



Rep. John E. Bradley

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LRB095 07652 RLC 35391 a

1 AMENDMENT TO HOUSE BILL 1956

2 AMENDMENT NO. _____. Amend House Bill 1956 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Methamphetamine Precursor Control Act is
5 amended by changing Sections 10, 25, 40, 45, and 55 and by
6 adding Sections 36, 37, 38, 39, and 39.5 as follows:

7 (720 ILCS 648/10)

8 Sec. 10. Definitions. In this Act:

9 "Administer" or "administration" has the meaning provided
10 in Section 102 of the Illinois Controlled Substances Act.

11 "Agent" has the meaning provided in Section 102 of the
12 Illinois Controlled Substances Act.

13 "Authorized representative" means an employee or agent of a
14 qualified outside entity who has been authorized in writing by
15 his or her agency or office to receive confidential information
16 from the database associated with the Williamson County Pilot

1 Program.

2 "Central Repository" means the entity chosen by the
3 Williamson County Pilot Program Authority to handle electronic
4 transaction records as described in Sections 36, 37, 38, 39,
5 and 39.5 of this Act.

6 "Convenience package" means any package that contains 360
7 milligrams or less of ephedrine or pseudoephedrine, their salts
8 or optical isomers, or salts of optical isomers in liquid or
9 liquid-filled capsule form.

10 "Covered pharmacy" means any pharmacy that distributes any
11 amount of targeted methamphetamine precursor and that is
12 physically located in any of the following Illinois counties:
13 Franklin, Jackson, Johnson, Saline, Union, or Williamson.

14 "Deliver" has the meaning provided in Section 102 of the
15 Illinois Controlled Substances Act.

16 "Dispense" has the meaning provided in Section 102 of the
17 Illinois Controlled Substances Act.

18 "Distribute" has the meaning provided in Section 102 of the
19 Illinois Controlled Substances Act.

20 "Electronic transaction record" means, with respect to the
21 distribution of a targeted methamphetamine precursor by a
22 pharmacy to a recipient under Section 25 of this Act, an
23 electronic record that includes: the name and address of the
24 recipient; date and time of the transaction; brand and product
25 name and total quantity distributed of ephedrine or
26 pseudoephedrine, their salts, or optical isomers, or salts of

1 optical isomers; identification type and identification number
2 of the identification presented by the recipient; and the name
3 and address of the pharmacy.

4 "Identification information" means identification type and
5 identification number.

6 "Identification number" means the number that appears on
7 the identification furnished by the recipient of a targeted
8 methamphetamine precursor.

9 "Identification type" means the type of identification
10 furnished by the recipient of a targeted methamphetamine
11 precursor such as, by way of example only, an Illinois driver's
12 license or United States passport.

13 "List I chemical" has the meaning provided in 21 U.S.C.
14 Section 802.

15 "Methamphetamine precursor" has the meaning provided in
16 Section 10 of the Methamphetamine Control and Community
17 Protection Act.

18 "Methamphetamine Precursor Violation Alert" means a notice
19 sent by the Pilot Program Authority to pharmacies, retail
20 distributors, or law enforcement authorities as described in
21 subsection (h) of Section 39.5 of this Act.

22 "Non-covered pharmacy" means any pharmacy that is not a
23 covered pharmacy.

24 "Package" means an item packaged and marked for retail sale
25 that is not designed to be further broken down or subdivided
26 for the purpose of retail sale.

1 "Pharmacist" has the meaning provided in Section 102 of the
2 Illinois Controlled Substances Act.

3 "Pharmacy" has the meaning provided in Section 102 of the
4 Illinois Controlled Substances Act.

5 "Practitioner" has the meaning provided in Section 102 of
6 the Illinois Controlled Substances Act.

7 "Prescriber" has the meaning provided in Section 102 of the
8 Illinois Controlled Substances Act.

9 "Prescription" has the meaning provided in Section 102 of
10 the Illinois Controlled Substances Act.

11 "Qualified outside entity" means a law enforcement agency
12 or prosecutor's office with authority to identify,
13 investigate, or prosecute violations of this Act or any other
14 State or federal law or rule involving a methamphetamine
15 precursor, methamphetamine, or any other controlled substance,
16 or a public entity that operates a methamphetamine precursor
17 tracking program similar in purpose to the Williamson County
18 Pilot Program.

19 "Readily retrievable" has the meaning provided in 21 C.F.R.
20 part 1300.

21 "Recipient" means a person purchasing, receiving, or
22 otherwise acquiring a targeted methamphetamine precursor from
23 a pharmacy in Illinois, as described in Section 25 of this Act.

