



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2992

Introduced 2/6/2025, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 140/7

30 ILCS 105/5.1030 new

30 ILCS 105/5.1031 new

35 ILCS 1010/1-45

625 ILCS 5/11-501

from Ch. 95 1/2, par. 11-501

Creates the Healing Opportunities through Psilocybin Equity Pilot Program Act. Details findings, purposes, statutory construction, and definitions. Establishes the Illinois Psilocybin Advisory Board within the Department of Financial and Professional Regulation. Provides duties of the Board. Provides that the Department of Public Health, the Department of Agriculture, the Department of Financial and Professional Regulation, the Illinois State Police, and the Department of Revenue have certain duties, functions, and powers under the Act. Provides for a program development period, with certain requirements. Provides for different types of licenses starting on or before July 1 of the year 3 years after the effective date of the Act, with certain requirements. Provides immunity from certain criminal civil liability for a licensee or licensee representative with respect to manufacture, delivery, and possession of psilocybin products. Provides requirements for psilocybin services. Provides for discipline of licensees. Provides for civil and criminal penalties for violations. Provides for certain administrative hearings. Limits home rule. Imposes a tax upon purchasers for the privilege of using psilocybin at a rate of 15% of the purchase price. Establishes the Psilocybin Control and Regulation Fund and the Illinois Psilocybin Fund as special funds in the State Treasury for certain purposes. Makes other provisions. Amends the Freedom of Information Act to exempt certain information under the Healing Opportunities through Psilocybin Equity Pilot Program Act from disclosure. Amends the State Finance Act and the Illinois Independent Tax Tribunal Act of 2012 to make conforming changes. Amends the Illinois Vehicle Code to add psilocybin or psilocin as defined in the Healing Opportunities Through Psilocybin Equity Pilot Program Act to provisions regarding driving while under the influence. Effective immediately.

LRB104 10173 BDA 20245 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 1. Short title; references to Act. This Act may be
5 cited as the Healing Opportunities through Psilocybin Equity
6 Pilot Program Act.

7 Section 5. Findings. The General Assembly finds that:

8 (1) The State of Illinois is experiencing a severe
9 mental health crisis, with nearly one in 5 adults affected
10 annually and suicide ranking as the third leading cause of
11 death for individuals aged 15-34. Access to effective
12 mental health care remains inadequate, particularly in
13 rural and underserved communities facing provider
14 shortages and systemic inequalities.

15 (2) In 2023, the Illinois General Assembly established
16 a Council to advise the Department of Healthcare and
17 Family Services on clinical access and training
18 infrastructure for Food and Drug Administration ("FDA")
19 breakthrough therapies aimed at Veteran suicide
20 prevention.

21 (3) According to the U.S. Department of Veterans
22 Affairs' 2022 data, the veteran suicide rate in Illinois
23 was significantly higher than the national general

1 population suicide rate.

2 (4) Emerging research supports psilocybin-assisted
3 therapy, combined with psychotherapy, to address mental
4 health conditions, including treatment-resistant
5 depression, anxiety, PTSD, substance use disorders, and
6 end-of-life psychological distress.

7 (5) The United States Food and Drug Administration
8 has:

9 (A) determined that preliminary clinical evidence
10 indicates that psilocybin may significantly improve
11 outcomes for treatment-resistant depression; and

12 (B) granted "Breakthrough Therapy" designation for
13 psilocybin-based treatments for depression.

14 (6) The War on Drugs has imposed significant financial
15 and social costs, failing to address substance use in a
16 way that reflects modern understanding of its risks or
17 therapeutic potential. Criminalization has not deterred
18 drug use but has instead created unsafe, unregulated
19 markets where dosages are unreliable and dangerous
20 adulterants like fentanyl proliferate.

21 (7) Cities like Denver, Colorado, have decriminalized
22 psilocybin possession, reflecting a growing national shift
23 toward harm reduction policies for natural medicines.

24 (8) In 2020, Oregon established a culturally
25 responsive regulatory system to provide therapeutic access
26 to psilocybin through Measure 109.

1 (9) In 2022, Colorado voters passed Proposition 122,
2 decriminalizing psychedelic plants and fungi statewide and
3 establishing a framework for state-licensed treatment
4 centers to administer these compounds under trained
5 supervision.

6 (10) To transition away from criminalization while
7 protecting individuals and minimizing harm, it is
8 necessary to adopt evidence-based policy, consult with
9 experts, and maintain open discourse grounded in harm
10 reduction and human rights.

11 (11) Illinoisans deserve equitable access to mental
12 health tools, including psilocybin-assisted therapies that
13 prioritize community-based healing and culturally
14 responsive approaches.

15 (12) The purpose of this Act is to develop a statewide
16 Pilot Program to expand access to psilocybin-assisted
17 therapies through a safe, evidence-based, and regulated
18 framework.

19 (13) A regulated psilocybin framework can generate tax
20 revenue to fund public health initiatives, harm reduction
21 programs, and expanded mental health services.

22 (14) By establishing a regulated framework for
23 psilocybin therapy, Illinois can address mental health
24 disparities, provide innovative treatments, and foster
25 equitable economic opportunities in communities
26 disproportionately affected by systemic inequities.

1 (15) These changes in law will not displace any
2 restrictions on driving or operating a vehicle while
3 impaired, an employer's ability to restrict the use of
4 controlled substances by its employees, or the legal
5 standard for negligence.

6 (16) This Act promotes research, education, and harm
7 reduction strategies to advance evidence-based policies
8 grounded in reciprocity, human rights, and public health.
9 It encourages expert collaboration and open discourse to
10 develop an effective regulatory system addressing
11 individual and societal needs.

12 (17) During the program development period, the
13 following agencies shall coordinate efforts to implement
14 the HOPE Pilot Program:

15 (A) the Department of Public Health shall lead
16 efforts to review, publish and distribute research on
17 psilocybin's safety and efficacy in treating mental
18 health conditions;

19 (B) the Department of Agriculture shall oversee
20 the development of cultivation standards for
21 psilocybin production;

22 (C) the Department of Financial and Professional
23 Regulation shall establish licensing procedures for
24 service centers and facilitators;

25 (D) the Illinois State Police shall collaborate on
26 public safety standards, including the prevention of

1 impaired driving and diversion; and

2 (E) the Department of Revenue shall create a tax
3 framework to support program funding and reinvestment
4 into public health initiatives.

5 (18) An Advisory Board, comprising experts in public
6 health, mental health, law enforcement, agriculture, and
7 impacted communities, shall be established to provide
8 guidelines and recommendations on program development,
9 implementation and equitable access.

10 Section 10. Purposes.

11 This Act establishes a pilot program to ensure the safe,
12 effective, and equitable use of psilocybin for therapeutic
13 purposes, by:

14 (1) expanding access to innovative, cost-effective
15 treatment options for behavior health conditions to
16 improve the physical, mental, and social well-being of
17 adults in Illinois;

18 (2) implementing a public health and harm reduction
19 approach by establishing a regulatory framework for
20 supervised adult use of psilocybin;

21 (3) developing and promoting public education related
22 to the use of psilocybin and appropriate training for
23 first responders;

24 (4) creating a long-term plan to ensure psilocybin
25 services remain safe, accessible, and affordable for

1 adults in Illinois, with a focus on underserved and
2 marginalized communities;

3 (5) after the program development period:

4 (A) permitting persons licensed, controlled, and
5 regulated by this State to legally manufacture
6 psilocybin products and provide psilocybin services
7 subject to the provisions of this Act; and

8 (B) establishing a comprehensive regulatory
9 framework concerning psilocybin products and
10 psilocybin services under State law.

11 (6) This Act seeks to prevent:

12 (A) the distribution of psilocybin products to
13 unauthorized individuals who are not permitted to
14 possess psilocybin products, including persons under
15 21 years of age; and

16 (B) the diversion of psilocybin products to other
17 states.

18 Section 15. Construction. This Act may not be construed
19 to:

20 (1) Amend or affect State or federal law pertaining to
21 employment matters.

22 (2) Amend or affect State or federal law pertaining to
23 landlord-tenant matters.

24 (3) Require a government medical assistance program or
25 private health insurer to reimburse a person for costs

1 associated with the use of psilocybin products.

2 (4) Prohibit a recipient of a federal grant or an
3 applicant for a federal grant from prohibiting the
4 manufacture, delivery, possession, or use of psilocybin
5 products to the extent necessary to satisfy federal
6 requirements for the grant.

7 (5) Prohibit a party to a federal contract or a person
8 applying to be a party to a federal contract from
9 prohibiting the manufacture, delivery, possession, or use
10 of psilocybin products to the extent necessary to comply
11 with the terms and conditions of the contract or to
12 satisfy federal requirements for the contract.

13 (6) Require a person to violate a federal law.

14 (7) Exempt a person from a federal law or obstruct the
15 enforcement of a federal law.

16 (8) Amend or affect State law to the extent that a
17 person does not manufacture, deliver, or possess
18 psilocybin products in accordance with the provisions of
19 this Act and rules adopted under this Act.

20 Section 20. Definitions. In this Act:

21 "Administration session" means a structured session led by
22 a licensed facilitator during which a client consumes and
23 experiences the effects of a psilocybin product in accordance
24 with this Act.

25 "Adult use of psilocybin" means the authorized,

1 non-commercial use of psilocybin under the public health
2 framework of this Act.

3 "Advisory Board" or "Board" means the Illinois Psilocybin
4 Advisory Board established under this Act.

5 "Certifying Healthcare Professional" means a licensed
6 physician, psychiatrist, or prescribing psychologist or an
7 advanced practice registered nurse or physician assistant who
8 has prescribing authority.

9 "Client" means an individual seeking psilocybin-assisted
10 services for the treatment or management of a medical or
11 mental health condition or for purposes of personal growth,
12 self-improvement, or enhanced well-being.

13 "Culturally and linguistically responsive services" means
14 psilocybin services offered by service centers and
15 facilitators that are responsive to diverse cultural beliefs
16 and practices, preferred languages, literacy, and other
17 communication needs of clients.

18 "Exclusion criteria" means certain health conditions,
19 prescription medications, or consumption of other substances
20 that, based on currently available medical information and
21 research, are contraindicated or have a risk of negative
22 interaction with the use of psilocybin. Initial exclusion
23 criteria are codified in rules adopted under this Act, and
24 subsequent changes shall require public notice and
25 consultation with the Advisory Board.

26 "Facilitator" means an individual licensed under this Act

1 to facilitate psilocybin service in this State.

2 "Health screening" means a form completed by a certifying
3 healthcare professional to confirm symptoms or diagnoses and
4 assess exclusion criteria for psilocybin use.

5 "Integration session" means a meeting between a client and
6 a facilitator that may occur after the client completes an
7 administration session.

8 "Legal entity" means a corporation, limited liability
9 company, limited partnership, or other legal entity that is
10 registered with the office of the Secretary of State or with a
11 comparable office of another jurisdiction.

12 "Licensee" means a person who holds a license issued under
13 Section 50 of this Act.

14 "Licensee representative" means an owner, director,
15 officer, manager, employee, agent, or other representative of
16 a licensee, to the extent that the person acts in a
17 representative capacity.

18 "Manufacture" means the manufacture, planting,
19 cultivation, growing, harvesting, production, preparation,
20 propagation, compounding, conversion, or processing of a
21 psilocybin product, directly or indirectly, by extraction from
22 substances of natural origin. "Manufacture" includes any
23 packaging or repackaging of the psilocybin product or labeling
24 or relabeling of its container but does not include rebranding
25 or relabeling by an ancillary company that does not alter the
26 product's contents.

1 "Post-administration evaluation session" means a meeting
2 between a client and a facilitator that must occur immediately
3 following the conclusion of an administration session and
4 before the client's release from the service center.

5 "Premises" includes locations licensed under this Act,
6 including:

7 (1) All enclosed areas used in the operation of a
8 licensed business, such as offices, kitchens, restrooms,
9 and storerooms.

10 (2) Outdoor areas specifically licensed by the
11 Department for the manufacturing of psilocybin products or
12 the operation of service centers.

13 (3) Designated outdoor service center areas used for
14 psilocybin services, as licensed by the Department.

15 "Premises" does not include primary residences, except
16 when necessary to provide psilocybin services to a client who
17 is a hospice patient, who is unable to travel to a service
18 center due to a chronic or life-threatening illness, or where
19 the participation of family members or caregivers is critical
20 to the client's treatment plan.

21 "Preparation session" means a meeting between a client and
22 a facilitator that must occur before the client participates
23 in an administration session.

24 "Program development period" means the period beginning on
25 January 1 of the year following the year of enactment of this
26 Act and ending no later than 24 months after the beginning

1 date.

2 "Psilocybin" means the naturally occurring compound found
3 in psilocybin-producing fungi, including its active metabolite
4 psilocin, derived from fungi such as those in the genus
5 Psilocybin, for regulated use under this Act.

6 "Psilocybin product" means:

- 7 (1) naturally occurring psilocybin-producing fungi; or
8 (2) mixtures or substances containing detectable
9 amounts of psilocybin or psilocybin derived from such
10 fungi.

11 "Psilocybin product" does not include psilocybin services
12 provided under this Act.

13 "Psilocybin product manufacturer" means a licensed
14 individual or entity engaged in the manufacture, cultivation,
15 preparation, packaging or labeling of psilocybin in this
16 State, in compliance with this Act.

17 "Psilocybin service" means a service provided to a client
18 before, during, or after the client's consumption of a
19 psilocybin product, including any of the following:

- 20 (1) a preparation session;
21 (2) an administration session;
22 (3) an integration session; or
23 (4) a post-administration evaluation session.

24 "Psychedelic" means a substance that alters perception,
25 mood, and cognition, often used for therapeutic,
26 introspective, or personal development purposes. For purposes

1 of this Act, it includes the following substances in any form,
2 except where otherwise restricted: regardless of whether the
3 substance is regulated under the federal Controlled Substances
4 Act or the Illinois Controlled Substances Act:

- 5 (1) Dimethyltryptamine (DMT);
- 6 (2) Ibogaine (excluding sources derived from iboga);
- 7 (3) Mescaline (excluding sources derived from peyote);
- 8 (4) Psilocybin; and
- 9 (5) Psilocin.

10 "Qualifying Health Conditions" include mental health
11 disorders, chronic illnesses, and other conditions in which
12 evidence supports the potential benefits of psilocybin.

13 "Referral" means a recommendation in writing by a
14 certifying healthcare professional for a client deemed
15 appropriate for psilocybin services, whether for medical,
16 mental health or personal development purposes.

17 "Service center" means a licensed establishment where:

- 18 (1) administration sessions are conducted;
- 19 (2) psilocybin products are purchased; or
- 20 (3) other psilocybin services are provided.

21 "Service center operator" means a licensed individual or
22 entity responsible for managing the operations of a service
23 center in compliance with this Act.

24 Section 25. Illinois Psilocybin Advisory Board; members;
25 terms; meetings; compensation.

1 (a) The Illinois Psilocybin Advisory Board is established
2 within the Department of Financial and Professional Regulation
3 for the purpose of advising and making recommendations for the
4 administration of this Act. The Illinois Psilocybin Advisory
5 Board shall consist of the following members:

6 (1) the Secretary of Financial and Professional
7 Regulation or the Secretary's designee;

8 (2) the Director of Agriculture or the Director's
9 designee;

10 (3) the Director of the Illinois State Police or the
11 Director's designee;

12 (4) the Director of Revenue or the Director's
13 designee;

14 (5) the Secretary of Human Services or the Secretary's
15 designee;

16 (6) the Secretary of Veterans Affairs or the
17 Secretary's designee;

18 (7) the Chief Behavioral Health Officer in the
19 Department of Human Services;

20 (8) an expert in public health, community sciences, or
21 a related health field, or a representative of a group
22 providing public health services, appointed by the
23 Governor with Senate advice and consent;

24 (9) a local health official, appointed by the Governor
25 with Senate advice and consent;

26 (10) a psychologist experienced in diagnosing or

1 treating mental, emotional, or behavioral conditions,
2 appointed by the Governor with Senate advice and consent;

3 (11) a psychiatrist licensed in Illinois with
4 expertise in mental health diagnosis or treatment,
5 appointed by the Governor with Senate advice and consent;

6 (12) a licensed counselor with experience in mental
7 health diagnosis or treatment, appointed by the Governor
8 with Senate advice and consent;

9 (13) a physician licensed to practice medicine in
10 Illinois, appointed by the Governor with Senate advice and
11 consent;

12 (14) a licensed Doctor of Osteopathic Medicine,
13 appointed by the Governor with Senate advice and consent;

14 (15) a physician representing an organization engaged
15 in naturopathy, as defined by the American Association of
16 Naturopathic Physicians, appointed by the Governor with
17 Senate advice and consent;

18 (16) a licensed social worker or licensed clinical
19 social worker, appointed by the Governor with Senate
20 advice and consent;

21 (17) a representative of the Behavioral Health
22 Workforce Education Center of Illinois, appointed by the
23 Governor with Senate advice and consent;

24 (18) a representative from the Illinois Psychedelic
25 Society (IPS) or a comparable organization advocating for
26 equitable psychedelic policy implementation, appointed by

1 the Governor with Senate advice and consent;

2 (19) at least 3 individuals meeting any of the
3 following qualifications, appointed by the Governor with
4 Senate advice and consent;

5 (A) professional experience in psychedelic
6 compounds research for clinical therapy;

7 (B) expertise in mycology;

8 (C) experience in ethnobotany;

9 (D) expertise in psychopharmacology; and

10 (E) experience in psilocybin harm reduction;

11 (20) a current member of the Senate, appointed by the
12 Senate President;

13 (21) a current member of the Senate, appointed by the
14 Senate Minority Leader;

15 (22) a current member of the House, appointed by the
16 Speaker of the House; and

17 (23) a current member of the House, appointed by the
18 House Minority Leader.

19 (b) The term of office for an Advisory Board member
20 appointed under this Section is 4 years, but a member serves at
21 the pleasure of the Governor. Before the expiration of the
22 term of a member, the Governor shall appoint a successor whose
23 term begins on January 1 of the following calendar year.
24 Members may be eligible for reappointment. If there is a
25 vacancy for any reason, the Governor shall make an appointment
26 to serve in an acting capacity until approved by the Senate for

1 the remainder of the unexpired term.

2 (c) A majority of the voting members of the Advisory Board
3 constitutes a quorum for the transaction of business.

4 (d) Official action by the Advisory Board requires the
5 approval of a majority of the voting members of the board.

6 (e) The Advisory Board shall elect one of its voting
7 members to serve as chairperson.

8 (f) During the program development period, the Advisory
9 Board shall meet at least once every 2 calendar months at a
10 time and place determined by the chairperson, or a majority of
11 the voting members of the Advisory Board. After the program
12 development period, the Advisory Board shall meet at least
13 once every calendar quarter at a time and place determined by
14 the chairperson or a majority of the voting members of the
15 Advisory Board. The Advisory Board may also meet at other
16 times and places specified by the call of the chairperson or of
17 a majority of the voting members of the board.

18 (g) The Advisory Board may adopt policies and procedures
19 necessary for the operation of the board.

20 (h) The Advisory Board may establish committees or
21 subcommittees necessary for the operation of the board.

22 (i) Members of the Advisory Board shall not be paid a
23 salary but shall be reimbursed for travel and other reasonable
24 expenses incurred while fulfilling the responsibilities of the
25 Advisory Board.

1 Section 30. Duties of the Illinois Psilocybin Advisory
2 Board.

3 (a) The Illinois Psilocybin Advisory Board shall perform
4 the following duties:

5 (1) Provide advice to the Department of Public Health,
6 the Department of Agriculture, the Department of Financial
7 and Professional Regulation, the Illinois State Police,
8 and the Department of Revenue with respect to the
9 administration of this Act as it relates to accurate
10 public health approaches regarding use, effect, and risk
11 reduction of entheogens and the content and scope of
12 educational campaigns related to entheogens.

13 (2) Make recommendations on available medical,
14 psychological, and scientific studies, research, and other
15 information relating to the safety and efficacy of
16 psilocybin in treating mental health conditions,
17 including, but not limited to, addiction, depression,
18 anxiety and trauma disorders, headache disorders, and
19 end-of-life psychological distress.

20 (3) Study and review the Oregon Psilocybin Services
21 Act (Measure 109), the Colorado Natural Medicine Health
22 Act of 2022 (Proposition 122), and relevant initiatives to
23 legalize or decriminalize entheogen use in other states
24 and units of local government in an effort to determine
25 successes and pitfalls that may be applied to the
26 rulemaking process in Illinois.

1 (4) Review scientific and cultural literature
2 concerning ibogaine (except ibogaine from iboga),
3 mescaline (except mescaline from peyote), and botanical
4 forms of dimethyltryptamine and make recommendations
5 concerning whether these substances may be included in
6 this Act or a similar appropriate regulatory framework
7 based on medical, psychological, and scientific studies,
8 research, and other information related to the safety and
9 efficacy of each compound to avoid an unregulated de facto
10 market for other natural plants and fungi.

11 (5) Make recommendations on the requirements,
12 specifications, and guidelines for providing psilocybin
13 services to a client, including the following:

14 (A) The requirements, specifications, and
15 guidelines for holding and verifying the completion of
16 a preparation session, an administration session, and
17 an integration session.

