergency services.

10 (e) If a client is unable to follow the client's  
11 transportation plan, a facilitator must make reasonable  
12 efforts to arrange for alternative transportation.

13 (f) A facilitator must document in writing and retain  
14 documentation for all instances in which a client does not  
15 follow the client's transportation plan.

16 (g) All client records, including any copies of client  
17 records, described by this Act must be available to the  
18 facilitator at the service center where the client  
19 participates or intends to participate in an administration  
20 session.

21 Section 135. Administration session.

22 (a) After a client completes a preparation session and  
23 completes and signs a client information form, the client may  
24 participate in an administration session.

25 (b) An administration session must be held under the

1 supervision of a licensed facilitator at a service center. A  
2 facilitator or service center shall not permit a client to  
3 consume psilocybin at any time other than during an  
4 administration session at the service center.

5 (c) If an administration session is completed in  
6 accordance with all applicable requirements, specifications,  
7 and guidelines, as determined by the Department, the  
8 facilitator must certify, in a form and manner prescribed by  
9 the Department, that the client completed the administration  
10 session. This certification shall be collected for the limited  
11 purpose of ensuring the facilitator adheres to all applicable  
12 requirements, specifications, and guidelines. The Department,  
13 facilitator, and service center operator shall maintain such  
14 certifications in a manner that ensures confidentiality and  
15 shall not sell, disclose, or otherwise transfer any personally  
16 identifiable information of the client without the client's  
17 express written consent. The Department, facilitator, and  
18 service center shall only maintain personally identifiable  
19 information of the client to the extent necessary to transact  
20 business and ensure compliance with all laws and rules.

21 Section 136. Post-administration evaluation session. All  
22 clients are required to participate in a post-administration  
23 evaluation session prior to leaving a service center after  
24 completing an administration session. After a client completes  
25 an administration session, the facilitator must conduct a

1 post-administration evaluation session. During the session,  
2 the facilitator will engage with the client to ensure there  
3 are no medical emergencies that arose from the administration  
4 session and also ensure that the client is no longer under the  
5 hallucinogenic effects of psilocybin prior to releasing the  
6 client from the service center. The facilitator shall consider  
7 the client's physical attributes as well as the quantity  
8 psilocybin administered in conducting the post-administration  
9 evaluation.

10 Section 140. Integration session.

11 (a) After a client completes an administration session and  
12 a post-administration evaluation session, a facilitator must  
13 conduct an integration session with the client. However, the  
14 integration session requirement may be waived if the client  
15 has produced a written letter from the client's referring  
16 licensed professional that states the licensed professional  
17 will discuss the psilocybin service at a future appointment.  
18 Integration sessions are intended to promote psychological  
19 well-being and reduce the risk of adverse reactions by  
20 ensuring individuals are not left to process potentially  
21 overwhelming experiences alone.

22 (b) An integration session shall be held at a service  
23 center.

24 (c) If an integration session is completed in accordance  
25 with all applicable requirements, specifications, and

1 guidelines, as determined by the Department, the facilitator  
2 shall certify in a form and manner prescribed by the  
3 Department that the client completed the integration session  
4 or otherwise provided the appropriate waiver materials. This  
5 certification shall be collected for the limited purpose of  
6 ensuring the facilitator adheres to all applicable  
7 requirements, specifications, and guidelines. The Department,  
8 facilitator, and service center operator shall maintain such  
9 certifications in a manner that ensures confidentiality and  
10 shall not sell, disclose, or otherwise transfer any personally  
11 identifiable information of the client without the client's  
12 express written consent. The Department, facilitator, and  
13 service center shall only maintain personally identifiable  
14 information of the client to the extent necessary to transact  
15 business and ensure compliance with all laws and rules.

16 Section 145. Reliance on client information form.

17 (a) If a client information form is offered as evidence in  
18 any administrative or criminal prosecution of a licensee or  
19 licensee representative for sale or service of a psilocybin  
20 product to a client, the licensee or licensee representative  
21 is not guilty of any offense prohibiting a person from selling  
22 or serving a psilocybin product to a client unless it is  
23 demonstrated that a reasonable person would have determined  
24 that the responses provided by the client on the client  
25 information form were incorrect or altered.

1 (b) A licensee or licensee representative shall be  
2 entitled to rely upon all statements, declarations, and  
3 representations made by a client in a client information form  
4 unless it is demonstrated that either:

5 (1) a reasonable person would have determined that one  
6 or more of the statements, declarations, or  
7 representations made by the client in the client  
8 information form were incorrect or altered; or

9 (2) the licensee or licensee representative violated a  
10 provision of this Act or a rule adopted under this Act  
11 relative to the client information form.

12 (c) Except as provided in subsection (b), no licensee or  
13 licensee representative shall incur legal liability by virtue  
14 of any untrue statement, declaration, or representation so  
15 relied upon in good faith by the licensee or licensee  
16 representative.

17 (d) The Department of Financial and Professional  
18 Regulation shall adopt rules for recordkeeping, privacy, and  
19 confidentiality requirements of service centers. However, the  
20 recordkeeping shall not result in disclosure to the public or  
21 any governmental agency of any participant's personally  
22 identifiable information.

23 Section 150. Refusal to provide psilocybin services to a  
24 client.

25 (a) Subject to applicable State law, a licensee or



1 licensee representative may refuse to provide psilocybin  
2 services to a potential client for any or no reason.

3 (b) Except as provided in subsection (c), and subject to  
4 applicable State law, a licensee or licensee representative  
5 may cease providing psilocybin services to a client for any or  
6 no reason.

7 (c) A service center operator and a facilitator may not  
8 cease providing psilocybin services to a client during an  
9 administration session after the client has consumed a  
10 psilocybin product, except as authorized by the Department of  
11 Financial and Professional Regulation by rule or as necessary  
12 in an emergency.

13 (d) A service center operator and a facilitator must  
14 refuse to provide psilocybin service to a potential client  
15 who:

16 (1) does not provide a referral for psilocybin  
17 service;

18 (2) voluntarily discloses that the potential client  
19 possesses certain risk factors indicating psilocybin  
20 service is inappropriate or harmful as determined by the  
21 Advisory Board under subsection (a) of Section 30 or by  
22 rules adopted by the Department; or

23 (3) a reasonable person would believe, based on the  
24 statements, conduct, or other behavior of the potential  
25 client, that the potential client possesses certain risk  
26 factors indicating psilocybin service is inappropriate or

1 harmful as determined by the Advisory Board under  
2 subsection (a) of Section 30 or by rules adopted by the  
3 Department.

4 Section 155. Department powers and duties relating to  
5 facilitators.

6 (a) The Department of Financial and Professional  
7 Regulation shall perform the following:

8 (1) Determine the qualifications, training, education,  
9 and fitness of applicants for licenses to facilitate  
10 psilocybin services, giving particular consideration to  
11 the following:

12 (A) facilitation skills that are affirming,  
13 nonjudgmental, culturally competent, trauma-informed,  
14 rooted in informed consent, and nondirective;

15 (B) support skills for clients during an  
16 administration session, including specialized skills  
17 for the following:

18 (i) client safety; and

19 (ii) clients who may have a mental health  
20 condition;

21 (C) the environment in which psilocybin services  
22 should occur; and

23 (D) social and cultural considerations.

24 (2) Formulate a code of professional conduct for  
25 facilitators, giving particular consideration to a code of

1 ethics.

2 (3) Establish standards of practice and professional  
3 responsibility for individuals licensed by the Department  
4 to facilitate psilocybin services.

5 (4) Select licensing examinations for licenses to  
6 facilitate psilocybin services.

7 (5) Provide for waivers of examinations, as  
8 appropriate.

9 (6) Appoint representatives to conduct or supervise  
10 examinations of applicants for licenses to facilitate  
11 psilocybin services.

12 (b) The Department of Financial and Professional  
13 Regulation shall adopt by rule minimum standards of education  
14 and training requirements for facilitators. These rules must  
15 establish minimum standards for first-aid treatment and  
16 training on CPR/AED and any other emergency medical response  
17 training the Department deems appropriate for the safe  
18 administration of psilocybin services.

19 (c) The Department of Financial and Professional  
20 Regulation shall approve courses for facilitators. To obtain  
21 approval of a course, the provider of a course must submit an  
22 outline of instruction to the Department. The outline must  
23 include the proposed courses, total hours of instruction,  
24 hours of lectures in theory, and the hours of instruction in  
25 application of practical skills.

26 (d) The Department of Financial and Professional

1 Regulation may, after 72 hours' notice, make an examination of  
2 the books of a licensee for the purpose of determining  
3 compliance with this Act and rules adopted under this Act.

4 (e) The Department of Financial and Professional  
5 Regulation or the Department of Agriculture may at any time  
6 make an examination of premises for which a license has been  
7 issued under this Act for the purpose of determining  
8 compliance with this Act and rules adopted under this Act.

9 (f) The Department of Financial and Professional  
10 Regulation may not require the books of a licensee to be  
11 maintained on the premises of the licensee.

12 (g) If a licensee holds more than one license issued under  
13 this Act for the same premises, the Department of Financial  
14 and Professional Regulation or the Department of Agriculture  
15 may require the premises to be segregated into separate areas  
16 for conducting the activities permitted under each license as  
17 is necessary to protect the public health and safety.

18 (h) As is necessary to protect the public health and  
19 safety, the Department of Financial and Professional  
20 Regulation or the Department of Agriculture may require a  
21 licensee to maintain general liability insurance in an amount  
22 that the Department determines is reasonably affordable and  
23 available for the purpose of protecting the licensee against  
24 damages resulting from a cause of action related to activities  
25 undertaken pursuant to the license held by the licensee.

26 (i) The Department of Financial and Professional

1 Regulation and the Department of Agriculture shall develop and  
2 maintain a system for tracking the transfer of psilocybin  
3 products between premises for which licenses have been issued  
4 under this Act. The purposes of the system include, but are not  
5 limited to, the following:

6 (1) preventing the diversion of psilocybin products to  
7 other states;

8 (2) preventing persons from substituting or tampering  
9 with psilocybin products;

10 (3) ensuring an accurate accounting of the production,  
11 processing, and sale of psilocybin products;

12 (4) ensuring that laboratory testing results are  
13 accurately reported; and

14 (5) ensuring compliance with this Act, rules adopted  
15 under this Act, and any other law of this State that  
16 charges the Department with a duty, function, or power  
17 related to psilocybin.

18 (j) The system developed under subsection (i) must be  
19 capable of tracking, at a minimum, the following:

20 (1) the manufacturing of psilocybin products;

21 (2) the sale of psilocybin products by a service  
22 center operator to a client;

23 (3) the sale and purchase of psilocybin products  
24 between licensees, as permitted by this Act;

25 (4) the transfer of psilocybin products between  
26 premises for which licenses have been issued under this

1 Act; and

2 (5) any other information that the Department  
3 determines is reasonably necessary to accomplish the  
4 duties, functions, and powers of the Department under this  
5 Act.

6 (k) Except as otherwise provided by law, the Department of  
7 Financial and Professional Regulation and the Department of  
8 Agriculture have any power, and may perform any function,  
9 necessary for the Departments to prevent the diversion of  
10 psilocybin products from licensees to a source that is not  
11 operating legally under the laws of this State.

12 (l) In addition to any other disciplinary action available  
13 to the Department of Financial and Professional Regulation and  
14 the Department of Agriculture under this Act, either  
15 Department may immediately restrict, suspend, or refuse to  
16 renew a license issued under this Act if circumstances create  
17 probable cause for the Department to conclude that a licensee  
18 has purchased or received a psilocybin product from an  
19 unlicensed source or that a licensee has sold, stored, or  
20 transferred a psilocybin product in a manner that is not  
21 permitted by the licensee's license.

22 (m) The Department of Financial and Professional  
23 Regulation or the Department of Agriculture may require a  
24 licensee or applicant for a license under this Act to submit,  
25 in a form and manner prescribed by the Department, to the  
26 Department a sworn statement showing the following:

1           (1) The name and address of each person who has a  
2 financial interest in the business operating or to be  
3 operated under the license.

4           (2) The nature and extent of the financial interest of  
5 each person who has a financial interest in the business  
6 operating or to be operated under the license.

7           (3) The Department of Financial and Professional  
8 Regulation or the Department of Agriculture may refuse to  
9 issue, or may suspend, revoke, or refuse to renew, a  
10 license issued under this Act if the Department determines  
11 that a person who has a financial interest in the business  
12 operating or to be operated under the license committed or  
13 failed to commit an act that would constitute grounds for  
14 the Department to refuse to issue, or to suspend, revoke,  
15 or refuse to renew, the license if the person is the  
16 licensee or applicant for the license.

17           (n) Notwithstanding the lapse, suspension, or revocation  
18 of a license issued under this Act, the Department of  
19 Financial and Professional Regulation and the Department of  
20 Agriculture may perform the following:

21           (1) proceed with any investigation of, or any action  
22 or disciplinary proceeding against, the person who held  
23 the license;

24           (2) revise or render void an order suspending or  
25 revoking the license; and

26           (3) in cases involving the proposed denial of a

1 license applied for under this Act, the applicant for  
2 licensure may not withdraw the applicant's application.

3 (o) Notwithstanding the lapse, suspension, or revocation  
4 of a permit issued under Section 180, the Department of  
5 Financial and Professional Regulation and the Department of  
6 Agriculture may perform the following:

7 (1) proceed with any investigation of, or any action  
8 or disciplinary proceeding against, the person who held  
9 the permit;

10 (2) revise or render void an order suspending or  
11 revoking the permit; and

12 (3) in cases involving the proposed denial of a permit  
13 applied for under Section 180, the applicant may not  
14 withdraw the applicant's application.

15 (p) The Department of Financial and Professional  
16 Regulation and the Department of Agriculture may, by rule or  
17 order, provide for the manner and conditions under which the  
18 following occur:

19 (1) psilocybin products left by a deceased, insolvent,  
20 or bankrupt person or licensee, or subject to a security  
21 interest, may be foreclosed, sold under execution, or  
22 otherwise disposed of;

23 (2) the business of a deceased, insolvent, or bankrupt  
24 licensee may be operated for a reasonable period following  
25 the death, insolvency, or bankruptcy; and

26 (3) a secured party may continue to operate at the



1 premises for which a license has been issued under this  
2 Act for a reasonable period after default on the  
3 indebtedness by the debtor.

4 Section 160. Conduct of licensees; prohibitions.

5 (a) A psilocybin product manufacturer that holds a license  
6 under Section 80 may not manufacture psilocybin products  
7 outdoors.

8 (b) A psilocybin product manufacturer that holds a license  
9 under Section 80 may deliver psilocybin products only to or on  
10 premises for which a license has been issued under Section 80  
11 or Section 95 and may receive psilocybin products only from a  
12 psilocybin product manufacturer that holds a license under  
13 Section 80.

14 (c) A service center operator that holds a license under  
15 Section 95 may deliver psilocybin products only to or on  
16 premises for which a license has been issued under Section 95  
17 and may receive psilocybin products only from a psilocybin  
18 product manufacturer that holds a license under Section 80 or  
19 a service center operator that holds a license under Section  
20 95.

21 (d) The sale and administration of psilocybin products to  
22 a client by a service center operator that holds a license  
23 issued under Section 95 must be restricted to the premises for  
24 which the license has been issued.

25 (e) The Department of Financial and Professional

1 Regulation or the Department of Agriculture may by order waive  
2 the requirements of subsections (b) and (c) to ensure  
3 compliance with this Act or a rule adopted under this Act. An  
4 order issued under this subsection does not constitute a  
5 waiver of any other requirement of this Act or any other rule  
6 adopted under this Act.

7 (f) A licensee or licensee representative may not sell or  
8 deliver a psilocybin product to a person under 21 years of age.

9 (g) Subject to subsection (h), a licensee or licensee  
10 representative, before selling or providing a psilocybin  
11 product to another person, must require the person to produce  
12 one of the following pieces of identification:

13 (1) The person's passport.

14 (2) The person's driver's license, issued by the State  
15 or another state of the United States.

16 (3) An identification card issued by the State.

17 (4) A United States military identification card.

18 (5) An identification card issued by a federally  
19 recognized Indian tribe.

20 (6) Any other identification card issued by a state or  
21 territory of the United States that bears a picture of the  
22 person, the name of the person, the person's date of  
23 birth, and a physical description of the person.

24 (h) The Department may adopt rules exempting a licensee or  
25 licensee representative from the provisions of subsection (g).

26 (i) A client may not be required to procure for the purpose

1 of acquiring or purchasing a psilocybin product a piece of  
2 identification other than a piece of identification described  
3 in subsection (g).

4 (j) A service center operator, a facilitator, or any  
5 employee of a service center operator or facilitator may not  
6 disclose any information that may be used to identify a client  
7 or any communication made by a client during the course of  
8 providing psilocybin services or selling psilocybin products  
9 to the client, except for the following:

10 (1) When the client or a person authorized to act on  
11 behalf of the client gives consent to the disclosure.

12 (2) When the client initiates legal action or makes a  
13 complaint against the service center operator, the  
14 facilitator, or the employee.

15 (3) When the communication reveals the intent to  
16 commit a crime harmful to the client or others.

17 (4) When the communication reveals that a minor may  
18 have been a victim of a crime or physical, sexual, or  
19 emotional abuse or neglect.

20 (5) When responding to an inquiry by the Department  
21 made during the course of an investigation into the  
22 conduct of the service center operator, the facilitator,  
23 or the employee under this Act.

24 (k) A client may only purchase a psilocybin product at a  
25 service center and may only consume such product during an  
26 administration session on the premises of a service center.

1           (1) A licensee may not employ a person under 21 years of  
2 age at premises for which a license has been issued under this  
3 Act.

4           (m) During an inspection of premises for which a license  
5 has been issued under this Act, the Department of Financial  
6 and Professional Regulation or the Department of Agriculture  
7 may require proof that a person performing work at the  
8 premises is 21 years of age or older. If the person does not  
9 provide the Department with acceptable proof of age upon  
10 request, the Department may require the person to immediately  
11 cease any activity and leave the premises until the Department  
12 receives acceptable proof of age. This subsection does not  
13 apply to a person temporarily at the premises to make a  
14 service, maintenance, or repair call or for other purposes  
15 independent of the premises operations.

16           (n) If a person performing work has not provided proof of  
17 age requested by the Department of Financial and Professional  
18 Regulation or the Department of Agriculture under subsection  
19 (m), the Department may request that the licensee provide  
20 proof that the person is 21 years of age or older. Failure of  
21 the licensee to respond to a request made under this  
22 subsection by providing acceptable proof of age for a person  
23 is prima facie evidence that the licensee has allowed the  
24 person to perform work at the premises for which a license has  
25 been issued under this Act in violation of the minimum age  
26 requirement.

1 (o) A licensee may not use or allow the use of a mark or  
2 label on the container of a psilocybin product that is kept for  
3 sale if the mark or label does not precisely and clearly  
4 indicate the nature of the container's contents or if the mark  
5 or label in any way might deceive a person about the nature,  
6 composition, quantity, age, or quality of the container's  
7 contents.

8 (p) The Department of Financial and Professional  
9 Regulation or the Department of Agriculture may prohibit a  
10 licensee from selling any psilocybin product that, in the  
11 Department's judgment, is deceptively labeled or contains  
12 injurious or adulterated ingredients.

13 Section 165. Psilocybin product prohibitions.

14 (a) A psilocybin product may not be sold or offered for  
15 sale within this State unless the psilocybin product complies  
16 with the minimum standards under the laws of this State.

17 (b) The Department of Financial and Professional  
18 Regulation or the Department of Agriculture may prohibit the  
19 sale of a psilocybin product by a service center operator for a  
20 reasonable period of time, not exceeding 90 days, for the  
21 purpose of determining whether the psilocybin product complies  
22 with the minimum standards prescribed by the laws of this  
23 State.

24 (c) A person may not make false representations or  
25 statements to the Department of Financial and Professional

1 Regulation or the Department of Agriculture in order to induce  
2 or prevent action by the Department.

3 (d) A licensee may not maintain a noisy, lewd, unsafe, or  
4 unsanitary establishment or supply impure or otherwise  
5 deleterious psilocybin products.

6 (e) A licensee may not misrepresent to a person or to the  
7 public any psilocybin products.

8 Section 170. Purpose of licenses issued under this Act. A  
9 license issued under this Act serves the purpose of exempting  
10 the person who holds the license from the criminal laws of this  
11 State for possession, delivery, or manufacture of psilocybin  
12 products if the person complies with all State laws and rules  
13 applicable to the licensee.

14 Section 171. Investigations.

15 (a) Manufacturers, service centers, and laboratories that  
16 conduct testing of psilocybin products are subject to random  
17 and unannounced dispensary inspections and psilocybin testing  
18 by the Department of Financial and Professional Regulation,  
19 the Department of Agriculture, the Illinois State Police,  
20 local law enforcement, or as provided by rule.

21 (b) The Department of Financial and Professional  
22 Regulation, the Department of Agriculture, and their  
23 authorized representatives may enter any place, including a  
24 vehicle, in which psilocybin is held, stored, dispensed, sold,

1 produced, delivered, transported, manufactured, or disposed of  
2 and inspect, in a reasonable manner, the place and all  
3 pertinent equipment, containers and labeling, and all things  
4 including records, files, financial data, sales data, shipping  
5 data, pricing data, personnel data, research, papers,  
6 processes, controls, and facility, and inventory any stock of  
7 psilocybin and obtain samples of any psilocybin or  
8 psilocybin-infused product, any labels or containers for  
9 psilocybin, or paraphernalia.

10 (c) The Department of Financial and Professional  
11 Regulation or the Department of Agriculture may conduct an  
12 investigation of an applicant, application, service center,  
13 manufacturer, manufacturer agent, licensed laboratory that  
14 conducts testing of a psilocybin product, principal officer,  
15 facilitator, service center agent, third party vendor, or any  
16 other party associated with a service center, facilitator,  
17 manufacturer, or laboratory that conducts testing of  
18 psilocybin for an alleged violation of this Act or rules or to  
19 determine qualifications to be granted a registration by the  
20 Department of Financial and Professional Regulation or the  
21 Department of Agriculture.

22 (d) The Department of Financial or Professional Regulation  
23 or the Department of Agriculture may require an applicant or  
24 holder of any license issued pursuant to this Article to  
25 produce documents, records, or any other material pertinent to  
26 the investigation of an application or alleged violations of

1 this Act or rules. Failure to provide the required material  
2 may be grounds for denial or discipline.

3 (e) Every person charged with preparation, obtaining, or  
4 keeping records, logs, reports, or other documents in  
5 connection with this Act and rules and every person in charge,  
6 or having custody, of those documents shall, upon request by  
7 the Department of Financial and Professional Regulation or the  
8 Department of Agriculture, make the documents immediately  
9 available for inspection and copying by either Department,  
10 either Department's authorized representative, or others  
11 authorized by law to review the documents.

12 Section 172. Citations. The Department of Financial or  
13 Professional Regulation or the Department of Agriculture may  
14 issue nondisciplinary citations for minor violations. Any such  
15 citation issued by the Department of Financial or Professional  
16 Regulation or the Department of Agriculture may be accompanied  
17 by a fee. The fee shall not exceed \$20,000 per violation. The  
18 citation shall be issued to the licensee and shall contain the  
19 licensee's name and address, the licensee's license number, a  
20 brief factual statement, the Sections of the law allegedly  
21 violated, and the fee, if any, imposed. The citation must  
22 clearly state that the licensee may choose, in lieu of  
23 accepting the citation, to request a hearing. If the licensee  
24 does not dispute the matter in the citation with the  
25 Department of Financial or Professional Regulation or the



1 Department of Agriculture within 30 days after the citation is  
2 served, then the citation shall become final and not subject  
3 to appeal. The penalty shall be a fee or other conditions as  
4 established by rule.