24 "Reporting start date" means the date on which covered
25 pharmacies begin transmitting electronic transaction records
26 and exempt pharmacies begin sending handwritten logs, as

1 described in subsection (b) of Section 39 of this Act.

2 "Retail distributor" means a grocery store, general
3 merchandise store, drug store, other merchandise store, or
4 other entity or person whose activities as a distributor
5 relating to drug products containing targeted methamphetamine
6 precursor are limited exclusively or almost exclusively to
7 sales for personal use by an ultimate user, both in number of
8 sales and volume of sales, either directly to walk-in customers
9 or in face-to-face transactions by direct sales.

10 "Sales employee" means any employee or agent, other than a
11 pharmacist or pharmacy technician ~~who works exclusively or~~
12 ~~almost exclusively behind a pharmacy counter,~~ who at any time
13 (a) operates a cash register at which convenience ~~targeted~~
14 packages may be sold, (b) stocks shelves containing convenience
15 ~~targeted~~ packages, or (c) trains or supervises any other
16 employee or agent who engages in any of the preceding
17 activities.

18 "Single retail transaction" means a sale by a retail
19 distributor to a specific customer at a specific time.

20 "Targeted methamphetamine precursor" means any compound,
21 mixture, or preparation that contains any detectable quantity
22 of ephedrine or pseudoephedrine, their salts or optical
23 isomers, or salts of optical isomers.

24 "Targeted package" means a package, including a
25 convenience package, containing any amount of targeted
26 methamphetamine precursor.

1 "Ultimate user" has the meaning provided in Section 102 of
2 the Illinois Controlled Substances Act.

3 "Williamson County Pilot Program" or "Pilot Program" means
4 the program described in Sections 36, 37, 38, 39, and 39.5 of
5 this Act.

6 "Williamson County Pilot Program Authority" or "Pilot
7 Program Authority" means the Williamson County Sheriff's
8 Office or its employees or agents.

9 "Voluntary participant" means any pharmacy that, although
10 not required by law to do so, participates in the Williamson
11 County Pilot Program.

12 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

13 (720 ILCS 648/25)

14 Sec. 25. Pharmacies.

15 (a) No targeted methamphetamine precursor may be knowingly
16 distributed through a pharmacy, including a pharmacy located
17 within, owned by, operated by, or associated with a retail
18 distributor unless all terms of this Section are satisfied.

19 (b) Any targeted methamphetamine precursor other than a
20 convenience package or a liquid, including but not limited to
21 any targeted methamphetamine precursor in liquid-filled
22 capsules, shall: be packaged in blister packs, with each
23 blister containing not more than 2 dosage units, or when the
24 use of blister packs is technically infeasible, in unit dose
25 packets. Each targeted package shall contain no more than 3,000

1 milligrams of ephedrine or pseudoephedrine, their salts or
2 optical isomers, or salts of optical isomers.

3 (c) The targeted methamphetamine precursor shall be stored
4 behind the pharmacy counter and distributed by a pharmacist or
5 pharmacy technician licensed under the Pharmacy Practice Act of
6 1987.

7 (d) Any retail distributor operating a pharmacy, and any
8 pharmacist or pharmacy technician involved in the transaction
9 or transactions, shall ensure that any person purchasing,
10 receiving, or otherwise acquiring the targeted methamphetamine
11 precursor complies with subsection (a) of Section 20 of this
12 Act.

13 (e) Any retail distributor operating a pharmacy, and any
14 pharmacist or pharmacy technician involved in the transaction
15 or transactions, shall verify that:

16 (1) The person purchasing, receiving, or otherwise
17 acquiring the targeted methamphetamine precursor is 18
18 years of age or older and resembles the photograph of the
19 person on the government-issued identification presented
20 by the person; and

21 (2) The name entered into the log referred to in
22 subsection (a) of Section 20 of this Act corresponds to the
23 name on the government-issued identification presented by
24 the person.

25 (f) The logs referred to in subsection (a) of Section 20 of
26 this Act shall be kept confidential, maintained for not less

1 than 2 years, and made available for inspection and copying by
2 any law enforcement officer upon request of that officer. These
3 logs may be kept in an electronic format if they include all
4 the information specified in subsection (a) of Section 20 of
5 this Act in a manner that is readily retrievable and
6 reproducible in hard-copy format. Pharmacies covered by the
7 Williamson County Pilot Program described in Sections 36, 37,
8 38, 39, and 39.5 of this Act are required to transmit
9 electronic transaction records or handwritten logs to the Pilot
10 Program Authority in the manner described in those Sections.

11 (g) No retail distributor operating a pharmacy, and no
12 pharmacist or pharmacy technician, shall knowingly distribute
13 any targeted methamphetamine precursor to any person under 18
14 years of age.