18 (B) The contents of the client information form
19 that a client must complete and sign before the client
20 participates in an administration session, giving
21 particular consideration to the following:

22 (i) The information that should be solicited
23 from the client to determine whether the client
24 should participate in the administration session,
25 including information that may identify risk
26 factors and contraindications.

1 (ii) The information that should be solicited
2 from the client to assist the service center
3 operator and the facilitator in meeting any public
4 health and safety standards and industry best
5 practices during the administration session.

6 (iii) The health and safety warnings and other
7 disclosures that should be made to the client
8 before the client participates in the
9 administration session.

10 (6) Make recommendations on public health and safety
11 standards and industry best practices for each type of
12 licensee under this Act.

13 (7) Make recommendations on the formulation of a code
14 of professional conduct for facilitators, giving
15 particular consideration to a code of ethics, cultural
16 responsibility, and outlining a clear process for
17 reporting complaints of unethical conduct by facilitators
18 or service center employees.

19 (8) Make recommendations on the education, experience,
20 and training that facilitators must achieve, giving
21 particular consideration to the following and including
22 whether such education, experience, and training should be
23 available through online resources:

24 (A) Facilitation skills that are affirming,
25 nonjudgmental, nondirective, trauma-informed, and
26 rooted in informed consent.

1 (B) Support skills for clients during an
2 administration session, including specialized skills
3 for the following:

4 (i) client safety;

5 (ii) clients who may have a mental health
6 condition;

7 (iii) appropriate boundaries, heightened
8 transference in expanded states of consciousness,
9 and special precautions related to the use of
10 touch in psilocybin sessions;

11 (iv) crisis assessment and appropriate
12 referral for those who need ongoing support if
13 challenging mental health issues emerge in
14 psilocybin sessions;

15 (C) the environment in which psilocybin services
16 should occur;

17 (D) social and cultural considerations; and

18 (E) affordable, equitable, ethical, and culturally
19 responsible access to entheogens and requirements to
20 ensure that the regulated entheogen access program is
21 equitable and inclusive.

22 (9) Make recommendations on the examinations that
23 facilitators must pass.

24 (10) Make recommendations on public health and safety
25 standards and industry best practices for holding and
26 completing an administration session, including the

1 following:

2 (A) best practices surrounding group
3 administration;

4 (B) how clients can safely access common or
5 outside areas on the premises at which the
6 administration session is held;

7 (C) the circumstances under which an
8 administration session is considered complete; and

9 (D) the transportation needs of the client after
10 the completion of the administration session.

11 (11) Develop a long-term strategic plan for ensuring
12 that psilocybin services will become and remain a safe,
13 accessible, and affordable therapeutic option for all
14 persons 21 years of age and older in this State for whom
15 psilocybin may be appropriate.

16 (12) Monitor and study federal laws, regulations, and
17 policies regarding psilocybin.

18 (13) On an ongoing basis, review and evaluate existing
19 research studies and real-world data related to entheogens
20 and make recommendations to the General Assembly and
21 relevant State agencies as to whether entheogens and
22 associated services should be covered under any Illinois
23 State health insurance or other insurance program as a
24 cost-effective intervention for various mental health
25 conditions, including, but not limited to, anxiety,
26 substance use disorder, alcoholism, depressive disorders,

1 neurological disorders, post-traumatic stress disorder,
2 other painful conditions, including, but not limited to,
3 cluster headaches, migraines, cancer, and phantom limbs,
4 and comfort care, including palliative care, support care,
5 and hospice care.

6 (14) On an ongoing basis, review and evaluate
7 sustainability issues related to natural entheogens and
8 their impact on indigenous cultures and document existing
9 reciprocity efforts and continuing support measures that
10 are needed as part of the Advisory Board's annual report.

11 (15) Publish an annual report describing the Advisory
12 Board's activities, including, but not limited to, any
13 recommendations and advice to the Department of Public
14 Health, the Department of Agriculture, the Department of
15 Financial and Professional Regulation, the Illinois State
16 Police, the Department of Revenue, or the General
17 Assembly.

18 (b) The Department of Financial and Professional
19 Regulation shall provide technical, logistical, and other
20 support to the Advisory Board, as requested by the Advisory
21 Board, to assist the Advisory Board with its duties and
22 obligations.

23 Section 35. General powers and duties; rules.

24 (a) The Department of Public Health, the Department of
25 Agriculture, the Department of Financial and Professional

1 Regulation, the Illinois State Police, and the Department of
2 Revenue have the duties, functions, and powers necessary or
3 proper to enable each agency to carry out its duties,
4 functions, and powers under this Act. This includes the duty
5 to regulate the manufacturing, transportation, delivery, sale,
6 and purchase of psilocybin products and the provision of
7 psilocybin services in this State in accordance with the
8 provisions of this Act. The Department of Public Health, the
9 Department of Agriculture, the Department of Financial and
10 Professional Regulation, the Illinois State Police, and the
11 Department of Revenue may adopt, amend, or repeal rules as
12 necessary to carry out the intent and provisions of this Act,
13 including rules necessary to protect public health and safety.

14 (b) The Department of Public Health, the Department of
15 Agriculture, the Department of Financial and Professional
16 Regulation, the Illinois State Police, and the Department of
17 Revenue shall enter into intergovernmental agreements, as
18 necessary, to carry out the provisions of this Act, including,
19 but not limited to, the provisions relating to the
20 registration and oversight of any person who produces,
21 possesses, transports, delivers, sells, or purchases a
22 psilocybin product in this State or who provides a psilocybin
23 service in this State. There shall be no requirement that a
24 client be diagnosed with or have any particular medical
25 condition as a prerequisite to being provided psilocybin
26 services.

1 (c) The Department of Public Health, the Department of
2 Agriculture, and the Department of Financial and Professional
3 Regulation may suspend, revoke, or impose other penalties upon
4 a person licensed under this Act for violations of this Act and
5 any rules adopted in accordance with this Act. The suspension
6 or revocation of a license or imposition of any other penalty
7 upon a licensee is a final agency action subject to judicial
8 review. Jurisdiction and venue for judicial review are vested
9 in the circuit court.

10 (d) The Department of Public Health shall examine,
11 publish, and distribute to the public available medical,
12 psychological, and scientific studies, research, and other
13 information relating to the safety and efficacy of psilocybin
14 in treating mental health conditions, including, but not
15 limited to, addiction, depression, anxiety disorders, headache
16 disorders, and end-of-life psychological distress.

17 (e) The Department of Agriculture shall issue, renew,
18 suspend, revoke, or refuse to issue or renew licenses for the
19 manufacturing and testing of psilocybin products and to
20 permit, at the Department of Agriculture's discretion, the
21 transfer of licenses. There shall be no requirement that a
22 psilocybin product be manufactured by means of chemical
23 synthesis.

24 (f) The Department of Financial and Professional
25 Regulation shall issue, renew, suspend, revoke, or refuse to
26 issue or renew licenses for the sale of psilocybin products,

1 the provision of psilocybin services, or other licenses
2 related to the consumption of psilocybin products, and to
3 permit, at the Department's discretion, the transfer of a
4 license between persons.

5 (g) Any fees collected pursuant to this Section shall be
6 deposited into the Psilocybin Control and Regulation Fund.

7 Section 40. Authority to purchase, possess, seize,
8 transfer to a licensee, or dispose of psilocybin products.
9 Subject to any applicable provision of State law, the
10 Department of Public Health, the Department of Agriculture,
11 the Department of Financial and Professional Regulation, the
12 Illinois State Police, and the Department of Revenue may
13 purchase, possess, seize, transfer to a licensee, or dispose
14 of psilocybin products as is necessary to ensure compliance
15 with and enforce the provisions of this Act and any rule
16 adopted under this Act.

17 Section 45. Program development period; dates.

18 (a) Unless the General Assembly provides otherwise, the
19 Department may not issue any licenses under this Act during
20 the program development period.

21 (b) On or before February 28 of the year following the
22 effective date of this Act, the Governor, the Senate
23 President, and the Speaker of the House shall appoint the
24 individuals specified in subsection (b) of Section 25 to the

1 Advisory Board.

2 (c) On or before March 31 of the year following the
3 effective date of this Act, the Advisory Board shall hold its
4 first meeting at a time and place specified by the Governor.

5 (d) On or before June 30 of the year following the
6 effective date of this Act, and on a regular basis after that
7 date, the Advisory Board shall submit its findings and
8 recommendations to the Department of Public Health, the
9 Department of Agriculture, the Department of Financial and
10 Professional Regulation, the Illinois State Police, and the
11 Department of Revenue on available medical, psychological, and
12 scientific studies, research, and other information relating
13 to the safety and efficacy of psilocybin and other entheogens
14 in treating mental health conditions, including, but not
15 limited to, addiction, depression, anxiety disorders, headache
16 disorders, and end-of-life psychological distress.

17 (e) On or before June 30 of the year 2 years after the
18 effective date of this Act, the Advisory Board shall submit
19 its findings and recommendations concerning the following:

20 (1) rules and regulations for the implementation of
21 this Act;

22 (2) a long-term strategic plan for ensuring that
23 psilocybin services will become and remain a safe,
24 accessible, and affordable therapeutic option for all
25 persons 21 years of age and older in this State for whom
26 psilocybin may be appropriate; and

1 (3) with respect to federal laws, regulations, and
2 policies regarding psilocybin and other entheogens.

3 (f) On or before July 31 of the year 2 years after the
4 effective date of this Act, and on a regular basis after that
5 date, the Department of Public Health shall publish and
6 distribute to the public available medical, psychological, and
7 scientific studies, research, and other information relating
8 to the safety and efficacy of psilocybin and other entheogens
9 in treating mental health conditions, including, but not
10 limited to, addiction, depression, anxiety disorders, headache
11 disorders, and end-of-life psychological distress.

12 (g) On or before June 30 of the year 3 years after the
13 effective date of this Act, the Department of Public Health,
14 the Department of Agriculture, the Department of Revenue, and
15 the Department of Financial and Professional Regulation shall
16 prescribe forms and adopt such rules as the Departments deem
17 necessary for the implementation of this Act. The Department
18 of Public Health, the Department of Agriculture, the
19 Department of Revenue, the Illinois State Police, and the
20 Department of Financial and Professional Regulation shall hold
21 at least one public hearing regarding this rulemaking. The
22 public hearing may be held jointly or the Departments may hold
23 individual hearings.

24 Section 50. Licensing.

25 (a) On or before July 1 of the year 3 years after the

1 effective date of this Act:

2 (1) The Department of Financial and Professional
3 Regulation shall begin receiving applications for the
4 licensing of persons to:

5 (A) operate a service center; and

6 (B) facilitate psilocybin services.

7 (2) The Department of Agriculture shall begin
8 receiving applications for the licensing of persons to:

9 (A) manufacture psilocybin products; and

10 (B) test psilocybin products.

11 (b) Except as provided in subsection (c), an applicant for
12 a license or renewal of a license issued under this Act shall
13 apply to the appropriate Department in the form required by
14 that Department, by rule, showing the name and address of the
15 applicant, the location of the facility that is to be operated
16 under the license, and other pertinent information required by
17 the Department. The Department may not issue or renew a
18 license until the applicant has complied with the provisions
19 of this Act and rules adopted under this Act.

20 (b-5) If an application does not meet the technical
21 standards set forth by the applicable Department, the
22 Department must notify the applicant and provide the applicant
23 with at least 30 days after the applicant receives notice of
24 the deficiency to rectify the application materials.

25 (c) A Department may reject any application that is not
26 submitted in the form required by the Department by rule. The

1 approval or denial of any application is a final decision of
2 the Department subject to judicial review. Jurisdiction and
3 venue are vested in the circuit court.

4 (d) Except as provided in subsection (c), a revocation of
5 or refusal to issue or renew a license issued under this Act is
6 a final decision of the Department subject to judicial review.
7 Jurisdiction and venue are vested in the circuit court.

8 (e) An applicant for a facilitator license or renewal of a
9 facilitator license issued under Section 105 need not show the
10 location of any premises.

11 (f) The Department of Financial and Professional
12 Regulation or the Department of Agriculture shall not license
13 an applicant under the provisions of this Act if the applicant
14 is under 21 years of age.

15 (g) The Department of Financial and Professional
16 Regulation or the Department of Agriculture shall refuse to
17 issue a license or may issue a restricted license to an
18 applicant under the provisions of this Act if the Department
19 finds that the applicant meets any of the following
20 conditions:

21 (1) has failed to complete any of the education or
22 training required by the provisions of this Act or rules
23 adopted under this Act;

24 (2) has failed to complete any of the examinations
25 required by the provisions of this Act or rules adopted
26 under this Act;

1 (3) is in the habit of using alcoholic beverages,
2 habit-forming drugs, or controlled substances to excess as
3 determined by the Department;

4 (4) has made false statements to the Department;

5 (5) is incompetent or physically unable to carry on
6 the management of the establishment proposed to be
7 licensed as determined by the Department;

8 (6) has been convicted of violating a federal law,
9 State law, or local ordinance if the conviction is
10 substantially related to the fitness and ability of the
11 applicant to lawfully carry out activities under the
12 license;

13 (7) is not of good repute and moral character as
14 determined by the Department;

15 (8) does not have a good record of compliance with
16 this Act or any rule adopted under this Act;

17 (9) is not the legitimate owner of the premises
18 proposed to be licensed or has not disclosed that any
19 other person has an ownership interest in the premises
20 proposed to be licensed;

21 (10) has not demonstrated financial responsibility
22 sufficient to adequately meet the requirements of the
23 premises proposed to be licensed; or

24 (11) is unable to understand the laws of this State
25 relating to psilocybin products, psilocybin services, or
26 the rules adopted under this Act.

1 (h) Notwithstanding paragraph (6) of subsection (g), in
2 determining whether to issue a license or a restricted license
3 to an applicant, the Department of Financial and Professional
4 Regulation or the Department of Agriculture shall not consider
5 the prior conviction of the applicant or any owner, director,
6 officer, manager, employee, agent, or other representative of
7 the applicant for the following:

8 (1) The manufacture of psilocybin or the manufacture
9 of cannabis, as defined under Section 1-10 of the Cannabis
10 Regulation and Tax Act, or cannabis product if any of the
11 following apply:

12 (A) The date of the conviction is 2 or more years
13 before the date of the application.

14 (B) The person has not been convicted more than
15 once for the manufacture of psilocybin.

16 (2) The possession of a controlled substance, as
17 defined in the Illinois Controlled Substances Act, if any
18 of the following apply:

19 (A) The date of the conviction is 2 or more years
20 before the date of the application.

21 (B) The person has not been convicted more than
22 once for the possession of a controlled substance.

23 (i) The Department of Financial and Professional
24 Regulation and the Department of Agriculture shall not issue a
25 license pursuant to this Act if the licensee, principal
26 officer, board member, or person having a financial or voting

1 interest of 5% or greater in the licensee or applicant, or the
2 agent thereof is delinquent in filing any required tax returns
3 or paying any amounts owed to the State.

4 Section 55. Authority to require fingerprints. The
5 Department of Agriculture or the Department of Financial and
6 Professional Regulation, through the Illinois State Police,
7 may require the fingerprints of any individual listed on an
8 application to perform any of the functions listed in
9 subsection (a) of Section 50 for purposes of conducting a
10 background check. The Department of Agriculture or the
11 Department of Financial and Professional Regulation may
12 require fingerprints to be submitted for a background check
13 before or after the submission of an application. The Illinois
14 State Police shall charge a fee for conducting the criminal
15 history record check, which shall be deposited into the State
16 Police Services Fund and shall not exceed the actual cost of
17 the record check. In order to carry out this provision, each
18 person applying to perform one of the functions listed in
19 subsection (a) of Section 50 may be required to submit a full
20 set of fingerprints to the Illinois State Police for the
21 purpose of obtaining a State and federal criminal records
22 check. These fingerprints shall be checked against the
23 fingerprint records now and hereafter, to the extent allowed
24 by law, filed in the Illinois State Police and Federal Bureau
25 of Investigation criminal history records databases. The

1 Illinois State Police shall furnish, following positive
2 identification, all Illinois conviction information to the
3 Department of Agriculture or the Department of Financial and
4 Professional Regulation. The Department of Agriculture or the
5 Department of Financial and Professional Regulation, through
6 the Illinois State Police, may require the fingerprints of the
7 following persons:

8 (1) If the applicant is a limited partnership, each
9 general partner of the limited partnership.

10 (2) If the applicant is a manager-managed limited
11 liability company, each manager of the limited liability
12 company.

13 (3) If the applicant is a member-managed limited
14 liability company, each voting member of the limited
15 liability company.

16 (4) If the applicant is a corporation, each director
17 and officer of the corporation.

18 (5) Any individual who holds a financial interest of
19 10% or more in the person applying for the license.

20 Section 60. Properties of license. A license issued under
21 this Act is all of the following:

22 (1) a personal privilege;

23 (2) renewable in the manner provided under Section 50,
24 except for a cause that would be grounds for refusal to
25 issue the license under Section 50;

1 (3) subject to revocation or suspension as provided in
2 Section 185;

3 (4) except for a license issued to a facilitator under
4 Section 105, transferable from the premises for which the
5 license was originally issued to another premises subject
6 to the provisions of this Act, applicable rules adopted
7 under this Act, and applicable local ordinances;

8 (5) subject to expiration upon the death of the
9 licensee, if the license was issued to an individual
10 except as provided under subsection (p) of Section 155;

11 (6) not considered property;

12 (7) not alienable;

13 (8) not subject to attachment or execution; and

14 (9) not subject to descent by the laws of testate or
15 intestate succession.

16 Section 65. Duties of the Departments with respect to
17 issuing licenses.

18 (a) The Department of Financial and Professional
19 Regulation or the Department of Agriculture shall approve or
20 deny an application to be licensed under this Act. Upon
21 receiving an application under Section 50, the Department may
22 not unreasonably delay processing, approving, or denying the
23 application or, if the application is approved, issuing the
24 license.

25 (b) The licenses described in this Act must be issued by

1 the Department of Financial and Professional Regulation or the
2 Department of Agriculture subject to the provisions of this
3 Act and rules adopted under this Act.

4 (c) The Department of Financial and Professional
5 Regulation may not license premises that do not have defined
6 boundaries. Premises do not need to be enclosed by a wall,
7 fence, or other structure, but the Department of Financial and
8 Professional Regulation may require premises to be enclosed as
9 a condition of issuing or renewing a license. The Department
10 of Financial and Professional Regulation may not license
11 mobile premises.

12 Section 70. Lawful manufacture, delivery, and possession
13 of psilocybin products. A licensee or licensee representative
14 may manufacture, deliver, or possess a psilocybin product
15 subject to the provisions of this Act and rules adopted under
16 this Act. The manufacture, delivery, or possession of a
17 psilocybin product by a licensee or a licensee representative
18 in compliance with this Act and rules adopted under this Act
19 does not constitute a criminal or civil offense under the laws
20 of this State.

21 Section 75. Restriction on financial interests in multiple
22 licensees.

23 (a) An individual may not have a financial interest in
24 either of the following:

1 (1) More than one psilocybin product manufacturer.

2 (2) More than 5 service center operators.

3 (b) Subject to subsection (a), a person may hold multiple
4 service center operator licenses under Section 95 and may hold
5 both a manufacturer license under Section 80 and a service
6 center operator license under Section 95 at the same or
7 different premises.

8 Section 80. License to manufacture psilocybin products.

9 (a) The manufacture of psilocybin products is subject to
10 regulation by the Department of Agriculture.

11 (b) A psilocybin product manufacturer must have a
12 manufacturer license issued by the Department of Agriculture
13 for the premises at which the psilocybin products are
14 manufactured. To hold a manufacturer license issued under this
15 Section, a psilocybin product manufacturer must comply with
16 the following:

17 (1) apply for a license in the manner described in
18 Section 50; and

19 (2) provide proof that the applicant is 21 years of
20 age or older.

21 (c) If the applicant is not the owner of the premises at
22 which the psilocybin is to be manufactured, the applicant
23 shall submit to the Department of Agriculture signed informed
24 consent from the owner of the premises to manufacture
25 psilocybin at the premises. The Department of Agriculture may

1 adopt rules regarding the informed consent described in this
2 subsection.

3 (d) The Department of Agriculture shall adopt rules that
4 comply with the following:

5 (1) require a psilocybin product manufacturer to
6 annually renew a license issued under this Section;

7 (2) establish application, licensure, and renewal of
8 licensure fees for psilocybin product manufacturers; and

9 (3) require psilocybin products manufactured by
10 psilocybin product manufacturers to be tested in
11 accordance with Section 270.

12 (e) Fees adopted under paragraph (2) of subsection (d) may
13 not exceed, together with other fees collected under this Act,
14 the cost of administering this Act and shall be deposited into
15 the Psilocybin Control and Regulation Fund.

16 Section 85. Psilocybin product manufacturers;
17 endorsements.

18 (a) The Department of Agriculture shall adopt rules that
19 designate different types of manufacturing activities. A
20 psilocybin product manufacturer may only engage in a type of
21 manufacturing activity if the psilocybin product manufacturer
22 has received an endorsement from the Department for that type
23 of manufacturing activity.

24 (b) An applicant must request an endorsement upon
25 submission of an initial application but may also request an

1 endorsement at any time following licensure.

