

AN ACT concerning criminal law.

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

Section 5. The Methamphetamine Precursor Control Act is amended by changing Sections 10, 25, 40, 45, and 55 and by adding Sections 39.6, 39.7, 39.8, and 39.8-5 as follows:

(720 ILCS 648/10)

Sec. 10. Definitions. In this Act:

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

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

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

"Central Repository" means the entity chosen by the Williamson County Pilot Program Authority to handle electronic transaction records as described in Sections 36, 37, 38, 39, and 39.5 of this Act or the entity chosen by the Illinois State Police Precursor Tracking Program to handle electronic

transaction records as described in Sections 39.6, 39.7, 39.8, and 39.8-5.

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

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

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

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

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

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

"Electronic transaction record" means, with respect to the distribution of a targeted methamphetamine precursor by a

pharmacy to a recipient under Section 25 of this Act, an electronic record that includes: the name and address of the recipient; date and time of the transaction; brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers; identification type and identification number of the identification presented by the recipient; and the name and address of the pharmacy.

"Identification information" means identification type and identification number.

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

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

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

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

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

"Methamphetamine Precursor Violation Alert" means a notice

sent by the Pilot Program Authority to pharmacies, retail distributors, or law enforcement authorities as described in subsection (h) of Section 39.5 of this Act.

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

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

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

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

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

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

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

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

Program.

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

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

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

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

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

"Single retail transaction" means a sale by a retail distributor to a recipient ~~specific customer~~ at a specific

time.

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

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

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

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

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

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

(Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06; 95-640, eff. 6-1-08.)

(720 ILCS 648/25)

Sec. 25. Pharmacies.

(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy, including a pharmacy located

within, owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

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

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

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

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

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the

person on the government-issued identification presented by the person; and

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

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

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

(h) No retail distributor operating a pharmacy, and no

pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

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

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

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

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

(k) When a pharmacist or pharmacy technician distributes a targeted methamphetamine precursor to a person according to the

procedures set forth in this Act, and the pharmacist or pharmacy technician does not have access to a working cash register at the pharmacy counter, the pharmacist or pharmacy technician may instruct the person to pay for the targeted methamphetamine precursor at a cash register located elsewhere in the retail establishment, whether that register is operated by a pharmacist, pharmacy technician, or other employee or agent of the retail establishment.

(Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06; 95-640, eff. 6-1-08; 95-689, eff. 10-29-07; 95-876, eff. 8-21-08.)

(720 ILCS 648/39.6 new)

Sec. 39.6. Illinois State Police Precursor Tracking Program; general provisions.

(a) Purposes. The purposes of this Section are: to establish a pilot program based in Adams, Madison, St. Clair, and Vermilion Counties to track purchases of targeted methamphetamine precursors at multiple locations; to identify persons obtaining or distributing targeted methamphetamine precursors for the likely purpose of manufacturing methamphetamine; to starve methamphetamine manufacturers of the methamphetamine precursors they need to make methamphetamine; to locate and shut down methamphetamine laboratories; and ultimately to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting

on individuals, families, communities, first responders, the economy, and the environment in Illinois and beyond. In authorizing this pilot program, the General Assembly recognizes that, although this Act has significantly reduced the number of methamphetamine laboratories in Illinois, some persons continue to violate the Act, evade detection, and support the manufacture of methamphetamine by obtaining targeted methamphetamine precursor at multiple locations. The General Assembly further recognizes that putting an end to this practice and others like it will require an effort to track purchases of targeted methamphetamine precursor across multiple locations, and that a pilot program coordinated by the Illinois State Police in Adams, Madison, St. Clair, and Vermilion Counties will advance this important goal.

(b) Structure.

(1) There is established a pilot program coordinated by the Illinois State Police in Adams, Madison, St. Clair, and Vermilion Counties, known as the Illinois State Police Precursor Tracking Program or Pilot Program, to track purchases of targeted methamphetamine precursor across multiple locations for the purposes stated in subsection (a) of this Section.

(2) The Pilot Program known as the Illinois State Police Precursor Tracking Program or the Pilot Program Authority shall be operated by the Illinois State Police in accordance with the provisions of Sections 39.6, 39.7,

39.8, and 39.8-5 of this Act.

(3) The Pilot Program Authority shall designate a Central Repository for the collection of required information, and the Central Repository shall operate according to the provisions of Sections 39.6, 39.7, 39.8, and 39.8-5 of this Act.