15 (h) No retail distributor operating a pharmacy, and no
16 pharmacist or pharmacy technician, shall knowingly distribute
17 to a single person more than 2 targeted packages in a single
18 retail transaction.

19 (i) No retail distributor operating a pharmacy, and no
20 pharmacist or pharmacy technician, shall knowingly distribute
21 to a single person in any 30-day period products containing
22 more than a total of 7,500 milligrams of ephedrine or
23 pseudoephedrine, their salts or optical isomers, or salts of
24 optical isomers.

25 (j) A pharmacist or pharmacy technician may distribute a
26 targeted methamphetamine precursor to a person who is without a

1 form of identification specified in paragraph (1) of subsection
2 (a) of Section 20 of this Act only if all other provisions of
3 this Act are followed and either:

4 (1) the person presents a driver's license issued
5 without a photograph by the State of Illinois pursuant to
6 the Illinois Administrative Code, Title 92, Section
7 1030.90(b)(1) or 1030.90(b)(2); or

8 (2) the person is known to the pharmacist or pharmacy
9 technician, the person presents some form of
10 identification, and the pharmacist or pharmacy technician
11 reasonably believes that the targeted methamphetamine
12 precursor will be used for a legitimate medical purpose and
13 not to manufacture methamphetamine.

14 (k) When a pharmacist or pharmacy technician distributes a
15 targeted methamphetamine precursor to a person according to the
16 procedures set forth in this Act, and the pharmacist or
17 pharmacy technician does not have access to a working cash
18 register at the pharmacy counter, the pharmacist or pharmacy
19 technician may instruct the person to pay for the targeted
20 methamphetamine precursor at a cash register located elsewhere
21 in the retail establishment, whether that register is operated
22 by a pharmacist, pharmacy technician, or other employee or
23 agent of the retail establishment.

24 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

1 Sec. 36. Williamson County Pilot Program; general
2 provisions.

3 (a) Purposes. The purposes of this Section are: to
4 establish a pilot program based in Williamson County to track
5 purchases of targeted methamphetamine precursors at multiple
6 locations; to identify persons obtaining or distributing
7 targeted methamphetamine precursors for the likely purpose of
8 manufacturing methamphetamine; to starve methamphetamine
9 manufacturers of the methamphetamine precursors they need to
10 make methamphetamine; to locate and shut down methamphetamine
11 laboratories; and ultimately to reduce the harm that
12 methamphetamine manufacturing and manufacturers are inflicting
13 on individuals, families, communities, first responders, the
14 economy, and the environment in Illinois and beyond. In
15 authorizing this pilot program, the General Assembly
16 recognizes that, although this Act has significantly reduced
17 the number of methamphetamine laboratories in Illinois, some
18 persons continue to violate the Act, evade detection, and
19 support the manufacture of methamphetamine by obtaining
20 targeted methamphetamine precursor at multiple locations. The
21 General Assembly further recognizes that putting an end to this
22 practice and others like it will require an effort to track
23 purchases of targeted methamphetamine precursor across
24 multiple locations, and that a pilot program based in
25 Williamson County will advance this important goal.

26 (b) Structure.

1 (1) There is established a pilot program based in
2 Williamson County, known as the Williamson County Pilot
3 Program or Pilot Program, to track purchases of targeted
4 methamphetamine precursor across multiple locations for
5 the purposes stated in subsection (a) of this Section.

6 (2) The Pilot Program shall be operated by the
7 Williamson County Sheriff's Office, also known as the
8 Williamson County Pilot Program Authority or the Pilot
9 Program Authority, in accordance with the provisions of
10 Sections 36, 37, 38, 39, and 39.5 of this Act.

11 (3) The Pilot Program Authority shall designate a
12 Central Repository for the collection of required
13 information, and the Central Repository shall operate
14 according to the provisions of Sections 36, 37, 38, 39, and
15 39.5 of this Act.

16 (4) Every covered pharmacy shall participate in the
17 Pilot Program, and any non-covered pharmacy may
18 participate on a voluntary basis and be known as a
19 voluntary participant.

20 (c) Transmission of electronic transaction records. Except
21 as provided in Section 39:

22 (1) Each time a covered pharmacy distributes a targeted
23 methamphetamine precursor to a recipient under Section 25
24 of this Act, the covered pharmacy shall transmit an
25 electronic transaction record to the Central Repository.

26 (2) Each covered pharmacy shall elect to transmit

1 electronic transaction records either through the secure
2 website described in Section 37 of this Act or through
3 weekly electronic transfers as described in Section 38 of
4 this Act.

5 (d) Operation and Timeline for implementation.