2 (c) Only one application and license fee is required
3 regardless of how many endorsements an applicant or licensee
4 requests or at what time the request is made.

5 (d) A psilocybin product manufacturer licensee may hold
6 multiple endorsements.

7 (e) The Department of Agriculture may deny a psilocybin
8 product manufacturer's request for an endorsement or revoke an
9 existing endorsement if the psilocybin product manufacturer
10 cannot or does not meet the requirements for the endorsement
11 that is requested.

12 Section 90. Psilocybin product quantities; rules. The
13 Department of Agriculture shall adopt rules restricting the
14 quantities of psilocybin products at premises for which a
15 license has been issued under Section 80. In adopting rules
16 under this Section, the Department shall take into
17 consideration the demand for psilocybin services in this
18 State, the number of psilocybin product manufacturers applying
19 for a license under Section 80, the number of psilocybin
20 product manufacturers that hold a license issued under Section
21 80, and whether the availability of psilocybin products in
22 this State is commensurate with the demand for psilocybin
23 services.

24 Section 95. License to operate a service center.

1 (a) The operation of a service center is subject to
2 regulation by the Department of Financial and Professional
3 Regulation.

4 (b) A service center operator must have a service center
5 operator license issued by the Department of Financial and
6 Professional Regulation for the premises at which psilocybin
7 services are provided. To hold a service center operator
8 license under this Section, a service center operator must
9 comply with the following:

10 (1) apply for a license in the manner described in
11 Section 50;

12 (2) provide proof that the applicant is 21 years of
13 age or older;

14 (3) ensure that the service center is located in an
15 area that is not within the limits of an area zoned
16 exclusively for residential use;

17 (4) ensure that the service center is not located
18 within 1,000 feet of a public, private, or parochial
19 school; and

20 (5) meet the requirements of any rule adopted by the
21 Department of Financial and Professional Regulation under
22 subsection (c).

23 (c) The Department of Financial and Professional
24 Regulation shall adopt rules that comply with the following:

25 (1) require a service center operator to annually
26 renew a license issued under this Section;

1 (2) establish application, licensure, and renewal of
2 licensure fees for service center operators;

3 (3) require psilocybin products sold by a service
4 center operator to be tested in accordance with Section
5 270; and

6 (4) require a service center operator to meet any
7 public health and safety standards and industry best
8 practices established by the Department by rule.

9 Fees adopted under paragraph (2) of this subsection may
10 not exceed, together with other fees collected under this Act,
11 the cost of administering this Act and shall be deposited into
12 the Psilocybin Control and Regulation Fund established under
13 Section 190.

14 Section 100. Establishment of schools after issuance of
15 license.

16 (a) If a school described under paragraph (5) of
17 subsection (b) of Section 95 that has not previously been
18 attended by children is established within 1,000 feet of
19 premises for which a license has been issued under Section 95,
20 the service center operator located at that premises may
21 remain at that location unless the Department of Financial and
22 Professional Regulation revokes the license of the service
23 center operator under Section 175.

24 (b) The Department of Financial and Professional
25 Regulation may adopt rules establishing the circumstances

1 under which the Department may require a service center
2 operator that holds a license issued under Section 95 to use an
3 age verification scanner or any other equipment used to verify
4 a person's age for the purpose of ensuring that the service
5 center operator does not sell psilocybin products to a person
6 under 21 years of age. Information obtained under this
7 subsection may not be retained after verifying a person's age
8 and may not be used for any purpose other than verifying a
9 person's age.

10 Section 105. License to facilitate psilocybin services.

11 (a) The facilitation of psilocybin services is subject to
12 regulation by the Department of Financial and Professional
13 Regulation.

14 (b) A facilitator must have a facilitator license issued
15 by the Department of Financial and Professional Regulation. To
16 hold a facilitator license issued under this Section, a
17 facilitator must comply with the following:

18 (1) apply for a license in the manner described in
19 Section 50;

20 (2) provide proof that the applicant is 21 years of
21 age or older;

22 (3) have either:

23 (i) a baccalaureate degree from an accredited
24 university or college;

25 (ii) a high school diploma or its equivalent and

1 demonstrable experience administering psilocybin in a
2 manner of cultural significance as part of a
3 tradition, ceremony, or rite that is more than merely
4 recreational use; or

5 (iii) a high school diploma or its equivalent and
6 be licensed or certified as at least one of the
7 following in good standing in Illinois:

8 (A) licensed behavior analyst as defined under
9 the Behavior Analyst Licensing Act;

10 (B) clinical psychologist or prescribing
11 psychologist as defined under the Clinical
12 Psychologist Licensing Act;

13 (C) licensed clinical social worker or
14 licensed social worker as defined under the
15 Clinical Social Work and Social Work Practice Act;

16 (D) licensed marriage and family therapist as
17 defined under the Marriage and Family Therapy
18 Licensing Act;

19 (E) licensed professional music therapist as
20 defined under the Music Therapy Licensing and
21 Practice Act;

22 (F) physician as defined under the Medical
23 Practice Act of 1987;

24 (G) certified nurse midwife or licensed
25 certified professional midwife as defined under
26 the Licensed Certified Professional Midwife

1 Practice Act;

2 (H) advanced practice registered nurse,
3 license-pending registered nurse, licensed
4 practical nurse, or registered nurse as defined
5 under the Nurse Practice Act;

6 (I) occupational therapist as defined under
7 the Illinois Occupational Therapy Practice Act;

8 (J) licensed pharmacist under the Pharmacy
9 Practice Act;

10 (K) physician assistant as defined under the
11 Physician Assistant Practice Act of 1987;

12 (L) licensed professional counselor or
13 licensed clinical professional counselor as
14 defined under the Professional Counselor and
15 Clinical Professional Counselor Licensing and
16 Practice Act;

17 (M) naprapath as defined under the Naprapathic
18 Practice Act;

19 (N) licensed orthoptist, licensed pedorthist,
20 a licensed podiatric physician, or a licensed
21 prosthetist as defined under the Orthotics,
22 Prosthetics, and Pedorthics Practice Act;

23 (O) certified Recovery Support Specialist
24 certified by the Illinois Certification Board;

25 (P) certified Peer Recovery Specialist; or

26 (Q) certified alcohol and drug counselor.

1 (4) submit evidence of completion of education and
2 training prescribed and approved by the Department;

3 (5) have passed an examination approved, administered,
4 or recognized by the Department; and

5 (6) meet the requirements of any rule adopted by the
6 Department under subsection (d).

7 (c) The Department of Financial and Professional
8 Regulation shall adopt rules that comply with the following:

9 (1) require a facilitator to annually renew a license
10 issued under this Section;

11 (2) establish application, licensure, and renewal of
12 licensure fees for facilitators;

13 (3) require a facilitator to meet any public health
14 and safety standards and industry best practices
15 established by the Department by rule.

16 (d) Fees adopted under paragraph (2) of subsection (d) may
17 not exceed, together with other fees collected under this Act,
18 the cost of administering this Act and shall be deposited into
19 the Psilocybin Control and Regulation Fund.

20 (e) A facilitator may be, but need not be, an employee,
21 manager, director, officer, partner, member, shareholder, or
22 direct or indirect owner of one or more service center
23 operators.

24 (f) A license issued to a facilitator under this Section
25 is not limited to any one or more premises.

1 Section 110. License examinations; rules. The Department
2 of Financial and Professional Regulation shall offer an
3 examination for applicants for licenses to facilitate
4 psilocybin services at least twice a year. An applicant who
5 fails any part of the examination may retake the failed
6 section in accordance with rules adopted by the Department.
7 The rules adopted by the Department in accordance with this
8 Section shall require that applicants for facilitator licenses
9 retake any training program required for licensure by the
10 Department if the applicant has failed an examination twice in
11 a row before being permitted to retake the test for a third
12 time. Such retraining shall be required after any subsequent
13 instances of an applicant failing the examination twice in a
14 row.

15 Section 115. Age verification. The Department of
16 Financial and Professional Regulation may adopt rules
17 establishing the circumstances under which the Department may
18 require a facilitator that holds a license issued under
19 Section 105 to use an age verification scanner or any other
20 equipment used to verify a person's age for the purpose of
21 ensuring that the facilitator does not provide psilocybin
22 services to a person under 21 years of age. Information
23 obtained under this Section may not be retained after
24 verifying a person's age and may not be used for any purpose
25 other than verifying a person's age.

1 Section 120. Psilocybin services. The Department of
2 Financial and Professional Regulation shall adopt by rule the
3 requirements, specifications, and guidelines for the
4 following:

5 (1) providing psilocybin services to a client;

6 (2) holding and verifying the completion of a
7 preparation session;

8 (3) having a client complete, sign, and deliver a
9 client information form to a service center operator and a
10 facilitator;

11 (4) holding and verifying the completion of an
12 administration session; and

13 (5) holding and verifying the completion of an
14 integration session.

15 Section 125. Preparation session.

16 (a) Before a client participates in an administration
17 session, the client must attend a preparation session with a
18 facilitator. A preparation session is intended to provide
19 individuals with comprehensive information about the potential
20 risks and benefits of the use of psilocybin.

21 (b) A preparation session may be, but need not be, held at
22 a service center. During the preparation session, the client
23 must complete a client intake form, develop a transportation
24 plan, and a safety and support plan.

1 (c) If a preparation session is completed in accordance
2 with all applicable requirements, specifications, and
3 guidelines, as determined by the Department, the facilitator
4 must certify, in a form and manner prescribed by the
5 Department, that the client completed the preparation session.
6 This certification shall be collected for the limited purpose
7 of ensuring the facilitator adheres to all applicable
8 requirements, specifications, and guidelines. The Department,
9 facilitator, and service center operator shall maintain such
10 certifications in a manner that ensures confidentiality and
11 shall not sell, disclose, or otherwise transfer any personally
12 identifiable information of the client without the client's
13 express written consent. The Department, facilitator, and
14 service center shall only maintain personally identifiable
15 information of the client to the extent necessary to transact
16 business and ensure compliance with all laws and rules.

17 Section 130. Client information form.

18 (a) Before a client participates in an administration
19 session, the following must occur:

20 (1) The client must complete and sign a client
21 information form in a form and manner prescribed by the
22 Department.

23 (2) A copy of the completed and signed client
24 information form must be delivered to the service center
25 operator that operates the service center at which the

1 administration session is to be held and to the
2 facilitator that will supervise the administration
3 session.

4 (3) Enable the service center operator to confirm the
5 client has obtained a referral from a licensed physician,
6 psychiatrist, professional counselor, clinical
7 professional counselor, prescribing psychologist, or
8 clinical psychologist for psilocybin service.

9 (b) The client information form must comply with the
10 following:

11 (1) Solicit from the client such information as may be
12 necessary: (i) to enable a service center operator and a
13 facilitator to determine whether the client should
14 participate in an administration session, including
15 information that may identify risk factors and
16 contraindications, and (ii) to assist the service center
17 operator and the facilitator in meeting any public health
18 and safety standards and industry best practices during
19 the administration session.

20 (2) Contain such health and safety warnings and other
21 disclosures to the client as the Department may require.

22 (c) The service center operator shall maintain the client
23 information form in a manner that ensures confidentiality and
24 shall not sell, disclose, or otherwise transfer any personally
25 identifiable information of the client without the client's
26 express written consent.

1 (d) The service center operator shall require proof of a
2 referral for psilocybin service before the preparation
3 session.

4 Section 131. Safety and support plans.

5 (a) A facilitator must work with every client who will
6 participate in an administration session to draft a safety and
7 support plan that identifies risks and challenges specific to
8 the client's circumstances and resources available to mitigate
9 those risks and challenges, including the client's existing
10 support network and appropriate external resources.

11 (b) Safety and support plans must include contact
12 information for a person to be contacted if the client
13 experiences a medical or other emergency.

14 (c) Safety and support plans may not be changed during an
15 administration session.

16 (d) Client records described by this Act must be available
17 to the facilitator at the service center where the client
18 participates or intends to participate in an administration
19 session.

20 Section 132. Transportation plans.

21 (a) A facilitator must create and record a transportation
22 plan for every client that receives psilocybin services.

23 (b) Transportation plans must be signed by the client and
24 describe how the client will access safe transportation away

1 from the service center at the conclusion of an administration
2 session.

3 (c) Transportation plans shall advise a client not to
4 operate a motor vehicle directly following an administration
5 session. Facilitators shall make reasonable efforts to prevent
6 clients from operating a motor vehicle at the conclusion of an
7 administration session. If a client's failure to follow the
8 client's transportation plan creates a danger to the client's
9 safety or the safety of others, a facilitator must make
10 reasonable efforts to resolve the safety issue.

11 (d) If a facilitator is unable to resolve safety issues
12 caused by a client's failure to follow the client's
13 transportation plan after making reasonable efforts required
14 by subsection (c), a facilitator must contact appropriate
15 emergency services.

16 (e) If a client is unable to follow the client's
17 transportation plan, a facilitator must make reasonable
18 efforts to arrange for alternative transportation.

19 (f) A facilitator must document in writing and retain
20 documentation for all instances in which a client does not
21 follow the client's transportation plan.

22 (g) All client records, including any copies of client
23 records, described by this Act must be available to the
24 facilitator at the service center where the client
25 participates or intends to participate in an administration
26 session.

1 Section 135. Administration session.

2 (a) After a client completes a preparation session and
3 completes and signs a client information form, the client may
4 participate in an administration session.

5 (b) An administration session must be held under the
6 supervision of a licensed facilitator at a service center. A
7 facilitator or service center shall not permit a client to
8 consume psilocybin at any time other than during an
9 administration session at the service center.

10 (c) If an administration session is completed in
11 accordance with all applicable requirements, specifications,
12 and guidelines, as determined by the Department, the
13 facilitator must certify, in a form and manner prescribed by
14 the Department, that the client completed the administration
15 session. This certification shall be collected for the limited
16 purpose of ensuring the facilitator adheres to all applicable
17 requirements, specifications, and guidelines. The Department,
18 facilitator, and service center operator shall maintain such
19 certifications in a manner that ensures confidentiality and
20 shall not sell, disclose, or otherwise transfer any personally
21 identifiable information of the client without the client's
22 express written consent. The Department, facilitator, and
23 service center shall only maintain personally identifiable
24 information of the client to the extent necessary to transact
25 business and ensure compliance with all laws and rules.

1 Section 136. Post-administration evaluation session. All
2 clients are required to participate in a post-administration
3 evaluation session before leaving a service center after
4 completing an administration session. After a client completes
5 an administration session, the facilitator must conduct a
6 post-administration evaluation session. During the session,
7 the facilitator will engage with the client to ensure there
8 are no medical emergencies that arose from the administration
9 session and also ensure that the client is no longer under the
10 hallucinogenic effects of psilocybin before releasing the
11 client from the service center. The facilitator shall consider
12 the client's physical attributes as well as the quantity of
13 psilocybin administered in conducting the post-administration
14 evaluation.

15 Section 140. Integration session.

16 (a) After a client completes an administration session and
17 a post-administration evaluation session, a facilitator must
18 conduct an integration session with the client. However, the
19 integration session requirement may be waived if the client
20 has produced a written letter from the client's referring
21 licensed professional that states the licensed professional
22 will discuss the psilocybin service at a future appointment.
23 Integration sessions are intended to promote psychological
24 well-being and reduce the risk of adverse reactions by

1 ensuring individuals are not left to process potentially
2 overwhelming experiences alone.

3 (b) An integration session shall be held at a service
4 center.

5 (c) If an integration session is completed in accordance
6 with all applicable requirements, specifications, and
7 guidelines, as determined by the Department, the facilitator
8 shall certify in a form and manner prescribed by the
9 Department that the client completed the integration session
10 or otherwise provided the appropriate waiver materials. This
11 certification shall be collected for the limited purpose of
12 ensuring the facilitator adheres to all applicable
13 requirements, specifications, and guidelines. The Department,
14 facilitator, and service center operator shall maintain such
15 certifications in a manner that ensures confidentiality and
16 shall not sell, disclose, or otherwise transfer any personally
17 identifiable information of the client without the client's
18 express written consent. The Department, facilitator, and
19 service center shall only maintain personally identifiable
20 information of the client to the extent necessary to transact
21 business and ensure compliance with all laws and rules.

22 Section 145. Reliance on client information form.

23 (a) If a client information form is offered as evidence in
24 any administrative or criminal prosecution of a licensee or
25 licensee representative for sale or service of a psilocybin

1 product to a client, the licensee or licensee representative
2 is not guilty of any offense prohibiting a person from selling
3 or serving a psilocybin product to a client unless it is
4 demonstrated that a reasonable person would have determined
5 that the responses provided by the client on the client
6 information form were incorrect or altered.

7 (b) A licensee or licensee representative shall be
8 entitled to rely upon all statements, declarations, and
9 representations made by a client in a client information form
10 unless it is demonstrated that either:

11 (1) a reasonable person would have determined that one
12 or more of the statements, declarations, or
13 representations made by the client in the client
14 information form were incorrect or altered; or

15 (2) the licensee or licensee representative violated a
16 provision of this Act or a rule adopted under this Act
17 relative to the client information form.

18 (c) Except as provided in subsection (b), no licensee or
19 licensee representative shall incur legal liability by virtue
20 of any untrue statement, declaration, or representation so
21 relied upon in good faith by the licensee or licensee
22 representative.

23 (d) The Department of Financial and Professional
24 Regulation shall adopt rules for recordkeeping, privacy, and
25 confidentiality requirements of service centers. However, the
26 recordkeeping shall not result in disclosure to the public or

1 any governmental agency of any participant's personally
2 identifiable information.

3 Section 150. Refusal to provide psilocybin services to a
4 client.

5 (a) Subject to applicable State law, a licensee or
6 licensee representative may refuse to provide psilocybin
7 services to a potential client for any or no reason.

8 (b) Except as provided in subsection (c), and subject to
9 applicable State law, a licensee or licensee representative
10 may cease providing psilocybin services to a client for any or
11 no reason.

12 (c) A service center operator and a facilitator may not
13 cease providing psilocybin services to a client during an
14 administration session after the client has consumed a
15 psilocybin product, except as authorized by the Department of
16 Financial and Professional Regulation by rule or as necessary
17 in an emergency.

18 (d) A service center operator and a facilitator must
19 refuse to provide psilocybin service to a potential client
20 who:

21 (1) does not provide a referral for psilocybin
22 service;

23 (2) voluntarily discloses that the potential client
24 possesses certain risk factors indicating psilocybin
25 service is inappropriate or harmful as determined by the

1 Advisory Board under subsection (a) of Section 30 or by
2 rules adopted by the Department; or

3 (3) a reasonable person would believe, based on the
4 statements, conduct, or other behavior of the potential
5 client, that the potential client possesses certain risk
6 factors indicating psilocybin service is inappropriate or
7 harmful as determined by the Advisory Board under
8 subsection (a) of Section 30 or by rules adopted by the
9 Department.

10 Section 155. Department powers and duties relating to
11 facilitators.

12 (a) The Department of Financial and Professional
13 Regulation shall perform the following:

14 (1) Determine the qualifications, training, education,
15 and fitness of applicants for licenses to facilitate
16 psilocybin services, giving particular consideration to
17 the following:

18 (A) facilitation skills that are affirming,
19 nonjudgmental, culturally competent, trauma-informed,
20 rooted in informed consent, and nondirective;

21 (B) support skills for clients during an
22 administration session, including specialized skills
23 for the following:

24 (i) client safety; and

25 (ii) clients who may have a mental health

1 condition;

2 (C) the environment in which psilocybin services
3 should occur; and

4 (D) social and cultural considerations.

5 (2) Formulate a code of professional conduct for
6 facilitators, giving particular consideration to a code of
7 ethics.

8 (3) Establish standards of practice and professional
9 responsibility for individuals licensed by the Department
10 to facilitate psilocybin services.

11 (4) Select licensing examinations for licenses to
12 facilitate psilocybin services.

13 (5) Provide for waivers of examinations, as
14 appropriate.

15 (6) Appoint representatives to conduct or supervise
16 examinations of applicants for licenses to facilitate
17 psilocybin services.

18 (b) The Department of Financial and Professional
19 Regulation shall adopt by rule minimum standards of education
20 and training requirements for facilitators. These rules must
21 establish minimum standards for first-aid treatment and
22 training on CPR/AED and any other emergency medical response
23 training the Department deems appropriate for the safe
24 administration of psilocybin services.

25 (c) The Department of Financial and Professional
26 Regulation shall approve courses for facilitators. To obtain

1 approval of a course, the provider of a course must submit an
2 outline of instruction to the Department. The outline must
3 include the proposed courses, total hours of instruction,
4 hours of lectures in theory, and the hours of instruction in
5 application of practical skills.

6 (d) The Department of Financial and Professional
7 Regulation may, after 72 hours' notice, make an examination of
8 the books of a licensee for the purpose of determining
9 compliance with this Act and rules adopted under this Act.

10 (e) The Department of Financial and Professional
11 Regulation or the Department of Agriculture may at any time
12 make an examination of premises for which a license has been
13 issued under this Act for the purpose of determining
14 compliance with this Act and rules adopted under this Act.

15 (f) The Department of Financial and Professional
16 Regulation may not require the books of a licensee to be
17 maintained on the premises of the licensee.