5 Section 173. Grounds for discipline.

6 (a) The Department of Financial or Professional Regulation  
7 or the Department of Agriculture may deny issuance, refuse to  
8 renew or restore, or may reprimand, place on probation,  
9 suspend, revoke, or take other disciplinary or nondisciplinary  
10 action against any license or may impose a fine for any of the  
11 following:

12 (1) material misstatement in furnishing information to  
13 the Department;

14 (2) violations of this Act or rules;

15 (3) obtaining an authorization or license by fraud or  
16 misrepresentation;

17 (4) a pattern of conduct that demonstrates  
18 incompetence or that the applicant has engaged in conduct  
19 or actions that would constitute grounds for discipline  
20 under this Act;

21 (5) aiding or assisting another person in violating  
22 any provision of this Act or rules;

23 (6) failing to respond to a written request for  
24 information by the Department within 30 days;

25 (7) engaging in unprofessional, dishonorable, or

1 unethetical conduct of a character likely to deceive,  
2 defraud, or harm the public;

3 (8) adverse action by another United States  
4 jurisdiction or foreign nation;

5 (9) a finding by the Department that the licensee,  
6 after having his or her license placed on suspended or  
7 probationary status, has violated the terms of the  
8 suspension or probation;

9 (10) conviction, entry of a plea of guilty, nolo  
10 contendere, or the equivalent in a State or federal court  
11 of a principal officer or agent-in-charge of a felony  
12 offense in accordance with Sections 2105-131, 2105-135,  
13 and 2105-205 of the Department of Professional Regulation  
14 Law of the Civil Administrative Code of Illinois;

15 (11) excessive use of or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or  
17 drug;

18 (12) a finding by the Department of a discrepancy in a  
19 Department audit of psilocybin;

20 (13) a finding by the Department of a discrepancy in a  
21 Department audit of capital or funds;

22 (14) a finding by the Department of acceptance of  
23 psilocybin from a source other than a manufacturer  
24 licensed by the Department of Agriculture, or a service  
25 center licensed by the Department;

26 (15) an inability to operate using reasonable

1 judgment, skill, or safety due to physical or mental  
2 illness or other impairment or disability, including,  
3 without limitation, deterioration through the aging  
4 process or loss of motor skills or mental incompetence;

5 (16) failing to report to the Department within the  
6 time frames established, or if not identified, no later  
7 than 14 days after an adverse action, of any adverse  
8 action taken against the dispensing organization or an  
9 agent by a licensing jurisdiction in any state or any  
10 territory of the United States or any foreign  
11 jurisdiction, any governmental agency, any law enforcement  
12 agency or any court defined in this Section;

13 (17) any violation of the dispensing organization's  
14 policies and procedures submitted to the Department  
15 annually as a condition for licensure;

16 (18) failure to inform the Department of any change of  
17 address no later than 10 business days after the change of  
18 address occurs;

19 (19) disclosing customer names, personal information,  
20 or protected health information in violation of any State  
21 or federal law;

22 (20) operating a service center or manufacturing  
23 psilocybin before obtaining a license from the appropriate  
24 Department;

25 (21) performing duties authorized by this Act prior to  
26 receiving a license to perform such duties;

1           (22) dispensing psilocybin when prohibited by this Act  
2           or rules;

3           (23) any fact or condition that, if it had existed at  
4           the time of the original application for the license,  
5           would have warranted the denial of the license;

6           (24) permitting a person without a valid license to  
7           perform licensed activities under this Act;

8           (25) failure to assign an agent-in-charge as required  
9           by this Article;

10          (26) failure to provide any training required by the  
11          Department within the provided timeframe;

12          (27) personnel insufficient in number or unqualified  
13          in training or experience to properly operate the service  
14          center or manufacturer;

15          (28) any pattern of activity that causes a harmful  
16          impact on the community; and

17          (29) failing to prevent diversion, theft, or loss of  
18          psilocybin.

19          (b) All fines and fees imposed under this Section shall be  
20          paid no later than 60 days after the effective date of the  
21          order imposing the fine or as otherwise specified in the  
22          order.

23          (c) A circuit court order establishing that facilitator,  
24          service center operator, or principal officer of a service  
25          center, manufacturer, or laboratory conducting psilocybin  
26          testing is subject to involuntary admission as that term is

1 defined in Section 1-119 or 1-119.1 of the Mental Health and  
2 Developmental Disabilities Code shall operate as a suspension  
3 of that license.

4 Section 174. Temporary suspension, service center and  
5 facilitators.

6 (a) The Secretary of Financial and Professional Regulation  
7 may temporarily suspend a service center or facilitator  
8 license without a hearing if the Secretary finds that a  
9 licensee has violated Section 206 public safety or welfare  
10 requires emergency action. The Secretary shall cause the  
11 temporary suspension by issuing a suspension notice in  
12 connection with the institution of proceedings for a hearing.

13 (b) If the Secretary temporarily suspends a license  
14 without a hearing, the licensee or its agent is entitled to a  
15 hearing within 45 days after the suspension notice has been  
16 issued. The hearing shall be limited to the issues cited in the  
17 suspension notice, unless all parties agree otherwise.

18 (c) If the Department does not hold a hearing within 45  
19 days after the date the suspension notice was issued, then the  
20 suspended license shall be automatically reinstated and the  
21 suspension vacated.

22 (d) The suspended licensee or its agent may seek a  
23 continuance of the hearing date, during which time the  
24 suspension remains in effect and the license shall not be  
25 automatically reinstated.

1           (e) Subsequently discovered causes of action by the  
2 Department after the issuance of the suspension notice may be  
3 filed as a separate notice of violation. The Department is not  
4 precluded from filing a separate action against the suspended  
5 licensee or its agent.

6           (f) If the Department of Financial or Professional  
7 Regulation determines a licensee has violated Section 206, the  
8 Secretary of Financial and Professional Regulation shall  
9 suspend the licensee for a period of no less than 6 months and  
10 may enact whatever additional penalties the Secretary of  
11 Financial and Professional Regulation may deem necessary and  
12 appropriate in accordance with the provisions of this Act or  
13 adopted rules.

14           Section 175. Temporary suspension; manufacturer or  
15 laboratory.

16           (a) The Director of Agriculture may temporarily suspend a  
17 manufacturing or laboratory testing license without a hearing  
18 if the Secretary finds that public safety or welfare requires  
19 emergency action. The Secretary shall cause the temporary  
20 suspension by issuing a suspension notice in connection with  
21 the institution of proceedings for a hearing.

22           (b) If the Secretary temporarily suspends a license  
23 without a hearing, the licensee or its agent is entitled to a  
24 hearing within 45 days after the suspension notice has been  
25 issued. The hearing shall be limited to the issues cited in the

1 suspension notice, unless all parties agree otherwise.

2 (c) If the Department does not hold a hearing within 45  
3 days after the date the suspension notice was issued, then the  
4 suspended license shall be automatically reinstated and the  
5 suspension vacated.

6 (d) The suspended licensee or its agent may seek a  
7 continuance of the hearing date, during which time the  
8 suspension remains in effect and the license shall not be  
9 automatically reinstated.

10 (e) Subsequently discovered causes of action by the  
11 Department after the issuance of the suspension notice may be  
12 filed as a separate notice of violation. The Department is not  
13 precluded from filing a separate action against the suspended  
14 licensee or agent.

15 Section 176. Unlicensed practice; violation; civil  
16 penalty.

17 (a) In addition to any other penalty provided by law, any  
18 person who practices, offers to practice, attempts to  
19 practice, or holds oneself out to practice as a licensed  
20 service center, facilitator, manufacturer, or laboratory  
21 licensed to test psilocybin without being licensed under this  
22 Act shall, in addition to any other penalty provided by law,  
23 pay a civil penalty to the appropriate Department authorized  
24 to issue such license in an amount not to exceed \$10,000 for  
25 each offense as determined by that Department. The civil

1 penalty shall be assessed by the appropriate Department after  
2 a hearing is held in accordance with the provisions set forth  
3 in this Act regarding the provision of a hearing for the  
4 discipline of a licensee.

5 (b) The Department of Financial and Professional  
6 Regulation and the Department of Agriculture have the  
7 authority and power to investigate any and all unlicensed  
8 activity.

9 (c) The civil penalty shall be paid within 60 days after  
10 the effective date of the order imposing the civil penalty or  
11 in accordance with the order imposing the civil penalty. The  
12 order shall constitute a judgment and may be filed and  
13 execution had thereon in the same manner as any judgment from  
14 any court of this State.

15 Section 177. Notice; hearing.

16 (a) The Department conducting the disciplinary action  
17 shall, before disciplining an applicant or licensee, at least  
18 30 days before the date set for the hearing: (i) notify the  
19 accused in writing of the charges made and the time and place  
20 for the hearing on the charges; (ii) direct him or her to file  
21 a written answer to the charges under oath no later than 20  
22 days after service; and (iii) inform the applicant or licensee  
23 that failure to answer will result in a default being entered  
24 against the applicant or licensee.

25 (b) At the time and place fixed in the notice, the hearing



1 officer appointed by the Secretary or Director of such  
2 Department shall proceed to hear the charges, and the parties  
3 or their counsel shall be accorded ample opportunity to  
4 present any pertinent statements, testimony, evidence, and  
5 arguments. The hearing officer may continue the hearing from  
6 time to time. In case the person, after receiving the notice,  
7 fails to file an answer, the person's license may, in the  
8 discretion of the Secretary or Director, having first received  
9 the recommendation of the hearing officer, be suspended,  
10 revoked, or placed on probationary status, or be subject to  
11 whatever disciplinary action the Secretary considers proper,  
12 including a fine, without hearing, if that act or acts charged  
13 constitute sufficient grounds for that action under this Act.

14 (c) The written notice and any notice in the subsequent  
15 proceeding may be served by regular mail or email to the  
16 licensee's or applicant's address of record.

17 Section 178. Subpoenas; oaths. The Department of Financial  
18 and Professional Regulation and the Department of Agriculture  
19 shall have the power to subpoena and bring before it any person  
20 and to take testimony either orally or by deposition, or both,  
21 with the same fees and mileage and in the same manner as  
22 prescribed by law in judicial proceedings in civil cases in  
23 courts in this State. The Secretary, Director, or the hearing  
24 officer shall each have the power to administer oaths to  
25 witnesses at any hearings that the Departments are authorized

1 to conduct.

2 Section 179. Hearing; motion for rehearing.

3 (a) The hearing officer shall hear evidence in support of  
4 the formal charges and evidence produced by the licensee. At  
5 the conclusion of the hearing, the hearing officer shall  
6 present to the Secretary a written report of the hearing  
7 officer's findings of fact, conclusions of law, and  
8 recommendations.

9 (b) At the conclusion of the hearing, a copy of the hearing  
10 officer's report shall be served upon the applicant or  
11 licensee by the Department of Financial and Professional  
12 Regulation or the Department of Agriculture, either personally  
13 or as provided in this Act for the service of a notice of  
14 hearing. No later than 20 calendar days after service, the  
15 applicant or licensee may present to the applicable Department  
16 a motion in writing for rehearing, which shall specify the  
17 particular grounds for rehearing. The applicable Department  
18 may respond to the motion for rehearing within 20 calendar  
19 days after its service on such Department. If no motion for  
20 rehearing is filed, then, upon the expiration of the time  
21 specified for filing such motion or upon denial of a motion for  
22 rehearing, the Secretary or Director may enter an order in  
23 accordance with the recommendation of the hearing officer. If  
24 the applicant or licensee orders from the reporting service  
25 and pays for a transcript of the record within the time for

1 filing a motion for rehearing, the 20-day period within which  
2 a motion may be filed shall commence upon the delivery of the  
3 transcript to the applicant or licensee.

4 (c) If the Secretary or Director disagrees in any regard  
5 with the report of the hearing officer, the Secretary or  
6 Director may issue an order contrary to the report.

7 (d) Whenever the Secretary or Director is not satisfied  
8 that substantial justice has been done, the Secretary or  
9 Director may order a rehearing by the same or another hearing  
10 officer.

11 (e) At any point in any investigation or disciplinary  
12 proceeding under this Act, both parties may agree to a  
13 negotiated consent order. The consent order shall be final  
14 upon signature of the Secretary or Director, as applicable.

15 Section 180. Issuing and renewing permits; fees; rules.

16 (a) The Department shall issue permits to qualified  
17 applicants to perform work described in Section 175. The  
18 Department shall adopt rules establishing the following:

19 (1) The qualifications for performing work described  
20 in Section 175.

21 (2) The term of a permit issued under this Section.

22 (3) Procedures for applying for and renewing a permit  
23 issued under this Section.

24 (4) Reasonable application, issuance, and renewal fees  
25 for a permit issued under this Section.

1           (b) The Department of Financial and Professional  
2 Regulation or the Department of Agriculture may require an  
3 individual applying for a permit under this Section to  
4 successfully complete a course, made available by or through  
5 that Department, through which the individual receives  
6 training on the following:

7           (1) checking identification;

8           (2) detecting intoxication;

9           (3) handling psilocybin products;

10           (4) if applicable, the manufacturing of psilocybin  
11 products;

12           (5) the content of this Act and rules adopted under  
13 this Act; and

14           (6) any matter deemed necessary by the Department to  
15 protect the public health and safety.

16           (c) A Department or other provider of a course may charge a  
17 reasonable fee for the course described under subsection (b).

18           (d) The Department of Financial and Professional  
19 Regulation or the Department of Agriculture may not require an  
20 individual to successfully complete a course described under  
21 subsection (b) more than once, except for the following:

22           (1) As part of a final order suspending a permit  
23 issued under this Section, the Department may require a  
24 permit holder to successfully complete the course as a  
25 condition of lifting the suspension.

26           (2) As part of a final order revoking a permit issued

1 under this Section, the Department shall require an  
2 individual to successfully complete the course prior to  
3 applying for a new permit.

4 (e) The Department shall conduct a criminal records check  
5 on an individual applying for a permit under this Section.

6 (f) Subject to applicable provisions of State law, the  
7 Department of Financial and Professional Regulation or the  
8 Department of Agriculture may suspend, revoke, or refuse to  
9 issue or renew a permit if the individual who is applying for  
10 or who holds the permit meets any of the following:

11 (1) Is convicted of a felony, or is convicted of an  
12 offense under this Act, except that the Department may not  
13 consider a conviction for an offense under this Act if the  
14 date of the conviction is 2 or more years before the date  
15 of the application or renewal.

16 (2) Violates any provision of this Act or any rule  
17 adopted under this Act.

18 (3) Makes a false statement to the Department.

19 (g) A permit issued under this Section is a personal  
20 privilege and permits work described under Section 175 only  
21 for the individual who holds the permit.

22 Section 185. Authority to require fingerprints. The  
23 Department of Agriculture or the Department of Financial and  
24 Professional Regulation, through the Illinois State Police,  
25 may require the fingerprints of any individual listed on an

1 application submitted under Section 180 for purposes of  
2 conducting a background check. The Department of Agriculture  
3 or the Department of Financial Professional Regulation may  
4 require fingerprints to be submitted for a background check  
5 prior to or after the submission of an application. The  
6 Illinois State Police shall charge a fee for conducting the  
7 criminal history record check, which shall be deposited into  
8 the State Police Services Fund and shall not exceed the actual  
9 cost of the record check. In order to carry out this provision,  
10 an individual listed on an application submitted under Section  
11 180 may be required to submit a full set of fingerprints to the  
12 Illinois State Police for the purpose of obtaining a State and  
13 federal criminal records check. These fingerprints shall be  
14 checked against the fingerprint records now and hereafter, to  
15 the extent allowed by law, filed in the Illinois State Police  
16 and Federal Bureau of Investigation criminal history records  
17 databases. The Illinois State Police shall furnish, following  
18 positive identification, all Illinois conviction information  
19 to the Department of Agriculture or the Department of  
20 Financial and Professional Regulation.

21 Section 190. Psilocybin Control and Regulation Fund. The  
22 Psilocybin Control and Regulation Fund is established as a  
23 special fund in the State treasury. Interest earned by the  
24 Psilocybin Control and Regulation Fund shall be credited to  
25 the Fund.

1 Section 195. Prohibited conduct.

2 (a) Except as authorized by rule, or as necessary in an  
3 emergency, a person under 21 years of age may not enter or  
4 attempt to enter any portion of premises posted or otherwise  
5 identified as being prohibited to the use of persons under 21  
6 years of age.

7 (b) A person who violates subsection (a) commits a Class B  
8 misdemeanor.

9 (c) The prohibitions of this Section do not apply to a  
10 person under 21 years of age who is acting under the direction  
11 of the Department of Financial and Professional Regulation or  
12 the Department of Agriculture or under the direction of a  
13 State or local law enforcement agency for the purpose of  
14 investigating the possible violation of a law prohibiting the  
15 sale of a psilocybin product to a person who is under 18 years  
16 of age.

17 (d) The prohibitions of this Section do not apply to a  
18 person under 21 years of age who is acting under the direction  
19 of a licensee for the purpose of investigating possible  
20 violations by employees of the licensee of laws prohibiting  
21 sales of psilocybin products to persons who are under 18 years  
22 of age.

23 (e) A person under 21 years of age is not in violation of,  
24 and is immune from prosecution under, this Section if either  
25 of the following occurred:

1           (1) The person contacted emergency medical services or  
2           a law enforcement agency in order to obtain medical  
3           assistance for another person who was in need of medical  
4           assistance because that person consumed a psilocybin  
5           product and the evidence of the violation was obtained as  
6           a result of the person having contacted emergency medical  
7           services or a law enforcement agency.

8           (2) The person was in need of medical assistance  
9           because the person consumed a psilocybin product and the  
10          evidence of the violation was obtained as a result of the  
11          person having sought or obtained the medical assistance.

12          (f) Subsection (e) does not exclude the use of evidence  
13          obtained as a result of a person having sought medical  
14          assistance in proceedings for crimes or offenses other than a  
15          violation of this Section.

16          Section 200. Prohibition against giving psilocybin  
17          products to a person who is visibly intoxicated; penalty.

18          (a) A person may not sell, give, or otherwise make  
19          available a psilocybin product to a person who is visibly  
20          intoxicated.

21          (b) Violation of this Section is a Class A misdemeanor.

22          Section 205. Prohibition against giving psilocybin product  
23          as prize; penalty.

24          (a) A psilocybin product may not be given as a prize,



1 premium, or consideration for a lottery, contest, game of  
2 chance, game of skill, or competition of any kind.

3 (b) Violation of this Section is a Class A misdemeanor.

4 Section 206. Prohibition against giving psilocybin  
5 products to a person for off-site consumption.

6 (a) A person may not sell, give, or otherwise make  
7 available a psilocybin product to a person to be consumed  
8 outside of the premises of a service center or otherwise  
9 outside of an administration session.

10 (b) Violation of this Section will result in the loss of  
11 license of a facilitator or service center operator as well as  
12 any applicable criminal penalties for tax fraud or tax  
13 evasion.

14 Section 210. Civil enforcement. In addition to any other  
15 liability or penalty provided by law, the Department of  
16 Financial and Professional Regulation or the Department of  
17 Agriculture may impose for each violation of a provision of  
18 this Act or a rule adopted under this Act a civil penalty that  
19 does not exceed \$5,000 for each violation. Moneys collected  
20 under this Section shall be deposited into the Psilocybin  
21 Control and Regulation Fund.

22 Section 215. Criminal enforcement.

23 (a) The law enforcement officers of this State may enforce

1 this Act and assist the Department of Financial and  
2 Professional Regulation or the Department of Agriculture in  
3 detecting violations of this Act and apprehending offenders. A  
4 law enforcement officer who has notice, knowledge, or  
5 reasonable grounds for suspicion of a violation of this Act  
6 shall immediately notify the State's Attorney who has  
7 jurisdiction over the violation and furnish the State's  
8 Attorney who has jurisdiction over the violation with the name  
9 and address of any witnesses to the violation or other  
10 information related to the violation.

11 (b) A county court, State's Attorney, or municipal  
12 authority, immediately upon the conviction of a licensee of a  
13 violation of this Act or of a violation of any other law of  
14 this State or ordinance of a city or county located in this  
15 State, an element of which is the possession, delivery, or  
16 manufacture of a psilocybin product, shall notify the  
17 Department of the conviction.

18 (c) Violation of a rule adopted under paragraph (3) of  
19 subsection (b) of Section 35 is a Class C misdemeanor.

20 Section 220. Home rule; licensure. The authority to  
21 require a license for the manufacturing or sale of psilocybin  
22 products in this State or for the provision of psilocybin  
23 services in this State is an exclusive power and function of  
24 the State. A home rule unit may not license the manufacture,  
25 sale, or provision of psilocybin products. This Section is a

1 denial and limitation of home rule powers and functions under  
2 subsection (h) of Section 6 of Article VII of the Illinois  
3 Constitution. However, nothing in this Section shall be  
4 construed as to restrict, deny, or otherwise limit a home rule  
5 unit from adopting ordinances or other rules or regulations on  
6 location siting or permissible signage and advertising used by  
7 those licensed under this Act.

8 Section 225. Local tax or fee prohibited.

9 (a) The authority to impose a tax or fee on the  
10 manufacturing, sale, or provision of psilocybin products in  
11 this State or on the provision of psilocybin services in this  
12 State is an exclusive power and function of the State. A home  
13 rule unit may not impose a tax or fee on the manufacture, sale,  
14 or provision of psilocybin products. This Section is a denial  
15 and limitation of home rule powers and functions under  
16 subsection (g) of Section 6 of Article VII of the Illinois  
17 Constitution.

18 (b) A county, municipality, or unit of local government  
19 may not adopt or enact ordinances imposing a tax or fee on the  
20 manufacturing or sale of psilocybin products in this State or  
21 on the provision of psilocybin services in this State.

22 Section 230. Prohibition against refusing to perform  
23 certain duties.

24 (a) The Department of Public Health, the Department of

1 Agriculture, the Department of Financial and Professional  
2 Regulation, the Illinois State Police, and the Department of  
3 Revenue may not refuse to perform any duty under this Act on  
4 the basis that manufacturing, distributing, dispensing,  
5 possessing, or using psilocybin products is prohibited by  
6 federal law.

7 (b) The Department of Financial and Professional  
8 Regulation or the Department of Agriculture may not revoke,  
9 refuse to issue, or renew a license or permit under this Act on  
10 the basis that manufacturing, distributing, dispensing,  
11 possessing, or using psilocybin products is prohibited by  
12 federal law.

13 Section 235. Authority to purchase, possess, seize, or  
14 dispose of psilocybin products. Subject to any applicable  
15 provision of State law, any State officer, board, commission,  
16 corporation, institution, department, or other State body, and  
17 any local officer, board, commission, institution, department,  
18 or other local government body, that is authorized by the laws  
19 of this State to perform a duty, function, or power with  
20 respect to a psilocybin product may purchase, possess, seize,  
21 or dispose of the psilocybin product as the State officer,  
22 board, commission, corporation, institution, department, or  
23 other State body or the local officer, board, commission,  
24 institution, department, or other local government body  
25 considers necessary to ensure compliance with and enforce the

1 applicable State law or any rule adopted under the applicable  
2 State law.

3 Section 240. Suspension of a license or permit without  
4 notice. In the case of an invasion, disaster, insurrection,  
5 riot, or imminent danger of invasion, disaster, insurrection,  
6 or riot, the Governor may, for the duration of the invasion,  
7 disaster, insurrection, riot, or imminent danger, immediately  
8 and without notice, suspend, in the area involved, any license  
9 or permit issued under this Act.

10 Section 245. Psilocybin-producing fungi as a crop.

11 (a) In this Section, "psilocybin-producing fungi" means:

- 12 (1) a crop for the purposes of agricultural use;  
13 (2) a crop for purposes of a farm or agricultural  
14 practice;  
15 (3) a product of farm use; and  
16 (4) the product of an agricultural activity.

17 (b) Notwithstanding the provisions of any law to the  
18 contrary, the following are not permitted uses on land  
19 designated for exclusive agriculture use:

- 20 (1) a new dwelling used in conjunction with a  
21 psilocybin-producing fungi crop; and  
22 (2) a produce stand used in conjunction with a  
23 psilocybin-producing fungi crop.

