

1 AN ACT concerning animal control.

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 Humane Euthanasia in Animal Shelters Act.

6 Section 5. Definitions. The following terms have the  
7 meanings indicated, unless the context requires otherwise:

8 "Animal" means any bird, fish, reptile, or mammal other  
9 than man.

10 "DEA" means the United States Department of Justice Drug  
11 Enforcement Administration.

12 "Department" means the Department of Professional  
13 Regulation.

14 "Director" means the Director of the Department of  
15 Professional Regulation.

16 "Euthanasia agency" means an entity certified by the  
17 Department for the purpose of animal euthanasia that holds an  
18 animal control facility or animal shelter license under the  
19 Animal Welfare Act.

20 "Euthanasia drugs" means Schedule II or Schedule III  
21 substances (nonnarcotic controlled substances) as set forth  
22 in the Illinois Controlled Substances Act that are used by a  
23 euthanasia agency for the purpose of animal euthanasia.

24 "Euthanasia technician" or "technician" means a person  
25 employed by a euthanasia agency or working under the direct  
26 supervision of a veterinarian and who is certified by the  
27 Department to administer euthanasia drugs to euthanize  
28 animals.

29 "Veterinarian" means a person holding the degree of  
30 Doctor of Veterinary Medicine who is licensed under the  
31 Veterinary Medicine and Surgery Practice Act of 1994.

1 Section 10. Certification requirement, exemptions.

2 (a) Except as otherwise provided in this Section, no  
3 person shall euthanize animals in an animal shelter or animal  
4 control facility without possessing a certificate issued by  
5 the Department under this Act.

6 (b) Nothing in this Act shall be construed as preventing  
7 a licensed veterinarian or an instructor during an approved  
8 course from humanely euthanizing animals in animal shelters  
9 or animal control facilities.

10 (c) Nothing in this Act prevents a veterinarian who is  
11 employed by the Department of Agriculture, or any other  
12 person who is employed by the Department of Agriculture and  
13 acting under the supervision of such a veterinarian, from  
14 humanely euthanizing animals in the course of that  
15 employment.

16 Section 15. Powers and duties of the Department.

17 (a) The Department shall exercise the powers and duties  
18 prescribed by the Civil Administrative Code of Illinois for  
19 the administration of licensure Acts and shall exercise other  
20 powers and duties necessary for effectuating the purposes of  
21 this Act.

22 (b) The Department may adopt rules to administer and  
23 enforce this Act including, but not limited to, setting fees  
24 for original certification and renewal and restoration of  
25 certification and any other administrative fees, and may  
26 prescribe forms to be issued to implement this Act. At a  
27 minimum, the rules adopted by the Department shall include  
28 standards and criteria for certification and for professional  
29 conduct and discipline.

30 Section 20. Application for original certification.  
31 Applications for original certification shall be made to the  
32 Department in writing, shall be signed by the applicant on

1 forms prescribed by the Department, and shall be accompanied  
2 by a nonrefundable fee set by rule. The Department may  
3 require information from the applicant that, in its judgment,  
4 will enable the Department to determine the qualifications of  
5 the applicant for certification.

6 Section 25. Euthanasia agency.

7 (a) To be certified as a euthanasia agency, an entity  
8 must apply to the Department, hold an active license under  
9 the Animal Welfare Act as an animal control facility or an  
10 animal shelter, pay the required fee, and agree to:

11 (1) Keep euthanasia drugs in a securely locked  
12 cabinet or a metal safe that meets the requirements of  
13 the Illinois Controlled Substances Act and rules adopted  
14 under that Act when not in use. A temporary storage  
15 cabinet may be used when a euthanasia technician is on  
16 duty and animals are being euthanized during the workday.

17 (2) Comply with the requirements of the Illinois  
18 Food, Drug and Cosmetic Act, federal Food, Drug and  
19 Cosmetic Act (21 U.S.C. 301 et seq. (1976)), federal  
20 Controlled Substances Act (21 U.S.C. 801 et seq. (1976)),  
21 and the Illinois Controlled Substances Act.

22 (3) Keep the conditions of the euthanasia area  
23 clean and sanitary with adequate equipment and supplies  
24 to enable the humane disposition of animals.

25 (b) A euthanasia agency may purchase, store, and possess  
26 Schedule II and Schedule III (nonnarcotic controlled  
27 substances) drugs for the euthanization of animals upon  
28 obtaining from the Department an Illinois controlled  
29 substances license pursuant to the Illinois Controlled  
30 Substances Act and a controlled substance license issued by  
31 the Drug Enforcement Administration pursuant to the federal  
32 Controlled Substances Act.

33 (c) The Department shall inspect the facility prior to

1 the issuance of the controlled substance license.

2 (d) The euthanasia agency shall notify the Department in  
3 writing within 30 days of the time that the employment of a  
4 euthanasia technician is terminated from the euthanasia  
5 agency.

6 Section 35. Technician certification; duties.

7 (a) An applicant for certification as a euthanasia  
8 technician shall file an application with the Department and  
9 shall:

10 (1) Be 18 years of age.

11 (2) Be of good moral character. In determining  
12 moral character under this Section, the Department may  
13 take into consideration whether the applicant has engaged  
14 in conduct or activities that would constitute grounds  
15 for discipline under this Act.

16 (3) Submit fingerprints to the Illinois State  
17 Police or its designated vendor as set forth by rule.  
18 These fingerprints shall be checked against the Illinois  
19 State Police and Federal Bureau of Investigation criminal  
20 history record databases. A separate fee shall be  
21 charged to the applicant for fingerprinting, payable  
22 either to the Department or the Illinois State Police or  
23 its designated vendor.

24 (4) Hold a current license or certification from  
25 the American Humane Association, the National Animal  
26 Control Association, the Illinois Federation of Humane  
27 Societies, or the Humane Society of the United States.

28 (5) Pay the required fee.

