

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Sections 201, 206, and 218 as follows:

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

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

- 14 (1) the actual or relative potential for abuse;
 - 15 (2) the scientific evidence of its pharmacological
16 effect, if known;
 - 17 (3) the state of current scientific knowledge
18 regarding the substance;
 - 19 (4) the history and current pattern of abuse;
 - 20 (5) the scope, duration, and significance of abuse;
 - 21 (6) the risk to the public health;
 - 22 (7) the potential of the substance to produce
23 psychological or physiological dependence;
 - 24 (8) whether the substance is an immediate precursor of
25 a substance already controlled under this Article;
 - 26 (9) the immediate harmful effect in terms of
27 potentially fatal dosage; and
 - 28 (10) the long-range effects in terms of permanent
29 health impairment.
- 30 (b) (Blank).
- 31 (c) (Blank).
- 32 (d) If any substance is scheduled, rescheduled, or deleted

1 as a controlled substance under Federal law and notice thereof
2 is given to the Department, the Department shall similarly
3 control the substance under this Act after the expiration of 30
4 days from publication in the Federal Register of a final order
5 scheduling a substance as a controlled substance or
6 rescheduling or deleting a substance, unless within that 30 day
7 period the Department objects, or a party adversely affected
8 files with the Department substantial written objections
9 objecting to inclusion, rescheduling, or deletion. In that
10 case, the Department shall publish the reasons for objection or
11 the substantial written objections and afford all interested
12 parties an opportunity to be heard. At the conclusion of the
13 hearing, the Department shall publish its decision, by means of
14 a rule, which shall be final unless altered by statute. Upon
15 publication of objections by the Department, similar control
16 under this Act whether by inclusion, rescheduling or deletion
17 is stayed until the Department publishes its ruling.

18 (e) The Department shall by rule exclude any non-narcotic
19 substances from a schedule if such substance may, under the
20 Federal Food, Drug, and Cosmetic Act, be lawfully sold over the
21 counter without a prescription.

22 (f) (Blank) ~~The sale, delivery, distribution, and~~
23 ~~possession of a drug product containing dextromethorphan shall~~
24 ~~be in accordance with Section 218 of this Act.-~~

25 (g) Authority to control under this section does not extend
26 to distilled spirits, wine, malt beverages, or tobacco as those
27 terms are defined or used in the Liquor Control Act and the
28 Tobacco Products Tax Act.

29 (h) Persons registered with the Drug Enforcement
30 Administration to manufacture or distribute controlled
31 substances shall maintain adequate security and provide
32 effective controls and procedures to guard against theft and
33 diversion, but shall not otherwise be required to meet the
34 physical security control requirements (such as cage or vault)
35 for Schedule V controlled substances containing
36 pseudoephedrine or Schedule II controlled substances

1 containing dextromethorphan.

2 (Source: P.A. 94-800, eff. 1-1-07; revised 8-3-06.)

3 (720 ILCS 570/206) (from Ch. 56 1/2, par. 1206)

4 Sec. 206. (a) The controlled substances listed in this
5 Section are included in Schedule II.

6 (b) Unless specifically excepted or unless listed in
7 another schedule, any of the following substances whether
8 produced directly or indirectly by extraction from substances
9 of vegetable origin, or independently by means of chemical
10 synthesis, or by combination of extraction and chemical
11 synthesis:

12 (1) Opium and opiates, and any salt, compound,
13 derivative or preparation of opium or opiate, excluding
14 apomorphine, dextrorphan, levopropoxyphene, nalbuphine,
15 nalmefene, naloxone, and naltrexone, and their respective
16 salts, but including the following:

- 17 (i) Raw Opium;
18 (ii) Opium extracts;
19 (iii) Opium fluid extracts;
20 (iv) Powdered opium;
21 (v) Granulated opium;
22 (vi) Tincture of opium;
23 (vii) Codeine;
24 (viii) Ethylmorphine;
25 (ix) Etorphine Hydrochloride;
26 (x) Hydrocodone;
27 (xi) Hydromorphone;
28 (xii) Metopon;
29 (xiii) Morphine;
30 (xiv) Oxycodone;
31 (xv) Oxymorphone;
32 (xvi) Thebaine;
33 (xvii) Thebaine-derived butorphanol.
34 (xviii) Dextromethorphan, except drug products
35 that may be dispensed pursuant to a prescription order

1 of a practitioner and are sold in compliance with the
2 safety and labeling standards as set forth by the
3 United States Food and Drug Administration, or drug
4 products containing dextromethorphan that are sold in
5 solid, tablet, liquid, capsule, powder, thin film, or
6 gel form and which are formulated, packaged, and sold
7 in dosages and concentrations for use as an
8 over-the-counter drug product. For the purposes of
9 this Section, "over-the-counter drug product" means a
10 drug that is available to consumers without a
11 prescription and sold in compliance with the safety and
12 labeling standards as set forth by the United States
13 Food and Drug Administration ~~subject to Section 218 of~~
14 ~~this Act.~~

15 (2) Any salt, compound, isomer, derivative or
16 preparation thereof which is chemically equivalent or
17 identical with any of the substances referred to in
18 subparagraph (1), but not including the isoquinoline
19 alkaloids of opium;

20 (3) Opium poppy and poppy straw;

21 (4) Coca leaves and any salt, compound, isomer, salt of
22 an isomer, derivative, or preparation of coca leaves
23 including cocaine or ecgonine, and any salt, compound,
24 isomer, derivative, or preparation thereof which is
25 chemically equivalent or identical with any of these
26 substances, but not including decocainized coca leaves or
27 extractions of coca leaves which do not contain cocaine or
28 ecgonine (for the purpose of this paragraph, the term
29 "isomer" includes optical, positional and geometric
30 isomers);

31 (5) Concentrate of poppy straw (the crude extract of
32 poppy straw in either liquid, solid or powder form which
33 contains the phenanthrine alkaloids of the opium poppy).