24 (c) The operation of a service center may be carried on in

1 conjunction with a psilocybin-producing fungi crop.

2 (d) A county may allow the manufacture of psilocybin  
3 products as an agricultural use on land zoned for agricultural  
4 and rural land use in the same manner as the manufacture of  
5 psilocybin products is allowed in exclusive agricultural use  
6 zones under this Section or any other applicable State law.

7 (e) This Section applies to psilocybin product  
8 manufacturers that hold a license under Section 80.

9 Section 250. Regulation of psilocybin products as food or  
10 other commodity.

11 (a) Notwithstanding the authority granted to the  
12 Department of Agriculture under the provisions of any law to  
13 the contrary, the Department of Agriculture may not exercise  
14 authority over a psilocybin product or a licensee except as  
15 provided in this Act.

16 (b) In exercising its authority under this Act, the  
17 Department of Agriculture may not:

18 (1) establish standards for psilocybin products as a  
19 food additive; or

20 (2) consider psilocybin products to be an adulterant  
21 unless the concentration of a psilocybin product exceeds  
22 acceptable levels established by the Department by rule.

23 Section 255. Enforceability of contracts. A contract is  
24 not unenforceable on the basis that manufacturing,

1 distributing, dispensing, possessing, or using psilocybin  
2 products is prohibited by federal law.

3 Section 260. Department database for verification of  
4 license. The Department of Financial and Professional  
5 Regulation and the Department of Agriculture shall maintain an  
6 online database for people to inquire if an address is the  
7 location of a premises for which a license has been issued  
8 under this Act or is the location of a premises for which an  
9 application for licensure has been submitted under Section 50.

10 Section 265. Information related to licensure that is  
11 exempt from disclosure.

12 (a) Subject to subsection (b), information is exempt from  
13 public disclosure under the Freedom of Information Act if the  
14 information is any of the following:

15 (1) Personally identifiable information.

16 (2) The address of premises for which a license has  
17 been issued or for which an applicant has proposed  
18 licensure under Section 80, 95, or 275.

19 (3) Related to the security plan or the operational  
20 plan for premises for which a license has been issued or  
21 for which an applicant has proposed licensure under  
22 Section 80, 95, or 275.

23 (4) Related to any record that the Department of  
24 Financial and Professional Regulation or the Department of

1 Agriculture determines contains proprietary information of  
2 a licensee.

3 (b) The exemption from public disclosure as provided by  
4 this Section does not apply to the following:

5 (1) the name of an individual listed on an application  
6 if the individual is a direct owner of the business  
7 operating or to be operated under the license; or

8 (2) a request for information if the request is made  
9 by a law enforcement agency.

10 (c) For purposes of paragraph (1) of subsection (b), an  
11 individual is not a direct owner of the business operating or  
12 to be operated under the license if the individual is either of  
13 the following:

14 (1) the direct owner of the business operating or to  
15 be operated under the license is a legal entity; or

16 (2) merely a general partner, limited partner, member,  
17 shareholder, or other direct or indirect owner of the  
18 legal entity.

19 Section 270. Testing standards and processes; rules.

20 (a) As is necessary to protect the public health and  
21 safety, the Department of Agriculture shall adopt rules that  
22 achieve the following:

23 (1) Establish standards for testing psilocybin  
24 products.

25 (2) Identify appropriate tests for psilocybin



1 products, depending on the type of psilocybin product and  
2 the manner in which the psilocybin product was  
3 manufactured, that are necessary to protect the public  
4 health and safety, which may include, but are not limited  
5 to, tests for the following:

6 (A) microbiological contaminants;

7 (B) pesticides;

8 (C) other contaminants;

9 (D) solvents or residual solvents;

10 (E) psilocybin concentration;

11 (F) psilocin concentration; and

12 (G) total tryptamine concentration.

13 (3) Establish procedures for determining batch sizes  
14 and for sampling psilocybin products.

15 (4) Establish different minimum standards for  
16 different varieties of psilocybin products.

17 (b) In addition to the testing requirements established  
18 under subsection (a), the Department may require psilocybin  
19 products to be tested in accordance with any applicable law of  
20 this State, or any applicable rule adopted under a law of this  
21 State, related to the production and processing of food  
22 products or commodities.

23 (c) In adopting rules under this Act, the Department may  
24 require a psilocybin product manufacturer that holds a license  
25 under Section 80 to test psilocybin products before selling or  
26 transferring the psilocybin products.

1 (d) The Department may conduct random testing of  
2 psilocybin products for the purpose of determining whether a  
3 licensee subject to testing under subsection (c) is in  
4 compliance with this Section.

5 (e) In adopting rules to implement this Section, the  
6 Department may not require a psilocybin product to undergo the  
7 same test more than once unless the psilocybin product is  
8 processed into a different type of psilocybin product or the  
9 condition of the psilocybin product has fundamentally changed.

10 (f) The testing of psilocybin products as required by this  
11 Section must be conducted by a laboratory licensed by the  
12 Department under Section 275 and accredited by the Department  
13 under Section 290.

14 (g) In adopting rules under subsection (a), the Department  
15 shall consider the cost of a potential testing procedure and  
16 how that cost will affect the cost to the ultimate client and  
17 may not adopt rules that are more restrictive than is  
18 reasonably necessary to protect the public health and safety.

19 Section 275. Laboratory licensure; qualifications; fees;  
20 rules.

21 (a) A laboratory that conducts testing of psilocybin  
22 products as required by Section 270 must have a license to  
23 operate at the premises at which the psilocybin products are  
24 tested.

25 (b) For purposes of this Section, the Department of

1 Agriculture shall adopt rules establishing the following:

2 (1) Qualifications to be licensed under this Section,  
3 including that an applicant for licensure under this  
4 Section must be accredited by the Department as described  
5 in Section 290.

6 (2) Processes for applying for and renewing a license  
7 under this Section.

8 (3) Fees for applying for, receiving, and renewing a  
9 license under this Section.

10 (4) Procedures for the following:

11 (A) tracking psilocybin products to be tested;

12 (B) documenting and reporting test results; and

13 (C) disposing of samples of psilocybin products  
14 that have been tested.

15 (c) A license issued under this Section must be renewed  
16 annually.

17 (d) The Department may inspect premises licensed under  
18 this Section to ensure compliance with Sections 270 through  
19 310 and rules adopted under those Sections.

20 (e) Subject to applicable provisions of State law, the  
21 Department may refuse to issue or renew, or may suspend or  
22 revoke, a license issued under this Section for violation of a  
23 provision of this Act or a rule adopted under a provision of  
24 this Act.

25 (f) Fees adopted under paragraph (3) of subsection (b)  
26 must be reasonably calculated to pay the expenses incurred by

1 the Department under this Act.

2 (g) Fees collected under this Section shall be deposited  
3 into the Psilocybin Control and Regulation Fund and are  
4 continuously appropriated to the Department for the purpose of  
5 carrying out the duties, functions, and powers of the  
6 Department under this Act.

7 Section 280. Authority to require fingerprints. The  
8 Department of Agriculture, through the Illinois State Police,  
9 may require the fingerprints of any individual listed on an  
10 application submitted under Section 275 for purposes of  
11 conducting a background check. The Department of Agriculture  
12 may require fingerprints to be submitted for a background  
13 check prior to or after the submission of an application. The  
14 Illinois State Police shall charge a fee for conducting the  
15 criminal history record check, which shall be deposited into  
16 the State Police Services Fund and shall not exceed the actual  
17 cost of the record check. In order to carry out this provision,  
18 an individual listed on an application submitted under Section  
19 275 may be required to submit a full set of fingerprints to the  
20 Illinois State Police for the purpose of obtaining a State and  
21 federal criminal records check. These fingerprints shall be  
22 checked against the fingerprint records now and hereafter, to  
23 the extent allowed by law, filed in the Illinois State Police  
24 and Federal Bureau of Investigation criminal history records  
25 databases. The Illinois State Police shall furnish, following

1 positive identification, all Illinois conviction information  
2 to the Department of Agriculture. The powers conferred on the  
3 Department under this Section include the power to require the  
4 fingerprints of the following persons:

5 (1) If the applicant is a limited partnership, each  
6 general partner of the limited partnership.

7 (2) If the applicant is a manager-managed limited  
8 liability company, each manager of the limited liability  
9 company.

10 (3) If the applicant is a member-managed limited  
11 liability company, each voting member of the limited  
12 liability company.

13 (4) If the applicant is a corporation, each director  
14 and officer of the corporation.

15 (5) Any individual who holds a financial interest of  
16 10% or more in the person applying for the license.

17 Section 285. Statement of applicant for laboratory  
18 licensure. The Department of Agriculture may require a  
19 licensee or applicant for a license under Section 275 to  
20 submit, in a form and manner prescribed by the Department, to  
21 the Department a sworn statement showing the following:

22 (1) The name and address of each person who has a  
23 financial interest in the business operating or to be  
24 operated under the license.

25 (2) The nature and extent of the financial interest of

1 each person who has a financial interest in the business  
2 operating or to be operated under the license.

3 (3) The Department may refuse to issue, or may  
4 suspend, revoke, or refuse to renew, a license issued  
5 under Section 275 if the Department determines that a  
6 person who has a financial interest in the business  
7 operating or to be operated under the license committed or  
8 failed to commit an act that would constitute grounds for  
9 the Department to refuse to issue, or to suspend, revoke,  
10 or refuse to renew, the license if the person were the  
11 licensee or applicant for the license.

12 Section 290. Laboratory accreditation.

13 (a) A laboratory that conducts testing of a psilocybin  
14 product as required by Section 275 must be accredited and meet  
15 other qualifications as established by the Department of  
16 Agriculture under this Section.

17 (b) In addition to other qualifications required pursuant  
18 to applicable law, the Department shall require an applicant  
19 for accreditation for purposes related to the testing of  
20 psilocybin products to:

21 (1) complete an application;

22 (2) undergo an onsite inspection; and

23 (3) meet other applicable requirements,  
24 specifications, and guidelines for testing psilocybin  
25 products as determined to be appropriate by the Department

1 by rule.

2 (c) The Department may inspect premises licensed under  
3 Section 275 to ensure compliance with Sections 270 through 310  
4 and rules adopted under those Sections.

5 (d) Subject to applicable provisions of State law, the  
6 Department may refuse to issue or renew, or may suspend or  
7 revoke, a laboratory's accreditation granted under this  
8 Section for violation of a provision of this Act or a rule  
9 adopted under this Act.

10 (e) In establishing fees under this Section for  
11 laboratories that test psilocybin products, the Department  
12 shall establish fees that are reasonably calculated to pay the  
13 expenses incurred by the Department under this Section in  
14 accrediting laboratories that test psilocybin products.

15 Section 295. Authority to discipline licensees. Subject to  
16 applicable provisions of State law, if an applicant or  
17 licensee violates a provision of Sections 270 through 310 or a  
18 rule adopted under those Sections, the Department of  
19 Agriculture may refuse to issue or renew, or may suspend or  
20 revoke, a license issued under Section 80, 95, 105, or 275.

21 Section 300. Authority of the Department of Agriculture  
22 over certain persons; license actions.

23 (a) Notwithstanding the lapse, suspension, or revocation  
24 of a license issued under Section 275, the Department of

1 Agriculture may do either of the following:

2 (1) Proceed with any investigation of, or any action  
3 or disciplinary proceeding against, the person who held  
4 the license.

5 (2) Revise or render void an order suspending or  
6 revoking the license.

7 (b) In cases involving the proposed denial of a license  
8 applied for under this Act, the applicant for licensure may  
9 not withdraw the applicant's application.

10 Section 305. Civil penalty for certain violations.

11 (a) In addition to any other liability or penalty provided  
12 by law, the Department of Agriculture may impose for each  
13 violation of a provision of Sections 270 through 310 or a rule  
14 adopted under those Sections a civil penalty that does not  
15 exceed \$500 for each day that the violation occurs.

16 (b) The Department of Agriculture shall impose civil  
17 penalties under this Section in the manner provided by  
18 applicable Illinois law.

19 (c) Moneys collected under this Section shall be deposited  
20 into the Psilocybin Control and Regulation Fund and are  
21 continuously appropriated to the Department for the purpose of  
22 carrying out the duties, functions, and powers of the  
23 Department under this Act.

24 Section 310. Exemption from criminal liability. A person



1 who holds a license under Section 275, and an employee of or  
2 other person who performs work for a person who holds a license  
3 under Section 275, is exempt from the criminal laws of this  
4 State for possession, delivery, or manufacture of psilocybin,  
5 aiding and abetting another in the possession, delivery, or  
6 manufacture of psilocybin, or any other criminal offense in  
7 which possession, delivery, or manufacture of psilocybin is an  
8 element, while performing activities related to testing as  
9 described in Sections 270 through this Section.

10 Section 315. Labeling requirements; rules.

11 (a) As is necessary to protect the public health and  
12 safety, the Department of Agriculture shall adopt rules  
13 establishing standards for the labeling of psilocybin  
14 products, including, but not limited to, the following:

15 (1) Ensuring that psilocybin products have labeling  
16 that communicates the following:

17 (A) Health and safety warnings.

18 (B) If applicable, activation time.

19 (C) Potency.

20 (D) If applicable, serving size and the number of  
21 servings included in a psilocybin product.

22 (E) Content of the psilocybin product.

23 (2) Labeling that is in accordance with applicable  
24 State food labeling requirements for the same type of food  
25 product or potable liquid when the food product or potable

1 liquid does not contain psilocybin.

2 (b) In adopting rules under this Act, the Department shall  
3 require all psilocybin products sold or transferred by a  
4 service center that holds a license issued under Section 95 to  
5 be labeled in accordance with subsection (a) and rules adopted  
6 under subsection (a).

7 (c) In adopting rules under subsection (a), the  
8 Department:

9 (1) may establish different labeling standards for  
10 different varieties and types of psilocybin products;

11 (2) shall consider the cost of a potential requirement  
12 and how that cost will affect the cost to the ultimate  
13 client; and

14 (3) may not adopt rules that are more restrictive than  
15 is reasonably necessary to protect the public health and  
16 safety.

17 Section 320. Preapproval of labels.

18 (a) The Department of Agriculture may by rule require a  
19 licensee to submit a label intended for use on a psilocybin  
20 product for preapproval by the Department before the licensee  
21 may sell or transfer a psilocybin product bearing the label.  
22 The Department shall determine whether a label submitted under  
23 this Section complies with Section 315 and any rule adopted  
24 under Section 315.

25 (b) The Department of Agriculture may impose a fee for

1 submitting a label for preapproval under this Section that is  
2 reasonably calculated to not exceed the cost of administering  
3 this Section.

4 Section 325. Packaging requirements; rules.

5 (a) As is necessary to protect the public health and  
6 safety, the Department of Agriculture shall adopt rules  
7 establishing standards for the packaging of psilocybin  
8 products, including, but not limited to, ensuring that  
9 psilocybin products are not marketed in a manner that is  
10 either untruthful or misleading, or otherwise creates a  
11 significant risk of harm to public health and safety.

12 (b) In adopting rules under this Act, the Department shall  
13 require all psilocybin products sold or transferred by a  
14 service center that holds a license issued under Section 95 to  
15 be packaged in accordance with subsection (a) and rules  
16 adopted under subsection (a).

17 (c) In adopting rules under subsection (a), the  
18 Department:

19 (1) may establish different packaging standards for  
20 different varieties and types of psilocybin products;

21 (2) may consider the effect on the environment of  
22 requiring certain packaging;

23 (3) shall consider the cost of a potential requirement  
24 and how that cost will affect the cost to the ultimate  
25 client; and

1           (4) may not adopt rules that are more restrictive than  
2           is reasonably necessary to protect the public health and  
3           safety.

4           Section 330. Preapproval of packaging.

5           (a) The Department of Agriculture may by rule require a  
6           licensee to submit packaging intended for a psilocybin product  
7           for preapproval by the Department before the licensee may sell  
8           or transfer a psilocybin product packaged in the packaging.  
9           The Department shall determine whether packaging submitted  
10          under this Section complies with Section 325 and any rule  
11          adopted under Section 325.

12          (b) The Department of Agriculture may impose a fee for  
13          submitting packaging for preapproval under this Section that  
14          is reasonably calculated to not exceed the cost of  
15          administering this Section.

16          Section 335. Dosage requirements; rules.

17          (a) The Department of Agriculture shall adopt rules  
18          establishing the following:

19                 (1) The maximum concentration of psilocybin that is  
20                 permitted in a single serving of a psilocybin product.

21                 (2) The number of servings that are permitted in a  
22                 psilocybin product package.

23          (b) In adopting rules under this Act, the Department shall  
24          require all psilocybin products sold or transferred by a

1 service center that holds a license under Section 95 to meet  
2 the concentration standards and packaging standards adopted by  
3 rule pursuant to this Section.

4 Section 340. Inspections. To ensure compliance with  
5 Sections 315 through 350 and any rule adopted under those  
6 Sections, the Department of Agriculture or the Department of  
7 Financial and Professional Regulation may inspect the premises  
8 of a person that holds a license under Section 80 or 95.

9 Section 341. Violation of tax Acts; refusal, revocation,  
10 or suspension of license.

11 (a) In addition to other grounds specified in this Act,  
12 the Department of Agriculture and Department of Financial and  
13 Professional Regulation, upon notification by the Department  
14 of Revenue, shall refuse the issuance or renewal of a license  
15 or suspend or revoke the license of any person, for any of the  
16 following violations of any tax Act administered by the  
17 Department of Revenue:

- 18 (1) failure to file a tax return;
- 19 (2) the filing of a fraudulent return;
- 20 (3) failure to pay all or part of any tax or penalty  
21 finally determined to be due;
- 22 (4) failure to keep books and records;
- 23 (5) failure to secure and display a certificate or  
24 sub-certificate of registration, if required; or

1           (6) willful violation of any rule or regulation of the  
2           Department relating to the administration and enforcement  
3           of tax liability.

4           (b) After all violations of any of items (1) through (6) of  
5           subsection (a) have been corrected or resolved, the Department  
6           shall, upon request of the applicant or, if not requested, may  
7           notify the entities listed in subsection (a) that the  
8           violations have been corrected or resolved. Upon receiving  
9           notice from the Department that a violation of any of items (1)  
10          through (6) of subsection (a) have been corrected or otherwise  
11          resolved to the Department of Revenue's satisfaction, the  
12          Department of Agriculture and the Department of Financial and  
13          Professional Regulation may issue or renew the license or  
14          vacate an order of suspension or revocation.

15          Section 345. Discipline of licensees. Subject to  
16          applicable provisions of law, if an applicant or licensee  
17          violates a provision of Sections 315 through 350 or a rule  
18          adopted under those Sections, the Department of Agriculture or  
19          the Department of Financial and Professional Regulation may  
20          refuse to issue or renew, or may suspend or revoke, a license  
21          issued under Section 80, 95, or 105.

22          Section 350. Civil penalties.

23          (a) In addition to any other liability or penalty provided  
24          by law, the Department of Agriculture may impose for each

1 violation of a provision of Sections 315 through 350 or a rule  
2 adopted under those Sections, a civil penalty that does not  
3 exceed \$500 for each day that the violation occurs.

4 (b) The Department of Agriculture shall impose civil  
5 penalties under this Section in the manner provided under  
6 applicable Illinois law.

7 (c) Moneys collected under this Section shall be deposited  
8 into the Psilocybin Control and Regulation Fund and are  
9 continuously appropriated to the Department for the purpose of  
10 carrying out the duties, functions, and powers of the  
11 Department under this Act.

12 Section 355. Definitions. In this Section through Section  
13 425:

14 "Psilocybin retailer" means a service center operator that  
15 sells psilocybin for use and not for resale.

16 "Retail sale" means any transfer or exchange of a  
17 psilocybin product by any person to a client.

18 "Retail sales price" means the price paid for a psilocybin  
19 product, excluding tax, to a service center operator by or on  
20 behalf of a client.

21 Section 360. Tax imposed.

22 (a) Beginning January 1, 2025, a tax is imposed upon  
23 purchasers for the privilege of using psilocybin at a rate of  
24 15% of the purchase price.

1           (b) The purchase of any product that contains any amount  
2 of psilocybin or any derivative thereof is subject to the tax  
3 under subsection (a) of this Section on the full purchase  
4 price of the product.

5           (c) The tax imposed by this Section is not imposed with  
6 respect to any transaction in interstate commerce, to the  
7 extent the transaction may not, under the Constitution and  
8 statutes of the United States, be made the subject of taxation  
9 by this State.

10          (d) The tax imposed under this Article shall be in  
11 addition to all other occupation, privilege, or excise taxes  
12 imposed by the State or by any municipal corporation or  
13 political subdivision thereof.

14          (e) The tax imposed under this Article shall not be  
15 imposed on any purchase by a purchaser if the psilocybin  
16 retailer is prohibited by federal or State Constitution,  
17 treaty, convention, statute, or court decision from collecting  
18 the tax from the purchaser.

19          Section 365. Bundling of taxable and nontaxable items;  
20 prohibition; taxation. If a psilocybin retailer sells  
21 psilocybin or psilocybin-infused products in combination or  
22 bundled with items that are not subject to tax under this Act  
23 for one price, then the tax under this Act is imposed on the  
24 purchase price of the entire bundled product.



1 Section 370. Collection of tax.

2 (a) The tax imposed by this Article shall be collected  
3 from the purchaser by the psilocybin retailer at the rate  
4 stated in Section 360 with respect to psilocybin sold by the  
5 psilocybin retailer to the purchaser, and shall be remitted to  
6 the Department as provided in Section 385. Psilocybin  
7 retailers shall collect the tax from purchasers by adding the  
8 tax to the amount of the purchase price received from the  
9 purchaser for selling psilocybin to the purchaser. The tax  
10 imposed by this Article shall, when collected, be stated as a  
11 distinct item separate and apart from the purchase price of  
12 the psilocybin.

13 (b) If a psilocybin retailer collects the tax imposed  
14 pursuant to Section 360 measured by a purchase price that is  
15 not subject to Section 360, or if a psilocybin retailer, in  
16 collecting the tax pursuant to Section 360 measured by a  
17 purchase price that is subject to tax under this Act, collects  
18 more from the purchaser than the required amount on the  
19 transaction, the purchaser shall have a legal right to claim a  
20 refund of that amount from the psilocybin retailer. If,  
21 however, that amount is not refunded to the purchaser for any  
22 reason, the psilocybin retailer is liable to pay that amount  
23 to the Department.

24 (c) Any person purchasing psilocybin subject to tax under  
25 this Article as to which there has been no charge made to the  
26 purchaser of the tax imposed by Section 360 shall make payment

1 of the tax imposed by Section 360 in the form and manner  
2 provided by the Department not later than the 20th day of the  
3 month following the month of purchase of the psilocybin.

4 Section 375. Registration of psilocybin retailers. Every  
5 psilocybin retailer required to collect the tax under this  
6 Article shall apply to the Department for a certificate of  
7 registration under this Article. All applications for  
8 registration under this Article shall be made by electronic  
9 means in the form and manner required by the Department. For  
10 that purpose, the provisions of Section 2a of the Retailers'  
11 Occupation Tax Act are incorporated into this Article to the  
12 extent not inconsistent with this Article. In addition, no  
13 certificate of registration shall be issued under this Article  
14 unless the applicant is licensed under this Act.

15 Section 380. Tax collected as debt owed to the State. Any  
16 psilocybin retailer required to collect the tax imposed by  
17 this Article shall be liable to the Department for the tax,  
18 whether or not the tax has been collected by the psilocybin  
19 retailer, and any such tax shall constitute a debt owed by the  
20 psilocybin retailer to this State. To the extent that a  
21 psilocybin retailer required to collect the tax imposed by  
22 this Act has actually collected that tax, the tax is held in  
23 trust for the benefit of the Department.