29 (b) The duties of a euthanasia technician shall include  
30 but are not limited to:

31 (1) preparing animals for euthanasia and scanning  
32 each animal, prior to euthanasia, for microchips;

33 (2) accurately recording the dosages administered

1 and the amount of drugs wasted;

2 (3) ordering supplies;

3 (4) maintaining the security of all controlled  
4 substances and drugs;

5 (5) humanely euthanizing animals via intravenous  
6 injection by hypodermic needle, intraperitoneal injection  
7 by hypodermic needle, solutions or powder added to food  
8 or by mouth, intracardiac injection only on comatose  
9 animals by hypodermic needle, or carbon monoxide in a  
10 commercially manufactured chamber; and

11 (6) properly disposing of euthanized animals after  
12 verification of death.

13 (c) A euthanasia technician employed by a euthanasia  
14 agency may perform euthanasia by the administration of a  
15 Schedule II or Schedule III nonnarcotic controlled substance.  
16 A euthanasia technician may not personally possess, order, or  
17 administer a controlled substance except as an agent of the  
18 euthanasia agency.

19 (d) Upon termination from a euthanasia agency, a  
20 euthanasia technician shall not perform animal euthanasia  
21 until he or she is employed by another certified euthanasia  
22 agency.

23 (e) A certified euthanasia technician or an instructor  
24 in an approved course does not engage in the practice of  
25 veterinary medicine when performing duties set forth in this  
26 Act.

27 Section 40. Issuance of certificate. The Department  
28 shall begin issuing certificates under this Act within one  
29 year after the effective date of this Act. The Department  
30 shall issue a certificate to an applicant who has met the  
31 requirements and has paid the required application fee.

32 Section 45. Certifications; renewal; restoration; person

1 in military service; inactive status.

2 (a) The expiration date, renewal period, renewal fees,  
3 and procedures for renewal of each certification issued under  
4 this Act shall be set by rule.

5 (b) Any person who has permitted a euthanasia technician  
6 certification to expire or who has a certification on  
7 inactive status may have it restored by submitting an  
8 application to the Department and filing proof of fitness, as  
9 defined by rule, to have the certification restored,  
10 including, if appropriate, evidence that is satisfactory to  
11 the Department certifying active practice in another  
12 jurisdiction and by paying the required fee.

13 (c) If the person has not maintained an active practice  
14 in another jurisdiction that is satisfactory to the  
15 Department, the Department shall determine the person's  
16 fitness to resume active status.

17 (d) Any person whose euthanasia technician certification  
18 expired while on active duty with the armed forces of the  
19 United States, while called into service or training with the  
20 State Militia or in training or education under the  
21 supervision of the United States government prior to  
22 induction into the military service, however, may have his or  
23 her certification restored without paying any renewal fees  
24 if, within 2 years after the termination of that service,  
25 training, or education, except under conditions other than  
26 honorable, the Department is furnished with satisfactory  
27 evidence that the person has been so engaged and that the  
28 service, training, or education has been so terminated.

29 (e) A euthanasia technician certificate holder may place  
30 his or her certification on inactive status and shall be  
31 excused from paying renewal fees until he or she notifies the  
32 Department in writing of the intention to resume active  
33 practice. A certificate holder who is on inactive status  
34 shall not practice while the certificate is in inactive

1 status.

2 (f) The Department shall set by rule the requirements  
3 for restoration of a euthanasia agency certification and the  
4 requirements for a change of location.

5 Section 50. Grandfathering provision. The Department  
6 may issue certification to a euthanasia technician who  
7 presents proof in a manner established by the Department that  
8 he or she has been licensed or certified by the American  
9 Humane Association, the National Animal Control Association,  
10 the Illinois Federation of Humane Societies, or the Humane  
11 Society of the United States, within the 5 years preceding  
12 the effective date of this Act.

13 Section 55. Endorsement. An applicant, who is a  
14 euthanasia technician registered or licensed under the laws  
15 of another state or territory of the United States that has  
16 requirements that are substantially similar to the  
17 requirements of this Act, may be granted certification as a  
18 euthanasia technician in this State without examination, upon  
19 presenting satisfactory proof to the Department that the  
20 applicant has been engaged in the practice of euthanasia for  
21 a period of not less than one year and upon payment of the  
22 required fee.

23 Section 57. Procedures for euthanasia.

24 (a) Only euthanasia drugs and commercially compressed  
25 carbon monoxide, subject to the limitations imposed under  
26 subsection (b) of this Section, shall be used for the purpose  
27 of humanely euthanizing injured, sick, homeless, or unwanted  
28 companion animals in an animal shelter or an animal control  
29 facility licensed under the Illinois Animal Welfare Act.

30 (b) Commercially compressed carbon monoxide may be used  
31 as a permitted method of euthanasia provided that it is

1 performed in a commercially manufactured chamber pursuant to  
2 the guidelines set forth in the most recent report of the  
3 AVMA Panel on Euthanasia. A chamber that is designed to  
4 euthanize more than one animal at a time must be equipped  
5 with independent sections or cages to separate incompatible  
6 animals. The interior of the chamber must be well lit and  
7 equipped with view-ports, a regulator, and a flow meter.  
8 Monitoring equipment must be used at all times during the  
9 operation. Animals that are under 4 months of age, old,  
10 injured, or sick may not be euthanized by carbon monoxide.  
11 Animals shall remain in the chamber and be exposed for a  
12 minimum of 20 minutes. Staff members shall be fully notified  
13 of potential health risks.

14 Section 60. Fees; returned checks. An agency or person  
15 who delivers a check or other payment to the Department that  
16 is returned to the Department unpaid by the financial  
17 institution upon which it is drawn shall pay to the  
18 Department, in addition to the amount already owed to the  
19 Department a fine of \$50. The fines imposed by this Section  
20 are in addition to any other discipline provided under this  
21 Act. The Director may waive the fines due under this Section  
22 in individual cases where the Director finds that the fines  
23 would be unreasonable or unnecessarily burdensome.

