

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 1. Short title. This Act may be cited as the
5 Methamphetamine Precursor Tracking Act.

6 Section 5. Purposes. The purposes of this Act are to
7 establish a program to track purchases of targeted
8 methamphetamine precursors at covered pharmacies in Illinois;
9 to track purchases of targeted methamphetamine precursors for
10 the likely purpose of manufacturing methamphetamine; to starve
11 methamphetamine manufacturers of the methamphetamine
12 precursors they need to make methamphetamine; to locate and
13 shut down methamphetamine laboratories; and ultimately to
14 reduce the harm that methamphetamine manufacturing and
15 manufacturers are inflicting on individuals, families,
16 communities, first responders, the economy, and the
17 environment in Illinois and beyond.

18 Section 10. Definitions. In this Act:

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

21 "Agent" has the meaning provided in Section 102 of the
22 Illinois Controlled Substances Act.

1 "Authorized representative" means an employee or agent of a
2 qualified outside entity who has been authorized in writing by
3 his or her agency or office to receive confidential information
4 from the central repository.

5 "Central Repository" means the entity chosen by the
6 Illinois State Police to handle electronic transaction records
7 as described in this Act.

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

12 "Covered pharmacy" means any pharmacy that distributes any
13 amount of targeted methamphetamine precursor that is
14 physically located in Illinois.

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

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

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

21 "Electronic transaction record" means, with respect to the
22 distribution of a targeted methamphetamine precursor by a
23 pharmacy to a recipient under Section 25 of the Methamphetamine
24 Precursor Control Act, an electronic record that includes: the
25 name and address of the recipient; date and time of the
26 transaction; brand and product name and total quantity

1 distributed of ephedrine or pseudoephedrine, their salts, or
2 optical isomers, or salts of optical isomers; identification
3 type and identification number of the identification presented
4 by the recipient; and the name and address of the pharmacy.

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

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

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

14 "List I chemical" has the meaning provided in 21 U.S.C.
15 802.

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

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

22 "Pharmacist" has the meaning provided in Section 102 of the
23 Illinois Controlled Substances Act.

24 "Pharmacy" has the meaning provided in Section 102 of the
25 Illinois Controlled Substances Act.

26 "Practitioner" has the meaning provided in Section 102 of

1 the Illinois Controlled Substances Act.

2 "Prescriber" has the meaning provided in Section 102 of the
3 Illinois Controlled Substances Act.

4 "Prescription" has the meaning provided in Section 102 of
5 the Illinois Controlled Substances Act.

6 "Qualified outside entity" means a law enforcement agency
7 or prosecutor's office with authority to identify,
8 investigate, or prosecute violations of this Act or any other
9 State or federal law or rule involving a methamphetamine
10 precursor, methamphetamine, or any other controlled substance.

11 "Readily retrievable" has the meaning provided in 21 C.F.R.
12 part 1300.

13 "Recipient" means a person purchasing, receiving, or
14 otherwise acquiring a targeted methamphetamine precursor from
15 a pharmacy in Illinois, as described in Section 25 of the
16 Methamphetamine Precursor Control Act.

17 "Retail distributor" means a grocery store, general
18 merchandise store, drug store, other merchandise store, or
19 other entity or person whose activities as a distributor
20 relating to drug products containing targeted methamphetamine
21 precursor are limited exclusively or almost exclusively to
22 sales for personal use by an ultimate user, both in number of
23 sales and volume of sales, either directly to walk-in customers
24 or in face-to-face transactions by direct sales.

25 "Sales employee" means any employee or agent, other than a
26 pharmacist or pharmacy technician who at any time (1) operates

1 a cash register at which convenience packages may be sold, (2)
2 stocks shelves containing convenience packages, or (3) trains
3 or supervises any other employee or agent who engages in any of
4 the preceding activities.

5 "Single retail transaction" means a sale by a retail
6 distributor to a recipient at a specific time.