1 Section 385. Return and payment of tax by the psilocybin  
2 retailer. Each psilocybin retailer that is required or  
3 authorized to collect the tax imposed by this Article shall  
4 make a return to the Department, by electronic means, on or  
5 before the 20th day of each month for the preceding calendar  
6 month stating the following:

7 (1) the psilocybin retailer's name;

8 (2) the address of the psilocybin retailer's principal  
9 place of business and the address of the principal place  
10 of business (if that is a different address) from which  
11 the psilocybin retailer engaged in the business of selling  
12 psilocybin subject to tax under this Article;

13 (3) the total purchase price received by the  
14 psilocybin retailer for psilocybin subject to tax under  
15 this Article;

16 (4) the amount of tax due at each rate;

17 (5) the signature of the psilocybin retailer; and

18 (6) any other information as the Department may  
19 reasonably require.

20 All returns required to be filed and payments required to  
21 be made under this Article shall be by electronic means.  
22 Psilocybin retailers who demonstrate hardship in paying  
23 electronically may petition the Department to waive the  
24 electronic payment requirement.

25 Any amount that is required to be shown or reported on any  
26 return or other document under this Article shall, if the

1 amount is not a whole-dollar amount, be increased to the  
2 nearest whole-dollar amount if the fractional part of a dollar  
3 is \$0.50 or more and decreased to the nearest whole-dollar  
4 amount if the fractional part of a dollar is less than \$0.50.  
5 If a total amount of less than \$1 is payable, refundable, or  
6 creditable, the amount shall be disregarded if it is less than  
7 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.

8 The psilocybin retailer making the return provided for in  
9 this Section shall also pay to the Department, in accordance  
10 with this Section, the amount of tax imposed by this Article,  
11 less a discount of 2% per return period, which is allowed to  
12 reimburse the psilocybin retailer for the expenses incurred in  
13 keeping records, collecting tax, preparing and filing returns,  
14 remitting the tax, and supplying data to the Department upon  
15 request. No discount may be claimed by a psilocybin retailer  
16 on returns not timely filed and for taxes not timely remitted.  
17 No discount may be claimed by a taxpayer for any return that is  
18 not filed electronically. No discount may be claimed by a  
19 taxpayer for any payment that is not made electronically,  
20 unless a waiver has been granted under this Section.

21 Notwithstanding any other provision of this Article  
22 concerning the time within which a psilocybin retailer may  
23 file a return, any such psilocybin retailer who ceases to  
24 engage in the kind of business that makes the person  
25 responsible for filing returns under this Article shall file a  
26 final return under this Article with the Department within one

1 month after discontinuing the business.

2       Each psilocybin retailer shall make estimated payments to  
3 the Department on or before the 7th, 15th, 22nd, and last day  
4 of the month during which tax liability to the Department is  
5 incurred. The payments shall be in an amount not less than the  
6 lower of either 22.5% of the psilocybin retailer's actual tax  
7 liability for the month or 25% of the psilocybin retailer's  
8 actual tax liability for the same calendar month of the  
9 preceding year. The amount of the quarter-monthly payments  
10 shall be credited against the final tax liability of the  
11 psilocybin retailer's return for that month. If any such  
12 quarter-monthly payment is not paid at the time or in the  
13 amount required by this Section, then the psilocybin retailer  
14 shall be liable for penalties and interest on the difference  
15 between the minimum amount due as a payment and the amount of  
16 the quarter-monthly payment actually and timely paid, except  
17 insofar as the psilocybin retailer has previously made  
18 payments for that month to the Department in excess of the  
19 minimum payments previously due as provided in this Section.

20       If any payment provided for in this Section exceeds the  
21 taxpayer's liabilities under this Article, as shown on an  
22 original monthly return, the Department shall, if requested by  
23 the taxpayer, issue to the taxpayer a credit memorandum no  
24 later than 30 days after the date of payment. The credit  
25 evidenced by the credit memorandum may be assigned by the  
26 taxpayer to a similar taxpayer under this Article, in

1 accordance with reasonable rules to be prescribed by the  
2 Department. If no such request is made, the taxpayer may  
3 credit the excess payment against tax liability subsequently  
4 to be remitted to the Department under this Article, in  
5 accordance with reasonable rules prescribed by the Department.  
6 If the Department subsequently determines that all or any part  
7 of the credit taken was not actually due to the taxpayer, the  
8 taxpayer's discount shall be reduced, if necessary, to reflect  
9 the difference between the credit taken and that actually due,  
10 and that taxpayer shall be liable for penalties and interest  
11 on the difference. If a psilocybin retailer fails to sign a  
12 return within 30 days after the proper notice and demand for  
13 signature by the Department is received by the psilocybin  
14 retailer, the return shall be considered valid and any amount  
15 shown to be due on the return shall be deemed assessed.

16 Section 390. Deposit of proceeds. All moneys received by  
17 the Department under this Article shall be paid into the  
18 Illinois Psilocybin Fund.

19 Section 395. Recordkeeping; books and records.

20 (a) Every retailer of psilocybin, whether or not the  
21 retailer has obtained a certificate of registration under  
22 Section 375, shall keep complete and accurate records of  
23 psilocybin held, purchased, sold, or otherwise disposed of,  
24 and shall preserve and keep all invoices, bills of lading,

1 sales records, and copies of bills of sale, returns, and other  
2 pertinent papers and documents relating to the purchase, sale,  
3 or disposition of psilocybin. Such records need not be  
4 maintained on the licensed premises but must be maintained in  
5 the State. However, all original invoices or copies thereof  
6 covering purchases of psilocybin must be retained on the  
7 licensed premises for a period of 90 days after such purchase,  
8 unless the Department has granted a waiver in response to a  
9 written request in cases where records are kept at a central  
10 business location within the State. The Department shall adopt  
11 rules regarding the eligibility for a waiver, revocation of a  
12 waiver, and requirements and standards for maintenance and  
13 accessibility of records located at a central location under a  
14 waiver provided under this Section.

15 (b) Books, records, papers, and documents that are  
16 required by this Article to be kept shall, at all times during  
17 the usual business hours of the day, be subject to inspection  
18 by the Department or its duly authorized agents and employees.  
19 The books, records, papers, and documents for any period with  
20 respect to which the Department is authorized to issue a  
21 notice of tax liability shall be preserved until the  
22 expiration of that period.

23 Section 400. Violations and penalties.

24 (a) When the amount due is under \$300, any retailer of  
25 psilocybin who fails to file a return, willfully fails or

1 refuses to make any payment to the Department of the tax  
2 imposed by this Article, or files a fraudulent return, or any  
3 officer or agent of a corporation engaged in the business of  
4 selling psilocybin to purchasers located in this State who  
5 signs a fraudulent return filed on behalf of the corporation,  
6 or any accountant or other agent who knowingly enters false  
7 information on the return of any taxpayer under this Article  
8 is guilty of a Class 4 felony.

9 (b) When the amount due is \$300 or more, any retailer of  
10 psilocybin who files, or causes to be filed, a fraudulent  
11 return, or any officer or agent of a corporation engaged in the  
12 business of selling psilocybin to purchasers located in this  
13 State who files or causes to be filed or signs or causes to be  
14 signed a fraudulent return filed on behalf of the corporation,  
15 or any accountant or other agent who knowingly enters false  
16 information on the return of any taxpayer under this Article  
17 is guilty of a Class 3 felony.

18 (c) Any person who violates any provision of Section 375,  
19 fails to keep books and records as required under this  
20 Article, or willfully violates a rule of the Department for  
21 the administration and enforcement of this Article is guilty  
22 of a Class 4 felony. A person commits a separate offense on  
23 each day that he or she engages in business in violation of  
24 Section 375 or a rule of the Department for the administration  
25 and enforcement of this Article. If a person fails to produce  
26 the books and records for inspection by the Department upon



1 request, a prima facie presumption shall arise that the person  
2 has failed to keep books and records as required under this  
3 Article. A person who is unable to rebut this presumption is in  
4 violation of this Article and is subject to the penalties  
5 provided in this Section.

6 (d) Any person who violates any provision of Sections 375,  
7 fails to keep books and records as required under this  
8 Article, or willfully violates a rule of the Department for  
9 the administration and enforcement of this Article, is guilty  
10 of a business offense and may be fined up to \$5,000. If a  
11 person fails to produce books and records for inspection by  
12 the Department upon request, a prima facie presumption shall  
13 arise that the person has failed to keep books and records as  
14 required under this Article. A person who is unable to rebut  
15 this presumption is in violation of this Article and is  
16 subject to the penalties provided in this Section. A person  
17 commits a separate offense on each day that he or she engages  
18 in business in violation of Section 375.

19 (e) Any taxpayer or agent of a taxpayer who with the intent  
20 to defraud purports to make a payment due to the Department by  
21 issuing or delivering a check or other order upon a real or  
22 fictitious depository for the payment of money, knowing that  
23 it will not be paid by the depository, is guilty of a deceptive  
24 practice in violation of Section 17-1 of the Criminal Code of  
25 2012.

26 (f) Any person who fails to keep books and records or fails

1 to produce books and records for inspection, as required by  
2 Section 65-36, is liable to pay to the Department, for deposit  
3 in the Tax Compliance and Administration Fund, a penalty of  
4 \$1,000 for the first failure to keep books and records or  
5 failure to produce books and records for inspection, as  
6 required by Section 65-36, and \$3,000 for each subsequent  
7 failure to keep books and records or failure to produce books  
8 and records for inspection, as required by Section 395.

9 (g) Any person who knowingly acts as a retailer of  
10 psilocybin in this State without first having obtained a  
11 certificate of registration to do so in compliance with this  
12 Article shall be guilty of a Class 4 felony.

13 (h) A person commits the offense of tax evasion under this  
14 Article when the person knowingly attempts in any manner to  
15 evade or defeat the tax imposed on the person or on any other  
16 person, or the payment thereof, and the person commits an  
17 affirmative act in furtherance of the evasion. As used in this  
18 Section, "affirmative act in furtherance of the evasion" means  
19 an act designed in whole or in part to (i) conceal,  
20 misrepresent, falsify, or manipulate any material fact or (ii)  
21 tamper with or destroy documents or materials related to a  
22 person's tax liability under this Article. 2 or more acts of  
23 sales tax evasion may be charged as a single count in any  
24 indictment, information, or complaint and the amount of tax  
25 deficiency may be aggregated for purposes of determining the  
26 amount of tax that is attempted to be or is evaded and the

1 period between the first and last acts may be alleged as the  
2 date of the offense.

3 (1) When the amount of tax, the assessment or payment  
4 of which is attempted to be or is evaded is less than \$500,  
5 a person is guilty of a Class 4 felony.

6 (2) When the amount of tax, the assessment or payment  
7 of which is attempted to be or is evaded is \$500 or more  
8 but less than \$10,000, a person is guilty of a Class 3  
9 felony.

10 (3) When the amount of tax, the assessment or payment  
11 of which is attempted to be or is evaded is \$10,000 or more  
12 but less than \$100,000, a person is guilty of a Class 2  
13 felony.

14 (4) When the amount of tax, the assessment or payment  
15 of which is attempted to be or is evaded is \$100,000 or  
16 more, a person is guilty of a Class 1 felony.

17 Any person who knowingly sells, purchases, installs,  
18 transfers, possesses, uses, or accesses any automated sales  
19 suppression device, zapper, or phantom-ware in this State is  
20 guilty of a Class 3 felony.

21 As used in this Section:

22 "Automated sales suppression device" or "zapper" means a  
23 software program that falsifies the electronic records of an  
24 electronic cash register or other point-of-sale system,  
25 including, but not limited to, transaction data and  
26 transaction reports. The term includes the software program,

1 any device that carries the software program, or an Internet  
2 link to the software program.

3 "Phantom-ware" means a hidden programming option embedded  
4 in the operating system of an electronic cash register or  
5 hardwired into an electronic cash register that can be used to  
6 create a second set of records or that can eliminate or  
7 manipulate transaction records in an electronic cash register.

8 "Electronic cash register" means a device that keeps a  
9 register or supporting documents through the use of an  
10 electronic device or computer system designed to record  
11 transaction data for the purpose of computing, compiling, or  
12 processing retail sales transaction data in any manner.

13 "Transaction data" includes: items purchased by a  
14 purchaser; the price of each item; a taxability determination  
15 for each item; a segregated tax amount for each taxed item; the  
16 amount of cash or credit tendered; the net amount returned to  
17 the customer in change; the date and time of the purchase; the  
18 name, address, and identification number of the vendor; and  
19 the receipt or invoice number of the transaction.

20 "Transaction report" means a report that documents,  
21 without limitation, the sales, taxes, or fees collected, media  
22 totals, and discount voids at an electronic cash register and  
23 that is printed on a cash register tape at the end of a day or  
24 shift, or a report that documents every action at an  
25 electronic cash register and is stored electronically.

26 A prosecution for any act in violation of this Section may

1 be commenced at any time within 5 years of the commission of  
2 that act.

3 (i) The Department may adopt rules to administer the  
4 penalties under this Section.

5 (j) Any person whose principal place of business is in  
6 this State and who is charged with a violation under this  
7 Section shall be tried in the county where his or her principal  
8 place of business is located unless he or she asserts a right  
9 to be tried in another venue.

10 (k) Except as otherwise provided in subsection (h), a  
11 prosecution for a violation described in this Section may be  
12 commenced within 3 years after the commission of the act  
13 constituting the violation.

14 Section 405. Arrest; search and seizure without warrant.  
15 Any duly authorized employee of the Department: (i) may arrest  
16 without warrant any person committing in the employee's  
17 presence a violation of any of the provisions of this Article;  
18 (ii) may without a search warrant inspect all psilocybin  
19 located in any place of business; (iii) may seize any  
20 psilocybin in the possession of the retailer in violation of  
21 this Act; and (iv) may seize any psilocybin on which the tax  
22 imposed by this Act has not been paid. The psilocybin seized is  
23 subject to confiscation and forfeiture as provided in Sections  
24 415 and 416.

1           Section 410. Seizure and forfeiture. After seizing any  
2 psilocybin as provided in this Article, the Department must  
3 hold a hearing and determine whether the retailer was properly  
4 registered to sell the psilocybin at the time of its seizure by  
5 the Department. The Department shall give not less than 20  
6 days' notice of the time and place of the hearing to the owner  
7 of the psilocybin, if the owner is known, and also to the  
8 person in whose possession the psilocybin was found, if that  
9 person is known and if the person in possession is not the  
10 owner of the psilocybin. If neither the owner nor the person in  
11 possession of the psilocybin is known, the Department must  
12 cause publication of the time and place of the hearing to be  
13 made at least once in each week for 3 weeks successively in a  
14 newspaper of general circulation in the county where the  
15 hearing is to be held.

16           If, as the result of the hearing, the Department  
17 determines that the retailer was not properly registered at  
18 the time the psilocybin was seized, the Department must enter  
19 an order declaring the psilocybin confiscated and forfeited to  
20 the State, to be held by the Department for disposal by it as  
21 provided in Section 416. The Department must give notice of  
22 the order to the owner of the psilocybin, if the owner is  
23 known, and also to the person in whose possession the  
24 psilocybin was found, if that person is known and if the person  
25 in possession is not the owner of the psilocybin. If neither  
26 the owner nor the person in possession of the psilocybin is

1 known, the Department must cause publication of the order to  
2 be made at least once in each week for 3 weeks successively in  
3 a newspaper of general circulation in the county where the  
4 hearing was held.

5 Section 415. Search warrant; issuance and return; process;  
6 confiscation of psilocybin; forfeitures.

7 (a) If a peace officer of this State or any duly authorized  
8 officer or employee of the Department has reason to believe  
9 that any violation of this Article or a rule of the Department  
10 for the administration and enforcement of this Article has  
11 occurred and that the person violating this Article or rule  
12 has in that person's possession any psilocybin in violation of  
13 this Article or a rule of the Department for the  
14 administration and enforcement of this Article, that peace  
15 officer, or officer or employee of the Department, may file or  
16 cause to be filed his or her complaint in writing, verified by  
17 affidavit, with any court within whose jurisdiction the  
18 premises to be searched are situated, stating the facts upon  
19 which the belief is founded, the premises to be searched, and  
20 the property to be seized, and procure a search warrant and  
21 execute that warrant. Upon the execution of the search  
22 warrant, the peace officer, or officer or employee of the  
23 Department, executing the search warrant shall make due return  
24 of the warrant to the court issuing the warrant, together with  
25 an inventory of the property taken under the warrant. The

1 court must then issue process against the owner of the  
2 property if the owner is known; otherwise, process must be  
3 issued against the person in whose possession the property is  
4 found, if that person is known. In case of inability to serve  
5 process upon the owner or the person in possession of the  
6 property at the time of its seizure, notice of the proceedings  
7 before the court must be given in the same manner as required  
8 by the law governing cases of attachment. Upon the return of  
9 the process duly served or upon the posting or publishing of  
10 notice made, as appropriate, the court or jury, if a jury is  
11 demanded, shall proceed to determine whether the property  
12 seized was held or possessed in violation of this Article or a  
13 rule of the Department for the administration and enforcement  
14 of this Article. If a violation is found, judgment shall be  
15 entered confiscating the property and forfeiting it to the  
16 State and ordering its delivery to the Department. In  
17 addition, the court may tax and assess the costs of the  
18 proceedings.

19 (b) When any psilocybin has been declared forfeited to the  
20 State by the Department, as provided in Section III and this  
21 Section, and when all proceedings for the judicial review of  
22 the Department's decision have terminated, the Department  
23 shall, to the extent that its decision is sustained on review,  
24 destroy or maintain and use such psilocybin in an undercover  
25 capacity.

26 (c) The Department may, before any destruction of



1 psilocybin, permit the true holder of trademark rights in the  
2 psilocybin to inspect such psilocybin in order to assist the  
3 Department in any investigation regarding such psilocybin.

4 Section 416. Psilocybin retailers; purchase and possession  
5 of psilocybin. Psilocybin retailers shall purchase psilocybin  
6 for resale only from manufacturers as authorized by this Act.

7 Section 417. Rulemaking. The Department may adopt rules in  
8 accordance with the Illinois Administrative Procedure Act and  
9 prescribe forms relating to the administration and enforcement  
10 of this Article as it deems appropriate.

11 Section 420. Illinois Psilocybin Fund. The Illinois  
12 Psilocybin Fund is created as a special fund in the State  
13 treasury. The Fund shall consist of moneys transferred to the  
14 Fund under Section 425. The Department of Revenue shall  
15 certify quarterly the amount of moneys available in the  
16 Illinois Psilocybin Fund. The Department of Revenue shall  
17 transfer quarterly the moneys in the Illinois Psilocybin Fund  
18 to the Psilocybin Control and Regulation Fund.

19 Section 425. Illinois Psilocybin Fund; payment of  
20 expenses. All moneys received by the Department of Revenue  
21 under Sections 355 through this Section shall be deposited  
22 into the Illinois Psilocybin Fund. The Department of Revenue

1 may pay expenses for the administration and enforcement of  
2 Sections 355 through this Section out of moneys received from  
3 the tax imposed under Section 360. Amounts necessary to pay  
4 administrative and enforcement expenses are continuously  
5 appropriated to the Department of Revenue from the Illinois  
6 Psilocybin Fund.

7 Section 430. Incorporation by reference. All of the  
8 provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,  
9 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11, 11a, and 12 of the  
10 Retailers' Occupation Tax Act, and all applicable provisions  
11 of the Uniform Penalty and Interest Act that are not  
12 inconsistent with this Act, apply to clients, legal entities,  
13 licensees, licensee representatives, psilocybin product  
14 manufacturers, service centers, service center operators, and  
15 facilitators to the same extent as if those provisions were  
16 included in this Act. References in the incorporated Sections  
17 of the Retailers' Occupation Tax Act to retailers, to sellers,  
18 or to persons engaged in the business of selling tangible  
19 personal property mean distributors when used in this Act.  
20 References in the incorporated Sections to sales of tangible  
21 personal property mean sales of tobacco products when used in  
22 this Act.

23 Section 435. Registration under the Retailers' Occupation  
24 Tax Act. A retailer maintaining a place of business in this

1 State, if required to register under the Retailers' Occupation  
2 Tax Act, need not obtain an additional certificate of  
3 registration under this Act, but shall be deemed to be  
4 sufficiently registered by virtue of his being registered  
5 under the Retailers' Occupation Tax Act. Every retailer  
6 maintaining a place of business in this State, if not required  
7 to register under the Retailers' Occupation Tax Act, shall  
8 apply to the Department of Revenue (upon a form prescribed and  
9 furnished by the Department of Revenue) for a certificate of  
10 registration under this Act. In completing such application,  
11 the applicant shall furnish such information as the Department  
12 of Revenue may reasonably require. Upon approval of an  
13 application for certificate of registration, the Department of  
14 Revenue shall issue, without charge, a certificate of  
15 registration to the applicant. Such certificate of  
16 registration shall be displayed at the address which the  
17 applicant states in his or her application to be the principal  
18 place of business or location from which he or she will act as  
19 a retailer in this State. If the applicant will act as a  
20 retailer in this State from other places of business or  
21 locations, he shall list the addresses of such additional  
22 places of business or locations in this application for  
23 certificate of registration, and the Department of Revenue  
24 shall issue a sub-certificate of registration to the applicant  
25 for each such additional place of business or location. Each  
26 sub-certificate of registration shall be conspicuously

1 displayed at the place for which it is issued. Such  
2 sub-certificate of registration shall bear the same  
3 registration number as that appearing upon the certificate of  
4 registration to which such sub-certificates of registration  
5 relate. Where a retailer operates more than one place of  
6 business which is subject to registration under this Section  
7 and such businesses are substantially different in character  
8 or are engaged in under different trade names or are engaged in  
9 under other substantially dissimilar circumstances (so that it  
10 is more practicable, from an accounting, auditing, or  
11 bookkeeping standpoint, for such businesses to be separately  
12 registered), the Department of Revenue may require or permit  
13 such person to apply for and obtain a separate certificate of  
14 registration for each such business or for any of such  
15 businesses instead of registering such person, as to all such  
16 businesses, under a single certificate of registration  
17 supplemented by related sub-certificates of registration. No  
18 certificate of registration shall be issued to any person who  
19 is in default to the State for moneys due hereunder.

20 The Department of Revenue may, in its discretion, upon  
21 application, authorize the collection of the tax herein  
22 imposed by any retailer not maintaining a place of business  
23 within this State, who, to the satisfaction of the Department  
24 of Revenue, furnishes adequate security to insure collection  
25 and payment of the tax. Such retailer shall be issued, without  
26 charge, a permit to collect such tax. When so authorized, it

1 shall be the duty of such retailer to collect the tax upon all  
2 tangible personal property sold to his knowledge for use  
3 within this State, in the same manner and subject to the same  
4 requirements, including the furnishing of a receipt to the  
5 purchaser (if demanded by the purchaser), as a retailer  
6 maintaining a place of business within this State. The receipt  
7 given to the purchaser shall be sufficient to relieve him or  
8 her from further liability for the tax to which such receipt  
9 may refer. Such permit may be revoked by the Department as  
10 provided herein.

11 Section 440. Severability. The provisions of this Act are  
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 900. The Freedom of Information Act is amended by  
14 changing Section 7 as follows:

15 (5 ILCS 140/7)

16 Sec. 7. Exemptions.

17 (1) When a request is made to inspect or copy a public  
18 record that contains information that is exempt from  
19 disclosure under this Section, but also contains information  
20 that is not exempt from disclosure, the public body may elect  
21 to redact the information that is exempt. The public body  
22 shall make the remaining information available for inspection  
23 and copying. Subject to this requirement, the following shall

1 be exempt from inspection and copying:

2 (a) Information specifically prohibited from  
3 disclosure by federal or State law or rules and  
4 regulations implementing federal or State law.

5 (b) Private information, unless disclosure is required  
6 by another provision of this Act, a State or federal law,  
7 or a court order.