18 (g) If a licensee holds more than one license issued under
19 this Act for the same premises, the Department of Financial
20 and Professional Regulation or the Department of Agriculture
21 may require the premises to be segregated into separate areas
22 for conducting the activities permitted under each license as
23 is necessary to protect the public health and safety.

24 (h) As is necessary to protect the public health and
25 safety, the Department of Financial and Professional
26 Regulation or the Department of Agriculture may require a

1 licensee to maintain general liability insurance in an amount
2 that the Department determines is reasonably affordable and
3 available for the purpose of protecting the licensee against
4 damages resulting from a cause of action related to activities
5 undertaken pursuant to the license held by the licensee.

6 (i) The Department of Financial and Professional
7 Regulation and the Department of Agriculture shall develop and
8 maintain a system for tracking the transfer of psilocybin
9 products between premises for which licenses have been issued
10 under this Act. The purposes of the system include, but are not
11 limited to, the following:

12 (1) preventing the diversion of psilocybin products to
13 other states;

14 (2) preventing persons from substituting or tampering
15 with psilocybin products;

16 (3) ensuring an accurate accounting of the production,
17 processing, and sale of psilocybin products;

18 (4) ensuring that laboratory testing results are
19 accurately reported; and

20 (5) ensuring compliance with this Act, rules adopted
21 under this Act, and any other law of this State that
22 charges the Department with a duty, function, or power
23 related to psilocybin.

24 (j) The system developed under subsection (i) must be
25 capable of tracking, at a minimum, the following:

26 (1) the manufacturing of psilocybin products;

1 (2) the sale of psilocybin products by a service
2 center operator to a client;

3 (3) the sale and purchase of psilocybin products
4 between licensees, as permitted by this Act;

5 (4) the transfer of psilocybin products between
6 premises for which licenses have been issued under this
7 Act; and

8 (5) any other information that the Department
9 determines is reasonably necessary to accomplish the
10 duties, functions, and powers of the Department under this
11 Act.

12 (k) Except as otherwise provided by law, the Department of
13 Financial and Professional Regulation and the Department of
14 Agriculture have any power, and may perform any function,
15 necessary for the Departments to prevent the diversion of
16 psilocybin products from licensees to a source that is not
17 operating legally under the laws of this State.

18 (1) In addition to any other disciplinary action available
19 to the Department of Financial and Professional Regulation and
20 the Department of Agriculture under this Act, either
21 Department may immediately restrict, suspend, or refuse to
22 renew a license issued under this Act if circumstances create
23 probable cause for the Department to conclude that a licensee
24 has purchased or received a psilocybin product from an
25 unlicensed source or that a licensee has sold, stored, or
26 transferred a psilocybin product in a manner that is not

1 permitted by the licensee's license.

2 (m) The Department of Financial and Professional
3 Regulation or the Department of Agriculture may require a
4 licensee or applicant for a license under this Act to submit,
5 in a form and manner prescribed by the Department, to the
6 Department a sworn statement showing the following:

7 (1) The name and address of each person who has a
8 financial interest in the business operating or to be
9 operated under the license.

10 (2) The nature and extent of the financial interest of
11 each person who has a financial interest in the business
12 operating or to be operated under the license.

13 (3) The Department of Financial and Professional
14 Regulation or the Department of Agriculture may refuse to
15 issue, or may suspend, revoke, or refuse to renew, a
16 license issued under this Act if the Department determines
17 that a person who has a financial interest in the business
18 operating or to be operated under the license committed or
19 failed to commit an act that would constitute grounds for
20 the Department to refuse to issue, or to suspend, revoke,
21 or refuse to renew, the license if the person is the
22 licensee or applicant for the license.

23 (n) Notwithstanding the lapse, suspension, or revocation
24 of a license issued under this Act, the Department of
25 Financial and Professional Regulation and the Department of
26 Agriculture may perform the following:

1 (1) proceed with any investigation of, or any action
2 or disciplinary proceeding against, the person who held
3 the license;

4 (2) revise or render void an order suspending or
5 revoking the license; and

6 (3) in cases involving the proposed denial of a
7 license applied for under this Act, the applicant for
8 licensure may not withdraw the applicant's application.

9 (o) Notwithstanding the lapse, suspension, or revocation
10 of a permit issued under Section 180, the Department of
11 Financial and Professional Regulation and the Department of
12 Agriculture may perform the following:

13 (1) proceed with any investigation of, or any action
14 or disciplinary proceeding against, the person who held
15 the permit;

16 (2) revise or render void an order suspending or
17 revoking the permit; and

18 (3) in cases involving the proposed denial of a permit
19 applied for under Section 180, the applicant may not
20 withdraw the applicant's application.

21 (p) The Department of Financial and Professional
22 Regulation and the Department of Agriculture may, by rule or
23 order, provide for the manner and conditions under which the
24 following occur:

25 (1) psilocybin products left by a deceased, insolvent,
26 or bankrupt person or licensee, or subject to a security

1 interest, may be foreclosed, sold under execution, or
2 otherwise disposed of;

3 (2) the business of a deceased, insolvent, or bankrupt
4 licensee may be operated for a reasonable period following
5 the death, insolvency, or bankruptcy; and

6 (3) a secured party may continue to operate at the
7 premises for which a license has been issued under this
8 Act for a reasonable period after default on the
9 indebtedness by the debtor.

10 Section 160. Conduct of licensees; prohibitions.

11 (a) A psilocybin product manufacturer that holds a license
12 under Section 80 may not manufacture psilocybin products
13 outdoors.

14 (b) A psilocybin product manufacturer that holds a license
15 under Section 80 may deliver psilocybin products only to or on
16 premises for which a license has been issued under Section 80
17 or Section 95 and may receive psilocybin products only from a
18 psilocybin product manufacturer that holds a license under
19 Section 80.

20 (c) A service center operator that holds a license under
21 Section 95 may deliver psilocybin products only to or on
22 premises for which a license has been issued under Section 95
23 and may receive psilocybin products only from a psilocybin
24 product manufacturer that holds a license under Section 80 or
25 a service center operator that holds a license under Section

1 95.

2 (d) The sale and administration of psilocybin products to
3 a client by a service center operator that holds a license
4 issued under Section 95 must be restricted to the premises for
5 which the license has been issued.

6 (e) The Department of Financial and Professional
7 Regulation or the Department of Agriculture may by order waive
8 the requirements of subsections (b) and (c) to ensure
9 compliance with this Act or a rule adopted under this Act. An
10 order issued under this subsection does not constitute a
11 waiver of any other requirement of this Act or any other rule
12 adopted under this Act.

13 (f) A licensee or licensee representative may not sell or
14 deliver a psilocybin product to a person under 21 years of age.

15 (g) Subject to subsection (h), a licensee or licensee
16 representative, before selling or providing a psilocybin
17 product to another person, must require the person to produce
18 one of the following pieces of identification:

19 (1) The person's passport.

20 (2) The person's driver's license, issued by the State
21 or another state of the United States.

22 (3) An identification card issued by the State.

23 (4) A United States military identification card.

24 (5) An identification card issued by a federally
25 recognized Indian tribe.

26 (6) Any other identification card issued by a state or

1 territory of the United States that bears a picture of the
2 person, the name of the person, the person's date of
3 birth, and a physical description of the person.

4 (h) The Department may adopt rules exempting a licensee or
5 licensee representative from the provisions of subsection (g).

6 (i) A client may not be required to procure for the purpose
7 of acquiring or purchasing a psilocybin product a piece of
8 identification other than a piece of identification described
9 in subsection (g).

10 (j) A service center operator, a facilitator, or any
11 employee of a service center operator or facilitator may not
12 disclose any information that may be used to identify a client
13 or any communication made by a client during the course of
14 providing psilocybin services or selling psilocybin products
15 to the client, except for the following:

16 (1) When the client or a person authorized to act on
17 behalf of the client gives consent to the disclosure.

18 (2) When the client initiates legal action or makes a
19 complaint against the service center operator, the
20 facilitator, or the employee.

21 (3) When the communication reveals the intent to
22 commit a crime harmful to the client or others.

23 (4) When the communication reveals that a minor may
24 have been a victim of a crime or physical, sexual, or
25 emotional abuse or neglect.

26 (5) When responding to an inquiry by the Department

1 made during the course of an investigation into the
2 conduct of the service center operator, the facilitator,
3 or the employee under this Act.

4 (k) A client may only purchase a psilocybin product at a
5 service center and may only consume such product during an
6 administration session on the premises of a service center.

7 (l) A licensee may not employ a person under 21 years of
8 age at premises for which a license has been issued under this
9 Act.

10 (m) During an inspection of premises for which a license
11 has been issued under this Act, the Department of Financial
12 and Professional Regulation or the Department of Agriculture
13 may require proof that a person performing work at the
14 premises is 21 years of age or older. If the person does not
15 provide the Department with acceptable proof of age upon
16 request, the Department may require the person to immediately
17 cease any activity and leave the premises until the Department
18 receives acceptable proof of age. This subsection does not
19 apply to a person temporarily at the premises to make a
20 service, maintenance, or repair call or for other purposes
21 independent of the premises operations.

22 (n) If a person performing work has not provided proof of
23 age requested by the Department of Financial and Professional
24 Regulation or the Department of Agriculture under subsection
25 (m), the Department may request that the licensee provide
26 proof that the person is 21 years of age or older. Failure of

1 the licensee to respond to a request made under this
2 subsection by providing acceptable proof of age for a person
3 is prima facie evidence that the licensee has allowed the
4 person to perform work at the premises for which a license has
5 been issued under this Act in violation of the minimum age
6 requirement.

7 (o) A licensee may not use or allow the use of a mark or
8 label on the container of a psilocybin product that is kept for
9 sale if the mark or label does not precisely and clearly
10 indicate the nature of the container's contents or if the mark
11 or label in any way might deceive a person about the nature,
12 composition, quantity, age, or quality of the container's
13 contents.

14 (p) The Department of Financial and Professional
15 Regulation or the Department of Agriculture may prohibit a
16 licensee from selling any psilocybin product that, in the
17 Department's judgment, is deceptively labeled or contains
18 injurious or adulterated ingredients.

19 Section 165. Psilocybin product prohibitions.

20 (a) A psilocybin product may not be sold or offered for
21 sale within this State unless the psilocybin product complies
22 with the minimum standards under the laws of this State.

23 (b) The Department of Financial and Professional
24 Regulation or the Department of Agriculture may prohibit the
25 sale of a psilocybin product by a service center operator for a

1 reasonable period of time, not exceeding 90 days, for the
2 purpose of determining whether the psilocybin product complies
3 with the minimum standards prescribed by the laws of this
4 State.

5 (c) A person may not make false representations or
6 statements to the Department of Financial and Professional
7 Regulation or the Department of Agriculture in order to induce
8 or prevent action by the Department.

9 (d) A licensee may not maintain a noisy, lewd, unsafe, or
10 unsanitary establishment or supply impure or otherwise
11 deleterious psilocybin products.

12 (e) A licensee may not misrepresent to a person or to the
13 public any psilocybin products.

14 Section 170. Purpose of licenses issued under this Act. A
15 license issued under this Act serves the purpose of exempting
16 the person who holds the license from the criminal laws of this
17 State for possession, delivery, or manufacture of psilocybin
18 products if the person complies with all State laws and rules
19 applicable to the licensee.

20 Section 171. Investigations.

21 (a) Manufacturers, service centers, and laboratories that
22 conduct testing of psilocybin products are subject to random
23 and unannounced dispensary inspections and psilocybin testing
24 by the Department of Financial and Professional Regulation,

1 the Department of Agriculture, the Illinois State Police,
2 local law enforcement, or as provided by rule.

3 (b) The Department of Financial and Professional
4 Regulation, the Department of Agriculture, and their
5 authorized representatives may enter any place, including a
6 vehicle, in which psilocybin is held, stored, dispensed, sold,
7 produced, delivered, transported, manufactured, or disposed of
8 and inspect, in a reasonable manner, the place and all
9 pertinent equipment, containers and labeling, and all things
10 including records, files, financial data, sales data, shipping
11 data, pricing data, personnel data, research, papers,
12 processes, controls, and facility, and inventory any stock of
13 psilocybin and obtain samples of any psilocybin or
14 psilocybin-infused product, any labels or containers for
15 psilocybin, or paraphernalia.

16 (c) The Department of Financial and Professional
17 Regulation or the Department of Agriculture may conduct an
18 investigation of an applicant, application, service center,
19 manufacturer, manufacturer agent, licensed laboratory that
20 conducts testing of a psilocybin product, principal officer,
21 facilitator, service center agent, third party vendor, or any
22 other party associated with a service center, facilitator,
23 manufacturer, or laboratory that conducts testing of
24 psilocybin for an alleged violation of this Act or rules or to
25 determine qualifications to be granted a registration by the
26 Department of Financial and Professional Regulation or the

1 Department of Agriculture.

2 (d) The Department of Financial and Professional
3 Regulation or the Department of Agriculture may require an
4 applicant or holder of any license issued pursuant to this
5 Article to produce documents, records, or any other material
6 pertinent to the investigation of an application or alleged
7 violations of this Act or rules. Failure to provide the
8 required material may be grounds for denial or discipline.

9 (e) Every person charged with preparation, obtaining, or
10 keeping records, logs, reports, or other documents in
11 connection with this Act and rules and every person in charge,
12 or having custody, of those documents shall, upon request by
13 the Department of Financial and Professional Regulation or the
14 Department of Agriculture, make the documents immediately
15 available for inspection and copying by either Department,
16 either Department's authorized representative, or others
17 authorized by law to review the documents.

18 Section 172. Citations. The Department of Financial and
19 Professional Regulation or the Department of Agriculture may
20 issue nondisciplinary citations for minor violations. Any such
21 citation issued by the Department of Financial and
22 Professional Regulation or the Department of Agriculture may
23 be accompanied by a fee. The fee shall not exceed \$20,000 per
24 violation. The citation shall be issued to the licensee and
25 shall contain the licensee's name and address, the licensee's

1 license number, a brief factual statement, the Sections of the
2 law allegedly violated, and the fee, if any, imposed. The
3 citation must clearly state that the licensee may choose, in
4 lieu of accepting the citation, to request a hearing. If the
5 licensee does not dispute the matter in the citation with the
6 Department of Financial and Professional Regulation or the
7 Department of Agriculture within 30 days after the citation is
8 served, then the citation shall become final and not subject
9 to appeal. The penalty shall be a fee or other conditions as
10 established by rule.

11 Section 173. Grounds for discipline.

12 (a) The Department of Financial and Professional
13 Regulation or the Department of Agriculture may deny issuance,
14 refuse to renew or restore, or may reprimand, place on
15 probation, suspend, revoke, or take other disciplinary or
16 nondisciplinary action against any license or may impose a
17 fine for any of the following:

18 (1) material misstatement in furnishing information to
19 the Department;

20 (2) violations of this Act or rules;

21 (3) obtaining an authorization or license by fraud or
22 misrepresentation;

23 (4) a pattern of conduct that demonstrates
24 incompetence or that the applicant has engaged in conduct
25 or actions that would constitute grounds for discipline

1 under this Act;

2 (5) aiding or assisting another person in violating
3 any provision of this Act or rules;

4 (6) failing to respond to a written request for
5 information by the Department within 30 days;

6 (7) engaging in unprofessional, dishonorable, or
7 unethical conduct of a character likely to deceive,
8 defraud, or harm the public;

9 (8) adverse action by another United States
10 jurisdiction or foreign nation;

11 (9) a finding by the Department that the licensee,
12 after having his or her license placed on suspended or
13 probationary status, has violated the terms of the
14 suspension or probation;

15 (10) conviction, entry of a plea of guilty, nolo
16 contendere, or the equivalent in a State or federal court
17 of a principal officer or agent-in-charge of a felony
18 offense in accordance with Sections 2105-131, 2105-135,
19 and 2105-205 of the Department of Professional Regulation
20 Law of the Civil Administrative Code of Illinois;

21 (11) excessive use of or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or
23 drug;

24 (12) a finding by the Department of a discrepancy in a
25 Department audit of psilocybin;

26 (13) a finding by the Department of a discrepancy in a

1 Department audit of capital or funds;

2 (14) a finding by the Department of acceptance of
3 psilocybin from a source other than a manufacturer
4 licensed by the Department of Agriculture, or a service
5 center licensed by the Department;

6 (15) an inability to operate using reasonable
7 judgment, skill, or safety due to physical or mental
8 illness or other impairment or disability, including,
9 without limitation, deterioration through the aging
10 process or loss of motor skills or mental incompetence;

11 (16) failing to report to the Department within the
12 time frames established, or if not identified, no later
13 than 14 days after an adverse action, of any adverse
14 action taken against the dispensing organization or an
15 agent by a licensing jurisdiction in any state or any
16 territory of the United States or any foreign
17 jurisdiction, any governmental agency, any law enforcement
18 agency or any court defined in this Section;

19 (17) any violation of the dispensing organization's
20 policies and procedures submitted to the Department
21 annually as a condition for licensure;

22 (18) failure to inform the Department of any change of
23 address no later than 10 business days after the change of
24 address occurs;

25 (19) disclosing customer names, personal information,
26 or protected health information in violation of any State

1 or federal law;

2 (20) operating a service center or manufacturing
3 psilocybin before obtaining a license from the appropriate
4 Department;

5 (21) performing duties authorized by this Act before
6 receiving a license to perform such duties;

7 (22) dispensing psilocybin when prohibited by this Act
8 or rules;

9 (23) any fact or condition that, if it had existed at
10 the time of the original application for the license,
11 would have warranted the denial of the license;

12 (24) permitting a person without a valid license to
13 perform licensed activities under this Act;

14 (25) failure to assign an agent-in-charge as required
15 by this Article;

16 (26) failure to provide any training required by the
17 Department within the provided timeframe;

18 (27) personnel insufficient in number or unqualified
19 in training or experience to properly operate the service
20 center or manufacturer;

21 (28) any pattern of activity that causes a harmful
22 impact on the community; and

23 (29) failing to prevent diversion, theft, or loss of
24 psilocybin.

25 (b) All fines and fees imposed under this Section shall be
26 paid no later than 60 days after the effective date of the

1 order imposing the fine or as otherwise specified in the
2 order.

3 (c) A circuit court order establishing that facilitator,
4 service center operator, or principal officer of a service
5 center, manufacturer, or laboratory conducting psilocybin
6 testing is subject to involuntary admission as that term is
7 defined in Section 1-119 or 1-119.1 of the Mental Health and
8 Developmental Disabilities Code shall operate as a suspension
9 of that license.

10 Section 174. Temporary suspension, service center and
11 facilitators.

12 (a) The Secretary of Financial and Professional Regulation
13 may temporarily suspend a service center or facilitator
14 license without a hearing if the Secretary finds that a
15 licensee has violated Section 206 public safety or welfare
16 requires emergency action. The Secretary shall cause the
17 temporary suspension by issuing a suspension notice in
18 connection with the institution of proceedings for a hearing.

19 (b) If the Secretary temporarily suspends a license
20 without a hearing, the licensee or its agent is entitled to a
21 hearing within 45 days after the suspension notice has been
22 issued. The hearing shall be limited to the issues cited in the
23 suspension notice, unless all parties agree otherwise.

24 (c) If the Department does not hold a hearing within 45
25 days after the date the suspension notice was issued, then the

1 suspended license shall be automatically reinstated and the
2 suspension vacated.

3 (d) The suspended licensee or its agent may seek a
4 continuance of the hearing date, during which time the
5 suspension remains in effect and the license shall not be
6 automatically reinstated.

7 (e) Subsequently discovered causes of action by the
8 Department after the issuance of the suspension notice may be
9 filed as a separate notice of violation. The Department is not
10 precluded from filing a separate action against the suspended
11 licensee or its agent.

12 (f) If the Department of Financial and Professional
13 Regulation determines a licensee has violated Section 206, the
14 Secretary of Financial and Professional Regulation shall
15 suspend the licensee for a period of no less than 6 months and
16 may enact whatever additional penalties the Secretary of
17 Financial and Professional Regulation may deem necessary and
18 appropriate in accordance with the provisions of this Act or
19 adopted rules.

20 Section 175. Temporary suspension; manufacturer or
21 laboratory.

22 (a) The Director of Agriculture may temporarily suspend a
23 manufacturing or laboratory testing license without a hearing
24 if the Secretary finds that public safety or welfare requires
25 emergency action. The Secretary shall cause the temporary

1 suspension by issuing a suspension notice in connection with
2 the institution of proceedings for a hearing.

3 (b) If the Secretary temporarily suspends a license
4 without a hearing, the licensee or its agent is entitled to a
5 hearing within 45 days after the suspension notice has been
6 issued. The hearing shall be limited to the issues cited in the
7 suspension notice, unless all parties agree otherwise.

8 (c) If the Department does not hold a hearing within 45
9 days after the date the suspension notice was issued, then the
10 suspended license shall be automatically reinstated and the
11 suspension vacated.

12 (d) The suspended licensee or its agent may seek a
13 continuance of the hearing date, during which time the
14 suspension remains in effect and the license shall not be
15 automatically reinstated.