7 "Targeted methamphetamine precursor" means any compound,
8 mixture, or preparation that contains any detectable quantity
9 of ephedrine or pseudoephedrine, their salts or optical
10 isomers, or salts of optical isomers.

11 "Targeted package" means a package, including a
12 convenience package, containing any amount of targeted
13 methamphetamine precursor.

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

16 Section 15. General provisions.

17 (a) Structure. There is established a statewide precursor
18 tracking program coordinated and administered by the Illinois
19 State Police to track purchases of targeted methamphetamine
20 precursors across multiple locations for the purposes stated in
21 Section 5 of this Act. Every covered pharmacy must comply with
22 this Act. The tracking program created by this Act shall be the
23 sole methamphetamine precursor tracking program in Illinois.

24 (b) Transmission of electronic transaction records. Unless
25 otherwise provided in this Act, each time a covered pharmacy

1 distributes a targeted methamphetamine precursor to a
2 recipient, the pharmacy shall transmit an electronic
3 transaction record to the Central Repository.

4 (c) Notification. The Illinois Department of Financial and
5 Professional Regulation shall notify pharmacies seeking
6 licensure in Illinois of their obligation to comply with the
7 requirements of this Act.

8 (d) Electronic transmission. Starting on the effective
9 date of this Act and continuing thereafter, covered pharmacies
10 shall transmit all electronic transaction records as required
11 by this Act.

12 (e) Funding. Funding for the tracking program shall be
13 provided by the Illinois State Police drawing upon federal and
14 State grant money and other available sources.

15 Section 20. Secure website.

16 (a) The Illinois State Police shall establish a secure
17 website for the transmission of electronic transaction records
18 and make it available free of charge to covered pharmacies.

19 (b) The secure website shall enable covered pharmacies to
20 transmit to the Central Repository an electronic transaction
21 record each time the pharmacy distributes a targeted
22 methamphetamine precursor to a recipient.

23 (c) If the secure website becomes unavailable to a covered
24 pharmacy, the covered pharmacy may, during the period in which
25 the secure website is not available, continue to distribute

1 targeted methamphetamine precursor without using the secure
2 website if, during this period, the covered pharmacy maintains
3 and transmits handwritten logs as described in Sections 20 and
4 25 of the Methamphetamine Precursor Control Act.

5 Section 25. Confidentiality of records.

6 (a) The Central Repository may delete each electronic
7 transaction record and handwritten log entry 48 months after
8 the date of the transaction it describes.

9 (b) The Illinois State Police and Central Repository shall
10 carry out a program to protect the confidentiality of
11 electronic transaction records created pursuant to this Act and
12 shall ensure that this information remains completely
13 confidential except as specifically provided in subsections
14 (c) through (f) of this Section.

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

19 (d) The Illinois State Police may grant qualified outside
20 agencies access to electronic transaction records or
21 handwritten log entries for the purpose of identifying,
22 investigating, or prosecuting violations of this Act or any
23 other State or federal law or rule involving a methamphetamine
24 precursor, methamphetamine, or any other controlled substance.

25 (e) The Illinois State Police may release electronic

1 transaction records or handwritten log entries to the
2 authorized representative of a qualified outside entity only if
3 the Illinois State Police verifies that the entity receiving
4 electronic transaction records or handwritten log entries is a
5 qualified outside entity as defined in this Act and that
6 outside entity agrees or has previously agreed in writing that
7 it will use electronic transaction records and handwritten log
8 entries solely for the purpose of identifying, investigating,
9 or prosecuting violations of this Act or any other State or
10 federal law or rule involving a methamphetamine precursor,
11 methamphetamine, or any other controlled substance.

12 (f) The Illinois State Police may release to the recipient
13 any electronic transaction records clearly relating to that
14 recipient, upon sufficient proof of identity.