8 (b-5) Files, documents, and other data or databases  
9 maintained by one or more law enforcement agencies and  
10 specifically designed to provide information to one or  
11 more law enforcement agencies regarding the physical or  
12 mental status of one or more individual subjects.

13 (c) Personal information contained within public  
14 records, the disclosure of which would constitute a  
15 clearly unwarranted invasion of personal privacy, unless  
16 the disclosure is consented to in writing by the  
17 individual subjects of the information. "Unwarranted  
18 invasion of personal privacy" means the disclosure of  
19 information that is highly personal or objectionable to a  
20 reasonable person and in which the subject's right to  
21 privacy outweighs any legitimate public interest in  
22 obtaining the information. The disclosure of information  
23 that bears on the public duties of public employees and  
24 officials shall not be considered an invasion of personal  
25 privacy.

26 (d) Records in the possession of any public body

1 created in the course of administrative enforcement  
2 proceedings, and any law enforcement or correctional  
3 agency for law enforcement purposes, but only to the  
4 extent that disclosure would:

5 (i) interfere with pending or actually and  
6 reasonably contemplated law enforcement proceedings  
7 conducted by any law enforcement or correctional  
8 agency that is the recipient of the request;

9 (ii) interfere with active administrative  
10 enforcement proceedings conducted by the public body  
11 that is the recipient of the request;

12 (iii) create a substantial likelihood that a  
13 person will be deprived of a fair trial or an impartial  
14 hearing;

15 (iv) unavoidably disclose the identity of a  
16 confidential source, confidential information  
17 furnished only by the confidential source, or persons  
18 who file complaints with or provide information to  
19 administrative, investigative, law enforcement, or  
20 penal agencies; except that the identities of  
21 witnesses to traffic crashes, traffic crash reports,  
22 and rescue reports shall be provided by agencies of  
23 local government, except when disclosure would  
24 interfere with an active criminal investigation  
25 conducted by the agency that is the recipient of the  
26 request;

1 (v) disclose unique or specialized investigative  
2 techniques other than those generally used and known  
3 or disclose internal documents of correctional  
4 agencies related to detection, observation, or  
5 investigation of incidents of crime or misconduct, and  
6 disclosure would result in demonstrable harm to the  
7 agency or public body that is the recipient of the  
8 request;

9 (vi) endanger the life or physical safety of law  
10 enforcement personnel or any other person; or

11 (vii) obstruct an ongoing criminal investigation  
12 by the agency that is the recipient of the request.

13 (d-5) A law enforcement record created for law  
14 enforcement purposes and contained in a shared electronic  
15 record management system if the law enforcement agency  
16 that is the recipient of the request did not create the  
17 record, did not participate in or have a role in any of the  
18 events which are the subject of the record, and only has  
19 access to the record through the shared electronic record  
20 management system.

21 (d-6) Records contained in the Officer Professional  
22 Conduct Database under Section 9.2 of the Illinois Police  
23 Training Act, except to the extent authorized under that  
24 Section. This includes the documents supplied to the  
25 Illinois Law Enforcement Training Standards Board from the  
26 Illinois State Police and Illinois State Police Merit



1 Board.

2 (d-7) Information gathered or records created from the  
3 use of automatic license plate readers in connection with  
4 Section 2-130 of the Illinois Vehicle Code.

5 (e) Records that relate to or affect the security of  
6 correctional institutions and detention facilities.

7 (e-5) Records requested by persons committed to the  
8 Department of Corrections, Department of Human Services  
9 Division of Mental Health, or a county jail if those  
10 materials are available in the library of the correctional  
11 institution or facility or jail where the inmate is  
12 confined.

13 (e-6) Records requested by persons committed to the  
14 Department of Corrections, Department of Human Services  
15 Division of Mental Health, or a county jail if those  
16 materials include records from staff members' personnel  
17 files, staff rosters, or other staffing assignment  
18 information.

19 (e-7) Records requested by persons committed to the  
20 Department of Corrections or Department of Human Services  
21 Division of Mental Health if those materials are available  
22 through an administrative request to the Department of  
23 Corrections or Department of Human Services Division of  
24 Mental Health.

25 (e-8) Records requested by a person committed to the  
26 Department of Corrections, Department of Human Services

1 Division of Mental Health, or a county jail, the  
2 disclosure of which would result in the risk of harm to any  
3 person or the risk of an escape from a jail or correctional  
4 institution or facility.

5 (e-9) Records requested by a person in a county jail  
6 or committed to the Department of Corrections or  
7 Department of Human Services Division of Mental Health,  
8 containing personal information pertaining to the person's  
9 victim or the victim's family, including, but not limited  
10 to, a victim's home address, home telephone number, work  
11 or school address, work telephone number, social security  
12 number, or any other identifying information, except as  
13 may be relevant to a requester's current or potential case  
14 or claim.

15 (e-10) Law enforcement records of other persons  
16 requested by a person committed to the Department of  
17 Corrections, Department of Human Services Division of  
18 Mental Health, or a county jail, including, but not  
19 limited to, arrest and booking records, mug shots, and  
20 crime scene photographs, except as these records may be  
21 relevant to the requester's current or potential case or  
22 claim.

23 (f) Preliminary drafts, notes, recommendations,  
24 memoranda, and other records in which opinions are  
25 expressed, or policies or actions are formulated, except  
26 that a specific record or relevant portion of a record

1 shall not be exempt when the record is publicly cited and  
2 identified by the head of the public body. The exemption  
3 provided in this paragraph (f) extends to all those  
4 records of officers and agencies of the General Assembly  
5 that pertain to the preparation of legislative documents.

6 (g) Trade secrets and commercial or financial  
7 information obtained from a person or business where the  
8 trade secrets or commercial or financial information are  
9 furnished under a claim that they are proprietary,  
10 privileged, or confidential, and that disclosure of the  
11 trade secrets or commercial or financial information would  
12 cause competitive harm to the person or business, and only  
13 insofar as the claim directly applies to the records  
14 requested.

15 The information included under this exemption includes  
16 all trade secrets and commercial or financial information  
17 obtained by a public body, including a public pension  
18 fund, from a private equity fund or a privately held  
19 company within the investment portfolio of a private  
20 equity fund as a result of either investing or evaluating  
21 a potential investment of public funds in a private equity  
22 fund. The exemption contained in this item does not apply  
23 to the aggregate financial performance information of a  
24 private equity fund, nor to the identity of the fund's  
25 managers or general partners. The exemption contained in  
26 this item does not apply to the identity of a privately

1 held company within the investment portfolio of a private  
2 equity fund, unless the disclosure of the identity of a  
3 privately held company may cause competitive harm.

4 Nothing contained in this paragraph (g) shall be  
5 construed to prevent a person or business from consenting  
6 to disclosure.

7 (h) Proposals and bids for any contract, grant, or  
8 agreement, including information which if it were  
9 disclosed would frustrate procurement or give an advantage  
10 to any person proposing to enter into a contractor  
11 agreement with the body, until an award or final selection  
12 is made. Information prepared by or for the body in  
13 preparation of a bid solicitation shall be exempt until an  
14 award or final selection is made.

15 (i) Valuable formulae, computer geographic systems,  
16 designs, drawings, and research data obtained or produced  
17 by any public body when disclosure could reasonably be  
18 expected to produce private gain or public loss. The  
19 exemption for "computer geographic systems" provided in  
20 this paragraph (i) does not extend to requests made by  
21 news media as defined in Section 2 of this Act when the  
22 requested information is not otherwise exempt and the only  
23 purpose of the request is to access and disseminate  
24 information regarding the health, safety, welfare, or  
25 legal rights of the general public.

26 (j) The following information pertaining to

1 educational matters:

2 (i) test questions, scoring keys, and other  
3 examination data used to administer an academic  
4 examination;

5 (ii) information received by a primary or  
6 secondary school, college, or university under its  
7 procedures for the evaluation of faculty members by  
8 their academic peers;

9 (iii) information concerning a school or  
10 university's adjudication of student disciplinary  
11 cases, but only to the extent that disclosure would  
12 unavoidably reveal the identity of the student; and

13 (iv) course materials or research materials used  
14 by faculty members.

15 (k) Architects' plans, engineers' technical  
16 submissions, and other construction related technical  
17 documents for projects not constructed or developed in  
18 whole or in part with public funds and the same for  
19 projects constructed or developed with public funds,  
20 including, but not limited to, power generating and  
21 distribution stations and other transmission and  
22 distribution facilities, water treatment facilities,  
23 airport facilities, sport stadiums, convention centers,  
24 and all government owned, operated, or occupied buildings,  
25 but only to the extent that disclosure would compromise  
26 security.

1           (l) Minutes of meetings of public bodies closed to the  
2 public as provided in the Open Meetings Act until the  
3 public body makes the minutes available to the public  
4 under Section 2.06 of the Open Meetings Act.

5           (m) Communications between a public body and an  
6 attorney or auditor representing the public body that  
7 would not be subject to discovery in litigation, and  
8 materials prepared or compiled by or for a public body in  
9 anticipation of a criminal, civil, or administrative  
10 proceeding upon the request of an attorney advising the  
11 public body, and materials prepared or compiled with  
12 respect to internal audits of public bodies.

13           (n) Records relating to a public body's adjudication  
14 of employee grievances or disciplinary cases; however,  
15 this exemption shall not extend to the final outcome of  
16 cases in which discipline is imposed.

17           (o) Administrative or technical information associated  
18 with automated data processing operations, including, but  
19 not limited to, software, operating protocols, computer  
20 program abstracts, file layouts, source listings, object  
21 modules, load modules, user guides, documentation  
22 pertaining to all logical and physical design of  
23 computerized systems, employee manuals, and any other  
24 information that, if disclosed, would jeopardize the  
25 security of the system or its data or the security of  
26 materials exempt under this Section.

1           (p) Records relating to collective negotiating matters  
2           between public bodies and their employees or  
3           representatives, except that any final contract or  
4           agreement shall be subject to inspection and copying.

5           (q) Test questions, scoring keys, and other  
6           examination data used to determine the qualifications of  
7           an applicant for a license or employment.

8           (r) The records, documents, and information relating  
9           to real estate purchase negotiations until those  
10          negotiations have been completed or otherwise terminated.  
11          With regard to a parcel involved in a pending or actually  
12          and reasonably contemplated eminent domain proceeding  
13          under the Eminent Domain Act, records, documents, and  
14          information relating to that parcel shall be exempt except  
15          as may be allowed under discovery rules adopted by the  
16          Illinois Supreme Court. The records, documents, and  
17          information relating to a real estate sale shall be exempt  
18          until a sale is consummated.

19          (s) Any and all proprietary information and records  
20          related to the operation of an intergovernmental risk  
21          management association or self-insurance pool or jointly  
22          self-administered health and accident cooperative or pool.  
23          Insurance or self-insurance (including any  
24          intergovernmental risk management association or  
25          self-insurance pool) claims, loss or risk management  
26          information, records, data, advice, or communications.

1           (t) Information contained in or related to  
2 examination, operating, or condition reports prepared by,  
3 on behalf of, or for the use of a public body responsible  
4 for the regulation or supervision of financial  
5 institutions, insurance companies, or pharmacy benefit  
6 managers, unless disclosure is otherwise required by State  
7 law.

8           (u) Information that would disclose or might lead to  
9 the disclosure of secret or confidential information,  
10 codes, algorithms, programs, or private keys intended to  
11 be used to create electronic signatures under the Uniform  
12 Electronic Transactions Act.

13           (v) Vulnerability assessments, security measures, and  
14 response policies or plans that are designed to identify,  
15 prevent, or respond to potential attacks upon a  
16 community's population or systems, facilities, or  
17 installations, but only to the extent that disclosure  
18 could reasonably be expected to expose the vulnerability  
19 or jeopardize the effectiveness of the measures, policies,  
20 or plans, or the safety of the personnel who implement  
21 them or the public. Information exempt under this item may  
22 include such things as details pertaining to the  
23 mobilization or deployment of personnel or equipment, to  
24 the operation of communication systems or protocols, to  
25 cybersecurity vulnerabilities, or to tactical operations.

26           (w) (Blank).



1           (x) Maps and other records regarding the location or  
2 security of generation, transmission, distribution,  
3 storage, gathering, treatment, or switching facilities  
4 owned by a utility, by a power generator, or by the  
5 Illinois Power Agency.

6           (y) Information contained in or related to proposals,  
7 bids, or negotiations related to electric power  
8 procurement under Section 1-75 of the Illinois Power  
9 Agency Act and Section 16-111.5 of the Public Utilities  
10 Act that is determined to be confidential and proprietary  
11 by the Illinois Power Agency or by the Illinois Commerce  
12 Commission.

13           (z) Information about students exempted from  
14 disclosure under Section 10-20.38 or 34-18.29 of the  
15 School Code, and information about undergraduate students  
16 enrolled at an institution of higher education exempted  
17 from disclosure under Section 25 of the Illinois Credit  
18 Card Marketing Act of 2009.

19           (aa) Information the disclosure of which is exempted  
20 under the Viatical Settlements Act of 2009.

21           (bb) Records and information provided to a mortality  
22 review team and records maintained by a mortality review  
23 team appointed under the Department of Juvenile Justice  
24 Mortality Review Team Act.

25           (cc) Information regarding interments, entombments, or  
26 inurnments of human remains that are submitted to the

1 Cemetery Oversight Database under the Cemetery Care Act or  
2 the Cemetery Oversight Act, whichever is applicable.

3 (dd) Correspondence and records (i) that may not be  
4 disclosed under Section 11-9 of the Illinois Public Aid  
5 Code or (ii) that pertain to appeals under Section 11-8 of  
6 the Illinois Public Aid Code.

7 (ee) The names, addresses, or other personal  
8 information of persons who are minors and are also  
9 participants and registrants in programs of park  
10 districts, forest preserve districts, conservation  
11 districts, recreation agencies, and special recreation  
12 associations.

13 (ff) The names, addresses, or other personal  
14 information of participants and registrants in programs of  
15 park districts, forest preserve districts, conservation  
16 districts, recreation agencies, and special recreation  
17 associations where such programs are targeted primarily to  
18 minors.

19 (gg) Confidential information described in Section  
20 1-100 of the Illinois Independent Tax Tribunal Act of  
21 2012.

22 (hh) The report submitted to the State Board of  
23 Education by the School Security and Standards Task Force  
24 under item (8) of subsection (d) of Section 2-3.160 of the  
25 School Code and any information contained in that report.

26 (ii) Records requested by persons committed to or

1           detained by the Department of Human Services under the  
2           Sexually Violent Persons Commitment Act or committed to  
3           the Department of Corrections under the Sexually Dangerous  
4           Persons Act if those materials: (i) are available in the  
5           library of the facility where the individual is confined;  
6           (ii) include records from staff members' personnel files,  
7           staff rosters, or other staffing assignment information;  
8           or (iii) are available through an administrative request  
9           to the Department of Human Services or the Department of  
10          Corrections.

11           (jj) Confidential information described in Section  
12          5-535 of the Civil Administrative Code of Illinois.

13           (kk) The public body's credit card numbers, debit card  
14          numbers, bank account numbers, Federal Employer  
15          Identification Number, security code numbers, passwords,  
16          and similar account information, the disclosure of which  
17          could result in identity theft or impression or defrauding  
18          of a governmental entity or a person.

19           (ll) Records concerning the work of the threat  
20          assessment team of a school district, including, but not  
21          limited to, any threat assessment procedure under the  
22          School Safety Drill Act and any information contained in  
23          the procedure.

24           (mm) Information prohibited from being disclosed under  
25          subsections (a) and (b) of Section 15 of the Student  
26          Confidential Reporting Act.

1           (nn) Proprietary information submitted to the  
2 Environmental Protection Agency under the Drug Take-Back  
3 Act.

4           (oo) Records described in subsection (f) of Section  
5 3-5-1 of the Unified Code of Corrections.

6           (pp) Any and all information regarding burials,  
7 interments, or entombments of human remains as required to  
8 be reported to the Department of Natural Resources  
9 pursuant either to the Archaeological and Paleontological  
10 Resources Protection Act or the Human Remains Protection  
11 Act.

12           ~~(pp)~~ (qq) Reports described in subsection (e) of  
13 Section 16-15 of the Abortion Care Clinical Training  
14 Program Act.

15           ~~(pp)~~ (rr) Information obtained by a certified local  
16 health department under the Access to Public Health Data  
17 Act.

18           ~~(pp)~~ (ss) For a request directed to a public body that  
19 is also a HIPAA-covered entity, all information that is  
20 protected health information, including demographic  
21 information, that may be contained within or extracted  
22 from any record held by the public body in compliance with  
23 State and federal medical privacy laws and regulations,  
24 including, but not limited to, the Health Insurance  
25 Portability and Accountability Act and its regulations, 45  
26 CFR Parts 160 and 164. As used in this paragraph,

1 "HIPAA-covered entity" has the meaning given to the term  
2 "covered entity" in 45 CFR 160.103 and "protected health  
3 information" has the meaning given to that term in 45 CFR  
4 160.103.

5 (tt) Correspondence and records that may not be  
6 disclosed under Section 265 of the Compassionate Use and  
7 Research of Entheogens Act.

8 (1.5) Any information exempt from disclosure under the  
9 Judicial Privacy Act shall be redacted from public records  
10 prior to disclosure under this Act.

11 (2) A public record that is not in the possession of a  
12 public body but is in the possession of a party with whom the  
13 agency has contracted to perform a governmental function on  
14 behalf of the public body, and that directly relates to the  
15 governmental function and is not otherwise exempt under this  
16 Act, shall be considered a public record of the public body,  
17 for purposes of this Act.

18 (3) This Section does not authorize withholding of  
19 information or limit the availability of records to the  
20 public, except as stated in this Section or otherwise provided  
21 in this Act.

22 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
23 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
24 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,  
25 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
26 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.

1 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised  
2 9-7-23.)

3 Section 905. The State Finance Act is amended by adding  
4 Sections 5.1015 and 5.1016 as follows:

5 (30 ILCS 105/5.1015 new)

6 Sec. 5.1015. The Psilocybin Control and Regulation Fund.

7 (30 ILCS 105/5.1016 new)

8 Sec. 5.1016. The Illinois Psilocybin Fund.

9 Section 910. The Illinois Independent Tax Tribunal Act of  
10 2012 is amended by changing Section 1-45 as follows:

11 (35 ILCS 1010/1-45)

12 Sec. 1-45. Jurisdiction of the Tax Tribunal.

13 (a) Except as provided by the Constitution of the United  
14 States, the Constitution of the State of Illinois, or any  
15 statutes of this State, including, but not limited to, the  
16 State Officers and Employees Money Disposition Act, the Tax  
17 Tribunal shall have original jurisdiction over all  
18 determinations of the Department reflected on a Notice of  
19 Deficiency, Notice of Tax Liability, Notice of Claim Denial,  
20 or Notice of Penalty Liability issued under the Illinois  
21 Income Tax Act, the Use Tax Act, the Service Use Tax Act, the

1 Service Occupation Tax Act, the Retailers' Occupation Tax Act,  
2 the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco  
3 Products Tax Act of 1995, the Hotel Operators' Occupation Tax  
4 Act, the Motor Fuel Tax Law, the Automobile Renting Occupation  
5 and Use Tax Act, the Coin-Operated Amusement Device and  
6 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water  
7 Company Invested Capital Tax Act, the Telecommunications  
8 Excise Tax Act, the Telecommunications Infrastructure  
9 Maintenance Fee Act, the Public Utilities Revenue Act, the  
10 Electricity Excise Tax Law, the Aircraft Use Tax Law, the  
11 Watercraft Use Tax Law, the Gas Use Tax Law, ~~or~~ the Uniform  
12 Penalty and Interest Act, or the Compassionate Use and  
13 Research of Entheogens Act. Jurisdiction of the Tax Tribunal  
14 is limited to Notices of Tax Liability, Notices of Deficiency,  
15 Notices of Claim Denial, and Notices of Penalty Liability  
16 where the amount at issue in a notice, or the aggregate amount  
17 at issue in multiple notices issued for the same tax year or  
18 audit period, exceeds \$15,000, exclusive of penalties and  
19 interest. In notices solely asserting either an interest or  
20 penalty assessment, or both, the Tax Tribunal shall have  
21 jurisdiction over cases where the combined total of all  
22 penalties or interest assessed exceeds \$15,000.

23 (b) Except as otherwise permitted by this Act and by the  
24 Constitution of the State of Illinois or otherwise by State  
25 law, including, but not limited to, the State Officers and  
26 Employees Money Disposition Act, no person shall contest any

1 matter within the jurisdiction of the Tax Tribunal in any  
2 action, suit, or proceeding in the circuit court or any other  
3 court of the State. If a person attempts to do so, then such  
4 action, suit, or proceeding shall be dismissed without  
5 prejudice. The improper commencement of any action, suit, or  
6 proceeding does not extend the time period for commencing a  
7 proceeding in the Tax Tribunal.

8 (c) The Tax Tribunal may require the taxpayer to post a  
9 bond equal to 25% of the liability at issue (1) upon motion of  
10 the Department and a showing that (A) the taxpayer's action is  
11 frivolous or legally insufficient or (B) the taxpayer is  
12 acting primarily for the purpose of delaying the collection of  
13 tax or prejudicing the ability ultimately to collect the tax,  
14 or (2) if, at any time during the proceedings, it is determined  
15 by the Tax Tribunal that the taxpayer is not pursuing the  
16 resolution of the case with due diligence. If the Tax Tribunal  
17 finds in a particular case that the taxpayer cannot procure  
18 and furnish a satisfactory surety or sureties for the kind of  
19 bond required herein, the Tax Tribunal may relieve the  
20 taxpayer of the obligation of filing such bond, if, upon the  
21 timely application for a lien in lieu thereof and accompanying  
22 proof therein submitted, the Tax Tribunal is satisfied that  
23 any such lien imposed would operate to secure the assessment  
24 in the manner and to the degree as would a bond. The Tax  
25 Tribunal shall adopt rules for the procedures to be used in  
26 securing a bond or lien under this Section.



1 (d) If, with or after the filing of a timely petition, the  
2 taxpayer pays all or part of the tax or other amount in issue  
3 before the Tax Tribunal has rendered a decision, the Tax  
4 Tribunal shall treat the taxpayer's petition as a protest of a  
5 denial of claim for refund of the amount so paid upon a written  
6 motion filed by the taxpayer.

7 (e) The Tax Tribunal shall not have jurisdiction to  
8 review:

9 (1) any assessment made under the Property Tax Code;

10 (2) any decisions relating to the issuance or denial  
11 of an exemption ruling for any entity claiming exemption  
12 from any tax imposed under the Property Tax Code or any  
13 State tax administered by the Department;

14 (3) a notice of proposed tax liability, notice of  
15 proposed deficiency, or any other notice of proposed  
16 assessment or notice of intent to take some action;

17 (4) any action or determination of the Department  
18 regarding tax liabilities that have become finalized by  
19 law, including but not limited to the issuance of liens,  
20 levies, and revocations, suspensions, or denials of  
21 licenses or certificates of registration or any other  
22 collection activities;

23 (5) any proceedings of the Department's informal  
24 administrative appeals function; and

25 (6) any challenge to an administrative subpoena issued  
26 by the Department.

1 (f) The Tax Tribunal shall decide questions regarding the  
2 constitutionality of statutes and rules adopted by the  
3 Department as applied to the taxpayer, but shall not have the  
4 power to declare a statute or rule unconstitutional or  
5 otherwise invalid on its face. A taxpayer challenging the  
6 constitutionality of a statute or rule on its face may present  
7 such challenge to the Tax Tribunal for the sole purpose of  
8 making a record for review by the Illinois Appellate Court.  
9 Failure to raise a constitutional issue regarding the  
10 application of a statute or regulations to the taxpayer shall  
11 not preclude the taxpayer or the Department from raising those  
12 issues at the appellate court level.

13 (Source: P.A. 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13.)

14 Section 914. The Illinois Vehicle Code is amended by  
15 changing Section 11-501 as follows:

16 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

17 Sec. 11-501. Driving while under the influence of alcohol,  
18 other drug or drugs, intoxicating compound or compounds or any  
19 combination thereof.