6 (1) Except as stated in this subsection, this
7 amendatory Act of the 95th General Assembly shall be
8 operational upon becoming law.

9 (2) Covered pharmacies are not required to transmit any
10 electronic transaction records and exempt pharmacies are
11 not required to send any handwritten logs to the Central
12 Repository until the reporting start date set by the Pilot
13 Program Authority.

14 (3) The Pilot Program Authority shall announce the
15 "reporting start date" within 90 days of the date this
16 legislation is signed into law.

17 (4) The reporting start date shall be no sooner than 90
18 days after the date on which the Pilot Program Authority
19 announces the reporting start date.

20 (5) Starting on the reporting start date, and
21 continuing for a period of one year thereafter, covered
22 pharmacies shall transmit electronic transaction records
23 as described in Sections 37 and 38 of this Act, and exempt
24 pharmacies shall send handwritten logs as described in
25 Section 39 of this Act.

26 (6) Nothing in this Act shall preclude covered

1 pharmacies and exempt pharmacies from voluntarily
2 participating in the Pilot Program before the start date or
3 continuing to participate in the Pilot Program after one
4 year after the reporting start date.

5 (e) Funding. Funding for the Pilot Program shall be
6 provided by the Williamson County Pilot Program Authority,
7 drawing upon federal grant money and other available sources.
8 If funding is delayed, curtailed, or otherwise unavailable, the
9 Pilot Program Authority may delay implementation of the Pilot
10 Program, reduce the number of counties covered by the Pilot
11 Program, or end the Pilot Program early. If any such change
12 becomes necessary, the Pilot Program Authority shall inform
13 every covered pharmacy in writing.

14 (f) Training. The Pilot Program Authority shall provide,
15 free of charge, training and assistance to any pharmacy playing
16 any role in the Pilot Program.

17 (g) Relationship between the Williamson County Pilot
18 Program and other laws and rules. Nothing in Sections 36, 37,
19 38, 39, and 39.5 of this Act shall supersede, nullify, or
20 diminish the force of any requirement stated in any other
21 Section of this Act or in any other State or federal law or
22 rule.

23 (720 ILCS 648/37 new)

24 Sec. 37. Williamson County Pilot Program; secure website.

25 (a) Transmission of electronic transaction records through

1 a secure website; in general.

2 (1) The Pilot Program Authority shall establish a
3 secure website for the transmission of electronic
4 transaction records and electronic signatures and make it
5 available free of charge to any covered pharmacy that
6 elects to use it.

7 (2) The secure website shall enable any covered
8 pharmacy to transmit to the Central Repository an
9 electronic transaction record and an electronic signature
10 each time the pharmacy distributes a targeted
11 methamphetamine precursor to a recipient under Section 25
12 of this Act.

13 (3) If the secure website becomes unavailable to a
14 covered pharmacy, the covered pharmacy may, during the
15 period in which the secure website is not available,
16 continue to distribute targeted methamphetamine precursor
17 without using the secure website if, during this period,
18 the covered pharmacy maintains and transmits handwritten
19 logs as described in subsection (b) of Section 39 of this
20 Act.

21 (b) Assistance to covered pharmacies using the secure
22 website.

23 (1) The purpose of this subsection is to ensure that
24 participation in the Pilot Program does not impose
25 substantial costs on covered pharmacies that elect to
26 transmit electronic transaction records to the Central

1 Repository by means of the secure website.

2 (2) If a covered pharmacy that elects to transmit
3 electronic transaction records by means of the secure
4 website does not have computer hardware or software or
5 related equipment sufficient to make use of the secure
6 website, then the covered pharmacy may obtain and install
7 such hardware or software or related equipment at its own
8 cost, or it may request assistance from the Pilot Program
9 Authority, or some combination of the 2.

10 (3) If a covered pharmacy requests such assistance,
11 then the Pilot Program Authority shall, free of charge,
12 provide and install any computer hardware or software or
13 related equipment needed.

14 (4) Nothing in this subsection shall preclude the Pilot
15 Program Authority from providing additional or other
16 assistance to any pharmacy or retail distributor.

17 (c) Any covered pharmacy that elects to transmit electronic
18 transaction records by means of the secure website described in
19 this Section may use the secure website as its exclusive means
20 of complying with subsections (d) and (f) of Section 25 of this
21 Act, provided that, along with each electronic transaction
22 record, the pharmacy also transmits an electronically-captured
23 signature of the recipient of the targeted methamphetamine
24 precursor. To facilitate this option, the Pilot Program shall
25 do the following:

26 (1) The Pilot Program Authority shall provide to any

1 covered pharmacy that requests it an electronic signature
2 pad or other means of electronic signature capture.