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

(c) Transmission of electronic transaction records. Except as provided in Section 39.8:

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

(2) Each covered pharmacy shall transmit electronic transaction records through the secure website described in Section 39.7 of this Act.

(d) Operation and Timeline for implementation.

(1) Except as stated in this subsection, this amendatory Act of the 96th General Assembly shall be operational upon the effective date of this amendatory Act.

(2) Covered pharmacies are not required to transmit any electronic transaction records and exempt pharmacies are not required to send any handwritten logs to the Central

Repository until the reporting start date set by the Pilot Program Authority.

(3) The Pilot Program Authority shall announce the "reporting start date" within 90 days after the date this legislation becomes law.

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

(5) Starting on the reporting start date, and continuing for a period of one year thereafter, covered pharmacies shall transmit electronic transaction records as described in Section 39.7 of this Act.

(6) Nothing in this Act shall preclude covered pharmacies and exempt pharmacies from voluntarily participating in the Pilot Program before the start date or continuing to participate in the Pilot Program after one year after the reporting start date.

(e) Funding. Funding for the Pilot Program shall be provided by the Illinois State Police, drawing upon federal grant money and other available sources. If funding is delayed, curtailed, or otherwise unavailable, the Pilot Program Authority may delay implementation of the Pilot Program, reduce the number of counties covered by the Pilot Program, or end the Pilot Program early. Should funding become available to implement a state-wide Illinois State Police Precursor Tracking Program, this pilot program may be expended to

encompass all covered pharmacies in the State of Illinois. If any such change becomes necessary, the Illinois State Police shall inform every covered pharmacy in writing.

(f) Training. The Illinois State Police shall provide, free of charge, training and assistance to any pharmacy playing any role in the Pilot Program.

(g) Relationship between the Illinois State Police Precursor Tracking Program and other laws and rules. Nothing in Sections 39.6, 39.7, 39.8, and 39.8-5 of this Act shall supersede, nullify, or diminish the force of any requirement stated in any other Section of this Act or in any other State or federal law or rule.

(h) Duration and report to the Governor and General Assembly. The duration of the Illinois State Police Precursor Tracking Program shall be 2 years. The Illinois State Police shall prior to the end of this 2-year period report to the Governor and General Assembly on the implementation and efficacy of the Pilot Program and may recommend to them the continuation, modification, or termination of the Program.

(720 ILCS 648/39.7 new)

Sec. 39.7. Illinois State Police Precursor Tracking Program; secure website.

(a) Transmission of electronic transaction records through a secure website; in general.

(1) The Illinois State Police shall establish a secure

website for the transmission of electronic transaction records and make it available free of charge to any covered pharmacy that elects to use it.

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

(3) If the secure website becomes unavailable to a covered pharmacy, the covered pharmacy may, during the period in which the secure website is not available, continue to distribute targeted methamphetamine precursor without using the secure website if, during this period, the covered pharmacy maintains and transmits handwritten logs as described in subsection (b) of Section 39.8 of this Act.

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

(1) The purpose of this subsection is to ensure that participation in the Pilot Program does not impose substantial costs on covered pharmacies that elect to transmit electronic transaction records to the Central Repository by means of the secure website.

(2) If a covered pharmacy that elects to transmit electronic transaction records by means of the secure website does not have computer hardware or software or

related equipment sufficient to make use of the secure website, then the covered pharmacy may obtain and install such hardware or software or related equipment at its own cost, or it may request assistance from the Illinois State Police, or some combination of the two.

(3) Nothing in this subsection shall preclude the Illinois State Police from providing additional or other assistance to any pharmacy or retail distributor.

(c) Any covered pharmacy that elects to transmit electronic transaction records by means of the secure website described in this Section must use the secure website as its exclusive means of complying with subsections (d) and (f) of Section 25 of this Act. To facilitate this option, the Pilot Program shall do the following:

(1) The Illinois State Police shall provide to any covered pharmacy a means to capture a hand written signature.

(2) The Illinois State Police shall provide the covered pharmacy with an official letter indicating that:

(A) The covered pharmacy in question is participating in the Illinois State Police Precursor Tracking Program for a specified period of time.

(B) During the specified period of time, the Illinois State Police has assumed responsibility for maintaining the logs described in subsection (f) of Section 25 of this Act.

(C) Any law enforcement officer seeking to inspect or copy the covered pharmacy's logs should direct the request to the Illinois State Police through means described in the letter.

(720 ILCS 648/39.8 new)

Sec. 39.8. Illinois State Police Precursor Tracking Program; exempt pharmacies.