16 (e) Subsequently discovered causes of action by the
17 Department after the issuance of the suspension notice may be
18 filed as a separate notice of violation. The Department is not
19 precluded from filing a separate action against the suspended
20 licensee or agent.

21 Section 176. Unlicensed practice; violation; civil
22 penalty.

23 (a) In addition to any other penalty provided by law, any
24 person who practices, offers to practice, attempts to
25 practice, or holds oneself out to practice as a licensed

1 service center, facilitator, manufacturer, or laboratory
2 licensed to test psilocybin without being licensed under this
3 Act shall, in addition to any other penalty provided by law,
4 pay a civil penalty to the appropriate Department authorized
5 to issue such license in an amount not to exceed \$10,000 for
6 each offense as determined by that Department. The civil
7 penalty shall be assessed by the appropriate Department after
8 a hearing is held in accordance with the provisions set forth
9 in this Act regarding the provision of a hearing for the
10 discipline of a licensee.

11 (b) The Department of Financial and Professional
12 Regulation and the Department of Agriculture have the
13 authority and power to investigate any and all unlicensed
14 activity.

15 (c) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty or
17 in accordance with the order imposing the civil penalty. The
18 order shall constitute a judgment and may be filed and
19 execution had thereon in the same manner as any judgment from
20 any court of this State.

21 Section 177. Notice; hearing.

22 (a) The Department conducting the disciplinary action
23 shall, before disciplining an applicant or licensee, at least
24 30 days before the date set for the hearing: (i) notify the
25 accused in writing of the charges made and the time and place

1 for the hearing on the charges; (ii) direct him or her to file
2 a written answer to the charges under oath no later than 20
3 days after service; and (iii) inform the applicant or licensee
4 that failure to answer will result in a default being entered
5 against the applicant or licensee.

6 (b) At the time and place fixed in the notice, the hearing
7 officer appointed by the Secretary or Director of such
8 Department shall proceed to hear the charges, and the parties
9 or their counsel shall be accorded ample opportunity to
10 present any pertinent statements, testimony, evidence, and
11 arguments. The hearing officer may continue the hearing from
12 time to time. In case the person, after receiving the notice,
13 fails to file an answer, the person's license may, in the
14 discretion of the Secretary or Director, having first received
15 the recommendation of the hearing officer, be suspended,
16 revoked, or placed on probationary status, or be subject to
17 whatever disciplinary action the Secretary considers proper,
18 including a fine, without hearing, if that act or acts charged
19 constitute sufficient grounds for that action under this Act.

20 (c) The written notice and any notice in the subsequent
21 proceeding may be served by regular mail or email to the
22 licensee's or applicant's address of record.

23 Section 178. Subpoenas; oaths. The Department of Financial
24 and Professional Regulation and the Department of Agriculture
25 shall have the power to subpoena and bring before it any person

1 and to take testimony either orally or by deposition, or both,
2 with the same fees and mileage and in the same manner as
3 prescribed by law in judicial proceedings in civil cases in
4 courts in this State. The Secretary, Director, or the hearing
5 officer shall each have the power to administer oaths to
6 witnesses at any hearings that the Departments are authorized
7 to conduct.

8 Section 179. Hearing; motion for rehearing.

9 (a) The hearing officer shall hear evidence in support of
10 the formal charges and evidence produced by the licensee. At
11 the conclusion of the hearing, the hearing officer shall
12 present to the Secretary a written report of the hearing
13 officer's findings of fact, conclusions of law, and
14 recommendations.

15 (b) At the conclusion of the hearing, a copy of the hearing
16 officer's report shall be served upon the applicant or
17 licensee by the Department of Financial and Professional
18 Regulation or the Department of Agriculture, either personally
19 or as provided in this Act for the service of a notice of
20 hearing. No later than 20 calendar days after service, the
21 applicant or licensee may present to the applicable Department
22 a motion in writing for rehearing, which shall specify the
23 particular grounds for rehearing. The applicable Department
24 may respond to the motion for rehearing within 20 calendar
25 days after its service on such Department. If no motion for

1 rehearing is filed, then, upon the expiration of the time
2 specified for filing such motion or upon denial of a motion for
3 rehearing, the Secretary or Director may enter an order in
4 accordance with the recommendation of the hearing officer. If
5 the applicant or licensee orders from the reporting service
6 and pays for a transcript of the record within the time for
7 filing a motion for rehearing, the 20-day period within which
8 a motion may be filed shall commence upon the delivery of the
9 transcript to the applicant or licensee.

10 (c) If the Secretary or Director disagrees in any regard
11 with the report of the hearing officer, the Secretary or
12 Director may issue an order contrary to the report.

13 (d) Whenever the Secretary or Director is not satisfied
14 that substantial justice has been done, the Secretary or
15 Director may order a rehearing by the same or another hearing
16 officer.

17 (e) At any point in any investigation or disciplinary
18 proceeding under this Act, both parties may agree to a
19 negotiated consent order. The consent order shall be final
20 upon signature of the Secretary or Director, as applicable.

21 Section 180. Issuing and renewing permits; fees; rules.

22 (a) The Department shall issue permits to qualified
23 applicants to perform work described in this Act. The
24 Department shall adopt rules establishing the following:

- 25 (1) The qualifications for performing work.

1 (2) The term of a permit issued under this Section.

2 (3) Procedures for applying for and renewing a permit
3 issued under this Section.

4 (4) Reasonable application, issuance, and renewal fees
5 for a permit issued under this Section.

6 (b) The Department of Financial and Professional
7 Regulation or the Department of Agriculture may require an
8 individual applying for a permit under this Section to
9 successfully complete a course, made available by or through
10 that Department, through which the individual receives
11 training on the following:

12 (1) checking identification;

13 (2) detecting intoxication;

14 (3) handling psilocybin products;

15 (4) if applicable, the manufacturing of psilocybin
16 products;

17 (5) the content of this Act and rules adopted under
18 this Act; and

19 (6) any matter deemed necessary by the Department to
20 protect the public health and safety.

21 (c) A Department or other provider of a course may charge a
22 reasonable fee for the course described under subsection (b).

23 (d) The Department of Financial and Professional
24 Regulation or the Department of Agriculture may not require an
25 individual to successfully complete a course described under
26 subsection (b) more than once, except for the following:

1 (1) As part of a final order suspending a permit
2 issued under this Section, the Department may require a
3 permit holder to successfully complete the course as a
4 condition of lifting the suspension.

5 (2) As part of a final order revoking a permit issued
6 under this Section, the Department shall require an
7 individual to successfully complete the course before
8 applying for a new permit.

9 (e) The Department shall conduct a criminal records check
10 on an individual applying for a permit under this Section.

11 (f) Subject to applicable provisions of State law, the
12 Department of Financial and Professional Regulation or the
13 Department of Agriculture may suspend, revoke, or refuse to
14 issue or renew a permit if the individual who is applying for
15 or who holds the permit meets any of the following:

16 (1) Is convicted of a felony, or is convicted of an
17 offense under this Act, except that the Department may not
18 consider a conviction for an offense under this Act if the
19 date of the conviction is 2 or more years before the date
20 of the application or renewal.

21 (2) Violates any provision of this Act or any rule
22 adopted under this Act.

23 (3) Makes a false statement to the Department.

24 (g) A permit issued under this Section is a personal
25 privilege and permits work described under Section 175 only
26 for the individual who holds the permit.

1 Section 185. Authority to require fingerprints. The
2 Department of Agriculture or the Department of Financial and
3 Professional Regulation, through the Illinois State Police,
4 may require the fingerprints of any individual listed on an
5 application submitted under Section 180 for purposes of
6 conducting a background check. The Department of Agriculture
7 or the Department of Financial Professional Regulation may
8 require fingerprints to be submitted for a background check
9 before or after the submission of an application. The Illinois
10 State Police shall charge a fee for conducting the criminal
11 history record check, which shall be deposited into the State
12 Police Services Fund and shall not exceed the actual cost of
13 the record check. In order to carry out this provision, an
14 individual listed on an application submitted under Section
15 180 may be required to submit a full set of fingerprints to the
16 Illinois State Police for the purpose of obtaining a State and
17 federal criminal records check. These fingerprints shall be
18 checked against the fingerprint records now and hereafter, to
19 the extent allowed by law, filed in the Illinois State Police
20 and Federal Bureau of Investigation criminal history records
21 databases. The Illinois State Police shall furnish, following
22 positive identification, all Illinois conviction information
23 to the Department of Agriculture or the Department of
24 Financial and Professional Regulation.

1 Section 190. Psilocybin Control and Regulation Fund. The
2 Psilocybin Control and Regulation Fund is established as a
3 special fund in the State treasury. Moneys may be deposited
4 into the Fund or used in accordance with this Act. Interest
5 earned by the Psilocybin Control and Regulation Fund shall be
6 credited to the Fund.

7 Section 195. Prohibited conduct.

8 (a) Except as authorized by rule, or as necessary in an
9 emergency, a person under 21 years of age may not enter or
10 attempt to enter any portion of premises posted or otherwise
11 identified as being prohibited to the use of persons under 21
12 years of age.

13 (b) A person who violates subsection (a) commits a Class B
14 misdemeanor.

15 (c) The prohibitions of this Section do not apply to a
16 person under 21 years of age who is acting under the direction
17 of the Department of Financial and Professional Regulation or
18 the Department of Agriculture or under the direction of a
19 State or local law enforcement agency for the purpose of
20 investigating the possible violation of a law prohibiting the
21 sale of a psilocybin product to a person who is under 18 years
22 of age.

23 (d) The prohibitions of this Section do not apply to a
24 person under 21 years of age who is acting under the direction
25 of a licensee for the purpose of investigating possible

1 violations by employees of the licensee of laws prohibiting
2 sales of psilocybin products to persons who are under 18 years
3 of age.

4 (e) A person under 21 years of age is not in violation of,
5 and is immune from prosecution under, this Section if either
6 of the following occurred:

7 (1) The person contacted emergency medical services or
8 a law enforcement agency in order to obtain medical
9 assistance for another person who was in need of medical
10 assistance because that person consumed a psilocybin
11 product and the evidence of the violation was obtained as
12 a result of the person having contacted emergency medical
13 services or a law enforcement agency.

14 (2) The person was in need of medical assistance
15 because the person consumed a psilocybin product and the
16 evidence of the violation was obtained as a result of the
17 person having sought or obtained the medical assistance.

18 (f) Subsection (e) does not exclude the use of evidence
19 obtained as a result of a person having sought medical
20 assistance in proceedings for crimes or offenses other than a
21 violation of this Section.

22 Section 200. Prohibition against giving psilocybin
23 products to a person who is visibly intoxicated; penalty.

24 (a) A person may not sell, give, or otherwise make
25 available a psilocybin product to a person who is visibly

1 intoxicated.

2 (b) Violation of this Section is a Class A misdemeanor.

3 Section 205. Prohibition against giving psilocybin product
4 as prize; penalty.

5 (a) A psilocybin product may not be given as a prize,
6 premium, or consideration for a lottery, contest, game of
7 chance, game of skill, or competition of any kind.

8 (b) Violation of this Section is a Class A misdemeanor.

9 Section 206. Prohibition against giving psilocybin
10 products to a person for off-site consumption.

11 (a) A person may not sell, give, or otherwise make
12 available a psilocybin product to a person to be consumed
13 outside of the premises of a service center or otherwise
14 outside of an administration session.

15 (b) Violation of this Section will result in the loss of
16 license of a facilitator or service center operator as well as
17 any applicable criminal penalties for tax fraud or tax
18 evasion.

19 Section 210. Civil enforcement. In addition to any other
20 liability or penalty provided by law, the Department of
21 Financial and Professional Regulation or the Department of
22 Agriculture may impose for each violation of a provision of
23 this Act or a rule adopted under this Act a civil penalty that

1 does not exceed \$5,000 for each violation. Moneys collected
2 under this Section shall be deposited into the Psilocybin
3 Control and Regulation Fund.

4 Section 215. Criminal enforcement.

5 (a) The law enforcement officers of this State may enforce
6 this Act and assist the Department of Financial and
7 Professional Regulation or the Department of Agriculture in
8 detecting violations of this Act and apprehending offenders. A
9 law enforcement officer who has notice, knowledge, or
10 reasonable grounds for suspicion of a violation of this Act
11 shall immediately notify the State's Attorney who has
12 jurisdiction over the violation and furnish the State's
13 Attorney who has jurisdiction over the violation with the name
14 and address of any witnesses to the violation or other
15 information related to the violation.

16 (b) A county court, State's Attorney, or municipal
17 authority, immediately upon the conviction of a licensee of a
18 violation of this Act or of a violation of any other law of
19 this State or ordinance of a city or county located in this
20 State, an element of which is the possession, delivery, or
21 manufacture of a psilocybin product, shall notify the
22 Department of the conviction.

23 (c) Violation of a rule adopted under Section 35 is a Class
24 C misdemeanor, if expressly designated in the rule as such.

1 Section 220. Home rule; licensure. The authority to
2 require a license for the manufacturing or sale of psilocybin
3 products in this State or for the provision of psilocybin
4 services in this State is an exclusive power and function of
5 the State. A home rule unit may not license the manufacture,
6 sale, or provision of psilocybin products. This Section is a
7 denial and limitation of home rule powers and functions under
8 subsection (h) of Section 6 of Article VII of the Illinois
9 Constitution. However, nothing in this Section shall be
10 construed as to restrict, deny, or otherwise limit a home rule
11 unit from adopting ordinances or other rules or regulations on
12 location siting or permissible signage and advertising used by
13 those licensed under this Act.

14 Section 225. Local tax or fee prohibited.

15 (a) The authority to impose a tax or fee on the
16 manufacturing, sale, or provision of psilocybin products in
17 this State or on the provision of psilocybin services in this
18 State is an exclusive power and function of the State. A home
19 rule unit may not impose a tax or fee on the manufacture, sale,
20 or provision of psilocybin products. This Section is a denial
21 and limitation of home rule powers and functions under
22 subsection (g) of Section 6 of Article VII of the Illinois
23 Constitution.

24 (b) A county, municipality, or unit of local government
25 may not adopt or enact ordinances imposing a tax or fee on the

1 manufacturing or sale of psilocybin products in this State or
2 on the provision of psilocybin services in this State.

3 Section 230. Prohibition against refusing to perform
4 certain duties.

5 (a) The Department of Public Health, the Department of
6 Agriculture, the Department of Financial and Professional
7 Regulation, the Illinois State Police, and the Department of
8 Revenue may not refuse to perform any duty under this Act on
9 the basis that manufacturing, distributing, dispensing,
10 possessing, or using psilocybin products is prohibited by
11 federal law.

12 (b) The Department of Financial and Professional
13 Regulation or the Department of Agriculture may not revoke,
14 refuse to issue, or renew a license or permit under this Act on
15 the basis that manufacturing, distributing, dispensing,
16 possessing, or using psilocybin products is prohibited by
17 federal law.

18 Section 235. Authority to purchase, possess, seize, or
19 dispose of psilocybin products. Subject to any applicable
20 provision of State law, any State officer, board, commission,
21 corporation, institution, department, or other State body, and
22 any local officer, board, commission, institution, department,
23 or other local government body, that is authorized by the laws
24 of this State to perform a duty, function, or power with

1 respect to a psilocybin product may purchase, possess, seize,
2 or dispose of the psilocybin product as the State officer,
3 board, commission, corporation, institution, department, or
4 other State body or the local officer, board, commission,
5 institution, department, or other local government body
6 considers necessary to ensure compliance with and enforce the
7 applicable State law or any rule adopted under the applicable
8 State law.

9 Section 240. Suspension of a license or permit without
10 notice. In the case of an invasion, disaster, insurrection,
11 riot, or imminent danger of invasion, disaster, insurrection,
12 or riot, the Governor may, for the duration of the invasion,
13 disaster, insurrection, riot, or imminent danger, immediately
14 and without notice, suspend, in the area involved, any license
15 or permit issued under this Act.

16 Section 245. Psilocybin-producing fungi as a crop.

17 (a) In this Section, "psilocybin-producing fungi" means:

18 (1) a crop for the purposes of agricultural use;

19 (2) a crop for purposes of a farm or agricultural
20 practice;

21 (3) a product of farm use; and

22 (4) the product of an agricultural activity.

23 (b) Notwithstanding the provisions of any law to the
24 contrary, the following are not permitted uses on land

1 designated for exclusive agriculture use:

2 (1) a new dwelling used in conjunction with a
3 psilocybin-producing fungi crop; and

4 (2) a produce stand used in conjunction with a
5 psilocybin-producing fungi crop.

6 (c) The operation of a service center may be carried on in
7 conjunction with a psilocybin-producing fungi crop.

8 (d) A county may allow the manufacture of psilocybin
9 products as an agricultural use on land zoned for agricultural
10 and rural land use in the same manner as the manufacture of
11 psilocybin products is allowed in exclusive agricultural use
12 zones under this Section or any other applicable State law.

13 (e) This Section applies to psilocybin product
14 manufacturers that hold a license under Section 80.

15 Section 250. Regulation of psilocybin products as food or
16 other commodity.

17 (a) Notwithstanding the authority granted to the
18 Department of Agriculture under the provisions of any law to
19 the contrary, the Department of Agriculture may not exercise
20 authority over a psilocybin product or a licensee except as
21 provided in this Act.

22 (b) In exercising its authority under this Act, the
23 Department of Agriculture may not:

24 (1) establish standards for psilocybin products as a
25 food additive; or

1 (2) consider psilocybin products to be an adulterant
2 unless the concentration of a psilocybin product exceeds
3 acceptable levels established by the Department by rule.

4 Section 255. Enforceability of contracts. A contract is
5 not unenforceable on the basis that manufacturing,
6 distributing, dispensing, possessing, or using psilocybin
7 products is prohibited by federal law.

8 Section 260. Department database for verification of
9 license. The Department of Financial and Professional
10 Regulation and the Department of Agriculture shall maintain an
11 online database for people to inquire if an address is the
12 location of a premises for which a license has been issued
13 under this Act or is the location of a premises for which an
14 application for licensure has been submitted under Section 50.

15 Section 265. Information related to licensure that is
16 exempt from disclosure.

17 (a) Subject to subsection (b), information is exempt from
18 public disclosure under the Freedom of Information Act if the
19 information is any of the following:

20 (1) Personally identifiable information.

21 (2) The address of premises for which a license has
22 been issued or for which an applicant has proposed
23 licensure under Section 80, 95, or 275.

1 (3) Related to the security plan or the operational
2 plan for premises for which a license has been issued or
3 for which an applicant has proposed licensure under
4 Section 80, 95, or 275.

5 (4) Related to any record that the Department of
6 Financial and Professional Regulation or the Department of
7 Agriculture determines contains proprietary information of
8 a licensee.

9 (b) The exemption from public disclosure as provided by
10 this Section does not apply to the following:

11 (1) the name of an individual listed on an application
12 if the individual is a direct owner of the business
13 operating or to be operated under the license; or

14 (2) a request for information if the request is made
15 by a law enforcement agency.

16 (c) For purposes of paragraph (1) of subsection (b), an
17 individual is not a direct owner of the business operating or
18 to be operated under the license if the individual is either of
19 the following:

20 (1) the direct owner of the business operating or to
21 be operated under the license is a legal entity; or

22 (2) merely a general partner, limited partner, member,
23 shareholder, or other direct or indirect owner of the
24 legal entity.

25 Section 270. Testing standards and processes; rules.

1 (a) As is necessary to protect the public health and
2 safety, the Department of Agriculture shall adopt rules that
3 achieve the following:

4 (1) Establish standards for testing psilocybin
5 products.

6 (2) Identify appropriate tests for psilocybin
7 products, depending on the type of psilocybin product and
8 the manner in which the psilocybin product was
9 manufactured, that are necessary to protect the public
10 health and safety, which may include, but are not limited
11 to, tests for the following:

12 (A) microbiological contaminants;

13 (B) pesticides;

14 (C) other contaminants;

15 (D) solvents or residual solvents;

16 (E) psilocybin concentration;

17 (F) psilocin concentration; and

18 (G) total tryptamine concentration.

19 (3) Establish procedures for determining batch sizes
20 and for sampling psilocybin products.

21 (4) Establish different minimum standards for
22 different varieties of psilocybin products.

23 (b) In addition to the testing requirements established
24 under subsection (a), the Department may require psilocybin
25 products to be tested in accordance with any applicable law of
26 this State, or any applicable rule adopted under a law of this

1 State, related to the production and processing of food
2 products or commodities.

3 (c) In adopting rules under this Act, the Department may
4 require a psilocybin product manufacturer that holds a license
5 under Section 80 to test psilocybin products before selling or
6 transferring the psilocybin products.

7 (d) The Department may conduct random testing of
8 psilocybin products for the purpose of determining whether a
9 licensee subject to testing under subsection (c) is in
10 compliance with this Section.

11 (e) In adopting rules to implement this Section, the
12 Department may not require a psilocybin product to undergo the
13 same test more than once unless the psilocybin product is
14 processed into a different type of psilocybin product or the
15 condition of the psilocybin product has fundamentally changed.

16 (f) The testing of psilocybin products as required by this
17 Section must be conducted by a laboratory licensed by the
18 Department under Section 275 and accredited by the Department
19 under Section 290.