3 (2) The Pilot Program Authority shall provide the
4 covered pharmacy with an official letter indicating that:

5 (A) The covered pharmacy in question is
6 participating in the Williamson County Pilot Program
7 for a specified period of time.

8 (B) During the specified period of time, the Pilot
9 Program Authority has assumed responsibility for
10 maintaining the logs described in subsection (f) of
11 Section 25 of this Act.

12 (C) Any law enforcement officer seeking to inspect
13 or copy the covered pharmacy's logs should direct the
14 request to the Pilot Program Authority through means
15 described in the letter.

16 (720 ILCS 648/38 new)

17 Sec. 38. Williamson County Pilot Program; weekly
18 electronic transfer.

19 (a) Weekly electronic transfer; in general.

20 (1) Any covered pharmacy may elect not to use the
21 secure website but instead to transmit electronic
22 transaction records by means of weekly electronic
23 transfers as described in this Section.

24 (2) Any covered pharmacy electing to transmit
25 electronic transaction records by means of weekly

1 electronic transfers shall transmit the records by means of
2 a computer diskette, a magnetic tape, or an electronic
3 device compatible with the receiving device of the Central
4 Repository.

5 (b) Weekly electronic transfer; timing.

6 (1) Any covered pharmacy electing to transmit
7 electronic transaction records by means of weekly
8 electronic transfers shall select a standard weeklong
9 reporting period such as, by way of example only, the 7-day
10 period that begins immediately after midnight Monday
11 morning and lasts until immediately before midnight the
12 next Sunday night.

13 (2) Electronic transaction records for transactions
14 occurring during the standard weeklong reporting period
15 selected by the pharmacy shall be transmitted to the
16 Central Repository no later than 24 hours after each
17 standard weeklong reporting period ends.

18 (3) Electronic transaction records may be delivered to
19 the Central Repository in person, by messenger, through the
20 United States Postal Service, over the Internet, or by
21 other reasonably reliable and prompt means.

22 (4) Although electronic transaction records shall be
23 transmitted to the Central Repository no later than one day
24 after the end of a weeklong reporting period, it is not
25 required that the electronic transaction records be
26 received by that deadline.

1 (c) Weekly electronic transfer; form of data. Each
2 electronic transaction record transmitted shall contain the
3 following information in the form described:

4 (1) The recipient's (A) first name, (B) last name, (C)
5 street address, and (D) zip code, in the 4 separate data
6 fields listed (A) through (D).

7 (2) The (A) date and (B) time of the transaction, in
8 the 2 separate data fields listed (A) and (B).

9 (3) One of the following:

10 (A) The (1) brand and product name and (2) total
11 quantity in milligrams distributed of ephedrine or
12 pseudoephedrine, their salts, or optical isomers, or
13 salts of optical isomers, in the 2 separate data fields
14 listed (1) and (2);

15 (B) The National Drug Code (NDC) number
16 corresponding to the product distributed, from which
17 may be determined the brand and product name and total
18 quantity distributed of ephedrine or pseudoephedrine,
19 their salts, or optical isomers, or salts of optical
20 isomers; or

21 (C) A company-specific code, akin to the National
22 Drug Code, from which may be determined the brand and
23 product name and total quantity distributed of
24 ephedrine or pseudoephedrine, their salts, or optical
25 isomers, or salts of optical isomers, along with
26 information sufficient to translate any

1 company-specific codes into the brand and product name
2 and total quantity distributed of ephedrine or
3 pseudoephedrine, their salts, or optical isomers, or
4 salts of optical isomers.

5 (4) One of the following:

6 (A) The identification type presented by the
7 recipient; or

8 (B) A code for the identification type presented by
9 the recipient, along with information sufficient to
10 translate any such code into the actual identification
11 type presented by the recipient.

12 (5) The identification number presented by the
13 recipient.

14 (6) One of the following:

15 (A) The (1) name, (2) street address, and (3) zip
16 code of the covered pharmacy, in 3 separate data fields
17 (1) through (3);

18 (B) The Drug Enforcement Administration (DEA)
19 number of the individual covered pharmacy, from which
20 may be determined the name, street address, and zip
21 code of the covered pharmacy; or

22 (C) A company-specific code, akin to the Drug
23 Enforcement Administration number, from which may be
24 determined the name, street address, and zip code of
25 the covered pharmacy, along with information
26 sufficient to translate any company-specific codes

1 into the name, street address, and zip code of the
2 covered pharmacy.