(a) When a covered pharmacy is exempt. A covered pharmacy is exempt from the requirement that it transmit electronic transaction records to the Central Repository through the secure website described in Section 39.7 if all of the following conditions are satisfied:

(1) The covered pharmacy:

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

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

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

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

(2) The Pilot Program Authority:

(A) Reviews the written request;

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

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

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

(b) Obligations of an exempt pharmacy.

(1) A pharmacy that is exempt from the requirement that it transmit electronic transaction records to the Central Repository shall instead transmit copies, and retain the originals, of handwritten logs on a weekly basis.

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

Sec. 39.8-5. Illinois State Police Precursor Tracking Program; confidentiality of records.

(a) The Central Repository shall delete each electronic transaction record and handwritten log entry 24 months after the date of the transaction it describes.

(b) The Illinois State Police and Central Repository shall carry out a program to protect the confidentiality of electronic transaction records and handwritten log entries transmitted pursuant to Sections 39.6, 39.7, and 39.8 of this Act. The Pilot Program Authority and Central Repository shall ensure that this information remains completely confidential except as specifically provided in subsections (c) through (i) of this Section. Except as provided in subsections (c) through (i) of this Section, this information is strictly prohibited from disclosure.

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

(d) Any employee or agent of the Illinois State Police may have access to electronic transaction records or handwritten log entries solely for the purpose of identifying, investigating, or prosecuting violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(e) The Illinois State Police may release electronic

transaction records or handwritten log entries to the authorized representative of a qualified outside entity only if all of the following conditions are satisfied:

(1) The Illinois State Police verifies that the entity receiving electronic transaction records or handwritten log entries is a qualified outside entity as defined in this Act.

(2) The Illinois State Police verifies that the person receiving electronic transaction records or handwritten log entries is an authorized representative, as defined in this Act, of the qualified outside entity.

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

(4) The qualified outside entity does not have a history known to the Illinois State Police of violating this agreement or similar agreements or of breaching the confidentiality of sensitive information.

(f) The Illinois State Police may release to a particular covered pharmacy or voluntary participant any electronic transaction records or handwritten log entries previously submitted by that particular covered pharmacy or voluntary

participant.

(g) The Illinois State Police may release to a particular recipient any electronic transaction records clearly relating to that recipient, upon sufficient proof of identity.

(h) The Illinois State Police may release general statistical information to any person or entity provided that the statistics do not include any information that identifies any individual recipient or pharmacy by name, address, identification number, Drug Enforcement Administration number, or other means.

(720 ILCS 648/40)

Sec. 40. Penalties.

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

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

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

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

(C) 22,500 or more but less than 30,000 milligrams,

Class 4 felony;

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

Class 3 felony;

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

Class 2 felony:

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

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

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

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

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

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

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

(3) Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products

containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in violation of subsection (b) of Section 20 of this Act, and who has previously been convicted 2 or more times of any methamphetamine-related offense under State or federal law, is subject to the following penalties:

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

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

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

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

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

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

at the same retail location as and within 3 years of the prior offenses.

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

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

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

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

(e) Any person who, in order to acquire a targeted methamphetamine precursor, knowingly uses or provides the driver's license or government-issued identification of another person, or who knowingly uses or provides a fictitious

or unlawfully altered driver's license or government-issued identification, or who otherwise knowingly provides false information, is guilty of a Class 4 felony for a first offense, a Class 3 felony for a second offense, and a Class 2 felony for a third or subsequent offense.

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

(Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08; 95-640, eff. 6-1-08; 95-876, eff. 8-21-08.)

(720 ILCS 648/45)

Sec. 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, or participates in the Williamson County Pilot Program as provided in Sections 36, 37, 38, 39, and 39.5 of this Act or the Illinois State Police Precursor Tracking Program as provided in Sections 39.6, 39.7, 39.8, or 39.8-5 of this Act, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton

misconduct.

(Source: P.A. 94-694, eff. 1-15-06; 95-640, eff. 6-1-08.)

(720 ILCS 648/55)

Sec. 55. Preemption and home rule powers.

(a) Except as provided in subsection (b) of this Section and in Sections 36, 37, 38, 39, ~~and 39.5~~, 39.6, 39.7, 39.8, and 39.8-5 of this Act, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine precursor and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

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

(Source: P.A. 94-694, eff. 1-15-06; 95-640, eff. 6-1-08.)

Section 99. Effective date. This Act takes effect 90 days after becoming law.

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