24 Section 65. Refused issuance, suspension or revocation  
25 of certification. The Department may refuse to issue, renew,  
26 or restore a certification or may revoke or suspend a  
27 certification, or place on probation, reprimand, impose a  
28 fine not to exceed \$1,000 for each violation, or take other  
29 disciplinary action as the Department may deem proper with  
30 regard to a certified euthanasia agency or a certified  
31 euthanasia technician for any one or combination of the  
32 following reasons:



1 (1) failing to carry out the duties of a euthanasia  
2 technician;

3 (2) abusing the use of any chemical substance;

4 (3) selling, stealing, or giving chemical substances  
5 away;

6 (4) abetting anyone in the activities listed in this  
7 subsection; or

8 (5) violating any provision of this Act, the Illinois  
9 Controlled Substances Act, the rules adopted under these Acts  
10 or any rules adopted by the Department of Professional  
11 Regulation concerning the euthanizing of animals.

12 Section 80. Exemption from liability. An instructor of  
13 euthanasia techniques or a veterinarian who engages in the  
14 instructing of euthanasia technicians, in a course approved  
15 by the Department, shall not incur any civil or criminal  
16 liability for any subsequent misuse or malpractice of a  
17 euthanasia technician who has attended the course.

18 Any veterinarian, who in good faith administers  
19 euthanasia drugs to an animal in an animal control facility  
20 or an animal shelter, has immunity from any liability, civil,  
21 criminal, or otherwise, that may result from his or her  
22 actions. For the purposes of any proceedings, civil or  
23 criminal, the good faith of the veterinarian shall be  
24 rebuttably presumed.

25 Section 85. Cease and desist order.

26 (a) If an agency or person violates a provision of this  
27 Act, the Director may, in the name of the People of the State  
28 of Illinois, through the Attorney General of the State of  
29 Illinois, petition for an order enjoining the violation or  
30 for an order enforcing compliance with this Act. Upon the  
31 filing of a verified petition in court, the court may issue a  
32 temporary restraining order, without notice or bond, and may

1 preliminarily and permanently enjoin the violation, and if it  
2 is established that the agency or person has violated or is  
3 violating the injunction, the court may punish the offender  
4 for contempt of court. Proceedings under this Section shall  
5 be in addition to, and not in lieu of, all other remedies and  
6 penalties provided by this Act.

7 (b) Whenever, in the opinion of the Department, an  
8 agency violates a provision of this Act, the Department may  
9 issue a rule to show cause why an order to cease and desist  
10 should not be entered against the agency. The rule shall  
11 clearly set forth the grounds relied upon by the Department  
12 and shall provide a period of 7 days from the date of the  
13 rule to file an answer to the satisfaction of the Department.  
14 Failure to answer to the satisfaction of the Department shall  
15 cause an order to cease and desist to be issued immediately.

16 Section 90. Uncertified practice; civil penalty.

17 (a) A person who practices, offers to practice, attempts  
18 to practice, or holds himself or herself out as a certified  
19 euthanasia technician or a certified euthanasia agency  
20 without being certified under this Act shall, in addition to  
21 any other penalty provided by law, pay a civil penalty to the  
22 Department in an amount not to exceed \$5,000 for each offense  
23 as determined by the Department. The civil penalty shall be  
24 assessed by the Department after a hearing is held in  
25 accordance with the provisions set forth in this Act  
26 regarding the provision of a hearing for the discipline of a  
27 certified euthanasia technician or a certified euthanasia  
28 agency. The civil penalty must be paid within 60 days after  
29 the effective date of the order imposing the civil penalty.  
30 The order shall constitute a judgment and may be filed and  
31 executed in the same manner as any judgment from any court of  
32 record.

33 (b) The Department may investigate any uncertified

1 activity.

2 (c) Instructors teaching humane euthanasia techniques  
3 are exempt from the certification process.

4 Section 95. Inspections. The Department may conduct  
5 random inspections upon renewal, for cause, or as necessary  
6 to assure the integrity and effectiveness of the  
7 certification process. Upon failure to pass inspection, a  
8 euthanasia agency's certificate shall be suspended or denied,  
9 as applicable, pending review by the Department. Upon the  
10 failure of an agency to pass an inspection, animal euthanasia  
11 must be performed by a licensed veterinarian or at another  
12 certified euthanasia agency. A euthanasia agency that fails  
13 to pass an inspection is subject to penalty. Upon notice of  
14 failure to pass an inspection, a euthanasia agency shall have  
15 30 days to appeal the inspection results. On appeal, the  
16 euthanasia agency shall have the right to an inspection  
17 review or to a new inspection in accordance with procedures  
18 adopted by the Department.

19 Section 100. Investigations; notice and hearing.

20 (a) The Department may investigate the actions of an  
21 applicant or an animal shelter or animal control facility  
22 holding or claiming to hold a certificate.

23 (b) Before refusing to issue or renew a certificate or  
24 disciplining a certified euthanasia agency or technician,  
25 the Department shall notify in writing the applicant, the  
26 agency, or technician of the nature of the charges and that a  
27 hearing will be held on the date designated, which shall be  
28 at least 30 days after the date of the notice. The Department  
29 shall direct the applicant, agency, or technician to file a  
30 written answer to the Department under oath within 20 days  
31 after the service of the notice and inform the applicant,  
32 agency, or technician that failure to file an answer will

1 result in default being taken against the applicant, agency,  
2 or technician and that the certificate may be suspended,  
3 revoked, placed on probationary status, or other disciplinary  
4 action may be taken, including limiting the scope, nature, or  
5 extent of business as the Director may deem proper. Written  
6 notice may be served by personal delivery or certified or  
7 registered mail sent to the respondent at the most recent  
8 address on record with the Department.

9 If the applicant, agency, or technician fails to file an  
10 answer after receiving notice, the certification may, in the  
11 discretion of the Department, be suspended, revoked, or  
12 placed on probationary status, or the Department may take  
13 whatever disciplinary action it deems proper including  
14 imposing a civil penalty, without a hearing if the act or  
15 acts charged constitute sufficient ground for such action  
16 under this Act.