20 (a) A person shall not drive or be in actual physical  
21 control of any vehicle within this State while:

22 (1) the alcohol concentration in the person's blood,  
23 other bodily substance, or breath is 0.08 or more based on  
24 the definition of blood and breath units in Section

1 11-501.2;

2 (2) under the influence of alcohol;

3 (3) under the influence of any intoxicating compound  
4 or combination of intoxicating compounds to a degree that  
5 renders the person incapable of driving safely;

6 (4) under the influence of any other drug or  
7 combination of drugs to a degree that renders the person  
8 incapable of safely driving;

9 (5) under the combined influence of alcohol, other  
10 drug or drugs, or intoxicating compound or compounds to a  
11 degree that renders the person incapable of safely  
12 driving;

13 (6) there is any amount of a drug, substance, or  
14 compound in the person's breath, blood, other bodily  
15 substance, or urine resulting from the unlawful use or  
16 consumption of a controlled substance listed in the  
17 Illinois Controlled Substances Act, an intoxicating  
18 compound listed in the Use of Intoxicating Compounds Act,  
19 ~~or~~ methamphetamine as listed in the Methamphetamine  
20 Control and Community Protection Act, or psilocybin or  
21 psilocin as defined in the Compassionate Use and Research  
22 of Entheogens Act; or

23 (7) the person has, within 2 hours of driving or being  
24 in actual physical control of a vehicle, a  
25 tetrahydrocannabinol concentration in the person's whole  
26 blood or other bodily substance as defined in paragraph 6

1 of subsection (a) of Section 11-501.2 of this Code.  
2 Subject to all other requirements and provisions under  
3 this Section, this paragraph (7) does not apply to the  
4 lawful consumption of cannabis by a qualifying patient  
5 licensed under the Compassionate Use of Medical Cannabis  
6 Program Act who is in possession of a valid registry card  
7 issued under that Act, unless that person is impaired by  
8 the use of cannabis.

9 (b) The fact that any person charged with violating this  
10 Section is or has been legally entitled to use alcohol,  
11 cannabis under the Compassionate Use of Medical Cannabis  
12 Program Act, other drug or drugs, or intoxicating compound or  
13 compounds, or any combination thereof, shall not constitute a  
14 defense against any charge of violating this Section.

15 (c) Penalties.

16 (1) Except as otherwise provided in this Section, any  
17 person convicted of violating subsection (a) of this  
18 Section is guilty of a Class A misdemeanor.

19 (2) A person who violates subsection (a) or a similar  
20 provision a second time shall be sentenced to a mandatory  
21 minimum term of either 5 days of imprisonment or 240 hours  
22 of community service in addition to any other criminal or  
23 administrative sanction.

24 (3) A person who violates subsection (a) is subject to  
25 6 months of imprisonment, an additional mandatory minimum  
26 fine of \$1,000, and 25 days of community service in a

1 program benefiting children if the person was transporting  
2 a person under the age of 16 at the time of the violation.

3 (4) A person who violates subsection (a) a first time,  
4 if the alcohol concentration in his or her blood, breath,  
5 other bodily substance, or urine was 0.16 or more based on  
6 the definition of blood, breath, other bodily substance,  
7 or urine units in Section 11-501.2, shall be subject, in  
8 addition to any other penalty that may be imposed, to a  
9 mandatory minimum of 100 hours of community service and a  
10 mandatory minimum fine of \$500.

11 (5) A person who violates subsection (a) a second  
12 time, if at the time of the second violation the alcohol  
13 concentration in his or her blood, breath, other bodily  
14 substance, or urine was 0.16 or more based on the  
15 definition of blood, breath, other bodily substance, or  
16 urine units in Section 11-501.2, shall be subject, in  
17 addition to any other penalty that may be imposed, to a  
18 mandatory minimum of 2 days of imprisonment and a  
19 mandatory minimum fine of \$1,250.

20 (d) Aggravated driving under the influence of alcohol,  
21 other drug or drugs, or intoxicating compound or compounds, or  
22 any combination thereof.

23 (1) Every person convicted of committing a violation  
24 of this Section shall be guilty of aggravated driving  
25 under the influence of alcohol, other drug or drugs, or  
26 intoxicating compound or compounds, or any combination

1           thereof if:

2                   (A) the person committed a violation of subsection  
3                   (a) or a similar provision for the third or subsequent  
4                   time;

5                   (B) the person committed a violation of subsection  
6                   (a) while driving a school bus with one or more  
7                   passengers on board;

8                   (C) the person in committing a violation of  
9                   subsection (a) was involved in a motor vehicle crash  
10                   that resulted in great bodily harm or permanent  
11                   disability or disfigurement to another, when the  
12                   violation was a proximate cause of the injuries;

13                   (D) the person committed a violation of subsection  
14                   (a) and has been previously convicted of violating  
15                   Section 9-3 of the Criminal Code of 1961 or the  
16                   Criminal Code of 2012 or a similar provision of a law  
17                   of another state relating to reckless homicide in  
18                   which the person was determined to have been under the  
19                   influence of alcohol, other drug or drugs, or  
20                   intoxicating compound or compounds as an element of  
21                   the offense or the person has previously been  
22                   convicted under subparagraph (C) or subparagraph (F)  
23                   of this paragraph (1);

24                   (E) the person, in committing a violation of  
25                   subsection (a) while driving at any speed in a school  
26                   speed zone at a time when a speed limit of 20 miles per

1 hour was in effect under subsection (a) of Section  
2 11-605 of this Code, was involved in a motor vehicle  
3 crash that resulted in bodily harm, other than great  
4 bodily harm or permanent disability or disfigurement,  
5 to another person, when the violation of subsection  
6 (a) was a proximate cause of the bodily harm;

7 (F) the person, in committing a violation of  
8 subsection (a), was involved in a motor vehicle crash  
9 or snowmobile, all-terrain vehicle, or watercraft  
10 accident that resulted in the death of another person,  
11 when the violation of subsection (a) was a proximate  
12 cause of the death;

13 (G) the person committed a violation of subsection  
14 (a) during a period in which the defendant's driving  
15 privileges are revoked or suspended, where the  
16 revocation or suspension was for a violation of  
17 subsection (a) or a similar provision, Section  
18 11-501.1, paragraph (b) of Section 11-401, or for  
19 reckless homicide as defined in Section 9-3 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012;

21 (H) the person committed the violation while he or  
22 she did not possess a driver's license or permit or a  
23 restricted driving permit or a judicial driving permit  
24 or a monitoring device driving permit;

25 (I) the person committed the violation while he or  
26 she knew or should have known that the vehicle he or

1 she was driving was not covered by a liability  
2 insurance policy;

3 (J) the person in committing a violation of  
4 subsection (a) was involved in a motor vehicle crash  
5 that resulted in bodily harm, but not great bodily  
6 harm, to the child under the age of 16 being  
7 transported by the person, if the violation was the  
8 proximate cause of the injury;

9 (K) the person in committing a second violation of  
10 subsection (a) or a similar provision was transporting  
11 a person under the age of 16; or

12 (L) the person committed a violation of subsection  
13 (a) of this Section while transporting one or more  
14 passengers in a vehicle for-hire.

15 (2) (A) Except as provided otherwise, a person  
16 convicted of aggravated driving under the influence of  
17 alcohol, other drug or drugs, or intoxicating compound or  
18 compounds, or any combination thereof is guilty of a Class  
19 4 felony.

20 (B) A third violation of this Section or a similar  
21 provision is a Class 2 felony. If at the time of the third  
22 violation the alcohol concentration in his or her blood,  
23 breath, other bodily substance, or urine was 0.16 or more  
24 based on the definition of blood, breath, other bodily  
25 substance, or urine units in Section 11-501.2, a mandatory  
26 minimum of 90 days of imprisonment and a mandatory minimum



1 fine of \$2,500 shall be imposed in addition to any other  
2 criminal or administrative sanction. If at the time of the  
3 third violation, the defendant was transporting a person  
4 under the age of 16, a mandatory fine of \$25,000 and 25  
5 days of community service in a program benefiting children  
6 shall be imposed in addition to any other criminal or  
7 administrative sanction.

8 (C) A fourth violation of this Section or a similar  
9 provision is a Class 2 felony, for which a sentence of  
10 probation or conditional discharge may not be imposed. If  
11 at the time of the violation, the alcohol concentration in  
12 the defendant's blood, breath, other bodily substance, or  
13 urine was 0.16 or more based on the definition of blood,  
14 breath, other bodily substance, or urine units in Section  
15 11-501.2, a mandatory minimum fine of \$5,000 shall be  
16 imposed in addition to any other criminal or  
17 administrative sanction. If at the time of the fourth  
18 violation, the defendant was transporting a person under  
19 the age of 16 a mandatory fine of \$25,000 and 25 days of  
20 community service in a program benefiting children shall  
21 be imposed in addition to any other criminal or  
22 administrative sanction.

23 (D) A fifth violation of this Section or a similar  
24 provision is a Class 1 felony, for which a sentence of  
25 probation or conditional discharge may not be imposed. If  
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or  
2 urine was 0.16 or more based on the definition of blood,  
3 breath, other bodily substance, or urine units in Section  
4 11-501.2, a mandatory minimum fine of \$5,000 shall be  
5 imposed in addition to any other criminal or  
6 administrative sanction. If at the time of the fifth  
7 violation, the defendant was transporting a person under  
8 the age of 16, a mandatory fine of \$25,000, and 25 days of  
9 community service in a program benefiting children shall  
10 be imposed in addition to any other criminal or  
11 administrative sanction.

12 (E) A sixth or subsequent violation of this Section or  
13 similar provision is a Class X felony. If at the time of  
14 the violation, the alcohol concentration in the  
15 defendant's blood, breath, other bodily substance, or  
16 urine was 0.16 or more based on the definition of blood,  
17 breath, other bodily substance, or urine units in Section  
18 11-501.2, a mandatory minimum fine of \$5,000 shall be  
19 imposed in addition to any other criminal or  
20 administrative sanction. If at the time of the violation,  
21 the defendant was transporting a person under the age of  
22 16, a mandatory fine of \$25,000 and 25 days of community  
23 service in a program benefiting children shall be imposed  
24 in addition to any other criminal or administrative  
25 sanction.

26 (F) For a violation of subparagraph (C) of paragraph

1 (1) of this subsection (d), the defendant, if sentenced to  
2 a term of imprisonment, shall be sentenced to not less  
3 than one year nor more than 12 years.

4 (G) A violation of subparagraph (F) of paragraph (1)  
5 of this subsection (d) is a Class 2 felony, for which the  
6 defendant, unless the court determines that extraordinary  
7 circumstances exist and require probation, shall be  
8 sentenced to: (i) a term of imprisonment of not less than 3  
9 years and not more than 14 years if the violation resulted  
10 in the death of one person; or (ii) a term of imprisonment  
11 of not less than 6 years and not more than 28 years if the  
12 violation resulted in the deaths of 2 or more persons.

13 (H) For a violation of subparagraph (J) of paragraph  
14 (1) of this subsection (d), a mandatory fine of \$2,500,  
15 and 25 days of community service in a program benefiting  
16 children shall be imposed in addition to any other  
17 criminal or administrative sanction.

18 (I) A violation of subparagraph (K) of paragraph (1)  
19 of this subsection (d), is a Class 2 felony and a mandatory  
20 fine of \$2,500, and 25 days of community service in a  
21 program benefiting children shall be imposed in addition  
22 to any other criminal or administrative sanction. If the  
23 child being transported suffered bodily harm, but not  
24 great bodily harm, in a motor vehicle crash, and the  
25 violation was the proximate cause of that injury, a  
26 mandatory fine of \$5,000 and 25 days of community service

1 in a program benefiting children shall be imposed in  
2 addition to any other criminal or administrative sanction.

3 (J) A violation of subparagraph (D) of paragraph (1)  
4 of this subsection (d) is a Class 3 felony, for which a  
5 sentence of probation or conditional discharge may not be  
6 imposed.

7 (3) Any person sentenced under this subsection (d) who  
8 receives a term of probation or conditional discharge must  
9 serve a minimum term of either 480 hours of community  
10 service or 10 days of imprisonment as a condition of the  
11 probation or conditional discharge in addition to any  
12 other criminal or administrative sanction.

13 (e) Any reference to a prior violation of subsection (a)  
14 or a similar provision includes any violation of a provision  
15 of a local ordinance or a provision of a law of another state  
16 or an offense committed on a military installation that is  
17 similar to a violation of subsection (a) of this Section.

18 (f) The imposition of a mandatory term of imprisonment or  
19 assignment of community service for a violation of this  
20 Section shall not be suspended or reduced by the court.

21 (g) Any penalty imposed for driving with a license that  
22 has been revoked for a previous violation of subsection (a) of  
23 this Section shall be in addition to the penalty imposed for  
24 any subsequent violation of subsection (a).

25 (h) For any prosecution under this Section, a certified  
26 copy of the driving abstract of the defendant shall be

1 admitted as proof of any prior conviction.

2 (Source: P.A. 101-363, eff. 8-9-19; 102-982, eff. 7-1-23.)

3 Section 915. The Illinois Controlled Substances Act is  
4 amended by changing Sections 102 and 204 as follows:

5 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

6 Sec. 102. Definitions. As used in this Act, unless the  
7 context otherwise requires:

8 (a) "Addict" means any person who habitually uses any  
9 drug, chemical, substance or dangerous drug other than alcohol  
10 so as to endanger the public morals, health, safety or welfare  
11 or who is so far addicted to the use of a dangerous drug or  
12 controlled substance other than alcohol as to have lost the  
13 power of self control with reference to his or her addiction.

14 (b) "Administer" means the direct application of a  
15 controlled substance, whether by injection, inhalation,  
16 ingestion, or any other means, to the body of a patient,  
17 research subject, or animal (as defined by the Humane  
18 Euthanasia in Animal Shelters Act) by:

19 (1) a practitioner (or, in his or her presence, by his  
20 or her authorized agent),

21 (2) the patient or research subject pursuant to an  
22 order, or

23 (3) a euthanasia technician as defined by the Humane  
24 Euthanasia in Animal Shelters Act.

1 (c) "Agent" means an authorized person who acts on behalf  
2 of or at the direction of a manufacturer, distributor,  
3 dispenser, prescriber, or practitioner. It does not include a  
4 common or contract carrier, public warehouseman or employee of  
5 the carrier or warehouseman.

6 (c-1) "Anabolic Steroids" means any drug or hormonal  
7 substance, chemically and pharmacologically related to  
8 testosterone (other than estrogens, progestins,  
9 corticosteroids, and dehydroepiandrosterone), and includes:

- 10 (i) 3[beta],17-dihydroxy-5a-androstane,  
11 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,  
12 (iii) 5[alpha]-androstane-3,17-dione,  
13 (iv) 1-androstenediol (3[beta],  
14 17[beta]-dihydroxy-5[alpha]-androst-1-ene),  
15 (v) 1-androstenediol (3[alpha],  
16 17[beta]-dihydroxy-5[alpha]-androst-1-ene),  
17 (vi) 4-androstenediol  
18 (3[beta],17[beta]-dihydroxy-androst-4-ene),  
19 (vii) 5-androstenediol  
20 (3[beta],17[beta]-dihydroxy-androst-5-ene),  
21 (viii) 1-androstenedione  
22 ([5alpha]-androst-1-en-3,17-dione),  
23 (ix) 4-androstenedione  
24 (androst-4-en-3,17-dione),  
25 (x) 5-androstenedione  
26 (androst-5-en-3,17-dione),

- 1 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-  
2 hydroxyandrost-4-en-3-one),  
3 (xii) boldenone (17[beta]-hydroxyandrost-  
4 1,4,-diene-3-one),  
5 (xiii) boldione (androsta-1,4-  
6 diene-3,17-dione),  
7 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17  
8 [beta]-hydroxyandrost-4-en-3-one),  
9 (xv) clostebol (4-chloro-17[beta]-  
10 hydroxyandrost-4-en-3-one),  
11 (xvi) dehydrochloromethyltestosterone (4-chloro-  
12 17[beta]-hydroxy-17[alpha]-methyl-  
13 androst-1,4-dien-3-one),  
14 (xvii) desoxymethyltestosterone  
15 (17[alpha]-methyl-5[alpha]  
16 -androst-2-en-17[beta]-ol) (a.k.a., madol),  
17 (xviii) [delta]1-dihydrotestosterone (a.k.a.  
18 '1-testosterone') (17[beta]-hydroxy-  
19 5[alpha]-androst-1-en-3-one),  
20 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
21 androstan-3-one),  
22 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
23 5[alpha]-androstan-3-one),  
24 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
25 hydroxyestr-4-ene),  
26 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-

1 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),  
2 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
3 17[beta]-dihydroxyandrost-1,4-dien-3-one),  
4 (xxiv) furazabol (17[alpha]-methyl-17[beta]-  
5 hydroxyandrostano[2,3-c]-furazan),  
6 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,  
7 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-  
8 androst-4-en-3-one),  
9 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-  
10 dihydroxy-estr-4-en-3-one),  
11 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
12 hydroxy-5-androstan-3-one),  
13 (xxix) mesterolone (1amethyl-17[beta]-hydroxy-  
14 [5a]-androstan-3-one),  
15 (xxx) methandienone (17[alpha]-methyl-17[beta]-  
16 hydroxyandrost-1,4-dien-3-one),  
17 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
18 dihydroxyandrost-5-ene),  
19 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-  
20 5[alpha]-androst-1-en-3-one),  
21 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-  
22 dihydroxy-5a-androstane,  
23 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
24 -5a-androstane,  
25 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-  
26 dihydroxyandrost-4-ene),



- 1 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
2 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
3 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-  
4 hydroxyestra-4,9(10)-dien-3-one),  
5 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-  
6 hydroxyestra-4,9-11-trien-3-one),  
7 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-  
8 hydroxyandrost-4-en-3-one),  
9 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-  
10 hydroxyestr-4-en-3-one),  
11 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
12 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
13 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
14 1-testosterone'),  
15 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),  
16 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-  
17 dihydroxyestr-4-ene),  
18 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
19 dihydroxyestr-4-ene),  
20 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-  
21 dihydroxyestr-5-ene),  
22 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
23 dihydroxyestr-5-ene),  
24 (xlvii) 19-nor-4,9(10)-androstadienedione  
25 (estra-4,9(10)-diene-3,17-dione),  
26 (xlviii) 19-nor-4-androstenedione (estr-4-

1 en-3,17-dione),  
2 (xlix) 19-nor-5-androstenedione (estr-5-  
3 en-3,17-dione),  
4 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-  
5 hydroxygon-4-en-3-one),  
6 (li) norclostebol (4-chloro-17[beta]-  
7 hydroxyestr-4-en-3-one),  
8 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-  
9 hydroxyestr-4-en-3-one),  
10 (liii) normethandrolone (17[alpha]-methyl-17[beta]-  
11 hydroxyestr-4-en-3-one),  
12 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-  
13 2-oxa-5[alpha]-androstan-3-one),  
14 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-  
15 dihydroxyandrost-4-en-3-one),  
16 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-  
17 17[beta]-hydroxy-(5[alpha]-androstan-3-one),  
18 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
19 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
20 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
21 (5[alpha]-androst-1-en-3-one),  
22 (lix) testolactone (13-hydroxy-3-oxo-13,17-  
23 secoandrosta-1,4-dien-17-oic  
24 acid lactone),  
25 (lx) testosterone (17[beta]-hydroxyandrost-  
26 4-en-3-one),

- 1           (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
2           diethyl-17[beta]-hydroxygon-  
3           4,9,11-trien-3-one),  
4           (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
5           11-trien-3-one).

6           Any person who is otherwise lawfully in possession of an  
7           anabolic steroid, or who otherwise lawfully manufactures,  
8           distributes, dispenses, delivers, or possesses with intent to  
9           deliver an anabolic steroid, which anabolic steroid is  
10          expressly intended for and lawfully allowed to be administered  
11          through implants to livestock or other nonhuman species, and  
12          which is approved by the Secretary of Health and Human  
13          Services for such administration, and which the person intends  
14          to administer or have administered through such implants,  
15          shall not be considered to be in unauthorized possession or to  
16          unlawfully manufacture, distribute, dispense, deliver, or  
17          possess with intent to deliver such anabolic steroid for  
18          purposes of this Act.

19          (d) "Administration" means the Drug Enforcement  
20          Administration, United States Department of Justice, or its  
21          successor agency.

22          (d-5) "Clinical Director, Prescription Monitoring Program"  
23          means a Department of Human Services administrative employee  
24          licensed to either prescribe or dispense controlled substances  
25          who shall run the clinical aspects of the Department of Human  
26          Services Prescription Monitoring Program and its Prescription

1 Information Library.

2 (d-10) "Compounding" means the preparation and mixing of  
3 components, excluding flavorings, (1) as the result of a  
4 prescriber's prescription drug order or initiative based on  
5 the prescriber-patient-pharmacist relationship in the course  
6 of professional practice or (2) for the purpose of, or  
7 incident to, research, teaching, or chemical analysis and not  
8 for sale or dispensing. "Compounding" includes the preparation  
9 of drugs or devices in anticipation of receiving prescription  
10 drug orders based on routine, regularly observed dispensing  
11 patterns. Commercially available products may be compounded  
12 for dispensing to individual patients only if both of the  
13 following conditions are met: (i) the commercial product is  
14 not reasonably available from normal distribution channels in  
15 a timely manner to meet the patient's needs and (ii) the  
16 prescribing practitioner has requested that the drug be  
17 compounded.

18 (e) "Control" means to add a drug or other substance, or  
19 immediate precursor, to a Schedule whether by transfer from  
20 another Schedule or otherwise.

21 (f) "Controlled Substance" means (i) a drug, substance,  
22 immediate precursor, or synthetic drug in the Schedules of  
23 Article II of this Act or (ii) a drug or other substance, or  
24 immediate precursor, designated as a controlled substance by  
25 the Department through administrative rule. The term does not  
26 include: distilled spirits, wine, malt beverages, or tobacco,

1 as those terms are defined or used in the Liquor Control Act of  
2 1934 and the Tobacco Products Tax Act of 1995; or psilocybin or  
3 a psilocybin product, as those terms are defined or used in the  
4 Compassionate Use and Research of Entheogens Act.

5 (f-5) "Controlled substance analog" means a substance:

6 (1) the chemical structure of which is substantially  
7 similar to the chemical structure of a controlled  
8 substance in Schedule I or II;

9 (2) which has a stimulant, depressant, or  
10 hallucinogenic effect on the central nervous system that  
11 is substantially similar to or greater than the stimulant,  
12 depressant, or hallucinogenic effect on the central  
13 nervous system of a controlled substance in Schedule I or  
14 II; or

15 (3) with respect to a particular person, which such  
16 person represents or intends to have a stimulant,  
17 depressant, or hallucinogenic effect on the central  
18 nervous system that is substantially similar to or greater  
19 than the stimulant, depressant, or hallucinogenic effect  
20 on the central nervous system of a controlled substance in  
21 Schedule I or II.

22 (g) "Counterfeit substance" means a controlled substance,  
23 which, or the container or labeling of which, without  
24 authorization bears the trademark, trade name, or other  
25 identifying mark, imprint, number or device, or any likeness  
26 thereof, of a manufacturer, distributor, or dispenser other

1 than the person who in fact manufactured, distributed, or  
2 dispensed the substance.

3 (h) "Deliver" or "delivery" means the actual, constructive  
4 or attempted transfer of possession of a controlled substance,  
5 with or without consideration, whether or not there is an  
6 agency relationship. "Deliver" or "delivery" does not include  
7 the donation of drugs to the extent permitted under the  
8 Illinois Drug Reuse Opportunity Program Act.

9 (i) "Department" means the Illinois Department of Human  
10 Services (as successor to the Department of Alcoholism and  
11 Substance Abuse) or its successor agency.

12 (j) (Blank).