3 (720 ILCS 648/39 new)

4 Sec. 39. Williamson County Pilot Program; exempt
5 pharmacies.

6 (a) When a covered pharmacy is exempt. A covered pharmacy
7 is exempt from the requirement that it transmit electronic
8 transaction records to the Central Repository through the
9 secure website described in Section 37 or weekly electronic
10 transfers described in Section 38 of this Act if all of the
11 following conditions are satisfied:

12 (1) The covered pharmacy:

13 (A) Submits to the Pilot Program Authority a
14 written request for such an exemption;

15 (B) Has complied with Section 25 of this Act by
16 maintaining handwritten rather than electronic logs
17 during the 60-day period preceding the date the written
18 request is transmitted;

19 (C) Has not sold more than 20 targeted packages in
20 any 7-day period during the 60-day period preceding the
21 date the written request is transmitted; and

22 (D) Provides, along with the written request,
23 copies of handwritten logs covering the 60-day period
24 preceding the written request; and

25 (2) The Pilot Program Authority:

1 (A) Reviews the written request;

2 (B) Verifies that the covered pharmacy has
3 complied with Section 25 of this Act by maintaining
4 handwritten rather than electronic logs during the
5 60-day period preceding the date the written request is
6 transmitted;

7 (C) Verifies that the covered pharmacy has not sold
8 more than 20 targeted packages in any 7-day period
9 during the 60-day period preceding the date the written
10 request is transmitted; and

11 (D) Sends the covered pharmacy a letter stating
12 that the covered pharmacy is exempt from the
13 requirement that it transmit electronic transaction
14 records to the Central Repository.

15 (b) Obligations of an exempt pharmacy.

16 (1) A pharmacy that is exempt from the requirement that
17 it transmit electronic transaction records to the Central
18 Repository shall instead transmit copies, and retain the
19 originals, of handwritten logs.

20 (2) An exempt covered pharmacy shall transmit copies of
21 handwritten logs to the Central Repository in person, by
22 facsimile, through the United States Postal Service, or by
23 other reasonably reliable and prompt means.

24 (3) An exempt covered pharmacy shall transmit copies of
25 handwritten logs on a weekly basis as described in
26 subsection (b) of Section 38 of this Act.

1 (720 ILCS 648/39.5 new)

2 Sec. 39.5. Williamson County Pilot Program;
3 confidentiality of records.

4 (a) The Pilot Program Authority shall delete each
5 electronic transaction record and handwritten log entry 24
6 months after the date of the transaction it describes.

7 (b) The Pilot Program Authority and Central Repository
8 shall carry out a program to protect the confidentiality of
9 electronic transaction records and handwritten log entries
10 transmitted pursuant to Sections 36, 37, 38, and 39 of this
11 Act. The Pilot Program Authority and Central Repository shall
12 ensure that this information remains completely confidential
13 except as specifically provided in subsections (c) through (i)
14 of this Section. Except as provided in subsections (c) through
15 (i) of this Section, this information is strictly prohibited
16 from disclosure.

17 (c) Any employee or agent of the Central Repository may
18 have access to electronic transaction records and handwritten
19 log entries solely for the purpose of receiving, processing,
20 storing or analyzing this information.

21 (d) Any employee or agent of the Pilot Program Authority
22 may have access to electronic transaction records or
23 handwritten log entries solely for the purpose of identifying,
24 investigating, or prosecuting violations of this Act or any
25 other State or federal law or rule involving a methamphetamine

1 precursor, methamphetamine, or any other controlled substance.

2 (e) The Pilot Program Authority may release electronic
3 transaction records or handwritten log entries to the
4 authorized representative of a qualified outside entity only if
5 all of the following conditions are satisfied:

6 (1) The Pilot Program Authority verifies that the
7 entity receiving electronic transaction records or
8 handwritten log entries is a qualified outside entity as
9 defined in this Act.

10 (2) The Pilot Program Authority verifies that the
11 person receiving electronic transaction records or
12 handwritten log entries is an authorized representative,
13 as defined in this Act, of the qualified outside entity.

14 (3) The qualified outside entity agrees in writing, or
15 has previously agreed in writing, that it will use
16 electronic transaction records and handwritten log entries
17 solely for the purpose of identifying, investigating, or
18 prosecuting violations of this Act or any other State or
19 federal law or rule involving a methamphetamine precursor,
20 methamphetamine, or any other controlled substance.

21 (4) The qualified outside entity does not have a
22 history known to the Pilot Program Authority of violating
23 this agreement or similar agreements or of breaching the
24 confidentiality of sensitive information.

25 (f) The Pilot Program Authority may release to a particular
26 covered pharmacy or voluntary participant any electronic

1 transaction records or handwritten log entries previously
2 submitted by that particular covered pharmacy or voluntary
3 participant.