17 At the time and place fixed in the notice, the Department  
18 shall proceed to hear the charges, and the parties or their  
19 counsel shall be accorded ample opportunity to present such  
20 statements, testimony, evidence, and argument as may be  
21 pertinent to the charges or to their defense. The Department  
22 may continue a hearing from time to time.

23 Section 105. Stenographer; transcript. The Department,  
24 at its expense, shall preserve a record of all proceedings at  
25 the formal hearing of any case involving the refusal to issue  
26 or renew a certificate or the discipline of a certified  
27 euthanasia technician. The notice of hearing, complaint, and  
28 all other documents in the nature of pleadings, written  
29 motions filed in the proceedings, the transcript of  
30 testimony, the report of the hearing officer, and the order  
31 of the Department shall be the record of the proceeding.

32 Section 110. Compelling testimony. A circuit court may,

1 upon application of the Department or its designee or of the  
2 applicant, agency, or technician against whom proceedings are  
3 pending, enter an order requiring the attendance of witnesses  
4 and their testimony and the production of documents, papers,  
5 files, books, and records in connection with any hearing or  
6 investigation. The court may compel obedience to its order  
7 by proceedings for contempt.

8 Section 115. Findings and recommendations. At the  
9 conclusion of the hearing, the hearing officer shall present  
10 to the Director a written report of its findings and  
11 recommendations. The report shall contain a finding of  
12 whether or not the accused applicant, agency, or technician  
13 violated this Act or failed to comply with the conditions  
14 required in this Act. The hearing officer shall specify the  
15 nature of the violation or failure to comply, and shall make  
16 its recommendations to the Director.

17 The report of the findings and recommendations of the  
18 hearing officer shall be the basis for the Department's order  
19 of refusal or for the granting of certification unless the  
20 Director determines that the hearing officer's report is  
21 contrary to the manifest weight of the evidence, in which  
22 case the Director may issue an order in contravention of the  
23 hearing officer's report. The finding is not admissible in  
24 evidence against the applicant, agency, or technician in a  
25 criminal prosecution brought for the violation of this Act,  
26 but the hearing and finding are not a bar to a criminal  
27 prosecution brought for the violation of this Act.

28 Section 120. Rehearing on motion. In a case involving  
29 the refusal to issue or renew a certificate or the discipline  
30 of a certified agency or technician, a copy of the hearing  
31 officer's report shall be served upon the respondent by the  
32 Department, either personally or as provided in this Act for

1 the service of the notice of hearing. Within 20 days after  
2 such service, the respondent may present to the Department a  
3 motion in writing for a rehearing, which shall specify the  
4 particular grounds for rehearing. If no motion for rehearing  
5 is filed, then upon the expiration of the time specified for  
6 filing the motion, or if a motion for rehearing is denied,  
7 then upon such denial the Director may enter an order in  
8 accordance with recommendations of the hearing officer except  
9 as provided in Section 125 of this Act. If the respondent  
10 shall order from the reporting service and pay for a  
11 transcript of the record with the time for filing a motion  
12 for rehearing, the 20 day period within which such a motion  
13 may be filed shall commence upon the delivery of the  
14 transcript to the respondent.

15 Section 125. Rehearing on order of Director. Whenever  
16 the Director is satisfied that substantial justice has not  
17 been done in the revocation or suspension of a certification  
18 or refusal to issue or renew a certificate, the Director may  
19 order a rehearing.

20 Section 130. Hearing Officer. The Director has the  
21 authority to appoint an attorney duly licensed to practice  
22 law in this State to serve as the hearing officer in an  
23 action for refusal to issue or renew a certificate or for the  
24 discipline of a certified euthanasia agency or technician.  
25 The hearing officer shall have full authority to conduct the  
26 hearing. The hearing officer shall report his or her  
27 findings and recommendations to the Director.

28 Section 135. Order or certified copy. An order or a  
29 certified copy of an order, over the seal of the Department  
30 and purporting to be signed by the Director, shall be prima  
31 facie proof that:

1           (1) the signature is the genuine signature of the  
2           Director; and  
3           (2) the Director is duly appointed and qualified.  
4           This proof may be rebutted.

5           Section 140. Restoration of certificate. Any time after  
6           the suspension or revocation of a certificate, the Department  
7           may restore the certificate to the accused agency upon the  
8           written recommendation of the Department unless, after an  
9           investigation and a hearing, the Department determines that  
10          restoration is not in the public interest.

11          Section 145. Surrender of certificate. Upon the  
12          revocation or suspension of a certificate, the agency or  
13          technician shall immediately surrender the certificate to the  
14          Department, and if the agency or technician fails to do so,  
15          the Department shall have the right to seize the certificate.

16          Section 150. Temporary suspension of a certificate. The  
17          Director may temporarily suspend the certificate of a  
18          euthanasia agency or euthanasia technician without a hearing,  
19          simultaneously with the institution of proceedings for a  
20          hearing, if the Director finds that evidence in his or her  
21          possession indicates that the continued practice of the  
22          certified euthanasia agency or technician would constitute  
23          cruelty or an imminent danger to the public. If the Director  
24          temporarily suspends the certificate without a hearing, a  
25          hearing by the hearing officer must be held within 30 days of  
26          the suspension.

27          Section 155. Administrative Law Review. All final  
28          administrative decisions of the Department are subject to  
29          judicial review pursuant to the provisions of the  
30          Administrative Review Law, as now or hereafter amended, and

1 all rules adopted pursuant to that Law. The term  
2 "administrative decision" is defined as in Section 3-101 of  
3 the Code of Civil Procedure.

4 Proceedings for judicial review shall be commenced in the  
5 circuit court of the county in which the party applying for  
6 relief resides, but if the party is not a resident of this  
7 State, the venue shall be Sangamon County.

