



Rep. John E. Bradley

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1 AMENDMENT TO HOUSE BILL 806

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 806 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, 20, and 40 as follows:

6 (720 ILCS 648/10)

7 Sec. 10. Definitions. In this Act:

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

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

12 "Authorized representative" means an employee or agent of a  
13 qualified outside entity who has been authorized in writing by  
14 his or her agency or office to receive confidential information  
15 from the Central Repository.

16 "Central Repository" means the entity chosen by the

1 Illinois State Police to handle electronic transaction records  
2 as described in this Act.

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

7 "Covered pharmacy" means any pharmacy that distributes any  
8 amount of targeted methamphetamine precursor that is  
9 physically located in Illinois.

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

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

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

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

26 "Identification information" means identification type and

1 identification number.

2 "Identification number" means the number that appears on  
3 the identification furnished by the recipient of a targeted  
4 methamphetamine precursor.

5 "Identification type" means the type of identification  
6 furnished by the recipient of a targeted methamphetamine  
7 precursor such as, by way of example only, an Illinois driver's  
8 license or United States passport.

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

11 "Methamphetamine precursor" has the meaning provided in  
12 Section 10 of the Methamphetamine Control and Community  
13 Protection Act.

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

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

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

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

23 "Prescriber" has the meaning provided in Section 102 of the  
24 Illinois Controlled Substances Act.

25 "Prescription" has the meaning provided in Section 102 of  
26 the Illinois Controlled Substances Act.

1       "Procure" means to purchase, steal, gather, or otherwise  
2 obtain, for oneself or another person, by legal or illegal  
3 means, or to cause another to take that action.

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

9       "Readily retrievable" has the meaning provided in 21 C.F.R.  
10 part 1300.

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

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

22       "Sales employee" means any employee or agent, other than a  
23 pharmacist or pharmacy technician who at any time (a) operates  
24 a cash register at which convenience packages may be sold, (b)  
25 stocks shelves containing convenience packages, or (c) trains  
26 or supervises any other employee or agent who engages in any of

1 the preceding activities.

2 "Single retail transaction" means a sale by a retail  
3 distributor to a recipient at a specific time.

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

8 "Targeted package" means a package, including a  
9 convenience package, containing any amount of targeted  
10 methamphetamine precursor.

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

13 (Source: P.A. 96-50, eff. 10-21-09; 97-670, eff. 1-19-12.)

14 (720 ILCS 648/20)

15 Sec. 20. Restrictions on purchase, receipt, or  
16 acquisition.

17 (a) Except as provided in subsection (e) of this Section,  
18 any person 18 years of age or older wishing to purchase,  
19 receive, or otherwise acquire a targeted methamphetamine  
20 precursor shall, prior to taking possession of the targeted  
21 methamphetamine precursor:

22 (1) provide a driver's license or other  
23 government-issued identification showing the person's  
24 name, date of birth, and photograph; and

25 (2) sign a log documenting the name and address of the

1 person, date and time of the transaction, and brand and  
2 product name and total quantity distributed of ephedrine or  
3 pseudoephedrine, their salts, or optical isomers, or salts  
4 of optical isomers.

5 (b) Except as provided in subsection (e) of this Section,  
6 no person shall knowingly purchase, receive, or otherwise  
7 acquire, within any 30-day period products containing more than  
8 a total of 7,500 milligrams of ephedrine or pseudoephedrine,  
9 their salts or optical isomers, or salts of optical isomers.

10 (c) Except as provided in subsections (d) and (e) of this  
11 Section, no person shall knowingly purchase, receive, or  
12 otherwise acquire more than 2 targeted packages in a single  
13 retail transaction.

14 (d) Except as provided in subsection (e) of this Section,  
15 no person shall knowingly purchase, receive, or otherwise  
16 acquire more than one convenience package from a retail  
17 location other than a pharmacy counter in a 24-hour period.

18 (e) This Section shall not apply to any person who  
19 purchases, receives, or otherwise acquires a targeted  
20 methamphetamine precursor for the purpose of dispensing,  
21 distributing, or administering it in a lawful manner described  
22 in subsection (e) of Section 15 of this Act.

23 (f) A person shall not knowingly procure a targeted  
24 methamphetamine precursor for a third party for the purpose of  
25 evading this Act, the Illinois Controlled Substances Act, or  
26 the Methamphetamine Control and Community Protection Act.

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

2 (720 ILCS 648/40)

3 Sec. 40. Penalties.

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

5 (1) 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 is subject to the  
11 following penalties:

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

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

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

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

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

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

23 (2) 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

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

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

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

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

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

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

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

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



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

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

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

6           (b) Violations of Section 15, 20, 25, 30, or 35 of this  
7           Act, other than violations of subsection (b) or (f) of Section  
8           20 of this Act.

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

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

26           (3) Any other person who violates Section 15, 20, 25,

1 30, or 35 of this Act, other than subsection (b) or (f) of  
2 Section 20 of this Act, is guilty of a Class B misdemeanor  
3 for a first offense, a Class A misdemeanor for a second  
4 offense, and a Class 4 felony for a third or subsequent  
5 offense.

6 (c) (Blank).

7 (d) (Blank).

8 (e) Any person who, in order to acquire a targeted  
9 methamphetamine precursor, knowingly uses or provides the  
10 driver's license or government-issued identification of  
11 another person, or who knowingly uses or provides a fictitious  
12 or unlawfully altered driver's license or government-issued  
13 identification, or who otherwise knowingly provides false  
14 information, is guilty of a Class 4 felony for a first offense,  
15 a Class 3 felony for a second offense, and a Class 2 felony for  
16 a third or subsequent offense.

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

21 (f) Any person who violates subsection (f) of Section 20 of  
22 this Act is guilty of a Class A misdemeanor for the first  
23 conviction, and a Class 4 felony for a second or subsequent  
24 conviction.

25 (Source: P.A. 96-50, eff. 10-21-09; 97-670, eff. 1-19-12.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".