15 Section 30. Violations.

16 (a) Any covered pharmacy or retail distributor that
17 violates this Act is guilty of a petty offense and subject to a
18 fine of \$500 for a first offense; \$1,000 for a second offense
19 occurring at the same retail location as and within 3 years of
20 the offense; and \$5,000 for a third or subsequent offense
21 occurring at the same retail location as and within 3 years of
22 the prior offenses.

23 (b) An employee or agent of a covered pharmacy who violates
24 this Act is guilty of a Class A misdemeanor for a first
25 offense; a Class 4 felony for a second offense; and a Class 1

1 felony for a third or subsequent offense.

2 Section 35. Immunity from civil liability. In the event
3 that any agent or employee of a covered pharmacy or retail
4 distributor reports to any law enforcement officer or agency
5 any suspicious activity concerning a targeted methamphetamine
6 precursor or other methamphetamine ingredient or ingredients,
7 the agent or employee and the pharmacy or retail distributor
8 itself are immune from civil liability based on allegations of
9 defamation, libel, slander, false arrest, or malicious
10 prosecution, or similar allegations, except in cases of willful
11 or wanton misconduct. A covered pharmacy that uses the
12 electronic sales tracking system in accordance with this Act is
13 immune from civil liability for any act or omission committed
14 in carrying out the duties required by this Section, unless the
15 act or omission was due to deliberate or willful and wanton
16 misconduct. A covered pharmacy is not liable for damages
17 resulting from a data breach that was proximately caused by a
18 failure on the part of the electronic sales tracking system.

19 Section 40. Preemption. The regulation of the tracking of
20 methamphetamine precursors is an exclusive power and function
21 of the State. A county or municipality, including a home rule
22 unit, may not regulate the tracking of methamphetamine
23 precursors. This Section is a denial and limitation of home
24 rule powers under subsection (h) of Section 6 of Article VII of

1 the Illinois Constitution.

2 Section 105. The Methamphetamine Precursor Control Act is
3 amended by changing Sections 10, 25, 40, and 55 as follows:

4 (720 ILCS 648/10)

5 Sec. 10. Definitions. In this Act:

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

8 "Agent" has the meaning provided in Section 102 of the
9 Illinois Controlled Substances Act.

10 "Authorized representative" means an employee or agent of a
11 qualified outside entity who has been authorized in writing by
12 his or her agency or office to receive confidential information
13 from the Central Repository ~~database associated with the~~
14 ~~Williamson County Pilot Program or the Illinois State Police~~
15 ~~Precursor Tracking Program.~~

16 "Central Repository" means the entity chosen by the
17 Illinois State Police ~~Williamson County Pilot Program~~
18 ~~Authority~~ to handle electronic transaction records as
19 described in ~~Sections 36, 37, 38, 39, and 39.5~~ of this Act ~~or~~
20 ~~the entity chosen by the Illinois State Police Precursor~~
21 ~~Tracking Program to handle electronic transaction records as~~
22 ~~described in Sections 39.6, 39.7, 39.8, and 39.8-5.~~

23 "Convenience package" means any package that contains 360
24 milligrams or less of ephedrine or pseudoephedrine, their salts

1 or optical isomers, or salts of optical isomers in liquid or
2 liquid-filled capsule form.

3 "Covered pharmacy" means any pharmacy that distributes any
4 amount of targeted methamphetamine precursor that is
5 physically located in Illinois.

6 ~~"Covered pharmacy under the Franklin, Jackson, Johnson,~~
7 ~~Saline, Union, or Williamson County Program" or "covered~~
8 ~~pharmacy" means any pharmacy that distributes any amount of~~
9 ~~targeted methamphetamine precursor and that is physically~~
10 ~~located in any of the following Illinois counties: Franklin,~~
11 ~~Jackson, Johnson, Saline, Union, or Williamson.~~

12 ~~"Covered pharmacy under the Illinois State Police~~
13 ~~Precursor Tracking Program" or "covered pharmacy" means any~~
14 ~~pharmacy that distributes any amount of targeted~~
15 ~~methamphetamine precursor and that is physically located in any~~
16 ~~of the following Illinois counties: Adams, Madison, St. Clair,~~
17 ~~or Vermilion.~~

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

20 "Dispense" has the meaning provided in Section 102 of the
21 Illinois Controlled Substances Act.