8 Section 160. Certification of record; costs. The  
9 Department shall not be required to certify any record to the  
10 court or file any answer in court or otherwise appear in a  
11 court in a judicial review proceeding, unless there is filed  
12 in the court, with the complaint, a receipt from the  
13 Department acknowledging payment of the costs of furnishing  
14 and certifying the record. Failure on the part of the  
15 plaintiff to file a receipt in court shall be grounds for  
16 dismissal of the action.

17 Section 165. Criminal penalties. An agency or  
18 technician who is found to have violated a provision of this  
19 Act is guilty of a Class A misdemeanor. On conviction of a  
20 second or subsequent offense, the violator shall be guilty of  
21 a Class 4 felony.

22 Section 170. Administrative Procedure Act. The Illinois  
23 Administrative Procedure Act is hereby expressly adopted and  
24 incorporated in this Act as if all of the provisions of that  
25 Act were included in this Act, except that the provision of  
26 subsection (d) of Section 10-65 of the Illinois  
27 Administrative Procedure Act, which provides that at hearings  
28 the license holder has the right to show compliance with all  
29 lawful requirements for retention, continuation, or renewal  
30 of a license, is specifically excluded. For the purposes of  
31 this Act, the notice required under Section 10-25 of the



1 Illinois Administrative Procedure Act is deemed sufficient  
2 when mailed to the last known address of a party.

3 Section 175. Home rule. The regulation and  
4 certification of euthanasia agencies and euthanasia  
5 technicians are exclusive powers and functions of the State.  
6 A home rule unit may not regulate or certify euthanasia  
7 agencies or euthanasia technicians. This Section is a denial  
8 and limitation of home rule powers and functions under  
9 subsection (h) of Section 6 of Article VII of the Illinois  
10 Constitution.

11 Section 180. Deposit of fees and fines. All of the fees  
12 and civil penalties collected under this Act shall be  
13 deposited into the General Professions Dedicated Fund and  
14 shall be used by the Department for the ordinary and  
15 contingent expenses of the Department.

16 Section 800. The Veterinary Medicine and Surgery  
17 Practice Act of 1994 is amended by changing Section 4 as  
18 follows:

19 (225 ILCS 115/4) (from Ch. 111, par. 7004)

20 Sec. 4. Exemptions. Nothing in this Act shall apply to  
21 any of the following:

22 (1) Veterinarians employed by the Federal Government  
23 while actually engaged in their official duties.

24 (2) Licensed veterinarians from other states who are  
25 invited to Illinois for consultation or lecturing.

26 (3) Veterinarians employed by colleges or universities  
27 or by state agencies, while engaged in the performance of  
28 their official duties.

29 (4) Veterinary students in an approved college,  
30 university, department of a university or other institution

1 of veterinary medicine and surgery while in the performance  
2 of duties assigned by their instructors.

3 (5) Any person engaged in bona fide scientific research  
4 which requires the use of animals.

5 (6) The dehorning, castration, emasculation or docking  
6 of cattle, horses, sheep, goats and swine in the course or  
7 exchange of work for which no monetary compensation is paid  
8 or to artificial insemination and the drawing of semen. Nor  
9 shall this Act be construed to prohibit any person from  
10 administering, in a humane manner, medicinal or surgical  
11 treatment to any animal belonging to such person, unless  
12 title has been transferred for the purpose of circumventing  
13 this Act. However, any such services shall comply with the  
14 Humane Care for Animals Act.

15 (7) Members of other licensed professions or any other  
16 individuals when called for consultation and assistance by a  
17 veterinarian licensed in the State of Illinois and who act  
18 under the supervision, direction, and control of the  
19 veterinarian, as further defined by rule of the Department.

20 (8) Certified euthanasia technicians.

21 (Source: P.A. 90-52, eff. 7-3-97.)

22 Section 900. The Animal Control Act is amended by  
23 changing Section 11 as follows:

24 (510 ILCS 5/11) (from Ch. 8, par. 361)

25 Sec. 11. When not redeemed by the owner, a dog that which  
26 has been impounded for failure to be inoculated and  
27 registered, if applicable, in accordance with the provisions  
28 of this Act or a cat that has been impounded shall be  
29 humanely dispatched pursuant to the Humane Euthanasia in  
30 Animal Shelters Act or, offered for adoption, ~~or otherwise~~  
31 ~~disposed--of--by--the--pound--as--a--stray--dog--in--accordance--with~~  
32 ~~laws--that--exist--or--may--hereafter--exist.~~ An animal pound or

1 animal shelter shall not release any dog or cat when not  
2 redeemed by the owner unless the animal has been surgically  
3 rendered incapable of reproduction by spaying or neutering,  
4 or the person wishing to adopt an animal prior to the  
5 surgical procedures having been performed shall have executed  
6 a written agreement promising to have such service performed  
7 within a specified period of time not to exceed 60 days.  
8 Failure to fulfill the terms of the agreement shall result in  
9 seizure and impoundment of the animal by the animal pound or  
10 shelter, and any monies which have been deposited shall be  
11 forfeited. This Act shall not prevent humane societies from  
12 engaging in activities set forth by their charters; provided,  
13 they are not inconsistent with provisions of this Act and  
14 other existing laws. Any person purchasing or adopting such  
15 dog, with or without charge or donation, must pay for the  
16 rabies inoculation of such dog and registration if  
17 applicable.

18 (Source: P.A. 83-740.)

19 Section 905. The Illinois Controlled Substances Act is  
20 amended by changing Section 102 as follows:

21 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

22 Sec. 102. Definitions. As used in this Act, unless the  
23 context otherwise requires:

24 (a) "Addict" means any person who habitually uses any  
25 drug, chemical, substance or dangerous drug other than  
26 alcohol so as to endanger the public morals, health, safety  
27 or welfare or who is so far addicted to the use of a  
28 dangerous drug or controlled substance other than alcohol as  
29 to have lost the power of self control with reference to his  
30 addiction.

31 (b) "Administer" means the direct application of a  
32 controlled substance, whether by injection, inhalation,

1 ingestion, or any other means, to the body of a patient or  
2 research subject by:

3 (1) a practitioner (or, in his presence, by his  
4 authorized agent), or

5 (2) the patient or research subject at the lawful  
6 direction of the practitioner.