13 (k) "Department of Corrections" means the Department of  
14 Corrections of the State of Illinois or its successor agency.

15 (l) "Department of Financial and Professional Regulation"  
16 means the Department of Financial and Professional Regulation  
17 of the State of Illinois or its successor agency.

18 (m) "Depressant" means any drug that (i) causes an overall  
19 depression of central nervous system functions, (ii) causes  
20 impaired consciousness and awareness, and (iii) can be  
21 habit-forming or lead to a substance abuse problem, including,  
22 but not limited to, alcohol, cannabis and its active  
23 principles and their analogs, benzodiazepines and their  
24 analogs, barbiturates and their analogs, opioids (natural and  
25 synthetic) and their analogs, and chloral hydrate and similar  
26 sedative hypnotics.

1 (n) (Blank).

2 (o) "Director" means the Director of the Illinois State  
3 Police or his or her designated agents.

4 (p) "Dispense" means to deliver a controlled substance to  
5 an ultimate user or research subject by or pursuant to the  
6 lawful order of a prescriber, including the prescribing,  
7 administering, packaging, labeling, or compounding necessary  
8 to prepare the substance for that delivery.

9 (q) "Dispenser" means a practitioner who dispenses.

10 (r) "Distribute" means to deliver, other than by  
11 administering or dispensing, a controlled substance.

12 (s) "Distributor" means a person who distributes.

13 (t) "Drug" means (1) substances recognized as drugs in the  
14 official United States Pharmacopoeia, Official Homeopathic  
15 Pharmacopoeia of the United States, or official National  
16 Formulary, or any supplement to any of them; (2) substances  
17 intended for use in diagnosis, cure, mitigation, treatment, or  
18 prevention of disease in man or animals; (3) substances (other  
19 than food) intended to affect the structure of any function of  
20 the body of man or animals and (4) substances intended for use  
21 as a component of any article specified in clause (1), (2), or  
22 (3) of this subsection. It does not include devices or their  
23 components, parts, or accessories.

24 (t-3) "Electronic health record" or "EHR" means an  
25 electronic record of health-related information on an  
26 individual that is created, gathered, managed, and consulted

1 by authorized health care clinicians and staff.

2 (t-3.5) "Electronic health record system" or "EHR system"  
3 means any computer-based system or combination of federally  
4 certified Health IT Modules (defined at 42 CFR 170.102 or its  
5 successor) used as a repository for electronic health records  
6 and accessed or updated by a prescriber or authorized  
7 surrogate in the ordinary course of his or her medical  
8 practice. For purposes of connecting to the Prescription  
9 Information Library maintained by the Bureau of Pharmacy and  
10 Clinical Support Systems or its successor, an EHR system may  
11 connect to the Prescription Information Library directly or  
12 through all or part of a computer program or system that is a  
13 federally certified Health IT Module maintained by a third  
14 party and used by the EHR system to secure access to the  
15 database.

16 (t-4) "Emergency medical services personnel" has the  
17 meaning ascribed to it in the Emergency Medical Services (EMS)  
18 Systems Act.

19 (t-5) "Euthanasia agency" means an entity certified by the  
20 Department of Financial and Professional Regulation for the  
21 purpose of animal euthanasia that holds an animal control  
22 facility license or animal shelter license under the Animal  
23 Welfare Act. A euthanasia agency is authorized to purchase,  
24 store, possess, and utilize Schedule II nonnarcotic and  
25 Schedule III nonnarcotic drugs for the sole purpose of animal  
26 euthanasia.



1 (t-10) "Euthanasia drugs" means Schedule II or Schedule  
2 III substances (nonnarcotic controlled substances) that are  
3 used by a euthanasia agency for the purpose of animal  
4 euthanasia.

5 (u) "Good faith" means the prescribing or dispensing of a  
6 controlled substance by a practitioner in the regular course  
7 of professional treatment to or for any person who is under his  
8 or her treatment for a pathology or condition other than that  
9 individual's physical or psychological dependence upon or  
10 addiction to a controlled substance, except as provided  
11 herein: and application of the term to a pharmacist shall mean  
12 the dispensing of a controlled substance pursuant to the  
13 prescriber's order which in the professional judgment of the  
14 pharmacist is lawful. The pharmacist shall be guided by  
15 accepted professional standards, including, but not limited  
16 to, the following, in making the judgment:

17 (1) lack of consistency of prescriber-patient  
18 relationship,

19 (2) frequency of prescriptions for same drug by one  
20 prescriber for large numbers of patients,

21 (3) quantities beyond those normally prescribed,

22 (4) unusual dosages (recognizing that there may be  
23 clinical circumstances where more or less than the usual  
24 dose may be used legitimately),

25 (5) unusual geographic distances between patient,  
26 pharmacist and prescriber,

1 (6) consistent prescribing of habit-forming drugs.

2 (u-0.5) "Hallucinogen" means a drug that causes markedly  
3 altered sensory perception leading to hallucinations of any  
4 type.

5 (u-1) "Home infusion services" means services provided by  
6 a pharmacy in compounding solutions for direct administration  
7 to a patient in a private residence, long-term care facility,  
8 or hospice setting by means of parenteral, intravenous,  
9 intramuscular, subcutaneous, or intraspinal infusion.

10 (u-5) "Illinois State Police" means the Illinois State  
11 Police or its successor agency.

12 (v) "Immediate precursor" means a substance:

13 (1) which the Department has found to be and by rule  
14 designated as being a principal compound used, or produced  
15 primarily for use, in the manufacture of a controlled  
16 substance;

17 (2) which is an immediate chemical intermediary used  
18 or likely to be used in the manufacture of such controlled  
19 substance; and

20 (3) the control of which is necessary to prevent,  
21 curtail or limit the manufacture of such controlled  
22 substance.

23 (w) "Instructional activities" means the acts of teaching,  
24 educating or instructing by practitioners using controlled  
25 substances within educational facilities approved by the State  
26 Board of Education or its successor agency.

1           (x) "Local authorities" means a duly organized State,  
2 County or Municipal peace unit or police force.

3           (y) "Look-alike substance" means a substance, other than a  
4 controlled substance which (1) by overall dosage unit  
5 appearance, including shape, color, size, markings or lack  
6 thereof, taste, consistency, or any other identifying physical  
7 characteristic of the substance, would lead a reasonable  
8 person to believe that the substance is a controlled  
9 substance, or (2) is expressly or impliedly represented to be  
10 a controlled substance or is distributed under circumstances  
11 which would lead a reasonable person to believe that the  
12 substance is a controlled substance. For the purpose of  
13 determining whether the representations made or the  
14 circumstances of the distribution would lead a reasonable  
15 person to believe the substance to be a controlled substance  
16 under this clause (2) of subsection (y), the court or other  
17 authority may consider the following factors in addition to  
18 any other factor that may be relevant:

19           (a) statements made by the owner or person in control  
20 of the substance concerning its nature, use or effect;

21           (b) statements made to the buyer or recipient that the  
22 substance may be resold for profit;

23           (c) whether the substance is packaged in a manner  
24 normally used for the illegal distribution of controlled  
25 substances;

26           (d) whether the distribution or attempted distribution

1 included an exchange of or demand for money or other  
2 property as consideration, and whether the amount of the  
3 consideration was substantially greater than the  
4 reasonable retail market value of the substance.

5 Clause (1) of this subsection (y) shall not apply to a  
6 noncontrolled substance in its finished dosage form that was  
7 initially introduced into commerce prior to the initial  
8 introduction into commerce of a controlled substance in its  
9 finished dosage form which it may substantially resemble.

10 Nothing in this subsection (y) prohibits the dispensing or  
11 distributing of noncontrolled substances by persons authorized  
12 to dispense and distribute controlled substances under this  
13 Act, provided that such action would be deemed to be carried  
14 out in good faith under subsection (u) if the substances  
15 involved were controlled substances.

16 Nothing in this subsection (y) or in this Act prohibits  
17 the manufacture, preparation, propagation, compounding,  
18 processing, packaging, advertising or distribution of a drug  
19 or drugs by any person registered pursuant to Section 510 of  
20 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

21 (y-1) "Mail-order pharmacy" means a pharmacy that is  
22 located in a state of the United States that delivers,  
23 dispenses or distributes, through the United States Postal  
24 Service or other common carrier, to Illinois residents, any  
25 substance which requires a prescription.

26 (z) "Manufacture" means the production, preparation,

1 propagation, compounding, conversion or processing of a  
2 controlled substance other than methamphetamine, either  
3 directly or indirectly, by extraction from substances of  
4 natural origin, or independently by means of chemical  
5 synthesis, or by a combination of extraction and chemical  
6 synthesis, and includes any packaging or repackaging of the  
7 substance or labeling of its container, except that this term  
8 does not include:

9 (1) by an ultimate user, the preparation or  
10 compounding of a controlled substance for his or her own  
11 use;

12 (2) by a practitioner, or his or her authorized agent  
13 under his or her supervision, the preparation,  
14 compounding, packaging, or labeling of a controlled  
15 substance:

16 (a) as an incident to his or her administering or  
17 dispensing of a controlled substance in the course of  
18 his or her professional practice; or

19 (b) as an incident to lawful research, teaching or  
20 chemical analysis and not for sale; or

21 (3) the packaging, repackaging, or labeling of drugs  
22 only to the extent permitted under the Illinois Drug Reuse  
23 Opportunity Program Act.

24 (z-1) (Blank).

25 (z-5) "Medication shopping" means the conduct prohibited  
26 under subsection (a) of Section 314.5 of this Act.

1           (z-10) "Mid-level practitioner" means (i) a physician  
2 assistant who has been delegated authority to prescribe  
3 through a written delegation of authority by a physician  
4 licensed to practice medicine in all of its branches, in  
5 accordance with Section 7.5 of the Physician Assistant  
6 Practice Act of 1987, (ii) an advanced practice registered  
7 nurse who has been delegated authority to prescribe through a  
8 written delegation of authority by a physician licensed to  
9 practice medicine in all of its branches or by a podiatric  
10 physician, in accordance with Section 65-40 of the Nurse  
11 Practice Act, (iii) an advanced practice registered nurse  
12 certified as a nurse practitioner, nurse midwife, or clinical  
13 nurse specialist who has been granted authority to prescribe  
14 by a hospital affiliate in accordance with Section 65-45 of  
15 the Nurse Practice Act, (iv) an animal euthanasia agency, or  
16 (v) a prescribing psychologist.

17           (aa) "Narcotic drug" means any of the following, whether  
18 produced directly or indirectly by extraction from substances  
19 of vegetable origin, or independently by means of chemical  
20 synthesis, or by a combination of extraction and chemical  
21 synthesis:

22           (1) opium, opiates, derivatives of opium and opiates,  
23 including their isomers, esters, ethers, salts, and salts  
24 of isomers, esters, and ethers, whenever the existence of  
25 such isomers, esters, ethers, and salts is possible within  
26 the specific chemical designation; however the term

1 "narcotic drug" does not include the isoquinoline  
2 alkaloids of opium;

3 (2) (blank);

4 (3) opium poppy and poppy straw;

5 (4) coca leaves, except coca leaves and extracts of  
6 coca leaves from which substantially all of the cocaine  
7 and ecgonine, and their isomers, derivatives and salts,  
8 have been removed;

9 (5) cocaine, its salts, optical and geometric isomers,  
10 and salts of isomers;

11 (6) ecgonine, its derivatives, their salts, isomers,  
12 and salts of isomers;

13 (7) any compound, mixture, or preparation which  
14 contains any quantity of any of the substances referred to  
15 in subparagraphs (1) through (6).

16 (bb) "Nurse" means a registered nurse licensed under the  
17 Nurse Practice Act.

18 (cc) (Blank).

19 (dd) "Opiate" means any substance having an addiction  
20 forming or addiction sustaining liability similar to morphine  
21 or being capable of conversion into a drug having addiction  
22 forming or addiction sustaining liability.

23 (ee) "Opium poppy" means the plant of the species *Papaver*  
24 *somniferum* L., except its seeds.

25 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
26 solution or other liquid form of medication intended for

1 administration by mouth, but the term does not include a form  
2 of medication intended for buccal, sublingual, or transmucosal  
3 administration.

4 (ff) "Parole and Pardon Board" means the Parole and Pardon  
5 Board of the State of Illinois or its successor agency.

6 (gg) "Person" means any individual, corporation,  
7 mail-order pharmacy, government or governmental subdivision or  
8 agency, business trust, estate, trust, partnership or  
9 association, or any other entity.

10 (hh) "Pharmacist" means any person who holds a license or  
11 certificate of registration as a registered pharmacist, a  
12 local registered pharmacist or a registered assistant  
13 pharmacist under the Pharmacy Practice Act.

14 (ii) "Pharmacy" means any store, ship or other place in  
15 which pharmacy is authorized to be practiced under the  
16 Pharmacy Practice Act.

17 (ii-5) "Pharmacy shopping" means the conduct prohibited  
18 under subsection (b) of Section 314.5 of this Act.

19 (ii-10) "Physician" (except when the context otherwise  
20 requires) means a person licensed to practice medicine in all  
21 of its branches.

22 (jj) "Poppy straw" means all parts, except the seeds, of  
23 the opium poppy, after mowing.

24 (kk) "Practitioner" means a physician licensed to practice  
25 medicine in all its branches, dentist, optometrist, podiatric  
26 physician, veterinarian, scientific investigator, pharmacist,



1 physician assistant, advanced practice registered nurse,  
2 licensed practical nurse, registered nurse, emergency medical  
3 services personnel, hospital, laboratory, or pharmacy, or  
4 other person licensed, registered, or otherwise lawfully  
5 permitted by the United States or this State to distribute,  
6 dispense, conduct research with respect to, administer or use  
7 in teaching or chemical analysis, a controlled substance in  
8 the course of professional practice or research.

9 (ll) "Pre-printed prescription" means a written  
10 prescription upon which the designated drug has been indicated  
11 prior to the time of issuance; the term does not mean a written  
12 prescription that is individually generated by machine or  
13 computer in the prescriber's office.

14 (mm) "Prescriber" means a physician licensed to practice  
15 medicine in all its branches, dentist, optometrist,  
16 prescribing psychologist licensed under Section 4.2 of the  
17 Clinical Psychologist Licensing Act with prescriptive  
18 authority delegated under Section 4.3 of the Clinical  
19 Psychologist Licensing Act, podiatric physician, or  
20 veterinarian who issues a prescription, a physician assistant  
21 who issues a prescription for a controlled substance in  
22 accordance with Section 303.05, a written delegation, and a  
23 written collaborative agreement required under Section 7.5 of  
24 the Physician Assistant Practice Act of 1987, an advanced  
25 practice registered nurse with prescriptive authority  
26 delegated under Section 65-40 of the Nurse Practice Act and in

1 accordance with Section 303.05, a written delegation, and a  
2 written collaborative agreement under Section 65-35 of the  
3 Nurse Practice Act, an advanced practice registered nurse  
4 certified as a nurse practitioner, nurse midwife, or clinical  
5 nurse specialist who has been granted authority to prescribe  
6 by a hospital affiliate in accordance with Section 65-45 of  
7 the Nurse Practice Act and in accordance with Section 303.05,  
8 or an advanced practice registered nurse certified as a nurse  
9 practitioner, nurse midwife, or clinical nurse specialist who  
10 has full practice authority pursuant to Section 65-43 of the  
11 Nurse Practice Act.

12 (nn) "Prescription" means a written, facsimile, or oral  
13 order, or an electronic order that complies with applicable  
14 federal requirements, of a physician licensed to practice  
15 medicine in all its branches, dentist, podiatric physician or  
16 veterinarian for any controlled substance, of an optometrist  
17 in accordance with Section 15.1 of the Illinois Optometric  
18 Practice Act of 1987, of a prescribing psychologist licensed  
19 under Section 4.2 of the Clinical Psychologist Licensing Act  
20 with prescriptive authority delegated under Section 4.3 of the  
21 Clinical Psychologist Licensing Act, of a physician assistant  
22 for a controlled substance in accordance with Section 303.05,  
23 a written delegation, and a written collaborative agreement  
24 required under Section 7.5 of the Physician Assistant Practice  
25 Act of 1987, of an advanced practice registered nurse with  
26 prescriptive authority delegated under Section 65-40 of the

1 Nurse Practice Act who issues a prescription for a controlled  
2 substance in accordance with Section 303.05, a written  
3 delegation, and a written collaborative agreement under  
4 Section 65-35 of the Nurse Practice Act, of an advanced  
5 practice registered nurse certified as a nurse practitioner,  
6 nurse midwife, or clinical nurse specialist who has been  
7 granted authority to prescribe by a hospital affiliate in  
8 accordance with Section 65-45 of the Nurse Practice Act and in  
9 accordance with Section 303.05 when required by law, or of an  
10 advanced practice registered nurse certified as a nurse  
11 practitioner, nurse midwife, or clinical nurse specialist who  
12 has full practice authority pursuant to Section 65-43 of the  
13 Nurse Practice Act.

14 (nn-5) "Prescription Information Library" (PIL) means an  
15 electronic library that contains reported controlled substance  
16 data.

17 (nn-10) "Prescription Monitoring Program" (PMP) means the  
18 entity that collects, tracks, and stores reported data on  
19 controlled substances and select drugs pursuant to Section  
20 316.

21 (oo) "Production" or "produce" means manufacture,  
22 planting, cultivating, growing, or harvesting of a controlled  
23 substance other than methamphetamine.

24 (pp) "Registrant" means every person who is required to  
25 register under Section 302 of this Act.

26 (qq) "Registry number" means the number assigned to each

1 person authorized to handle controlled substances under the  
2 laws of the United States and of this State.

3 (qq-5) "Secretary" means, as the context requires, either  
4 the Secretary of the Department or the Secretary of the  
5 Department of Financial and Professional Regulation, and the  
6 Secretary's designated agents.

7 (rr) "State" includes the State of Illinois and any state,  
8 district, commonwealth, territory, insular possession thereof,  
9 and any area subject to the legal authority of the United  
10 States of America.

11 (rr-5) "Stimulant" means any drug that (i) causes an  
12 overall excitation of central nervous system functions, (ii)  
13 causes impaired consciousness and awareness, and (iii) can be  
14 habit-forming or lead to a substance abuse problem, including,  
15 but not limited to, amphetamines and their analogs,  
16 methylphenidate and its analogs, cocaine, and phencyclidine  
17 and its analogs.

18 (rr-10) "Synthetic drug" includes, but is not limited to,  
19 any synthetic cannabinoids or piperazines or any synthetic  
20 cathinones as provided for in Schedule I.

21 (ss) "Ultimate user" means a person who lawfully possesses  
22 a controlled substance for his or her own use or for the use of  
23 a member of his or her household or for administering to an  
24 animal owned by him or her or by a member of his or her  
25 household.

26 (Source: P.A. 101-666, eff. 1-1-22; 102-389, eff. 1-1-22;

1 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

2 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

3 Sec. 204. (a) The controlled substances listed in this  
4 Section are included in Schedule I.

5 (b) Unless specifically excepted or unless listed in  
6 another schedule, any of the following opiates, including  
7 their isomers, esters, ethers, salts, and salts of isomers,  
8 esters, and ethers, whenever the existence of such isomers,  
9 esters, ethers and salts is possible within the specific  
10 chemical designation:

11 (1) Acetylmethadol;

12 (1.1) Acetyl-alpha-methylfentanyl

13 (N-[1-(1-methyl-2-phenethyl)-

14 4-piperidinyl]-N-phenylacetamide);

15 (2) Allylprodine;

16 (3) Alphacetylmethadol, except

17 levo-alphacetylmethadol (also known as levo-alpha-

18 acetylmethadol, levomethadyl acetate, or LAAM);

19 (4) Alphameprodine;

20 (5) Alphamethadol;

21 (6) Alpha-methylfentanyl

22 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)

23 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-

24 propanilido) piperidine;

25 (6.1) Alpha-methylthiofentanyl

1 (N-[1-methyl-2-(2-thienyl)ethyl-  
2 4-piperidinyl]-N-phenylpropanamide);  
3 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);  
4 (7.1) PEPAP  
5 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
6 (8) Benzethidine;  
7 (9) Betacetylmethadol;  
8 (9.1) Beta-hydroxyfentanyl  
9 (N-[1-(2-hydroxy-2-phenethyl)-  
10 4-piperidinyl]-N-phenylpropanamide);  
11 (10) Betameprodine;  
12 (11) Betamethadol;  
13 (12) Betaprodine;  
14 (13) Clonitazene;  
15 (14) Dextromoramide;  
16 (15) Diampromide;  
17 (16) Diethylthiambutene;  
18 (17) Difenoxylin;  
19 (18) Dimenoxadol;  
20 (19) Dimepheptanol;  
21 (20) Dimethylthiambutene;  
22 (21) Dioxaphetylbutyrate;  
23 (22) Dipipanone;  
24 (23) Ethylmethylthiambutene;  
25 (24) Etonitazene;  
26 (25) Etoxeridine;

- 1 (26) Furethidine;
- 2 (27) Hydroxypethidine;
- 3 (28) Ketobemidone;
- 4 (29) Levomoramide;
- 5 (30) Levophenacymorphan;
- 6 (31) 3-Methylfentanyl
- 7 (N-[3-methyl-1-(2-phenylethyl)-
- 8 4-piperidyl]-N-phenylpropanamide);
- 9 (31.1) 3-Methylthiofentanyl
- 10 (N-[(3-methyl-1-(2-thienyl)ethyl-
- 11 4-piperidinyl]-N-phenylpropanamide);
- 12 (32) Morpheridine;
- 13 (33) Noracymethadol;
- 14 (34) Norlevorphanol;
- 15 (35) Normethadone;
- 16 (36) Norpipanone;
- 17 (36.1) Para-fluorofentanyl
- 18 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-
- 19 4-piperidinyl]propanamide);
- 20 (37) Phenadoxone;
- 21 (38) Phenampromide;
- 22 (39) Phenomorphan;
- 23 (40) Phenoperidine;
- 24 (41) Piritramide;
- 25 (42) Proheptazine;
- 26 (43) Properidine;

- 1 (44) Propiram;
- 2 (45) Racemoramide;
- 3 (45.1) Thiofentanyl
- 4 (N-phenyl-N-[1-(2-thienyl)ethyl-
- 5 4-piperidinyl]-propanamide);
- 6 (46) Tilidine;
- 7 (47) Trimeperidine;
- 8 (48) Beta-hydroxy-3-methylfentanyl (other name:
- 9 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-
- 10 N-phenylpropanamide);
- 11 (49) Furanyl fentanyl (FU-F);
- 12 (50) Butyryl fentanyl;
- 13 (51) Valeryl fentanyl;
- 14 (52) Acetyl fentanyl;
- 15 (53) Beta-hydroxy-thiofentanyl;
- 16 (54) 3,4-dichloro-N-[2-
- 17 (dimethylamino)cyclohexyl]-N-
- 18 methylbenzamide (U-47700);
- 19 (55) 4-chloro-N-[1-[2-
- 20 (4-nitrophenyl)ethyl]-2-piperidinylidene]-
- 21 benzenesulfonamide (W-18);
- 22 (56) 4-chloro-N-[1-(2-phenylethyl)
- 23 -2-piperidinylidene]-benzenesulfonamide (W-15);
- 24 (57) acrylfentanyl (acryloylfentanyl).
- 25 (c) Unless specifically excepted or unless listed in
- 26 another schedule, any of the following opium derivatives, its



1 salts, isomers and salts of isomers, whenever the existence of  
2 such salts, isomers and salts of isomers is possible within  
3 the specific chemical designation:

- 4 (1) Acetorphine;
- 5 (2) Acetyldihydrocodeine;
- 6 (3) Benzylmorphine;
- 7 (4) Codeine methylbromide;
- 8 (5) Codeine-N-Oxide;
- 9 (6) Cyprenorphine;
- 10 (7) Desomorphine;
- 11 (8) Diacetyldihydromorphine (Dihydroheroin);
- 12 (9) Dihydromorphine;
- 13 (10) Drotebanol;
- 14 (11) Etorphine (except hydrochloride salt);
- 15 (12) Heroin;
- 16 (13) Hydromorphanol;
- 17 (14) Methyldesorphine;
- 18 (15) Methyldihydromorphine;
- 19 (16) Morphine methylbromide;
- 20 (17) Morphine methylsulfonate;
- 21 (18) Morphine-N-Oxide;
- 22 (19) Myrophine;
- 23 (20) Nicocodeine;
- 24 (21) Nicomorphine;
- 25 (22) Normorphine;
- 26 (23) Pholcodine;

1 (24) Thebacon.