22 "Distribute" has the meaning provided in Section 102 of the
23 Illinois Controlled Substances Act.

24 "Electronic transaction record" means, with respect to the
25 distribution of a targeted methamphetamine precursor by a
26 pharmacy to a recipient under Section 25 of this Act, an

1 electronic record that includes: the name and address of the
2 recipient; date and time of the transaction; brand and product
3 name and total quantity distributed of ephedrine or
4 pseudoephedrine, their salts, or optical isomers, or salts of
5 optical isomers; identification type and identification number
6 of the identification presented by the recipient; and the name
7 and address of the pharmacy.

8 "Identification information" means identification type and
9 identification number.

10 "Identification number" means the number that appears on
11 the identification furnished by the recipient of a targeted
12 methamphetamine precursor.

13 "Identification type" means the type of identification
14 furnished by the recipient of a targeted methamphetamine
15 precursor such as, by way of example only, an Illinois driver's
16 license or United States passport.

17 ~~"Illinois State Police Precursor Tracking Program" or~~
18 ~~"Pilot Program Authority" means the program described in~~
19 ~~Sections 39.6, 39.7, 39.8, and 39.8 5 of this Act.~~

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

22 "Methamphetamine precursor" has the meaning provided in
23 Section 10 of the Methamphetamine Control and Community
24 Protection Act.

25 ~~"Methamphetamine Precursor Violation Alert" means a notice~~
26 ~~sent by the Pilot Program Authority to pharmacies, retail~~

1 ~~distributors, or law enforcement authorities as described in~~
2 ~~subsection (h) of Section 39.5 of this Act.~~

3 ~~"Non-covered pharmacy" means any pharmacy that is not a~~
4 ~~covered pharmacy.~~

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

8 "Pharmacist" has the meaning provided in Section 102 of the
9 Illinois Controlled Substances Act.

10 "Pharmacy" has the meaning provided in Section 102 of the
11 Illinois Controlled Substances Act.

12 "Practitioner" has the meaning provided in Section 102 of
13 the Illinois Controlled Substances Act.

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

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

18 "Qualified outside entity" means a law enforcement agency
19 or prosecutor's office with authority to identify,
20 investigate, or prosecute violations of this Act or any other
21 State or federal law or rule involving a methamphetamine
22 precursor, methamphetamine, or any other controlled substance,
23 ~~or a public entity that operates a methamphetamine precursor~~
24 ~~tracking program similar in purpose to the Williamson County~~
25 ~~Pilot Program or the Illinois State Police Precursor Tracking~~
26 ~~Program.~~

1 "Readily retrievable" has the meaning provided in 21 C.F.R.
2 part 1300.

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

6 ~~"Reporting start date" means the date on which covered~~
7 ~~pharmacies begin transmitting electronic transaction records~~
8 ~~and exempt pharmacies begin sending handwritten logs, as~~
9 ~~described in subsection (b) of Section 39 of this Act.~~

10 "Retail distributor" means a grocery store, general
11 merchandise store, drug store, other merchandise store, or
12 other entity or person whose activities as a distributor
13 relating to drug products containing targeted methamphetamine
14 precursor are limited exclusively or almost exclusively to
15 sales for personal use by an ultimate user, both in number of
16 sales and volume of sales, either directly to walk-in customers
17 or in face-to-face transactions by direct sales.

18 "Sales employee" means any employee or agent, other than a
19 pharmacist or pharmacy technician who at any time (a) operates
20 a cash register at which convenience packages may be sold, (b)
21 stocks shelves containing convenience packages, or (c) trains
22 or supervises any other employee or agent who engages in any of
23 the preceding activities.