4 (g) The Pilot Program Authority may release to a particular
5 recipient any electronic transaction records clearly relating
6 to that recipient, upon sufficient proof of identity.

7 (h) The Pilot Program Authority may distribute
8 Methamphetamine Precursor Violation Alerts only if all of the
9 following conditions are satisfied:

10 (1) The Pilot Program Authority has reason to believe
11 that one or more recipients have violated or are violating
12 this Act or any other State or federal law or rule
13 involving a methamphetamine precursor, methamphetamine, or
14 any other controlled substance.

15 (2) Based on this information, the Pilot Program
16 Authority distributes a Methamphetamine Precursor
17 Violation Alert that may contain any of the following
18 confidential information:

19 (A) With respect to any recipient whom it is
20 believed has violated, has attempted to violate, or is
21 violating this Act or any other State or federal law or
22 rule involving a methamphetamine precursor,
23 methamphetamine, or any other controlled substance:

24 (i) Any name he or she has used to purchase or
25 attempt to purchase methamphetamine precursor;

26 (ii) Any address he or she has listed when

1 purchasing or attempting to purchase any targeted
2 methamphetamine precursor; and

3 (iii) Any identification information he or she
4 has used to purchase or attempt to purchase
5 methamphetamine precursor.

6 (B) With respect to any transaction in which the
7 recipient is believed to have purchased
8 methamphetamine precursor:

9 (i) The date and time of the transaction or
10 attempt;

11 (ii) The city or town and state in which the
12 transaction or attempt occurred; and

13 (iii) The total quantity received of ephedrine
14 or pseudoephedrine, their salts, or optical
15 isomers, or salts of optical isomers.

16 (3) Methamphetamine Precursor Violation Alerts shall
17 not include, with respect of any transaction in which the
18 recipient is believed to have purchased or attempted to
19 purchase methamphetamine precursor:

20 (A) The name or street address of the pharmacy
21 where the transaction or attempt took place, other than
22 the city or town and state where the pharmacy is
23 located; or

24 (B) The brand and product name of the item
25 received.

26 (4) Methamphetamine Precursor Violation Alerts may be

1 distributed to pharmacies, retail distributors, and law
2 enforcement agencies. When such alerts are distributed to
3 law enforcement agencies, it shall not be necessary to
4 follow the procedures described in subsection (d) of this
5 Section.

6 (5) When distributing Methamphetamine Precursor
7 Violation Alerts, the Pilot Program Authority shall
8 instruct those receiving the alerts that they are intended
9 only for pharmacies, retail distributors, and law
10 enforcement authorities, and that such alerts should
11 otherwise be kept confidential.

12 (i) The Pilot Program Authority may release general
13 statistical information to any person or entity provided that
14 the statistics do not include any information that identifies
15 any individual recipient or pharmacy by name, address,
16 identification number, Drug Enforcement Administration number,
17 or other means.

18 (720 ILCS 648/40)

19 Sec. 40. Penalties.

20 (a) Violations of subsection (b) of Section 20 of this Act.

21 (1) Any person who knowingly purchases, receives, or
22 otherwise acquires, within any 30-day period, products
23 containing more than a total of 7,500 milligrams of
24 ephedrine or pseudoephedrine, their salts or optical
25 isomers, or salts of optical isomers in violation of

1 subsection (b) of Section 20 of this Act is subject to the
2 following penalties:

3 (A) More than 7,500 milligrams but less than 15,000
4 milligrams, Class B misdemeanor;

5 (B) 15,000 or more but less than 22,500 milligrams,
6 Class A misdemeanor;

7 (C) 22,500 or more but less than 30,000 milligrams,
8 Class 4 felony;

9 (D) 30,000 or more but less than 37,500 milligrams,
10 Class 3 felony;

11 (E) 37,500 or more but less than 45,000 milligrams,
12 Class 2 felony;

13 (F) 45,000 or more milligrams, Class 1 felony.

14 (2) Any person who knowingly purchases, receives, or
15 otherwise acquires, within any 30-day period, products
16 containing more than a total of 7,500 milligrams of
17 ephedrine or pseudoephedrine, their salts or optical
18 isomers, or salts of optical isomers in violation of
19 subsection (b) of Section 20 of this Act, and who has
20 previously been convicted of any methamphetamine-related
21 offense under any State or federal law, is subject to the
22 following penalties:

23 (A) More than 7,500 milligrams but less than 15,000
24 milligrams, Class A misdemeanor;

25 (B) 15,000 or more but less than 22,500 milligrams,
26 Class 4 felony;

1 (C) 22,500 or more but less than 30,000 milligrams,
2 Class 3 felony;

3 (D) 30,000 or more but less than 37,500 milligrams,
4 Class 2 felony;

5 (E) 37,500 or more milligrams, Class 1 felony.