7 (c) "Agent" means an authorized person who acts on  
8 behalf of or at the direction of a manufacturer, distributor,  
9 or dispenser. It does not include a common or contract  
10 carrier, public warehouseman or employee of the carrier or  
11 warehouseman.

12 (c-1) "Anabolic Steroids" means any drug or hormonal  
13 substance, chemically and pharmacologically related to  
14 testosterone (other than estrogens, progestins, and  
15 corticosteroids) that promotes muscle growth, and includes:

- 16 (i) boldenone,
- 17 (ii) chlorotestosterone,
- 18 (iii) chostebol,
- 19 (iv) dehydrochlormethyltestosterone,
- 20 (v) dihydrotestosterone,
- 21 (vi) drostanolone,
- 22 (vii) ethylestrenol,
- 23 (viii) fluoxymesterone,
- 24 (ix) formebulone,
- 25 (x) mesterolone,
- 26 (xi) methandienone,
- 27 (xii) methandranone,
- 28 (xiii) methandriol,
- 29 (xiv) methandrostenolone,
- 30 (xv) methenolone,
- 31 (xvi) methyltestosterone,
- 32 (xvii) mibolerone,
- 33 (xviii) nandrolone,
- 34 (xix) norethandrolone,

1 (xx) oxandrolone,  
 2 (xxi) oxymesterone,  
 3 (xxii) oxymetholone,  
 4 (xxiii) stanolone,  
 5 (xxiv) stanozolol,  
 6 (xxv) testolactone,  
 7 (xxvi) testosterone,  
 8 (xxvii) trenbolone, and  
 9 (xxviii) any salt, ester, or isomer of a drug  
 10 or substance described or listed in this paragraph,  
 11 if that salt, ester, or isomer promotes muscle  
 12 growth.

13 Any person who is otherwise lawfully in possession of an  
 14 anabolic steroid, or who otherwise lawfully manufactures,  
 15 distributes, dispenses, delivers, or possesses with intent to  
 16 deliver an anabolic steroid, which anabolic steroid is  
 17 expressly intended for and lawfully allowed to be  
 18 administered through implants to livestock or other nonhuman  
 19 species, and which is approved by the Secretary of Health and  
 20 Human Services for such administration, and which the person  
 21 intends to administer or have administered through such  
 22 implants, shall not be considered to be in unauthorized  
 23 possession or to unlawfully manufacture, distribute,  
 24 dispense, deliver, or possess with intent to deliver such  
 25 anabolic steroid for purposes of this Act.

26 (d) "Administration" means the Drug Enforcement  
 27 Administration, United States Department of Justice, or its  
 28 successor agency.

29 (e) "Control" means to add a drug or other substance, or  
 30 immediate precursor, to a Schedule under Article II of this  
 31 Act whether by transfer from another Schedule or otherwise.

32 (f) "Controlled Substance" means a drug, substance, or  
 33 immediate precursor in the Schedules of Article II of this  
 34 Act.

1           (g) "Counterfeit substance" means a controlled  
2 substance, which, or the container or labeling of which,  
3 without authorization bears the trademark, trade name, or  
4 other identifying mark, imprint, number or device, or any  
5 likeness thereof, of a manufacturer, distributor, or  
6 dispenser other than the person who in fact manufactured,  
7 distributed, or dispensed the substance.

8           (h) "Deliver" or "delivery" means the actual,  
9 constructive or attempted transfer of possession of a  
10 controlled substance, with or without consideration, whether  
11 or not there is an agency relationship.

12           (i) "Department" means the Illinois Department of Human  
13 Services (as successor to the Department of Alcoholism and  
14 Substance Abuse) or its successor agency.

15           (j) "Department of State Police" means the Department of  
16 State Police of the State of Illinois or its successor  
17 agency.

18           (k) "Department of Corrections" means the Department of  
19 Corrections of the State of Illinois or its successor agency.

20           (l) "Department of Professional Regulation" means the  
21 Department of Professional Regulation of the State of  
22 Illinois or its successor agency.

23           (m) "Depressant" or "stimulant substance" means:

24           (1) a drug which contains any quantity of (i)  
25 barbituric acid or any of the salts of barbituric acid  
26 which has been designated as habit forming under section  
27 502 (d) of the Federal Food, Drug, and Cosmetic Act (21  
28 U.S.C. 352 (d)); or

29           (2) a drug which contains any quantity of (i)  
30 amphetamine or methamphetamine and any of their optical  
31 isomers; (ii) any salt of amphetamine or methamphetamine  
32 or any salt of an optical isomer of amphetamine; or (iii)  
33 any substance which the Department, after investigation,  
34 has found to be, and by rule designated as, habit forming

1 because of its depressant or stimulant effect on the  
2 central nervous system; or

3 (3) lysergic acid diethylamide; or

4 (4) any drug which contains any quantity of a  
5 substance which the Department, after investigation, has  
6 found to have, and by rule designated as having, a  
7 potential for abuse because of its depressant or  
8 stimulant effect on the central nervous system or its  
9 hallucinogenic effect.

10 (n) (Blank).

11 (o) "Director" means the Director of the Department of  
12 State Police or the Department of Professional Regulation or  
13 his designated agents.

14 (p) "Dispense" means to deliver a controlled substance  
15 to an ultimate user or research subject by or pursuant to the  
16 lawful order of a prescriber, including the prescribing,  
17 administering, packaging, labeling, or compounding necessary  
18 to prepare the substance for that delivery.

19 (q) "Dispenser" means a practitioner who dispenses.

20 (r) "Distribute" means to deliver, other than by  
21 administering or dispensing, a controlled substance.

22 (s) "Distributor" means a person who distributes.