24 "Single retail transaction" means a sale by a retail
25 distributor to a recipient at a specific time.

26 "Targeted methamphetamine precursor" means any compound,

1 mixture, or preparation that contains any detectable quantity
2 of ephedrine or pseudoephedrine, their salts or optical
3 isomers, or salts of optical isomers.

4 "Targeted package" means a package, including a
5 convenience package, containing any amount of targeted
6 methamphetamine precursor.

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

9 ~~"Williamson County Pilot Program" or "Pilot Program" means~~
10 ~~the program described in Sections 36, 37, 38, 39, and 39.5 of~~
11 ~~this Act.~~

12 ~~"Williamson County Pilot Program Authority" or "Pilot~~
13 ~~Program Authority" means the Williamson County Sheriff's~~
14 ~~Office or its employees or agents.~~

15 ~~"Voluntary participant" means any pharmacy that, although~~
16 ~~not required by law to do so, participates in the Williamson~~
17 ~~County Pilot Program.~~

18 (Source: P.A. 95-640, eff. 6-1-08; 96-50, eff. 10-21-09.)

19 (720 ILCS 648/25)

20 Sec. 25. Pharmacies.

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

25 (b) Any targeted methamphetamine precursor other than a

1 convenience package or a liquid, including but not limited to
2 any targeted methamphetamine precursor in liquid-filled
3 capsules, shall: be packaged in blister packs, with each
4 blister containing not more than 2 dosage units, or when the
5 use of blister packs is technically infeasible, in unit dose
6 packets. Each targeted package shall contain no more than 3,000
7 milligrams of ephedrine or pseudoephedrine, their salts or
8 optical isomers, or salts of optical isomers.

9 (c) The targeted methamphetamine precursor shall be stored
10 behind the pharmacy counter and distributed by a pharmacist or
11 pharmacy technician licensed under the Pharmacy Practice Act,
12 or by an agent of the pharmacist or pharmacy technician.

13 (d) Any retail distributor operating a pharmacy, and any
14 pharmacist or pharmacy technician involved in the transaction
15 or transactions, shall ensure that any person purchasing,
16 receiving, or otherwise acquiring the targeted methamphetamine
17 precursor complies with subsection (a) of Section 20 of this
18 Act.

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

22 (1) The person purchasing, receiving, or otherwise
23 acquiring the targeted methamphetamine precursor is 18
24 years of age or older and resembles the photograph of the
25 person on the government-issued identification presented
26 by the person; and

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

5 (f) The logs referred to in subsection (a) of Section 20 of
6 this Act shall be kept confidential, maintained for not less
7 than 4 ~~2~~ years, and made available for inspection and copying
8 by any law enforcement officer upon request of that officer.
9 These logs shall ~~may~~ be kept in an electronic format as
10 ~~required by the Methamphetamine Precursor Tracking Act if they~~
11 ~~include all the information specified in subsection (a) of~~
12 ~~Section 20 of this Act in a manner that is readily retrievable~~
13 ~~and reproducible in hard copy format. Pharmacies covered by the~~
14 ~~Williamson County Pilot Program described in Sections 36, 37,~~
15 ~~38, 39, and 39.5 of this Act and pharmacies covered by the~~
16 ~~Illinois State Police Precursor Tracking Program described in~~
17 ~~Sections 39.6, 39.7, 39.8, and 39.8 5 of this Act are required~~
18 ~~to transmit electronic transaction records to the Pilot Program~~
19 ~~Authority in the manner described in those Sections.~~

20 (g) No retail distributor operating a pharmacy, and no
21 pharmacist or pharmacy technician, shall knowingly distribute
22 any targeted methamphetamine precursor to any person under 18
23 years of age.