6 (3) Any person who knowingly purchases, receives, or
7 otherwise acquires, within any 30-day period, products
8 containing more than a total of 7,500 milligrams of
9 ephedrine or pseudoephedrine, their salts or optical
10 isomers, or salts of optical isomers in violation of
11 subsection (b) of Section 20 of this Act, and who has
12 previously been convicted 2 or more times of any
13 methamphetamine-related offense under State or federal
14 law, is subject to the following penalties:

15 (A) More than 7,500 milligrams but less than 15,000
16 milligrams, Class 4 felony;

17 (B) 15,000 or more but less than 22,500 milligrams,
18 Class 3 felony;

19 (C) 22,500 or more but less than 30,000 milligrams,
20 Class 2 felony;

21 (D) 30,000 or more milligrams, Class 1 felony.

22 (b) Violations of Section 15, 20, 25, 30, or 35 of this
23 Act, other than violations of subsection (b) of Section 20 of
24 this Act.

25 (1) ~~(a)~~ Any pharmacy or retail distributor that
26 violates Section 15, 20, 25, 30, or 35 of this Act, other

1 than subsection (b) of Section 20 of this Act, ~~this Act~~ is
2 guilty of a petty offense and subject to a fine of \$500 for
3 a first offense; and \$1,000 for a second offense occurring
4 at the same retail location as and within 3 years of the
5 prior offense. A pharmacy or retail distributor that
6 violates this Act is guilty of a business offense and
7 subject to a fine of \$5,000 for a third or subsequent
8 offense occurring at the same retail location as and within
9 3 years of the prior offenses.

10 (2) ~~(b)~~ An employee or agent of a pharmacy or retail
11 distributor who violates Section 15, 20, 25, 30, or 35 of
12 this Act, other than subsection (b) of Section 20 of this
13 Act, ~~this Act~~ is guilty of a Class A misdemeanor for a
14 first offense, a Class 4 felony for a second offense, and a
15 Class 1 felony for a third or subsequent offense.

16 (3) ~~(e)~~ Any other person who violates Section 15, 20,
17 25, 30, or 35 of this Act, other than subsection (b) of
18 Section 20 of this Act, ~~this Act~~ is guilty of a Class B
19 misdemeanor for a first offense, a Class A misdemeanor for
20 a second offense, and a Class 4 felony for a third or
21 subsequent offense.

22 (c) Any pharmacy or retail distributor that violates
23 Section 36, 37, 38, 39, or 39.5 of this Act is guilty of a petty
24 offense and subject to a fine of \$100 for a first offense, \$250
25 for a second offense, or \$500 for a third or subsequent
26 offense.

1 (d) Any person that violates Section 39.5 of this Act is
2 guilty of a Class B misdemeanor for a first offense, a Class A
3 misdemeanor for a second offense, and a Class 4 felony for a
4 third offense.

5 (Source: P.A. 94-694, eff. 1-15-06.)

6 (720 ILCS 648/45)

7 Sec. 45. Immunity from civil liability. In the event that
8 any agent or employee of a pharmacy or retail distributor
9 reports to any law enforcement officer or agency any suspicious
10 activity concerning a targeted methamphetamine precursor or
11 other methamphetamine ingredient or ingredients, or
12 participates in the Williamson County Pilot Program as provided
13 in Sections 36, 37, 38, 39, and 39.5 of this Act, the agent or
14 employee and the pharmacy or retail distributor itself are
15 immune from civil liability based on allegations of defamation,
16 libel, slander, false arrest, or malicious prosecution, or
17 similar allegations, except in cases of willful or wanton
18 misconduct.

19 (Source: P.A. 94-694, eff. 1-15-06.)

20 (720 ILCS 648/55)

21 Sec. 55. Preemption and home rule powers.

22 (a) Except as provided in subsection (b) of this Section
23 and in Sections 36, 37, 38, 39, and 39.5 of this Act, a county
24 or municipality, including a home rule unit, may regulate the

1 sale of targeted methamphetamine precursor and targeted
2 packages in a manner that is not more or less restrictive than
3 the regulation by the State under this Act. This Section is a
4 limitation under subsection (i) of Section 6 of Article VII of
5 the Illinois Constitution on the concurrent exercise by home
6 rule units of the powers and functions exercised by the State.

7 (b) Any regulation of the sale of targeted methamphetamine
8 precursor and targeted packages by a home rule unit that took
9 effect on or before May 1, 2004, is exempt from the provisions
10 of subsection (a) of this Section.

11 (Source: P.A. 94-694, eff. 1-15-06.)

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