23 (t) "Drug" means (1) substances recognized as drugs in  
24 the official United States Pharmacopoeia, Official  
25 Homeopathic Pharmacopoeia of the United States, or official  
26 National Formulary, or any supplement to any of them; (2)  
27 substances intended for use in diagnosis, cure, mitigation,  
28 treatment, or prevention of disease in man or animals; (3)  
29 substances (other than food) intended to affect the structure  
30 of any function of the body of man or animals and (4)  
31 substances intended for use as a component of any article  
32 specified in clause (1), (2), or (3) of this subsection. It  
33 does not include devices or their components, parts, or  
34 accessories.

1           (t-5) "Euthanasia agency" means an entity certified by  
2           the Department of Professional Regulation for the purpose of  
3           animal euthanasia that holds an animal control facility  
4           license or animal shelter license under the Animal Welfare  
5           Act. A euthanasia agency is authorized to purchase, store,  
6           possess, and utilize Schedule II nonnarcotic and Schedule III  
7           nonnarcotic drugs for the sole purpose of animal euthanasia.

8           (u) "Good faith" means the prescribing or dispensing of  
9           a controlled substance by a practitioner in the regular  
10           course of professional treatment to or for any person who is  
11           under his treatment for a pathology or condition other than  
12           that individual's physical or psychological dependence upon  
13           or addiction to a controlled substance, except as provided  
14           herein: and application of the term to a pharmacist shall  
15           mean the dispensing of a controlled substance pursuant to the  
16           prescriber's order which in the professional judgment of the  
17           pharmacist is lawful. The pharmacist shall be guided by  
18           accepted professional standards including, but not limited to  
19           the following, in making the judgment:

20                   (1) lack of consistency of doctor-patient  
21           relationship,

22                   (2) frequency of prescriptions for same drug by one  
23           prescriber for large numbers of patients,

24                   (3) quantities beyond those normally prescribed,

25                   (4) unusual dosages,

26                   (5) unusual geographic distances between patient,  
27           pharmacist and prescriber,

28                   (6) consistent prescribing of habit-forming drugs.

29           (u-1) "Home infusion services" means services provided  
30           by a pharmacy in compounding solutions for direct  
31           administration to a patient in a private residence, long-term  
32           care facility, or hospice setting by means of parenteral,  
33           intravenous, intramuscular, subcutaneous, or intraspinal  
34           infusion.



1 (v) "Immediate precursor" means a substance:

2 (1) which the Department has found to be and by  
3 rule designated as being a principal compound used, or  
4 produced primarily for use, in the manufacture of a  
5 controlled substance;

6 (2) which is an immediate chemical intermediary  
7 used or likely to be used in the manufacture of such  
8 controlled substance; and

9 (3) the control of which is necessary to prevent,  
10 curtail or limit the manufacture of such controlled  
11 substance.

12 (w) "Instructional activities" means the acts of  
13 teaching, educating or instructing by practitioners using  
14 controlled substances within educational facilities approved  
15 by the State Board of Education or its successor agency.

16 (x) "Local authorities" means a duly organized State,  
17 County or Municipal peace unit or police force.

18 (y) "Look-alike substance" means a substance, other than  
19 a controlled substance which (1) by overall dosage unit  
20 appearance, including shape, color, size, markings or lack  
21 thereof, taste, consistency, or any other identifying  
22 physical characteristic of the substance, would lead a  
23 reasonable person to believe that the substance is a  
24 controlled substance, or (2) is expressly or impliedly  
25 represented to be a controlled substance or is distributed  
26 under circumstances which would lead a reasonable person to  
27 believe that the substance is a controlled substance. For the  
28 purpose of determining whether the representations made or  
29 the circumstances of the distribution would lead a reasonable  
30 person to believe the substance to be a controlled substance  
31 under this clause (2) of subsection (y), the court or other  
32 authority may consider the following factors in addition to  
33 any other factor that may be relevant:

34 (a) statements made by the owner or person in

1 control of the substance concerning its nature, use or  
2 effect;

3 (b) statements made to the buyer or recipient that  
4 the substance may be resold for profit;

5 (c) whether the substance is packaged in a manner  
6 normally used for the illegal distribution of controlled  
7 substances;

8 (d) whether the distribution or attempted  
9 distribution included an exchange of or demand for money  
10 or other property as consideration, and whether the  
11 amount of the consideration was substantially greater  
12 than the reasonable retail market value of the substance.

13 Clause (1) of this subsection (y) shall not apply to a  
14 noncontrolled substance in its finished dosage form that was  
15 initially introduced into commerce prior to the initial  
16 introduction into commerce of a controlled substance in its  
17 finished dosage form which it may substantially resemble.

18 Nothing in this subsection (y) prohibits the dispensing  
19 or distributing of noncontrolled substances by persons  
20 authorized to dispense and distribute controlled substances  
21 under this Act, provided that such action would be deemed to  
22 be carried out in good faith under subsection (u) if the  
23 substances involved were controlled substances.

24 Nothing in this subsection (y) or in this Act prohibits  
25 the manufacture, preparation, propagation, compounding,  
26 processing, packaging, advertising or distribution of a drug  
27 or drugs by any person registered pursuant to Section 510 of  
28 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

29 (y-1) "Mail-order pharmacy" means a pharmacy that is  
30 located in a state of the United States, other than Illinois,  
31 that delivers, dispenses or distributes, through the United  
32 States Postal Service or other common carrier, to Illinois  
33 residents, any substance which requires a prescription.

34 (z) "Manufacture" means the production, preparation,

1 propagation, compounding, conversion or processing of a  
2 controlled substance, either directly or indirectly, by  
3 extraction from substances of natural origin, or  
4 independently by means of chemical synthesis, or by a  
5 combination of extraction and chemical synthesis, and  
6 includes any packaging or repackaging of the substance or  
7 labeling of its container, except that this term does not  
8 include:

9 (1) by an ultimate user, the preparation or  
10 compounding of a controlled substance for his own use; or

11 (2) by a practitioner, or his authorized agent  
12 under his supervision, the preparation, compounding,  
13 packaging, or labeling of a controlled substance:

14 (a) as an incident to his administering or  
15 dispensing of a controlled substance in the course  
16 of his professional practice; or

17 (b) as an incident to lawful research,  
18 teaching or chemical analysis and not for sale.