24 (h) No retail distributor operating a pharmacy, and no
25 pharmacist or pharmacy technician, shall knowingly distribute
26 to a single person more than 2 targeted packages in a single

1 retail transaction.

2 (i) No retail distributor operating a pharmacy, and no
3 pharmacist or pharmacy technician, shall knowingly distribute
4 to a single person in any 30-day period products containing
5 more than a total of 7,500 milligrams of ephedrine or
6 pseudoephedrine, their salts or optical isomers, or salts of
7 optical isomers.

8 (j) A pharmacist or pharmacy technician may distribute a
9 targeted methamphetamine precursor to a person who is without a
10 form of identification specified in paragraph (1) of subsection
11 (a) of Section 20 of this Act only if all other provisions of
12 this Act are followed and either:

13 (1) the person presents a driver's license issued
14 without a photograph by the State of Illinois pursuant to
15 the Illinois Administrative Code, Title 92, Section
16 1030.90(b)(1) or 1030.90(b)(2); or

17 (2) the person is known to the pharmacist or pharmacy
18 technician, the person presents some form of
19 identification, and the pharmacist or pharmacy technician
20 reasonably believes that the targeted methamphetamine
21 precursor will be used for a legitimate medical purpose and
22 not to manufacture methamphetamine.

23 (k) When a pharmacist or pharmacy technician distributes a
24 targeted methamphetamine precursor to a person according to the
25 procedures set forth in this Act, and the pharmacist or
26 pharmacy technician does not have access to a working cash

1 register at the pharmacy counter, the pharmacist or pharmacy
2 technician may instruct the person to pay for the targeted
3 methamphetamine precursor at a cash register located elsewhere
4 in the retail establishment, whether that register is operated
5 by a pharmacist, pharmacy technician, or other employee or
6 agent of the retail establishment.

7 (Source: P.A. 95-640, eff. 6-1-08; 95-689, eff. 10-29-07;
8 95-876, eff. 8-21-08; 96-50, eff. 10-21-09.)

9 (720 ILCS 648/40)

10 Sec. 40. Penalties.

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

12 (1) Any person who knowingly purchases, receives, or
13 otherwise acquires, within any 30-day period, products
14 containing more than a total of 7,500 milligrams of
15 ephedrine or pseudoephedrine, their salts or optical
16 isomers, or salts of optical isomers in violation of
17 subsection (b) of Section 20 of this Act is subject to the
18 following penalties:

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

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

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

25 (D) 30,000 or more but less than 37,500 milligrams,

1 Class 3 felony;

2 (E) 37,500 or more but less than 45,000 milligrams,

3 Class 2 felony:

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

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

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

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

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

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

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

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

1 isomers, or salts of optical isomers in violation of
2 subsection (b) of Section 20 of this Act, and who has
3 previously been convicted 2 or more times of any
4 methamphetamine-related offense under State or federal
5 law, is subject to the following penalties:

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

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

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

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

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

16 (1) Any pharmacy or retail distributor that violates
17 Section 15, 20, 25, 30, or 35 of this Act, other than
18 subsection (b) of Section 20 of this Act, is guilty of a
19 petty offense and subject to a fine of \$500 for a first
20 offense; and \$1,000 for a second offense occurring at the
21 same retail location as and within 3 years of the prior
22 offense. A pharmacy or retail distributor that violates
23 this Act is guilty of a business offense and subject to a
24 fine of \$5,000 for a third or subsequent offense occurring
25 at the same retail location as and within 3 years of the
26 prior offenses.

1 (2) An employee or agent of a pharmacy or retail
2 distributor who violates Section 15, 20, 25, 30, or 35 of
3 this Act, other than subsection (b) of Section 20 of this
4 Act, is guilty of a Class A misdemeanor for a first
5 offense, a Class 4 felony for a second offense, and a Class
6 1 felony for a third or subsequent offense.