2 (d) Unless specifically excepted or unless listed in  
3 another schedule, any material, compound, mixture, or  
4 preparation which contains any quantity of the following  
5 hallucinogenic substances, or which contains any of its salts,  
6 isomers and salts of isomers, whenever the existence of such  
7 salts, isomers, and salts of isomers is possible within the  
8 specific chemical designation (for the purposes of this  
9 paragraph only, the term "isomer" includes the optical,  
10 position and geometric isomers):

11 (1) 3,4-methylenedioxyamphetamine

12 (alpha-methyl,3,4-methylenedioxyphenethylamine,  
13 methylenedioxyamphetamine, MDA);

14 (1.1) Alpha-ethyltryptamine

15 (some trade or other names: etryptamine;

16 MONASE; alpha-ethyl-1H-indole-3-ethanamine;

17 3-(2-aminobutyl)indole; a-ET; and AET);

18 (2) 3,4-methylenedioxymethamphetamine (MDMA);

19 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

20 (also known as: N-ethyl-alpha-methyl-

21 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,

22 and MDEA);

23 (2.2) N-Benzylpiperazine (BZP);

24 (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);

25 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

26 (4) 3,4,5-trimethoxyamphetamine (TMA);

1 (5) (Blank);

2 (6) Diethyltryptamine (DET);

3 (7) Dimethyltryptamine (DMT);

4 (7.1) 5-Methoxy-diallyltryptamine;

5 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);

6 (9) Ibogaine (some trade and other names:

7 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-

8 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]

9 indole; Tabernanthe iboga);

10 (10) Lysergic acid diethylamide;

11 (10.1) Salvinorin A;

12 (10.5) Salvia divinorum (meaning all parts of the  
13 plant presently classified botanically as Salvia  
14 divinorum, whether growing or not, the seeds thereof, any  
15 extract from any part of that plant, and every compound,  
16 manufacture, salts, isomers, and salts of isomers whenever  
17 the existence of such salts, isomers, and salts of isomers  
18 is possible within the specific chemical designation,  
19 derivative, mixture, or preparation of that plant, its  
20 seeds or extracts);

21 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);

22 (12) Peyote (meaning all parts of the plant presently  
23 classified botanically as Lophophora williamsii Lemaire,  
24 whether growing or not, the seeds thereof, any extract  
25 from any part of that plant, and every compound,  
26 manufacture, salts, derivative, mixture, or preparation of

- 1 that plant, its seeds or extracts);
- 2 (13) N-ethyl-3-piperidyl benzilate (JB 318);
- 3 (14) N-methyl-3-piperidyl benzilate;
- 4 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine
- 5 (also known as N-hydroxy-alpha-methyl-
- 6 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
- 7 (15) Parahexyl; some trade or other names:
- 8 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
- 9 dibenzo (b,d) pyran; Synhexyl;
- 10 (16) (Blank); ~~Psilocybin~~;
- 11 (17) (Blank); ~~Psilocyn~~;
- 12 (18) Alpha-methyltryptamine (AMT);
- 13 (19) 2,5-dimethoxyamphetamine
- 14 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
- 15 (20) 4-bromo-2,5-dimethoxyamphetamine
- 16 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
- 17 4-bromo-2,5-DMA);
- 18 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
- 19 Some trade or other names: 2-(4-bromo-
- 20 2,5-dimethoxyphenyl)-1-aminoethane;
- 21 alpha-desmethyl DOB, 2CB, Nexus;
- 22 (21) 4-methoxyamphetamine
- 23 (4-methoxy-alpha-methylphenethylamine;
- 24 paramethoxyamphetamine; PMA);
- 25 (22) (Blank);
- 26 (23) Ethylamine analog of phencyclidine.

1 Some trade or other names:  
2 N-ethyl-1-phenylcyclohexylamine,  
3 (1-phenylcyclohexyl) ethylamine,  
4 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;  
5 (24) Pyrrolidine analog of phencyclidine. Some trade  
6 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,  
7 PHP;  
8 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;  
9 (26) 2,5-dimethoxy-4-ethylamphetamine  
10 (another name: DOET);  
11 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
12 (another name: TCPy);  
13 (28) (Blank);  
14 (29) Thiophene analog of phencyclidine (some trade  
15 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;  
16 2-thienyl analog of phencyclidine; TPCP; TCP);  
17 (29.1) Benzothiophene analog of phencyclidine. Some  
18 trade or other names: BTCP or benocyclidine;  
19 (29.2) 3-Methoxyphencyclidine (3-MeO-PCP);  
20 (30) Bufotenine (some trade or other names:  
21 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;  
22 3-(2-dimethylaminoethyl)-5-indolol;  
23 5-hydroxy-N,N-dimethyltryptamine;  
24 N,N-dimethylserotonin; mappine);  
25 (31) (Blank);  
26 (32) (Blank);

1 (33) (Blank);

2 (34) (Blank);

3 (34.5) (Blank);

4 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-

5 (2-methyloctan-2-yl)-6a,7,

6 10,10a-tetrahydrobenzo[c]chromen-1-ol

7 Some trade or other names: HU-210;

8 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-

9 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-

10 tetrahydrobenzo[c]chromen-1-ol, its isomers,

11 salts, and salts of isomers; Some trade or other

12 names: HU-210, Dexanabinol;

13 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-

14 6,6-dimethyl-3-(2-methyloctan-2-yl)-

15 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

16 Some trade or other names: HU-211;

17 (37) (Blank);

18 (38) (Blank);

19 (39) (Blank);

20 (40) (Blank);

21 (41) (Blank);

22 (42) Any compound structurally derived from

23 3-(1-naphthoyl)indole or

24 1H-indol-3-yl-(1-naphthyl)methane by substitution at the

25 nitrogen atom of the indole ring by alkyl, haloalkyl,

26 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,

1 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
2 2-(4-morpholinyl)ethyl whether or not further substituted  
3 in the indole ring to any extent, whether or not  
4 substituted in the naphthyl ring to any extent. Examples  
5 of this structural class include, but are not limited to,  
6 JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

7 (43) Any compound structurally derived from  
8 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
9 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,  
10 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
11 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl, whether or not further substituted  
13 in the pyrrole ring to any extent, whether or not  
14 substituted in the naphthyl ring to any extent. Examples  
15 of this structural class include, but are not limited to,  
16 JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

17 (44) Any compound structurally derived from  
18 1-(1-naphthylmethyl)indene by substitution at the  
19 3-position of the indene ring by alkyl, haloalkyl,  
20 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
21 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
22 2-(4-morpholinyl)ethyl whether or not further substituted  
23 in the indene ring to any extent, whether or not  
24 substituted in the naphthyl ring to any extent. Examples  
25 of this structural class include, but are not limited to,  
26 JWH-176;

1           (45) Any compound structurally derived from  
2 3-phenylacetylindole by substitution at the nitrogen atom  
3 of the indole ring with alkyl, haloalkyl, alkenyl,  
4 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
5 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
6 2-(4-morpholinyl)ethyl, whether or not further substituted  
7 in the indole ring to any extent, whether or not  
8 substituted in the phenyl ring to any extent. Examples of  
9 this structural class include, but are not limited to,  
10 JWH-167, JWH-250, JWH-251, and RCS-8;

11           (46) Any compound structurally derived from  
12 2-(3-hydroxycyclohexyl)phenol by substitution at the  
13 5-position of the phenolic ring by alkyl, haloalkyl,  
14 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
15 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
16 2-(4-morpholinyl)ethyl, whether or not substituted in the  
17 cyclohexyl ring to any extent. Examples of this structural  
18 class include, but are not limited to, CP 47, 497 and its  
19 C8 homologue (cannabicyclohexanol);

20           (46.1) Any compound structurally derived from  
21 3-(benzoyl) indole with substitution at the nitrogen atom  
22 of the indole ring by an alkyl, haloalkyl, alkenyl,  
23 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
24 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
25 2-(4-morpholinyl)ethyl group whether or not further  
26 substituted in the indole ring to any extent and whether



1 or not substituted in the phenyl ring to any extent.  
2 Examples of this structural class include, but are not  
3 limited to, AM-630, AM-2233, AM-694, Pravadoline (WIN  
4 48,098), and RCS-4;

5 (47) (Blank);

6 (48) (Blank);

7 (49) (Blank);

8 (50) (Blank);

9 (51) (Blank);

10 (52) (Blank);

11 (53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine.

12 Some trade or other names: 2C-T-7;

13 (53.1) 4-ethyl-2,5-dimethoxyphenethylamine. Some  
14 trade or other names: 2C-E;

15 (53.2) 2,5-dimethoxy-4-methylphenethylamine. Some  
16 trade or other names: 2C-D;

17 (53.3) 4-chloro-2,5-dimethoxyphenethylamine. Some  
18 trade or other names: 2C-C;

19 (53.4) 4-iodo-2,5-dimethoxyphenethylamine. Some trade  
20 or other names: 2C-I;

21 (53.5) 4-ethylthio-2,5-dimethoxyphenethylamine. Some  
22 trade or other names: 2C-T-2;

23 (53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine.  
24 Some trade or other names: 2C-T-4;

25 (53.7) 2,5-dimethoxyphenethylamine. Some trade or  
26 other names: 2C-H;

1 (53.8) 2,5-dimethoxy-4-nitrophenethylamine. Some  
2 trade or other names: 2C-N;

3 (53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine. Some  
4 trade or other names: 2C-P;

5 (53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine.  
6 Some trade or other names: 2C-G;

7 (53.11) The N-(2-methoxybenzyl) derivative of any 2C  
8 phenethylamine referred to in subparagraphs (20.1), (53),  
9 (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7),  
10 (53.8), (53.9), and (53.10) including, but not limited to,  
11 25I-NBOMe and 25C-NBOMe;

12 (54) 5-Methoxy-N,N-diisopropyltryptamine;

13 (55) (Blank);

14 (56) (Blank);

15 (57) (Blank);

16 (58) (Blank);

17 (59) 3-cyclopropoylindole with substitution at the  
18 nitrogen atom of the indole ring by alkyl, haloalkyl,  
19 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
20 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
21 2-(4-morpholinyl)ethyl, whether or not further substituted  
22 on the indole ring to any extent, whether or not  
23 substituted on the cyclopropyl ring to any extent:  
24 including, but not limited to, XLR11, UR144, FUB-144;

25 (60) 3-adamantoylindole with substitution at the  
26 nitrogen atom of the indole ring by alkyl, haloalkyl,

1 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
2 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
3 2-(4-morpholinyl)ethyl, whether or not further substituted  
4 on the indole ring to any extent, whether or not  
5 substituted on the adamantyl ring to any extent:  
6 including, but not limited to, AB-001;

7 (61) N-(adamantyl)-indole-3-carboxamide with  
8 substitution at the nitrogen atom of the indole ring by  
9 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
10 cycloalkylethyl, aryl halide, alkyl aryl halide,  
11 1-(N-methyl-2-piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl, whether or not further substituted  
13 on the indole ring to any extent, whether or not  
14 substituted on the adamantyl ring to any extent:  
15 including, but not limited to, APICA/2NE-1, STS-135;

16 (62) N-(adamantyl)-indazole-3-carboxamide with  
17 substitution at a nitrogen atom of the indazole ring by  
18 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
19 cycloalkylethyl, aryl halide, alkyl aryl halide,  
20 1-(N-methyl-2-piperidinyl)methyl, or  
21 2-(4-morpholinyl)ethyl, whether or not further substituted  
22 on the indazole ring to any extent, whether or not  
23 substituted on the adamantyl ring to any extent:  
24 including, but not limited to, AKB48, 5F-AKB48;

25 (63) 1H-indole-3-carboxylic acid 8-quinolinyl ester  
26 with substitution at the nitrogen atom of the indole ring

1 by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
2 cycloalkylethyl, aryl halide, alkyl aryl halide,  
3 1-(N-methyl-2-piperidinyl)methyl, or  
4 2-(4-morpholinyl)ethyl, whether or not further substituted  
5 on the indole ring to any extent, whether or not  
6 substituted on the quinoline ring to any extent:  
7 including, but not limited to, PB22, 5F-PB22, FUB-PB-22;

8 (64) 3-(1-naphthoyl)indazole with substitution at the  
9 nitrogen atom of the indazole ring by alkyl, haloalkyl,  
10 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
11 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl, whether or not further substituted  
13 on the indazole ring to any extent, whether or not  
14 substituted on the naphthyl ring to any extent: including,  
15 but not limited to, THJ-018, THJ-2201;

16 (65) 2-(1-naphthoyl)benzimidazole with substitution  
17 at the nitrogen atom of the benzimidazole ring by alkyl,  
18 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
19 aryl halide, alkyl aryl halide,  
20 1-(N-methyl-2-piperidinyl)methyl, or  
21 2-(4-morpholinyl)ethyl, whether or not further substituted  
22 on the benzimidazole ring to any extent, whether or not  
23 substituted on the naphthyl ring to any extent: including,  
24 but not limited to, FUBIMINA;

25 (66)

26 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-

1 3-carboxamide with substitution on the nitrogen atom of  
2 the indazole ring by alkyl, haloalkyl, alkenyl,  
3 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
4 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
5 2-(4-morpholinyl)ethyl, whether or not further substituted  
6 on the indazole ring to any extent: including, but not  
7 limited to, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

8 (67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
9 indazole-3-carboxamide with substitution on the nitrogen  
10 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
11 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
12 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
13 2-(4-morpholinyl)ethyl, whether or not further substituted  
14 on the indazole ring to any extent: including, but not  
15 limited to, ADB-PINACA, ADB-FUBINACA;

16 (68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
17 indole-3-carboxamide with substitution on the nitrogen  
18 atom of the indole ring by alkyl, haloalkyl, alkenyl,  
19 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
20 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
21 2-(4-morpholinyl)ethyl, whether or not further substituted  
22 on the indole ring to any extent: including, but not  
23 limited to, ADBICA, 5F-ADBICA;

24 (69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-  
25 3-carboxamide with substitution on the nitrogen atom of  
26 the indole ring by alkyl, haloalkyl, alkenyl,

1 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
2 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
3 2-(4-morpholinyl)ethyl, whether or not further substituted  
4 on the indole ring to any extent: including, but not  
5 limited to, ABICA, 5F-ABICA;

6 (70) Methyl 2-(1H-indazole-3-carboxamido)-3-  
7 methylbutanoate with substitution on the nitrogen atom of  
8 the indazole ring by alkyl, haloalkyl, alkenyl,  
9 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
10 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
11 2-(4-morpholinyl)ethyl, whether or not further substituted  
12 on the indazole ring to any extent: including, but not  
13 limited to, AMB, 5F-AMB;

14 (71) Methyl 2-(1H-indazole-3-carboxamido)-3,3-  
15 dimethylbutanoate with substitution on the nitrogen atom  
16 of the indazole ring by alkyl, haloalkyl, alkenyl,  
17 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
18 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
19 2-(4-morpholinyl)ethyl, whether or not further substituted  
20 on the indazole ring to any extent: including, but not  
21 limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

22 (72) Methyl 2-(1H-indole-3-carboxamido)-3-  
23 methylbutanoate with substitution on the nitrogen atom of  
24 the indole ring by alkyl, haloalkyl, alkenyl,  
25 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
26 halide, 1-(N-methyl-2-piperidinyl)methyl, or

1 2-(4-morpholinyl)ethyl, whether or not further substituted  
2 on the indazole ring to any extent: including, but not  
3 limited to, MMB018, MMB2201, and AMB-CHMICA;

4 (73) Methyl 2-(1H-indole-3-carboxamido)-3,3-  
5 dimethylbutanoate with substitution on the nitrogen atom  
6 of the indole ring by alkyl, haloalkyl, alkenyl,  
7 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
8 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
9 2-(4-morpholinyl)ethyl, whether or not further substituted  
10 on the indazole ring to any extent: including, but not  
11 limited to, MDMB-CHMICA;

12 (74) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-  
13 indazole-3-carboxamide with substitution on the nitrogen  
14 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
15 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
16 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
17 2-(4-morpholinyl)ethyl, whether or not further substituted  
18 on the indazole ring to any extent: including, but not  
19 limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

20 (75) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-  
21 3-carboxamide with substitution on the nitrogen atom of  
22 the indole ring by alkyl, haloalkyl, alkenyl,  
23 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
24 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
25 2-(4-morpholinyl)ethyl, whether or not further substituted  
26 on the indazole ring to any extent: including, but not

1 limited to, APP-PICA and 5-fluoro-APP-PICA;

2 (76) 4-Acetoxy-N,N-dimethyltryptamine: trade name  
3 4-AcO-DMT;

4 (77) 5-Methoxy-N-methyl-N-isopropyltryptamine: trade  
5 name 5-MeO-MIPT;

6 (78) 4-hydroxy Diethyltryptamine (4-HO-DET);

7 (79) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);

8 (80) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

9 (81) 4-hydroxy-N-methyl-N-isopropyltryptamine  
10 (4-HO-MiPT);

11 (82) Fluorophenylpiperazine;

12 (83) Methoxetamine;

13 (84) 1-(Ethylamino)-2-phenylpropan-2-one (iso-  
14 ethcathinone).

15 (e) Unless specifically excepted or unless listed in  
16 another schedule, any material, compound, mixture, or  
17 preparation which contains any quantity of the following  
18 substances having a depressant effect on the central nervous  
19 system, including its salts, isomers, and salts of isomers  
20 whenever the existence of such salts, isomers, and salts of  
21 isomers is possible within the specific chemical designation:

22 (1) mecloqualone;

23 (2) methaqualone; and

24 (3) gamma hydroxybutyric acid.

25 (f) Unless specifically excepted or unless listed in  
26 another schedule, any material, compound, mixture, or



1 preparation which contains any quantity of the following  
2 substances having a stimulant effect on the central nervous  
3 system, including its salts, isomers, and salts of isomers:

4 (1) Fenethylamine;

5 (2) N-ethylamphetamine;

6 (3) Aminorex (some other names:

7 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

8 4-5-dihydro-5-phenyl-2-oxazolamine) and its

9 salts, optical isomers, and salts of optical isomers;

10 (4) Methcathinone (some other names:

11 2-methylamino-1-phenylpropan-1-one;

12 Ephedrone; 2-(methylamino)-propiofenone;

13 alpha-(methylamino)propiofenone; N-methylcathinone;

14 methcathinone; Monomethylpropion; UR 1431) and its

15 salts, optical isomers, and salts of optical isomers;

16 (5) Cathinone (some trade or other names:

17 2-aminopropiofenone; alpha-aminopropiofenone;

18 2-amino-1-phenyl-propanone; norephedrone);

19 (6) N,N-dimethylamphetamine (also known as:

20 N,N-alpha-trimethyl-benzeneethanamine;

21 N,N-alpha-trimethylphenethylamine);

22 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-

23 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);

24 (8) 3,4-Methylenedioxypyrovalerone (MDPV);

25 (9) Halogenated amphetamines and

26 methamphetamines - any compound derived from either

1 amphetamine or methamphetamine through the substitution  
2 of a halogen on the phenyl ring, including, but not  
3 limited to, 2-fluoroamphetamine, 3-  
4 fluoroamphetamine and 4-fluoroamphetamine;

5 (10) Aminopropylbenzofuran (APB):  
6 including 4-(2-Aminopropyl) benzofuran, 5-  
7 (2-Aminopropyl)benzofuran, 6-(2-Aminopropyl)  
8 benzofuran, and 7-(2-Aminopropyl) benzofuran;

9 (11) Aminopropyldihydrobenzofuran (APDB):  
10 including 4-(2-Aminopropyl)-2,3- dihydrobenzofuran,  
11 5-(2-Aminopropyl)-2, 3-dihydrobenzofuran,  
12 6-(2-Aminopropyl)-2,3-dihydrobenzofuran,  
13 and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;

14 (12) Methylaminopropylbenzofuran  
15 (MAPB): including 4-(2-methylaminopropyl)  
16 benzofuran, 5-(2-methylaminopropyl)benzofuran,  
17 6-(2-methylaminopropyl)benzofuran  
18 and 7-(2-methylaminopropyl)benzofuran.

19 (g) Temporary listing of substances subject to emergency  
20 scheduling. Any material, compound, mixture, or preparation  
21 that contains any quantity of the following substances:

22 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
23 (benzylfentanyl), its optical isomers, isomers, salts, and  
24 salts of isomers;

25 (2) N-[1(2-thienyl) methyl-4-piperidyl]-N-  
26 phenylpropanamide (thenylfentanyl), its optical isomers,

1 salts, and salts of isomers.

2 (h) Synthetic cathinones. Unless specifically excepted,  
3 any chemical compound which is not approved by the United  
4 States Food and Drug Administration or, if approved, is not  
5 dispensed or possessed in accordance with State or federal  
6 law, not including bupropion, structurally derived from  
7 2-aminopropan-1-one by substitution at the 1-position with  
8 either phenyl, naphthyl, or thiophene ring systems, whether or  
9 not the compound is further modified in one or more of the  
10 following ways:

11 (1) by substitution in the ring system to any extent  
12 with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or  
13 halide substituents, whether or not further substituted in  
14 the ring system by one or more other univalent  
15 substituents. Examples of this class include, but are not  
16 limited to, 3,4-Methylenedioxycathinone (bk-MDA);

17 (2) by substitution at the 3-position with an acyclic  
18 alkyl substituent. Examples of this class include, but are  
19 not limited to, 2-methylamino-1-phenylbutan-1-one  
20 (buphedrone); or

21 (3) by substitution at the 2-amino nitrogen atom with  
22 alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by  
23 inclusion of the 2-amino nitrogen atom in a cyclic  
24 structure. Examples of this class include, but are not  
25 limited to, Dimethylcathinone, Ethcathinone, and  
26  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP); or

1 Any other synthetic cathinone which is not approved by the  
2 United States Food and Drug Administration or, if approved, is  
3 not dispensed or possessed in accordance with State or federal  
4 law.

5 (i) Synthetic cannabinoids or piperazines. Any synthetic  
6 cannabinoid or piperazine which is not approved by the United  
7 States Food and Drug Administration or, if approved, which is  
8 not dispensed or possessed in accordance with State and  
9 federal law.

10 (j) Unless specifically excepted or listed in another  
11 schedule, any chemical compound which is not approved by the  
12 United States Food and Drug Administration or, if approved, is  
13 not dispensed or possessed in accordance with State or federal  
14 law, and is derived from the following structural classes and  
15 their salts:

16 (1) Benzodiazepine class: A fused 1,4-diazepine and  
17 benzene ring structure with a phenyl connected to the  
18 1,4-diazepine ring, with any substitution(s) or  
19 replacement(s) on the 1,4-diazepine or benzene ring, any  
20 substitution(s) on the phenyl ring, or any combination  
21 thereof. Examples of this class include but are not  
22 limited to: Clonazolam, Flualprazolam; or

23 (2) Thienodiazepine class: A fused 1,4-diazepine and  
24 thiophene ring structure with a phenyl connected to the  
25 1,4-diazepine ring, with any substitution(s) or  
26 replacement(s) on the 1,4-diazepine or thiophene ring, any

1           substitution(s) on the phenyl ring, or any combination  
2           thereof. Examples of this class include but are not  
3           limited to: Etizolam.

4           (Source: P.A. 103-245, eff. 1-1-24.)

5           Section 999. Effective date. This Act takes effect upon  
6           becoming law."