19 (z-1) "Methamphetamine manufacturing chemical" means any  
20 of the following chemicals or substances containing any of  
21 the following chemicals: benzyl methyl ketone, ephedrine,  
22 methyl benzyl ketone, phenylacetone, phenyl-2-propanone, or  
23 pseudoephedrine or any of the salts, optical isomers, or  
24 salts of optical isomers of the above-listed chemicals.

25 (aa) "Narcotic drug" means any of the following, whether  
26 produced directly or indirectly by extraction from substances  
27 of natural origin, or independently by means of chemical  
28 synthesis, or by a combination of extraction and chemical  
29 synthesis:

30 (1) opium and opiate, and any salt, compound,  
31 derivative, or preparation of opium or opiate;

32 (2) any salt, compound, isomer, derivative, or  
33 preparation thereof which is chemically equivalent or  
34 identical with any of the substances referred to in

1 clause (1), but not including the isoquinoline alkaloids  
2 of opium;

3 (3) opium poppy and poppy straw;

4 (4) coca leaves and any salts, compound, isomer,  
5 salt of an isomer, derivative, or preparation of coca  
6 leaves including cocaine or ecgonine, and any salt,  
7 compound, isomer, derivative, or preparation thereof  
8 which is chemically equivalent or identical with any of  
9 these substances, but not including decocainized coca  
10 leaves or extractions of coca leaves which do not contain  
11 cocaine or ecgonine (for the purpose of this paragraph,  
12 the term "isomer" includes optical, positional and  
13 geometric isomers).

14 (bb) "Nurse" means a registered nurse licensed under the  
15 Nursing and Advanced Practice Nursing Act.

16 (cc) (Blank).

17 (dd) "Opiate" means any substance having an addiction  
18 forming or addiction sustaining liability similar to morphine  
19 or being capable of conversion into a drug having addiction  
20 forming or addiction sustaining liability.

21 (ee) "Opium poppy" means the plant of the species  
22 *Papaver somniferum* L., except its seeds.

23 (ff) "Parole and Pardon Board" means the Parole and  
24 Pardon Board of the State of Illinois or its successor  
25 agency.

26 (gg) "Person" means any individual, corporation,  
27 mail-order pharmacy, government or governmental subdivision  
28 or agency, business trust, estate, trust, partnership or  
29 association, or any other entity.

30 (hh) "Pharmacist" means any person who holds a  
31 certificate of registration as a registered pharmacist, a  
32 local registered pharmacist or a registered assistant  
33 pharmacist under the Pharmacy Practice Act of 1987.

34 (ii) "Pharmacy" means any store, ship or other place in

1 which pharmacy is authorized to be practiced under the  
2 Pharmacy Practice Act of 1987.

3 (jj) "Poppy straw" means all parts, except the seeds, of  
4 the opium poppy, after mowing.

5 (kk) "Practitioner" means a physician licensed to  
6 practice medicine in all its branches, dentist, podiatrist,  
7 veterinarian, scientific investigator, pharmacist, physician  
8 assistant, advanced practice nurse, licensed practical nurse,  
9 registered nurse, hospital, laboratory, or pharmacy, or other  
10 person licensed, registered, or otherwise lawfully permitted  
11 by the United States or this State to distribute, dispense,  
12 conduct research with respect to, administer or use in  
13 teaching or chemical analysis, a controlled substance in the  
14 course of professional practice or research.

15 (ll) "Pre-printed prescription" means a written  
16 prescription upon which the designated drug has been  
17 indicated prior to the time of issuance.

18 (mm) "Prescriber" means a physician licensed to practice  
19 medicine in all its branches, dentist, podiatrist or  
20 veterinarian who issues a prescription, a physician assistant  
21 who issues a prescription for a Schedule III, IV, or V  
22 controlled substance in accordance with Section 303.05 and  
23 the written guidelines required under Section 7.5 of the  
24 Physician Assistant Practice Act of 1987, or an advanced  
25 practice nurse with prescriptive authority in accordance with  
26 Section 303.05 and a written collaborative agreement under  
27 Sections 15-15 and 15-20 of the Nursing and Advanced Practice  
28 Nursing Act.

29 (nn) "Prescription" means a lawful written, facsimile,  
30 or verbal order of a physician licensed to practice medicine  
31 in all its branches, dentist, podiatrist or veterinarian for  
32 any controlled substance, of a physician assistant for a  
33 Schedule III, IV, or V controlled substance in accordance  
34 with Section 303.05 and the written guidelines required under

1 Section 7.5 of the Physician Assistant Practice Act of 1987,  
2 or of an advanced practice nurse who issues a prescription  
3 for a Schedule III, IV, or V controlled substance in  
4 accordance with Section 303.05 and a written collaborative  
5 agreement under Sections 15-15 and 15-20 of the Nursing and  
6 Advanced Practice Nursing Act.

7 (oo) "Production" or "produce" means manufacture,  
8 planting, cultivating, growing, or harvesting of a controlled  
9 substance.

10 (pp) "Registrant" means every person who is required to  
11 register under Section 302 of this Act.

12 (qq) "Registry number" means the number assigned to each  
13 person authorized to handle controlled substances under the  
14 laws of the United States and of this State.

15 (rr) "State" includes the State of Illinois and any  
16 state, district, commonwealth, territory, insular possession  
17 thereof, and any area subject to the legal authority of the  
18 United States of America.

19 (ss) "Ultimate user" means a person who lawfully  
20 possesses a controlled substance for his own use or for the  
21 use of a member of his household or for administering to an  
22 animal owned by him or by a member of his household.

23 (Source: P.A. 90-116, eff. 7-14-97; 90-742, eff. 8-13-98;  
24 90-818, eff. 3-23-99; 91-403, eff. 1-1-00; 91-714, eff.  
25 6-2-00.)