34 (c) Unless specifically excepted or unless listed in
35 another schedule any of the following opiates, including their
36 isomers, esters, ethers, salts, and salts of isomers, whenever

1 the existence of these isomers, esters, ethers and salts is
2 possible within the specific chemical designation, dextrorphan
3 excepted:

- 4 (1) Alfentanil;
- 5 (1.1) Carfentanil;
- 6 (2) Alphaprodine;
- 7 (3) Anileridine;
- 8 (4) Bezitramide;
- 9 (5) Bulk Dextropropoxyphene (non-dosage forms);
- 10 (6) Dihydrocodeine;
- 11 (7) Diphenoxylate;
- 12 (8) Fentanyl;
- 13 (9) Sufentanil;
- 14 (9.5) Remifentanil;
- 15 (10) Isomethadone;
- 16 (11) Levomethorphan;
- 17 (12) Levorphanol (Levorphan);
- 18 (13) Metazocine;
- 19 (14) Methadone;
- 20 (15) Methadone-Intermediate,
21 4-cyano-2-dimethylamino-4,4-diphenyl-1-butane;
- 22 (16) Moramide-Intermediate,
23 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic
24 acid;
- 25 (17) Pethidine (meperidine);
- 26 (18) Pethidine-Intermediate-A,
27 4-cyano-1-methyl-4-phenylpiperidine;
- 28 (19) Pethidine-Intermediate-B,
29 ethyl-4-phenylpiperidine-4-carboxylate;
- 30 (20) Pethidine-Intermediate-C,
31 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 32 (21) Phenazocine;
- 33 (22) Piminodine;
- 34 (23) Racemethorphan;
- 35 (24) Racemorphan;
- 36 (25) Levo-alphaacetylmethadol (some other names:

1 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM).

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 substances having a stimulant effect on the central nervous
6 system:

7 (1) Amphetamine, its salts, optical isomers, and salts
8 of its optical isomers;

9 (2) Methamphetamine, its salts, isomers, and salts of
10 its isomers;

11 (3) Phenmetrazine and its salts;

12 (4) Methylphenidate.

13 (e) Unless specifically excepted or unless listed in
14 another schedule, any material, compound, mixture, or
15 preparation which contains any quantity of the following
16 substances having a depressant effect on the central nervous
17 system, including its salts, isomers, and salts of isomers
18 whenever the existence of such salts, isomers, and salts of
19 isomers is possible within the specific chemical designation:

20 (1) Amobarbital;

21 (2) Secobarbital;

22 (3) Pentobarbital;

23 (4) Pentazocine;

24 (5) Phencyclidine;

25 (6) Gluthethimide;

26 (7) (Blank).

27 (f) Unless specifically excepted or unless listed in
28 another schedule, any material, compound, mixture, or
29 preparation which contains any quantity of the following
30 substances:

31 (1) Immediate precursor to amphetamine and
32 methamphetamine:

33 (i) Phenylacetone

34 Some trade or other names: phenyl-2-propanone;

35 P2P; benzyl methyl ketone; methyl benzyl ketone.

36 (2) Immediate precursors to phencyclidine:

- 1 (i) 1-phenylcyclohexylamine;
- 2 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).
- 3 (3) Nabilone.

4 (Source: P.A. 94-800, eff. 1-1-07.)

5 (720 ILCS 570/218)

6 Sec. 218. Dextromethorphan.

7 (a) (Blank) ~~A drug product containing dextromethorphan may~~
8 ~~not be sold, delivered, distributed, or possessed except in~~
9 ~~accordance with the prescription requirements of Sections 309,~~
10 ~~312, and 313 of this Act.~~

11 (b) Possession of a drug product containing
12 dextromethorphan in violation of this Act Section is a Class 4
13 felony. The sale, delivery, distribution, or possession with
14 intent to sell, deliver, or distribute a drug product
15 containing dextromethorphan in violation of this Act Section is
16 a Class 2 felony.

17 (c) (Blank) ~~This Section does not apply to a drug product~~
18 ~~containing dextromethorphan that is sold in solid, tablet,~~
19 ~~liquid, capsule, powder, thin film, or gel form and which is~~
20 ~~formulated, packaged, and sold in dosages and concentrations~~
21 ~~for use as an over the counter drug product. For the purposes~~
22 ~~of this Section, "over-the-counter drug product" means a drug~~
23 ~~that is available to consumers without a prescription and sold~~
24 ~~in compliance with the safety and labeling standards as set~~
25 ~~forth by the United States Food and Drug Administration.~~

26 (Source: P.A. 94-800, eff. 1-1-07.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.