7 (3) Any other person who violates Section 15, 20, 25,
8 30, or 35 of this Act, other than subsection (b) of Section
9 20 of this Act, is guilty of a Class B misdemeanor for a
10 first offense, a Class A misdemeanor for a second offense,
11 and a Class 4 felony for a third or subsequent offense.

12 (c) (Blank). ~~Any pharmacy or retail distributor that~~
13 ~~violates Section 36, 37, 38, 39, 39.5, 39.6, 39.7, 39.8, or~~
14 ~~39.8 5 of this Act is guilty of a petty offense and subject to~~
15 ~~a fine of \$100 for a first offense, \$250 for a second offense,~~
16 ~~or \$500 for a third or subsequent offense.~~

17 (d) (Blank). ~~Any person that violates Section 39.5 or~~
18 ~~39.8 5 of this Act is guilty of a Class B misdemeanor for a~~
19 ~~first offense, a Class A misdemeanor for a second offense, and~~
20 ~~a Class 4 felony for a third offense.~~

21 (e) Any person who, in order to acquire a targeted
22 methamphetamine precursor, knowingly uses or provides the
23 driver's license or government-issued identification of
24 another person, or who knowingly uses or provides a fictitious
25 or unlawfully altered driver's license or government-issued
26 identification, or who otherwise knowingly provides false

1 information, is guilty of a Class 4 felony for a first offense,
2 a Class 3 felony for a second offense, and a Class 2 felony for
3 a third or subsequent offense.

4 For purposes of this subsection (e), the terms "fictitious
5 driver's license", "unlawfully altered driver's license", and
6 "false information" have the meanings ascribed to them in
7 Section 6-301.1 of the Illinois Vehicle Code.

8 (Source: P.A. 95-252, eff. 1-1-08; 95-640, eff. 6-1-08; 95-876,
9 eff. 8-21-08; 96-50, eff. 10-21-09.)

10 (720 ILCS 648/55)

11 Sec. 55. Preemption and home rule powers. The regulation of
12 the sale of targeted methamphetamine precursors and targeted
13 packages are exclusive powers and functions of the State. A
14 county or municipality, including a home rule unit, may not
15 regulate the sale of targeted methamphetamine precursors and
16 targeted packages. This Section is a denial and limitation of
17 home rule powers under subsection (h) of Section 6 of Article
18 VII of the Illinois Constitution. ~~(a) Except as provided in~~
19 ~~subsection (b) of this Section and in Sections 36, 37, 38, 39,~~
20 ~~39.5, 39.6, 39.7, 39.8, and 39.8-5 of this Act, a county or~~
21 ~~municipality, including a home rule unit, may regulate the sale~~
22 ~~of targeted methamphetamine precursor and targeted packages in~~
23 ~~a manner that is not more or less restrictive than the~~
24 ~~regulation by the State under this Act. This Section is a~~
25 ~~limitation under subsection (i) of Section 6 of Article VII of~~

1 ~~the Illinois Constitution on the concurrent exercise by home~~
2 ~~rule units of the powers and functions exercised by the State.~~

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

7 (Source: P.A. 95-640, eff. 6-1-08; 96-50, eff. 10-21-09.)

8 (720 ILCS 648/36 rep.)

9 (720 ILCS 648/37 rep.)

10 (720 ILCS 648/38 rep.)

11 (720 ILCS 648/39 rep.)

12 (720 ILCS 648/39.5 rep.)

13 (720 ILCS 648/39.6 rep.)

14 (720 ILCS 648/39.7 rep.)

15 (720 ILCS 648/39.8 rep.)

16 (720 ILCS 648/39.8-5 rep.)

17 (720 ILCS 648/45 rep.)

18 Section 110. The Methamphetamine Precursor Control Act is
19 amended by repealing Sections 36, 37, 38, 39, 39.5, 39.6, 39.7,
20 39.8, 39.8-5, and 45.

21 Section 999. Effective date. This Act takes effect upon
22 becoming law.