20 (g) In adopting rules under subsection (a), the Department
21 shall consider the cost of a potential testing procedure and
22 how that cost will affect the cost to the ultimate client and
23 may not adopt rules that are more restrictive than is
24 reasonably necessary to protect the public health and safety.

25 Section 275. Laboratory licensure; qualifications; fees;

1 rules.

2 (a) A laboratory that conducts testing of psilocybin
3 products as required by Section 270 must have a license to
4 operate at the premises at which the psilocybin products are
5 tested.

6 (b) For purposes of this Section, the Department of
7 Agriculture shall adopt rules establishing the following:

8 (1) Qualifications to be licensed under this Section,
9 including that an applicant for licensure under this
10 Section must be accredited by the Department as described
11 in Section 290.

12 (2) Processes for applying for and renewing a license
13 under this Section.

14 (3) Fees for applying for, receiving, and renewing a
15 license under this Section.

16 (4) Procedures for the following:

17 (A) tracking psilocybin products to be tested;

18 (B) documenting and reporting test results; and

19 (C) disposing of samples of psilocybin products
20 that have been tested.

21 (c) A license issued under this Section must be renewed
22 annually.

23 (d) The Department may inspect premises licensed under
24 this Section to ensure compliance with Sections 270 through
25 310 and rules adopted under those Sections.

26 (e) Subject to applicable provisions of State law, the

1 Department may refuse to issue or renew, or may suspend or
2 revoke, a license issued under this Section for violation of a
3 provision of this Act or a rule adopted under a provision of
4 this Act.

5 (f) Fees adopted under paragraph (3) of subsection (b)
6 must be reasonably calculated to pay the expenses incurred by
7 the Department under this Act.

8 (g) Fees collected under this Section shall be deposited
9 into the Psilocybin Control and Regulation Fund and are
10 continuously appropriated to the Department for the purpose of
11 carrying out the duties, functions, and powers of the
12 Department under this Act.

13 Section 280. Authority to require fingerprints. The
14 Department of Agriculture, through the Illinois State Police,
15 may require the fingerprints of any individual listed on an
16 application submitted under Section 275 for purposes of
17 conducting a background check. The Department of Agriculture
18 may require fingerprints to be submitted for a background
19 check before or after the submission of an application. The
20 Illinois State Police shall charge a fee for conducting the
21 criminal history record check, which shall be deposited into
22 the State Police Services Fund and shall not exceed the actual
23 cost of the record check. In order to carry out this provision,
24 an individual listed on an application submitted under Section
25 275 may be required to submit a full set of fingerprints to the

1 Illinois State Police for the purpose of obtaining a State and
2 federal criminal records check. These fingerprints shall be
3 checked against the fingerprint records now and hereafter, to
4 the extent allowed by law, filed in the Illinois State Police
5 and Federal Bureau of Investigation criminal history records
6 databases. The Illinois State Police shall furnish, following
7 positive identification, all Illinois conviction information
8 to the Department of Agriculture. The powers conferred on the
9 Department under this Section include the power to require the
10 fingerprints of the following persons:

11 (1) If the applicant is a limited partnership, each
12 general partner of the limited partnership.

13 (2) If the applicant is a manager-managed limited
14 liability company, each manager of the limited liability
15 company.

16 (3) If the applicant is a member-managed limited
17 liability company, each voting member of the limited
18 liability company.

19 (4) If the applicant is a corporation, each director
20 and officer of the corporation.

21 (5) Any individual who holds a financial interest of
22 10% or more in the person applying for the license.

23 Section 285. Statement of applicant for laboratory
24 licensure. The Department of Agriculture may require a
25 licensee or applicant for a license under Section 275 to

1 submit, in a form and manner prescribed by the Department, to
2 the Department a sworn statement showing the following:

3 (1) The name and address of each person who has a
4 financial interest in the business operating or to be
5 operated under the license.

6 (2) The nature and extent of the financial interest of
7 each person who has a financial interest in the business
8 operating or to be operated under the license.

9 (3) The Department may refuse to issue, or may
10 suspend, revoke, or refuse to renew, a license issued
11 under Section 275 if the Department determines that a
12 person who has a financial interest in the business
13 operating or to be operated under the license committed or
14 failed to commit an act that would constitute grounds for
15 the Department to refuse to issue, or to suspend, revoke,
16 or refuse to renew, the license if the person were the
17 licensee or applicant for the license.

18 Section 290. Laboratory accreditation.

19 (a) A laboratory that conducts testing of a psilocybin
20 product as required by Section 275 must be accredited and meet
21 other qualifications as established by the Department of
22 Agriculture under this Section.

23 (b) In addition to other qualifications required pursuant
24 to applicable law, the Department shall require an applicant
25 for accreditation for purposes related to the testing of

1 psilocybin products to:

2 (1) complete an application;

3 (2) undergo an onsite inspection; and

4 (3) meet other applicable requirements,
5 specifications, and guidelines for testing psilocybin
6 products as determined to be appropriate by the Department
7 by rule.

8 (c) The Department may inspect premises licensed under
9 Section 275 to ensure compliance with Sections 270 through 310
10 and rules adopted under those Sections.

11 (d) Subject to applicable provisions of State law, the
12 Department may refuse to issue or renew, or may suspend or
13 revoke, a laboratory's accreditation granted under this
14 Section for violation of a provision of this Act or a rule
15 adopted under this Act.

16 (e) In establishing fees under this Section for
17 laboratories that test psilocybin products, the Department
18 shall establish fees that are reasonably calculated to pay the
19 expenses incurred by the Department under this Section in
20 accrediting laboratories that test psilocybin products.

21 Section 295. Authority to discipline licensees. Subject to
22 applicable provisions of State law, if an applicant or
23 licensee violates a provision of Sections 270 through 310 or a
24 rule adopted under those Sections, the Department of
25 Agriculture may refuse to issue or renew, or may suspend or

1 revoke, a license issued under Section 80, 95, 105, or 275.

2 Section 300. Authority of the Department of Agriculture
3 over certain persons; license actions.

4 (a) Notwithstanding the lapse, suspension, or revocation
5 of a license issued under Section 275, the Department of
6 Agriculture may do either of the following:

7 (1) Proceed with any investigation of, or any action
8 or disciplinary proceeding against, the person who held
9 the license.

10 (2) Revise or render void an order suspending or
11 revoking the license.

12 (b) In cases involving the proposed denial of a license
13 applied for under this Act, the applicant for licensure may
14 not withdraw the applicant's application.

15 Section 305. Civil penalty for certain violations.

16 (a) In addition to any other liability or penalty provided
17 by law, the Department of Agriculture may impose for each
18 violation of a provision of Sections 270 through 310 or a rule
19 adopted under those Sections a civil penalty that does not
20 exceed \$500 for each day that the violation occurs.

21 (b) The Department of Agriculture shall impose civil
22 penalties under this Section in the manner provided by
23 applicable Illinois law.

24 (c) Moneys collected under this Section shall be deposited

1 into the Psilocybin Control and Regulation Fund and are
2 continuously appropriated to the Department for the purpose of
3 carrying out the duties, functions, and powers of the
4 Department under this Act.

5 Section 310. Exemption from criminal liability. A person
6 who holds a license under Section 275, and an employee of or
7 other person who performs work for a person who holds a license
8 under Section 275, is exempt from the criminal laws of this
9 State for possession, delivery, or manufacture of psilocybin,
10 aiding and abetting another in the possession, delivery, or
11 manufacture of psilocybin, or any other criminal offense in
12 which possession, delivery, or manufacture of psilocybin is an
13 element, while performing activities related to testing as
14 described in Sections 270 through this Section.

15 Section 315. Labeling requirements; rules.

16 (a) As is necessary to protect the public health and
17 safety, the Department of Agriculture shall adopt rules
18 establishing standards for the labeling of psilocybin
19 products, including, but not limited to, the following:

20 (1) Ensuring that psilocybin products have labeling
21 that communicates the following:

22 (A) Health and safety warnings.

23 (B) If applicable, activation time.

24 (C) Potency.

1 (D) If applicable, serving size and the number of
2 servings included in a psilocybin product.

3 (E) Content of the psilocybin product.

4 (2) Labeling that is in accordance with applicable
5 State food labeling requirements for the same type of food
6 product or potable liquid when the food product or potable
7 liquid does not contain psilocybin.

8 (b) In adopting rules under this Act, the Department shall
9 require all psilocybin products sold or transferred by a
10 service center that holds a license issued under Section 95 to
11 be labeled in accordance with subsection (a) and rules adopted
12 under subsection (a).

13 (c) In adopting rules under subsection (a), the
14 Department:

15 (1) may establish different labeling standards for
16 different varieties and types of psilocybin products;

17 (2) shall consider the cost of a potential requirement
18 and how that cost will affect the cost to the ultimate
19 client; and

20 (3) may not adopt rules that are more restrictive than
21 is reasonably necessary to protect the public health and
22 safety.

23 Section 320. Preapproval of labels.

24 (a) The Department of Agriculture may by rule require a
25 licensee to submit a label intended for use on a psilocybin

1 product for preapproval by the Department before the licensee
2 may sell or transfer a psilocybin product bearing the label.
3 The Department shall determine whether a label submitted under
4 this Section complies with Section 315 and any rule adopted
5 under Section 315.

6 (b) The Department of Agriculture may impose a fee for
7 submitting a label for preapproval under this Section that is
8 reasonably calculated to not exceed the cost of administering
9 this Section.

10 Section 325. Packaging requirements; rules.

11 (a) As is necessary to protect the public health and
12 safety, the Department of Agriculture shall adopt rules
13 establishing standards for the packaging of psilocybin
14 products, including, but not limited to, ensuring that
15 psilocybin products are not marketed in a manner that is
16 either untruthful or misleading, or otherwise creates a
17 significant risk of harm to public health and safety.

18 (b) In adopting rules under this Act, the Department shall
19 require all psilocybin products sold or transferred by a
20 service center that holds a license issued under Section 95 to
21 be packaged in accordance with subsection (a) and rules
22 adopted under subsection (a).

23 (c) In adopting rules under subsection (a), the
24 Department:

25 (1) may establish different packaging standards for

1 different varieties and types of psilocybin products;

2 (2) may consider the effect on the environment of
3 requiring certain packaging;

4 (3) shall consider the cost of a potential requirement
5 and how that cost will affect the cost to the ultimate
6 client; and

7 (4) may not adopt rules that are more restrictive than
8 is reasonably necessary to protect the public health and
9 safety.

10 Section 330. Preapproval of packaging.

11 (a) The Department of Agriculture may by rule require a
12 licensee to submit packaging intended for a psilocybin product
13 for preapproval by the Department before the licensee may sell
14 or transfer a psilocybin product packaged in the packaging.
15 The Department shall determine whether packaging submitted
16 under this Section complies with Section 325 and any rule
17 adopted under Section 325.

18 (b) The Department of Agriculture may impose a fee for
19 submitting packaging for preapproval under this Section that
20 is reasonably calculated to not exceed the cost of
21 administering this Section.

22 Section 335. Dosage requirements; rules.

23 (a) The Department of Agriculture shall adopt rules
24 establishing the following:

1 (1) The maximum concentration of psilocybin that is
2 permitted in a single serving of a psilocybin product.

3 (2) The number of servings that are permitted in a
4 psilocybin product package.

5 (b) In adopting rules under this Act, the Department shall
6 require all psilocybin products sold or transferred by a
7 service center that holds a license under Section 95 to meet
8 the concentration standards and packaging standards adopted by
9 rule pursuant to this Section.

10 Section 340. Inspections. To ensure compliance with
11 Sections 315 through 350 and any rule adopted under those
12 Sections, the Department of Agriculture or the Department of
13 Financial and Professional Regulation may inspect the premises
14 of a person that holds a license under Section 80 or 95.

15 Section 341. Violation of tax Acts; refusal, revocation,
16 or suspension of license.

17 (a) In addition to other grounds specified in this Act,
18 the Department of Agriculture and Department of Financial and
19 Professional Regulation, upon notification by the Department
20 of Revenue, shall refuse the issuance or renewal of a license
21 or suspend or revoke the license of any person, for any of the
22 following violations of any tax Act administered by the
23 Department of Revenue:

24 (1) failure to file a tax return;

- 1 (2) the filing of a fraudulent return;
- 2 (3) failure to pay all or part of any tax or penalty
- 3 finally determined to be due;
- 4 (4) failure to keep books and records;
- 5 (5) failure to secure and display a certificate or
- 6 sub-certificate of registration, if required; or
- 7 (6) willful violation of any rule or regulation of the
- 8 Department relating to the administration and enforcement
- 9 of tax liability.

10 (b) After all violations of any of items (1) through (6) of

11 subsection (a) have been corrected or resolved, the Department

12 shall, upon request of the applicant or, if not requested, may

13 notify the entities listed in subsection (a) that the

14 violations have been corrected or resolved. Upon receiving

15 notice from the Department that a violation of any of items (1)

16 through (6) of subsection (a) have been corrected or otherwise

17 resolved to the Department of Revenue's satisfaction, the

18 Department of Agriculture and the Department of Financial and

19 Professional Regulation may issue or renew the license or

20 vacate an order of suspension or revocation.

21 Section 345. Discipline of licensees. Subject to

22 applicable provisions of law, if an applicant or licensee

23 violates a provision of Sections 315 through 350 or a rule

24 adopted under those Sections, the Department of Agriculture or

25 the Department of Financial and Professional Regulation may

1 refuse to issue or renew, or may suspend or revoke, a license
2 issued under Section 80, 95, or 105.

3 Section 350. Civil penalties.

4 (a) In addition to any other liability or penalty provided
5 by law, the Department of Agriculture may impose for each
6 violation of a provision of Sections 315 through 350 or a rule
7 adopted under those Sections, a civil penalty that does not
8 exceed \$500 for each day that the violation occurs.

9 (b) The Department of Agriculture shall impose civil
10 penalties under this Section in the manner provided under
11 applicable Illinois law.

12 (c) Moneys collected under this Section shall be deposited
13 into the Psilocybin Control and Regulation Fund and are
14 continuously appropriated to the Department for the purpose of
15 carrying out the duties, functions, and powers of the
16 Department under this Act.

17 Section 355. Definitions. In this Section through Section
18 425:

19 "Psilocybin retailer" means a service center operator that
20 sells psilocybin for use and not for resale.

21 "Retail sale" means any transfer or exchange of a
22 psilocybin product by any person to a client.

23 "Retail sales price" means the price paid for a psilocybin
24 product, excluding tax, to a service center operator by or on

1 behalf of a client.

2 Section 360. Tax imposed.

3 (a) Beginning January 1, 2027, a tax is imposed upon
4 purchasers for the privilege of using psilocybin at a rate of
5 15% of the purchase price.

6 (b) The purchase of any product that contains any amount
7 of psilocybin or any derivative thereof is subject to the tax
8 under subsection (a) of this Section on the full purchase
9 price of the product.

10 (c) The tax imposed by this Section is not imposed with
11 respect to any transaction in interstate commerce, to the
12 extent the transaction may not, under the Constitution and
13 statutes of the United States, be made the subject of taxation
14 by this State.

15 (d) The tax imposed under this Article shall be in
16 addition to all other occupation, privilege, or excise taxes
17 imposed by the State or by any municipal corporation or
18 political subdivision thereof.

19 (e) The tax imposed under this Article shall not be
20 imposed on any purchase by a purchaser if the psilocybin
21 retailer is prohibited by federal or State Constitution,
22 treaty, convention, statute, or court decision from collecting
23 the tax from the purchaser.

24 Section 365. Bundling of taxable and nontaxable items;

1 prohibition; taxation. If a psilocybin retailer sells
2 psilocybin or psilocybin-infused products in combination or
3 bundled with items that are not subject to tax under this Act
4 for one price, then the tax under this Act is imposed on the
5 purchase price of the entire bundled product.

6 Section 370. Collection of tax.

7 (a) The tax imposed by this Article shall be collected
8 from the purchaser by the psilocybin retailer at the rate
9 stated in Section 360 with respect to psilocybin sold by the
10 psilocybin retailer to the purchaser, and shall be remitted to
11 the Department as provided in Section 385. Psilocybin
12 retailers shall collect the tax from purchasers by adding the
13 tax to the amount of the purchase price received from the
14 purchaser for selling psilocybin to the purchaser. The tax
15 imposed by this Article shall, when collected, be stated as a
16 distinct item separate and apart from the purchase price of
17 the psilocybin.

18 (b) If a psilocybin retailer collects the tax imposed
19 pursuant to Section 360 measured by a purchase price that is
20 not subject to Section 360, or if a psilocybin retailer, in
21 collecting the tax pursuant to Section 360 measured by a
22 purchase price that is subject to tax under this Act, collects
23 more from the purchaser than the required amount on the
24 transaction, the purchaser shall have a legal right to claim a
25 refund of that amount from the psilocybin retailer. If,

1 however, that amount is not refunded to the purchaser for any
2 reason, the psilocybin retailer is liable to pay that amount
3 to the Department.

4 (c) Any person purchasing psilocybin subject to tax under
5 this Article as to which there has been no charge made to the
6 purchaser of the tax imposed by Section 360 shall make payment
7 of the tax imposed by Section 360 in the form and manner
8 provided by the Department not later than the 20th day of the
9 month following the month of purchase of the psilocybin.

10 Section 375. Registration of psilocybin retailers. Every
11 psilocybin retailer required to collect the tax under this
12 Article shall apply to the Department for a certificate of
13 registration under this Article. All applications for
14 registration under this Article shall be made by electronic
15 means in the form and manner required by the Department. For
16 that purpose, the provisions of Section 2a of the Retailers'
17 Occupation Tax Act are incorporated into this Article to the
18 extent not inconsistent with this Article. In addition, no
19 certificate of registration shall be issued under this Article
20 unless the applicant is licensed under this Act.

21 Section 380. Tax collected as debt owed to the State. Any
22 psilocybin retailer required to collect the tax imposed by
23 this Article shall be liable to the Department for the tax,
24 whether or not the tax has been collected by the psilocybin

1 retailer, and any such tax shall constitute a debt owed by the
2 psilocybin retailer to this State. To the extent that a
3 psilocybin retailer required to collect the tax imposed by
4 this Act has actually collected that tax, the tax is held in
5 trust for the benefit of the Department.

6 Section 385. Return and payment of tax by the psilocybin
7 retailer. Each psilocybin retailer that is required or
8 authorized to collect the tax imposed by this Article shall
9 make a return to the Department, by electronic means, on or
10 before the 20th day of each month for the preceding calendar
11 month stating the following:

12 (1) the psilocybin retailer's name;

13 (2) the address of the psilocybin retailer's principal
14 place of business and the address of the principal place
15 of business (if that is a different address) from which
16 the psilocybin retailer engaged in the business of selling
17 psilocybin subject to tax under this Article;

18 (3) the total purchase price received by the
19 psilocybin retailer for psilocybin subject to tax under
20 this Article;

21 (4) the amount of tax due at each rate;

22 (5) the signature of the psilocybin retailer; and

23 (6) any other information as the Department may
24 reasonably require.

25 All returns required to be filed and payments required to

1 be made under this Article shall be by electronic means.
2 Psilocybin retailers who demonstrate hardship in paying
3 electronically may petition the Department to waive the
4 electronic payment requirement.

5 Any amount that is required to be shown or reported on any
6 return or other document under this Article shall, if the
7 amount is not a whole-dollar amount, be increased to the
8 nearest whole-dollar amount if the fractional part of a dollar
9 is \$0.50 or more and decreased to the nearest whole-dollar
10 amount if the fractional part of a dollar is less than \$0.50.
11 If a total amount of less than \$1 is payable, refundable, or
12 creditable, the amount shall be disregarded if it is less than
13 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.

14 The psilocybin retailer making the return provided for in
15 this Section shall also pay to the Department, in accordance
16 with this Section, the amount of tax imposed by this Article,
17 less a discount of 2% per return period, which is allowed to
18 reimburse the psilocybin retailer for the expenses incurred in
19 keeping records, collecting tax, preparing and filing returns,
20 remitting the tax, and supplying data to the Department upon
21 request. No discount may be claimed by a psilocybin retailer
22 on returns not timely filed and for taxes not timely remitted.
23 No discount may be claimed by a taxpayer for any return that is
24 not filed electronically. No discount may be claimed by a
25 taxpayer for any payment that is not made electronically,
26 unless a waiver has been granted under this Section.

1 Notwithstanding any other provision of this Article
2 concerning the time within which a psilocybin retailer may
3 file a return, any such psilocybin retailer who ceases to
4 engage in the kind of business that makes the person
5 responsible for filing returns under this Article shall file a
6 final return under this Article with the Department within one
7 month after discontinuing the business.

8 Each psilocybin retailer shall make estimated payments to
9 the Department on or before the 7th, 15th, 22nd, and last day
10 of the month during which tax liability to the Department is
11 incurred. The payments shall be in an amount not less than the
12 lower of either 22.5% of the psilocybin retailer's actual tax
13 liability for the month or 25% of the psilocybin retailer's
14 actual tax liability for the same calendar month of the
15 preceding year. The amount of the quarter-monthly payments
16 shall be credited against the final tax liability of the
17 psilocybin retailer's return for that month. If any such
18 quarter-monthly payment is not paid at the time or in the
19 amount required by this Section, then the psilocybin retailer
20 shall be liable for penalties and interest on the difference
21 between the minimum amount due as a payment and the amount of
22 the quarter-monthly payment actually and timely paid, except
23 insofar as the psilocybin retailer has previously made
24 payments for that month to the Department in excess of the
25 minimum payments previously due as provided in this Section.

26 If any payment provided for in this Section exceeds the

1 taxpayer's liabilities under this Article, as shown on an
2 original monthly return, the Department shall, if requested by
3 the taxpayer, issue to the taxpayer a credit memorandum no
4 later than 30 days after the date of payment. The credit
5 evidenced by the credit memorandum may be assigned by the
6 taxpayer to a similar taxpayer under this Article, in
7 accordance with reasonable rules to be prescribed by the
8 Department. If no such request is made, the taxpayer may
9 credit the excess payment against tax liability subsequently
10 to be remitted to the Department under this Article, in
11 accordance with reasonable rules prescribed by the Department.
12 If the Department subsequently determines that all or any part
13 of the credit taken was not actually due to the taxpayer, the
14 taxpayer's discount shall be reduced, if necessary, to reflect
15 the difference between the credit taken and that actually due,
16 and that taxpayer shall be liable for penalties and interest
17 on the difference. If a psilocybin retailer fails to sign a
18 return within 30 days after the proper notice and demand for
19 signature by the Department is received by the psilocybin
20 retailer, the return shall be considered valid and any amount
21 shown to be due on the return shall be deemed assessed.

22 Section 390. Deposit of proceeds. All moneys received by
23 the Department under this Article shall be paid into the
24 Illinois Psilocybin Fund.

1 Section 395. Recordkeeping; books and records.

2 (a) Every retailer of psilocybin, whether or not the
3 retailer has obtained a certificate of registration under
4 Section 375, shall keep complete and accurate records of
5 psilocybin held, purchased, sold, or otherwise disposed of,
6 and shall preserve and keep all invoices, bills of lading,
7 sales records, and copies of bills of sale, returns, and other
8 pertinent papers and documents relating to the purchase, sale,
9 or disposition of psilocybin. Such records need not be
10 maintained on the licensed premises but must be maintained in
11 the State. However, all original invoices or copies thereof
12 covering purchases of psilocybin must be retained on the
13 licensed premises for a period of 90 days after such purchase,
14 unless the Department has granted a waiver in response to a
15 written request in cases where records are kept at a central
16 business location within the State. The Department shall adopt
17 rules regarding the eligibility for a waiver, revocation of a
18 waiver, and requirements and standards for maintenance and
19 accessibility of records located at a central location under a
20 waiver provided under this Section.

21 (b) Books, records, papers, and documents that are
22 required by this Article to be kept shall, at all times during
23 the usual business hours of the day, be subject to inspection
24 by the Department or its duly authorized agents and employees.
25 The books, records, papers, and documents for any period with
26 respect to which the Department is authorized to issue a

1 notice of tax liability shall be preserved until the
2 expiration of that period.

3 Section 400. Violations and penalties.

4 (a) When the amount due is under \$300, any retailer of
5 psilocybin who fails to file a return, willfully fails or
6 refuses to make any payment to the Department of the tax
7 imposed by this Article, or files a fraudulent return, or any
8 officer or agent of a corporation engaged in the business of
9 selling psilocybin to purchasers located in this State who
10 signs a fraudulent return filed on behalf of the corporation,
11 or any accountant or other agent who knowingly enters false
12 information on the return of any taxpayer under this Article
13 is guilty of a Class 4 felony.

14 (b) When the amount due is \$300 or more, any retailer of
15 psilocybin who files, or causes to be filed, a fraudulent
16 return, or any officer or agent of a corporation engaged in the
17 business of selling psilocybin to purchasers located in this
18 State who files or causes to be filed or signs or causes to be
19 signed a fraudulent return filed on behalf of the corporation,
20 or any accountant or other agent who knowingly enters false
21 information on the return of any taxpayer under this Article
22 is guilty of a Class 3 felony.

23 (c) Any person who violates any provision of Section 375,
24 fails to keep books and records as required under this
25 Article, or willfully violates a rule of the Department for

1 the administration and enforcement of this Article is guilty
2 of a Class 4 felony. A person commits a separate offense on
3 each day that he or she engages in business in violation of
4 Section 375 or a rule of the Department for the administration
5 and enforcement of this Article. If a person fails to produce
6 the books and records for inspection by the Department upon
7 request, a prima facie presumption shall arise that the person
8 has failed to keep books and records as required under this
9 Article. A person who is unable to rebut this presumption is in
10 violation of this Article and is subject to the penalties
11 provided in this Section.

12 (d) Any person who violates any provision of Sections 375,
13 fails to keep books and records as required under this
14 Article, or willfully violates a rule of the Department for
15 the administration and enforcement of this Article, is guilty
16 of a business offense and may be fined up to \$5,000. If a
17 person fails to produce books and records for inspection by
18 the Department upon request, a prima facie presumption shall
19 arise that the person has failed to keep books and records as
20 required under this Article. A person who is unable to rebut
21 this presumption is in violation of this Article and is
22 subject to the penalties provided in this Section. A person
23 commits a separate offense on each day that he or she engages
24 in business in violation of Section 375.

25 (e) Any taxpayer or agent of a taxpayer who with the intent
26 to defraud purports to make a payment due to the Department by

1 issuing or delivering a check or other order upon a real or
2 fictitious depository for the payment of money, knowing that
3 it will not be paid by the depository, is guilty of a deceptive
4 practice in violation of Section 17-1 of the Criminal Code of
5 2012.

6 (f) Any person who fails to keep books and records or fails
7 to produce books and records for inspection, as required by
8 Section 65-36, is liable to pay to the Department, for deposit
9 in the Tax Compliance and Administration Fund, a penalty of
10 \$1,000 for the first failure to keep books and records or
11 failure to produce books and records for inspection, as
12 required by Section 65-36, and \$3,000 for each subsequent
13 failure to keep books and records or failure to produce books
14 and records for inspection, as required by Section 395.

15 (g) Any person who knowingly acts as a retailer of
16 psilocybin in this State without first having obtained a
17 certificate of registration to do so in compliance with this
18 Article shall be guilty of a Class 4 felony.

19 (h) A person commits the offense of tax evasion under this
20 Article when the person knowingly attempts in any manner to
21 evade or defeat the tax imposed on the person or on any other
22 person, or the payment thereof, and the person commits an
23 affirmative act in furtherance of the evasion. As used in this
24 Section, "affirmative act in furtherance of the evasion" means
25 an act designed in whole or in part to (i) conceal,
26 misrepresent, falsify, or manipulate any material fact or (ii)

1 tamper with or destroy documents or materials related to a
2 person's tax liability under this Article. 2 or more acts of
3 sales tax evasion may be charged as a single count in any
4 indictment, information, or complaint and the amount of tax
5 deficiency may be aggregated for purposes of determining the
6 amount of tax that is attempted to be or is evaded and the
7 period between the first and last acts may be alleged as the
8 date of the offense.

9 (1) When the amount of tax, the assessment or payment
10 of which is attempted to be or is evaded is less than \$500,
11 a person is guilty of a Class 4 felony.

12 (2) When the amount of tax, the assessment or payment
13 of which is attempted to be or is evaded is \$500 or more
14 but less than \$10,000, a person is guilty of a Class 3
15 felony.

16 (3) When the amount of tax, the assessment or payment
17 of which is attempted to be or is evaded is \$10,000 or more
18 but less than \$100,000, a person is guilty of a Class 2
19 felony.

20 (4) When the amount of tax, the assessment or payment
21 of which is attempted to be or is evaded is \$100,000 or
22 more, a person is guilty of a Class 1 felony.

23 Any person who knowingly sells, purchases, installs,
24 transfers, possesses, uses, or accesses any automated sales
25 suppression device, zapper, or phantom-ware in this State is
26 guilty of a Class 3 felony.

1 As used in this Section:

2 "Automated sales suppression device" or "zapper" means a
3 software program that falsifies the electronic records of an
4 electronic cash register or other point-of-sale system,
5 including, but not limited to, transaction data and
6 transaction reports. The term includes the software program,
7 any device that carries the software program, or an Internet
8 link to the software program.

9 "Phantom-ware" means a hidden programming option embedded
10 in the operating system of an electronic cash register or
11 hardwired into an electronic cash register that can be used to
12 create a second set of records or that can eliminate or
13 manipulate transaction records in an electronic cash register.

14 "Electronic cash register" means a device that keeps a
15 register or supporting documents through the use of an
16 electronic device or computer system designed to record
17 transaction data for the purpose of computing, compiling, or
18 processing retail sales transaction data in any manner.

19 "Transaction data" includes: items purchased by a
20 purchaser; the price of each item; a taxability determination
21 for each item; a segregated tax amount for each taxed item; the
22 amount of cash or credit tendered; the net amount returned to
23 the customer in change; the date and time of the purchase; the
24 name, address, and identification number of the vendor; and
25 the receipt or invoice number of the transaction.

26 "Transaction report" means a report that documents,

1 without limitation, the sales, taxes, or fees collected, media
2 totals, and discount voids at an electronic cash register and
3 that is printed on a cash register tape at the end of a day or
4 shift, or a report that documents every action at an
5 electronic cash register and is stored electronically.

6 A prosecution for any act in violation of this Section may
7 be commenced at any time within 5 years of the commission of
8 that act.

9 (i) The Department may adopt rules to administer the
10 penalties under this Section.

11 (j) Any person whose principal place of business is in
12 this State and who is charged with a violation under this
13 Section shall be tried in the county where his or her principal
14 place of business is located unless he or she asserts a right
15 to be tried in another venue.

16 (k) Except as otherwise provided in subsection (h), a
17 prosecution for a violation described in this Section may be
18 commenced within 3 years after the commission of the act
19 constituting the violation.

20 Section 405. Arrest; search and seizure without warrant.
21 Any duly authorized employee of the Department: (i) may arrest
22 without warrant any person committing in the employee's
23 presence a violation of any of the provisions of this Article;
24 (ii) may without a search warrant inspect all psilocybin
25 located in any place of business; (iii) may seize any

1 psilocybin in the possession of the retailer in violation of
2 this Act; and (iv) may seize any psilocybin on which the tax
3 imposed by this Act has not been paid. The psilocybin seized is
4 subject to confiscation and forfeiture as provided in Sections
5 415 and 416.

6 Section 410. Seizure and forfeiture. After seizing any
7 psilocybin as provided in this Article, the Department must
8 hold a hearing and determine whether the retailer was properly
9 registered to sell the psilocybin at the time of its seizure by
10 the Department. The Department shall give not less than 20
11 days' notice of the time and place of the hearing to the owner
12 of the psilocybin, if the owner is known, and also to the
13 person in whose possession the psilocybin was found, if that
14 person is known and if the person in possession is not the
15 owner of the psilocybin. If neither the owner nor the person in
16 possession of the psilocybin is known, the Department must
17 cause publication of the time and place of the hearing to be
18 made at least once in each week for 3 weeks successively in a
19 newspaper of general circulation in the county where the
20 hearing is to be held.

21 If, as the result of the hearing, the Department
22 determines that the retailer was not properly registered at
23 the time the psilocybin was seized, the Department must enter
24 an order declaring the psilocybin confiscated and forfeited to
25 the State, to be held by the Department for disposal by it as

1 provided in Section 416. The Department must give notice of
2 the order to the owner of the psilocybin, if the owner is
3 known, and also to the person in whose possession the
4 psilocybin was found, if that person is known and if the person
5 in possession is not the owner of the psilocybin. If neither
6 the owner nor the person in possession of the psilocybin is
7 known, the Department must cause publication of the order to
8 be made at least once in each week for 3 weeks successively in
9 a newspaper of general circulation in the county where the
10 hearing was held.

11 Section 415. Search warrant; issuance and return; process;
12 confiscation of psilocybin; forfeitures.

13 (a) If a peace officer of this State or any duly authorized
14 officer or employee of the Department has reason to believe
15 that any violation of this Article or a rule of the Department
16 for the administration and enforcement of this Article has
17 occurred and that the person violating this Article or rule
18 has in that person's possession any psilocybin in violation of
19 this Article or a rule of the Department for the
20 administration and enforcement of this Article, that peace
21 officer, or officer or employee of the Department, may file or
22 cause to be filed his or her complaint in writing, verified by
23 affidavit, with any court within whose jurisdiction the
24 premises to be searched are situated, stating the facts upon
25 which the belief is founded, the premises to be searched, and

1 the property to be seized, and procure a search warrant and
2 execute that warrant. Upon the execution of the search
3 warrant, the peace officer, or officer or employee of the
4 Department, executing the search warrant shall make due return
5 of the warrant to the court issuing the warrant, together with
6 an inventory of the property taken under the warrant. The
7 court must then issue process against the owner of the
8 property if the owner is known; otherwise, process must be
9 issued against the person in whose possession the property is
10 found, if that person is known. In case of inability to serve
11 process upon the owner or the person in possession of the
12 property at the time of its seizure, notice of the proceedings
13 before the court must be given in the same manner as required
14 by the law governing cases of attachment. Upon the return of
15 the process duly served or upon the posting or publishing of
16 notice made, as appropriate, the court or jury, if a jury is
17 demanded, shall proceed to determine whether the property
18 seized was held or possessed in violation of this Article or a
19 rule of the Department for the administration and enforcement
20 of this Article. If a violation is found, judgment shall be
21 entered confiscating the property and forfeiting it to the
22 State and ordering its delivery to the Department. In
23 addition, the court may tax and assess the costs of the
24 proceedings.

25 (b) When any psilocybin has been declared forfeited to the
26 State by the Department and when all proceedings for the

1 judicial review of the Department's decision have terminated,
2 the Department shall, to the extent that its decision is
3 sustained on review, destroy or maintain and use such
4 psilocybin in an undercover capacity.

5 (c) The Department may, before any destruction of
6 psilocybin, permit the true holder of trademark rights in the
7 psilocybin to inspect such psilocybin in order to assist the
8 Department in any investigation regarding such psilocybin.

9 Section 416. Psilocybin retailers; purchase and possession
10 of psilocybin. Psilocybin retailers shall purchase psilocybin
11 for resale only from manufacturers as authorized by this Act.

12 Section 417. Rulemaking. The Department may adopt rules in
13 accordance with the Illinois Administrative Procedure Act and
14 prescribe forms relating to the administration and enforcement
15 of this Article as it deems appropriate.

16 Section 420. Illinois Psilocybin Fund. The Illinois
17 Psilocybin Fund is created as a special fund in the State
18 treasury. The Fund shall consist of moneys transferred to the
19 Fund under Section 425. The Department of Revenue shall
20 certify quarterly the amount of moneys available in the
21 Illinois Psilocybin Fund. The Department of Revenue shall
22 transfer quarterly the moneys in the Illinois Psilocybin Fund
23 to the Psilocybin Control and Regulation Fund.

1 Section 425. Illinois Psilocybin Fund; payment of
2 expenses. All moneys received by the Department of Revenue
3 under Sections 355 through this Section shall be deposited
4 into the Illinois Psilocybin Fund. The Department of Revenue
5 may pay expenses for the administration and enforcement of
6 Sections 355 through this Section out of moneys received from
7 the tax imposed under Section 360. Amounts necessary to pay
8 administrative and enforcement expenses are continuously
9 appropriated to the Department of Revenue from the Illinois
10 Psilocybin Fund.

11 Section 430. Incorporation by reference. All of the
12 provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
13 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11, 11a, and 12 of the Retailers'
14 Occupation Tax Act, and all applicable provisions of the
15 Uniform Penalty and Interest Act that are not inconsistent
16 with this Act, apply to clients, legal entities, licensees,
17 licensee representatives, psilocybin product manufacturers,
18 service centers, service center operators, and facilitators to
19 the same extent as if those provisions were included in this
20 Act. References in the incorporated Sections of the Retailers'
21 Occupation Tax Act to retailers, to sellers, or to persons
22 engaged in the business of selling tangible personal property
23 mean distributors when used in this Act. References in the
24 incorporated Sections to sales of tangible personal property

1 mean sales of tobacco products when used in this Act.

2 Section 435. Registration under the Retailers' Occupation
3 Tax Act. A retailer maintaining a place of business in this
4 State, if required to register under the Retailers' Occupation
5 Tax Act, need not obtain an additional certificate of
6 registration under this Act, but shall be deemed to be
7 sufficiently registered by virtue of his being registered
8 under the Retailers' Occupation Tax Act. Every retailer
9 maintaining a place of business in this State, if not required
10 to register under the Retailers' Occupation Tax Act, shall
11 apply to the Department of Revenue (upon a form prescribed and
12 furnished by the Department of Revenue) for a certificate of
13 registration under this Act. In completing such an
14 application, the applicant shall furnish such information as
15 the Department of Revenue may reasonably require. Upon
16 approval of an application for certificate of registration,
17 the Department of Revenue shall issue, without charge, a
18 certificate of registration to the applicant. Such certificate
19 of registration shall be displayed at the address which the
20 applicant states in his or her application to be the principal
21 place of business or location from which he or she will act as
22 a retailer in this State. If the applicant will act as a
23 retailer in this State from other places of business or
24 locations, he shall list the addresses of such additional
25 places of business or locations in this application for

1 certificate of registration, and the Department of Revenue
2 shall issue a sub-certificate of registration to the applicant
3 for each such additional place of business or location. Each
4 sub-certificate of registration shall be conspicuously
5 displayed at the place for which it is issued. Such
6 sub-certificate of registration shall bear the same
7 registration number as that appearing upon the certificate of
8 registration to which such sub-certificates of registration
9 relate. Where a retailer operates more than one place of
10 business which is subject to registration under this Section
11 and such businesses are substantially different in character
12 or are engaged in under different trade names or are engaged in
13 under other substantially dissimilar circumstances (so that it
14 is more practicable, from an accounting, auditing, or
15 bookkeeping standpoint, for such businesses to be separately
16 registered), the Department of Revenue may require or permit
17 such person to apply for and obtain a separate certificate of
18 registration for each such business or for any of such
19 businesses instead of registering such person, as to all such
20 businesses, under a single certificate of registration
21 supplemented by related sub-certificates of registration. No
22 certificate of registration shall be issued to any person who
23 is in default to the State for moneys due hereunder.

24 The Department of Revenue may, in its discretion, upon
25 application, authorize the collection of the tax herein
26 imposed by any retailer not maintaining a place of business

1 within this State, who, to the satisfaction of the Department
2 of Revenue, furnishes adequate security to insure collection
3 and payment of the tax. Such retailer shall be issued, without
4 charge, a permit to collect such tax. When so authorized, it
5 shall be the duty of such retailer to collect the tax upon all
6 tangible personal property sold to his knowledge for use
7 within this State, in the same manner and subject to the same
8 requirements, including the furnishing of a receipt to the
9 purchaser (if demanded by the purchaser), as a retailer
10 maintaining a place of business within this State. The receipt
11 given to the purchaser shall be sufficient to relieve him or
12 her from further liability for the tax to which such receipt
13 may refer. Such permit may be revoked by the Department as
14 provided herein.

15 Section 900. The Freedom of Information Act is amended by
16 changing Section 7 as follows:

17 (5 ILCS 140/7)

18 Sec. 7. Exemptions.

19 (1) When a request is made to inspect or copy a public
20 record that contains information that is exempt from
21 disclosure under this Section, but also contains information
22 that is not exempt from disclosure, the public body may elect
23 to redact the information that is exempt. The public body
24 shall make the remaining information available for inspection

1 and copying. Subject to this requirement, the following shall
2 be exempt from inspection and copying:

3 (a) Information specifically prohibited from
4 disclosure by federal or State law or rules and
5 regulations implementing federal or State law.

6 (b) Private information, unless disclosure is required
7 by another provision of this Act, a State or federal law,
8 or a court order.

9 (b-5) Files, documents, and other data or databases
10 maintained by one or more law enforcement agencies and
11 specifically designed to provide information to one or
12 more law enforcement agencies regarding the physical or
13 mental status of one or more individual subjects.

14 (c) Personal information contained within public
15 records, the disclosure of which would constitute a
16 clearly unwarranted invasion of personal privacy, unless
17 the disclosure is consented to in writing by the
18 individual subjects of the information. "Unwarranted
19 invasion of personal privacy" means the disclosure of
20 information that is highly personal or objectionable to a
21 reasonable person and in which the subject's right to
22 privacy outweighs any legitimate public interest in
23 obtaining the information. The disclosure of information
24 that bears on the public duties of public employees and
25 officials shall not be considered an invasion of personal
26 privacy.

1 (d) Records in the possession of any public body
2 created in the course of administrative enforcement
3 proceedings, and any law enforcement or correctional
4 agency for law enforcement purposes, but only to the
5 extent that disclosure would:

6 (i) interfere with pending or actually and
7 reasonably contemplated law enforcement proceedings
8 conducted by any law enforcement or correctional
9 agency that is the recipient of the request;

10 (ii) interfere with active administrative
11 enforcement proceedings conducted by the public body
12 that is the recipient of the request;

13 (iii) create a substantial likelihood that a
14 person will be deprived of a fair trial or an impartial
15 hearing;

16 (iv) unavoidably disclose the identity of a
17 confidential source, confidential information
18 furnished only by the confidential source, or persons
19 who file complaints with or provide information to
20 administrative, investigative, law enforcement, or
21 penal agencies; except that the identities of
22 witnesses to traffic crashes, traffic crash reports,
23 and rescue reports shall be provided by agencies of
24 local government, except when disclosure would
25 interfere with an active criminal investigation
26 conducted by the agency that is the recipient of the

1 request;

2 (v) disclose unique or specialized investigative
3 techniques other than those generally used and known
4 or disclose internal documents of correctional
5 agencies related to detection, observation, or
6 investigation of incidents of crime or misconduct, and
7 disclosure would result in demonstrable harm to the
8 agency or public body that is the recipient of the
9 request;

10 (vi) endanger the life or physical safety of law
11 enforcement personnel or any other person; or

12 (vii) obstruct an ongoing criminal investigation
13 by the agency that is the recipient of the request.

14 (d-5) A law enforcement record created for law
15 enforcement purposes and contained in a shared electronic
16 record management system if the law enforcement agency
17 that is the recipient of the request did not create the
18 record, did not participate in or have a role in any of the
19 events which are the subject of the record, and only has
20 access to the record through the shared electronic record
21 management system.

22 (d-6) Records contained in the Officer Professional
23 Conduct Database under Section 9.2 of the Illinois Police
24 Training Act, except to the extent authorized under that
25 Section. This includes the documents supplied to the
26 Illinois Law Enforcement Training Standards Board from the

1 Illinois State Police and Illinois State Police Merit
2 Board.

3 (d-7) Information gathered or records created from the
4 use of automatic license plate readers in connection with
5 Section 2-130 of the Illinois Vehicle Code.

6 (e) Records that relate to or affect the security of
7 correctional institutions and detention facilities.

8 (e-5) Records requested by persons committed to the
9 Department of Corrections, Department of Human Services
10 Division of Mental Health, or a county jail if those
11 materials are available in the library of the correctional
12 institution or facility or jail where the inmate is
13 confined.

14 (e-6) Records requested by persons committed to the
15 Department of Corrections, Department of Human Services
16 Division of Mental Health, or a county jail if those
17 materials include records from staff members' personnel
18 files, staff rosters, or other staffing assignment
19 information.

20 (e-7) Records requested by persons committed to the
21 Department of Corrections or Department of Human Services
22 Division of Mental Health if those materials are available
23 through an administrative request to the Department of
24 Corrections or Department of Human Services Division of
25 Mental Health.

26 (e-8) Records requested by a person committed to the

1 Department of Corrections, Department of Human Services
2 Division of Mental Health, or a county jail, the
3 disclosure of which would result in the risk of harm to any
4 person or the risk of an escape from a jail or correctional
5 institution or facility.

6 (e-9) Records requested by a person in a county jail
7 or committed to the Department of Corrections or
8 Department of Human Services Division of Mental Health,
9 containing personal information pertaining to the person's
10 victim or the victim's family, including, but not limited
11 to, a victim's home address, home telephone number, work
12 or school address, work telephone number, social security
13 number, or any other identifying information, except as
14 may be relevant to a requester's current or potential case
15 or claim.

16 (e-10) Law enforcement records of other persons
17 requested by a person committed to the Department of
18 Corrections, Department of Human Services Division of
19 Mental Health, or a county jail, including, but not
20 limited to, arrest and booking records, mug shots, and
21 crime scene photographs, except as these records may be
22 relevant to the requester's current or potential case or
23 claim.

24 (f) Preliminary drafts, notes, recommendations,
25 memoranda, and other records in which opinions are
26 expressed, or policies or actions are formulated, except

1 that a specific record or relevant portion of a record
2 shall not be exempt when the record is publicly cited and
3 identified by the head of the public body. The exemption
4 provided in this paragraph (f) extends to all those
5 records of officers and agencies of the General Assembly
6 that pertain to the preparation of legislative documents.

7 (g) Trade secrets and commercial or financial
8 information obtained from a person or business where the
9 trade secrets or commercial or financial information are
10 furnished under a claim that they are proprietary,
11 privileged, or confidential, and that disclosure of the
12 trade secrets or commercial or financial information would
13 cause competitive harm to the person or business, and only
14 insofar as the claim directly applies to the records
15 requested.

16 The information included under this exemption includes
17 all trade secrets and commercial or financial information
18 obtained by a public body, including a public pension
19 fund, from a private equity fund or a privately held
20 company within the investment portfolio of a private
21 equity fund as a result of either investing or evaluating
22 a potential investment of public funds in a private equity
23 fund. The exemption contained in this item does not apply
24 to the aggregate financial performance information of a
25 private equity fund, nor to the identity of the fund's
26 managers or general partners. The exemption contained in

1 this item does not apply to the identity of a privately
2 held company within the investment portfolio of a private
3 equity fund, unless the disclosure of the identity of a
4 privately held company may cause competitive harm.

5 Nothing contained in this paragraph (g) shall be
6 construed to prevent a person or business from consenting
7 to disclosure.

8 (h) Proposals and bids for any contract, grant, or
9 agreement, including information which if it were
10 disclosed would frustrate procurement or give an advantage
11 to any person proposing to enter into a contractor
12 agreement with the body, until an award or final selection
13 is made. Information prepared by or for the body in
14 preparation of a bid solicitation shall be exempt until an
15 award or final selection is made.

16 (i) Valuable formulae, computer geographic systems,
17 designs, drawings, and research data obtained or produced
18 by any public body when disclosure could reasonably be
19 expected to produce private gain or public loss. The
20 exemption for "computer geographic systems" provided in
21 this paragraph (i) does not extend to requests made by
22 news media as defined in Section 2 of this Act when the
23 requested information is not otherwise exempt and the only
24 purpose of the request is to access and disseminate
25 information regarding the health, safety, welfare, or
26 legal rights of the general public.

1 (j) The following information pertaining to
2 educational matters:

3 (i) test questions, scoring keys, and other
4 examination data used to administer an academic
5 examination;

6 (ii) information received by a primary or
7 secondary school, college, or university under its
8 procedures for the evaluation of faculty members by
9 their academic peers;

10 (iii) information concerning a school or
11 university's adjudication of student disciplinary
12 cases, but only to the extent that disclosure would
13 unavoidably reveal the identity of the student; and

14 (iv) course materials or research materials used
15 by faculty members.

16 (k) Architects' plans, engineers' technical
17 submissions, and other construction related technical
18 documents for projects not constructed or developed in
19 whole or in part with public funds and the same for
20 projects constructed or developed with public funds,
21 including, but not limited to, power generating and
22 distribution stations and other transmission and
23 distribution facilities, water treatment facilities,
24 airport facilities, sport stadiums, convention centers,
25 and all government owned, operated, or occupied buildings,
26 but only to the extent that disclosure would compromise

1 security.

2 (l) Minutes of meetings of public bodies closed to the
3 public as provided in the Open Meetings Act until the
4 public body makes the minutes available to the public
5 under Section 2.06 of the Open Meetings Act.

6 (m) Communications between a public body and an
7 attorney or auditor representing the public body that
8 would not be subject to discovery in litigation, and
9 materials prepared or compiled by or for a public body in
10 anticipation of a criminal, civil, or administrative
11 proceeding upon the request of an attorney advising the
12 public body, and materials prepared or compiled with
13 respect to internal audits of public bodies.

14 (n) Records relating to a public body's adjudication
15 of employee grievances or disciplinary cases; however,
16 this exemption shall not extend to the final outcome of
17 cases in which discipline is imposed.

18 (o) Administrative or technical information associated
19 with automated data processing operations, including, but
20 not limited to, software, operating protocols, computer
21 program abstracts, file layouts, source listings, object
22 modules, load modules, user guides, documentation
23 pertaining to all logical and physical design of
24 computerized systems, employee manuals, and any other
25 information that, if disclosed, would jeopardize the
26 security of the system or its data or the security of

1 materials exempt under this Section.

2 (p) Records relating to collective negotiating matters
3 between public bodies and their employees or
4 representatives, except that any final contract or
5 agreement shall be subject to inspection and copying.

6 (q) Test questions, scoring keys, and other
7 examination data used to determine the qualifications of
8 an applicant for a license or employment.

9 (r) The records, documents, and information relating
10 to real estate purchase negotiations until those
11 negotiations have been completed or otherwise terminated.
12 With regard to a parcel involved in a pending or actually
13 and reasonably contemplated eminent domain proceeding
14 under the Eminent Domain Act, records, documents, and
15 information relating to that parcel shall be exempt except
16 as may be allowed under discovery rules adopted by the
17 Illinois Supreme Court. The records, documents, and
18 information relating to a real estate sale shall be exempt
19 until a sale is consummated.

20 (s) Any and all proprietary information and records
21 related to the operation of an intergovernmental risk
22 management association or self-insurance pool or jointly
23 self-administered health and accident cooperative or pool.
24 Insurance or self-insurance (including any
25 intergovernmental risk management association or
26 self-insurance pool) claims, loss or risk management

1 information, records, data, advice, or communications.

2 (t) Information contained in or related to
3 examination, operating, or condition reports prepared by,
4 on behalf of, or for the use of a public body responsible
5 for the regulation or supervision of financial
6 institutions, insurance companies, or pharmacy benefit
7 managers, unless disclosure is otherwise required by State
8 law.

9 (u) Information that would disclose or might lead to
10 the disclosure of secret or confidential information,
11 codes, algorithms, programs, or private keys intended to
12 be used to create electronic signatures under the Uniform
13 Electronic Transactions Act.

14 (v) Vulnerability assessments, security measures, and
15 response policies or plans that are designed to identify,
16 prevent, or respond to potential attacks upon a
17 community's population or systems, facilities, or
18 installations, but only to the extent that disclosure
19 could reasonably be expected to expose the vulnerability
20 or jeopardize the effectiveness of the measures, policies,
21 or plans, or the safety of the personnel who implement
22 them or the public. Information exempt under this item may
23 include such things as details pertaining to the
24 mobilization or deployment of personnel or equipment, to
25 the operation of communication systems or protocols, to
26 cybersecurity vulnerabilities, or to tactical operations.

1 (w) (Blank).

2 (x) Maps and other records regarding the location or
3 security of generation, transmission, distribution,
4 storage, gathering, treatment, or switching facilities
5 owned by a utility, by a power generator, or by the
6 Illinois Power Agency.

7 (y) Information contained in or related to proposals,
8 bids, or negotiations related to electric power
9 procurement under Section 1-75 of the Illinois Power
10 Agency Act and Section 16-111.5 of the Public Utilities
11 Act that is determined to be confidential and proprietary
12 by the Illinois Power Agency or by the Illinois Commerce
13 Commission.

14 (z) Information about students exempted from
15 disclosure under Section 10-20.38 or 34-18.29 of the
16 School Code, and information about undergraduate students
17 enrolled at an institution of higher education exempted
18 from disclosure under Section 25 of the Illinois Credit
19 Card Marketing Act of 2009.

20 (aa) Information the disclosure of which is exempted
21 under the Viatical Settlements Act of 2009.

22 (bb) Records and information provided to a mortality
23 review team and records maintained by a mortality review
24 team appointed under the Department of Juvenile Justice
25 Mortality Review Team Act.

26 (cc) Information regarding interments, entombments, or

1 inurnments of human remains that are submitted to the
2 Cemetery Oversight Database under the Cemetery Care Act or
3 the Cemetery Oversight Act, whichever is applicable.

4 (dd) Correspondence and records (i) that may not be
5 disclosed under Section 11-9 of the Illinois Public Aid
6 Code or (ii) that pertain to appeals under Section 11-8 of
7 the Illinois Public Aid Code.

8 (ee) The names, addresses, or other personal
9 information of persons who are minors and are also
10 participants and registrants in programs of park
11 districts, forest preserve districts, conservation
12 districts, recreation agencies, and special recreation
13 associations.

14 (ff) The names, addresses, or other personal
15 information of participants and registrants in programs of
16 park districts, forest preserve districts, conservation
17 districts, recreation agencies, and special recreation
18 associations where such programs are targeted primarily to
19 minors.

20 (gg) Confidential information described in Section
21 1-100 of the Illinois Independent Tax Tribunal Act of
22 2012.

23 (hh) The report submitted to the State Board of
24 Education by the School Security and Standards Task Force
25 under item (8) of subsection (d) of Section 2-3.160 of the
26 School Code and any information contained in that report.

1 (ii) Records requested by persons committed to or
2 detained by the Department of Human Services under the
3 Sexually Violent Persons Commitment Act or committed to
4 the Department of Corrections under the Sexually Dangerous
5 Persons Act if those materials: (i) are available in the
6 library of the facility where the individual is confined;
7 (ii) include records from staff members' personnel files,
8 staff rosters, or other staffing assignment information;
9 or (iii) are available through an administrative request
10 to the Department of Human Services or the Department of
11 Corrections.

12 (jj) Confidential information described in Section
13 5-535 of the Civil Administrative Code of Illinois.

14 (kk) The public body's credit card numbers, debit card
15 numbers, bank account numbers, Federal Employer
16 Identification Number, security code numbers, passwords,
17 and similar account information, the disclosure of which
18 could result in identity theft or impression or defrauding
19 of a governmental entity or a person.

20 (ll) Records concerning the work of the threat
21 assessment team of a school district, including, but not
22 limited to, any threat assessment procedure under the
23 School Safety Drill Act and any information contained in
24 the procedure.

25 (mm) Information prohibited from being disclosed under
26 subsections (a) and (b) of Section 15 of the Student

1 Confidential Reporting Act.

2 (nn) Proprietary information submitted to the
3 Environmental Protection Agency under the Drug Take-Back
4 Act.

5 (oo) Records described in subsection (f) of Section
6 3-5-1 of the Unified Code of Corrections.

7 (pp) Any and all information regarding burials,
8 interments, or entombments of human remains as required to
9 be reported to the Department of Natural Resources
10 pursuant either to the Archaeological and Paleontological
11 Resources Protection Act or the Human Remains Protection
12 Act.

13 (qq) Reports described in subsection (e) of Section
14 16-15 of the Abortion Care Clinical Training Program Act.

15 (rr) Information obtained by a certified local health
16 department under the Access to Public Health Data Act.

17 (ss) For a request directed to a public body that is
18 also a HIPAA-covered entity, all information that is
19 protected health information, including demographic
20 information, that may be contained within or extracted
21 from any record held by the public body in compliance with
22 State and federal medical privacy laws and regulations,
23 including, but not limited to, the Health Insurance
24 Portability and Accountability Act and its regulations, 45
25 CFR Parts 160 and 164. As used in this paragraph,
26 "HIPAA-covered entity" has the meaning given to the term

1 "covered entity" in 45 CFR 160.103 and "protected health
2 information" has the meaning given to that term in 45 CFR
3 160.103.

4 (tt) Proposals or bids submitted by engineering
5 consultants in response to requests for proposal or other
6 competitive bidding requests by the Department of
7 Transportation or the Illinois Toll Highway Authority.

8 (uu) Correspondence and records that may not be
9 disclosed under Section 265 of the Healing Opportunities
10 through Psilocybin Equity Pilot Program Act.

11 (1.5) Any information exempt from disclosure under the
12 Judicial Privacy Act shall be redacted from public records
13 prior to disclosure under this Act.

14 (2) A public record that is not in the possession of a
15 public body but is in the possession of a party with whom the
16 agency has contracted to perform a governmental function on
17 behalf of the public body, and that directly relates to the
18 governmental function and is not otherwise exempt under this
19 Act, shall be considered a public record of the public body,
20 for purposes of this Act.

21 (3) This Section does not authorize withholding of
22 information or limit the availability of records to the
23 public, except as stated in this Section or otherwise provided
24 in this Act.

25 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
26 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.

1 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
2 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
3 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
4 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
5 eff. 7-1-24; 103-865, eff. 1-1-25.)

6 Section 905. The State Finance Act is amended by adding
7 Sections 5.1030 and 5.1031 as follows:

8 (30 ILCS 105/5.1030 new)

9 Sec. 5.1030. The Psilocybin Control and Regulation Fund.

10 (30 ILCS 105/5.1031 new)

11 Sec. 5.1031. The Illinois Psilocybin Fund.

12 Section 910. The Illinois Independent Tax Tribunal Act of
13 2012 is amended by changing Section 1-45 as follows:

14 (35 ILCS 1010/1-45)

15 Sec. 1-45. Jurisdiction of the Tax Tribunal.

16 (a) Except as provided by the Constitution of the United
17 States, the Constitution of the State of Illinois, or any
18 statutes of this State, including, but not limited to, the
19 State Officers and Employees Money Disposition Act, the Tax
20 Tribunal shall have original jurisdiction over all
21 determinations of the Department reflected on a Notice of

1 Deficiency, Notice of Tax Liability, Notice of Claim Denial,
2 or Notice of Penalty Liability issued under the Illinois
3 Income Tax Act, the Use Tax Act, the Service Use Tax Act, the
4 Service Occupation Tax Act, the Retailers' Occupation Tax Act,
5 the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco
6 Products Tax Act of 1995, the Hotel Operators' Occupation Tax
7 Act, the Motor Fuel Tax Law, the Automobile Renting Occupation
8 and Use Tax Act, the Coin-Operated Amusement Device and
9 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water
10 Company Invested Capital Tax Act, the Telecommunications
11 Excise Tax Act, the Telecommunications Infrastructure
12 Maintenance Fee Act, the Public Utilities Revenue Act, the
13 Electricity Excise Tax Law, the Aircraft Use Tax Law, the
14 Watercraft Use Tax Law, the Gas Use Tax Law, ~~or~~ the Uniform
15 Penalty and Interest Act, or the Healing Opportunities through
16 Psilocybin Equity Pilot Program Act. Jurisdiction of the Tax
17 Tribunal is limited to Notices of Tax Liability, Notices of
18 Deficiency, Notices of Claim Denial, and Notices of Penalty
19 Liability where the amount at issue in a notice, or the
20 aggregate amount at issue in multiple notices issued for the
21 same tax year or audit period, exceeds \$15,000, exclusive of
22 penalties and interest. In notices solely asserting either an
23 interest or penalty assessment, or both, the Tax Tribunal
24 shall have jurisdiction over cases where the combined total of
25 all penalties or interest assessed exceeds \$15,000.

26 (b) Except as otherwise permitted by this Act and by the

1 Constitution of the State of Illinois or otherwise by State
2 law, including, but not limited to, the State Officers and
3 Employees Money Disposition Act, no person shall contest any
4 matter within the jurisdiction of the Tax Tribunal in any
5 action, suit, or proceeding in the circuit court or any other
6 court of the State. If a person attempts to do so, then such
7 action, suit, or proceeding shall be dismissed without
8 prejudice. The improper commencement of any action, suit, or
9 proceeding does not extend the time period for commencing a
10 proceeding in the Tax Tribunal.

11 (c) The Tax Tribunal may require the taxpayer to post a
12 bond equal to 25% of the liability at issue (1) upon motion of
13 the Department and a showing that (A) the taxpayer's action is
14 frivolous or legally insufficient or (B) the taxpayer is
15 acting primarily for the purpose of delaying the collection of
16 tax or prejudicing the ability ultimately to collect the tax,
17 or (2) if, at any time during the proceedings, it is determined
18 by the Tax Tribunal that the taxpayer is not pursuing the
19 resolution of the case with due diligence. If the Tax Tribunal
20 finds in a particular case that the taxpayer cannot procure
21 and furnish a satisfactory surety or sureties for the kind of
22 bond required herein, the Tax Tribunal may relieve the
23 taxpayer of the obligation of filing such bond, if, upon the
24 timely application for a lien in lieu thereof and accompanying
25 proof therein submitted, the Tax Tribunal is satisfied that
26 any such lien imposed would operate to secure the assessment

1 in the manner and to the degree as would a bond. The Tax
2 Tribunal shall adopt rules for the procedures to be used in
3 securing a bond or lien under this Section.

4 (d) If, with or after the filing of a timely petition, the
5 taxpayer pays all or part of the tax or other amount in issue
6 before the Tax Tribunal has rendered a decision, the Tax
7 Tribunal shall treat the taxpayer's petition as a protest of a
8 denial of claim for refund of the amount so paid upon a written
9 motion filed by the taxpayer.

10 (e) The Tax Tribunal shall not have jurisdiction to
11 review:

12 (1) any assessment made under the Property Tax Code;

13 (2) any decisions relating to the issuance or denial
14 of an exemption ruling for any entity claiming exemption
15 from any tax imposed under the Property Tax Code or any
16 State tax administered by the Department;

17 (3) a notice of proposed tax liability, notice of
18 proposed deficiency, or any other notice of proposed
19 assessment or notice of intent to take some action;

20 (4) any action or determination of the Department
21 regarding tax liabilities that have become finalized by
22 law, including but not limited to the issuance of liens,
23 levies, and revocations, suspensions, or denials of
24 licenses or certificates of registration or any other
25 collection activities;

26 (5) any proceedings of the Department's informal

1 administrative appeals function; and

2 (6) any challenge to an administrative subpoena issued
3 by the Department.

4 (f) The Tax Tribunal shall decide questions regarding the
5 constitutionality of statutes and rules adopted by the
6 Department as applied to the taxpayer, but shall not have the
7 power to declare a statute or rule unconstitutional or
8 otherwise invalid on its face. A taxpayer challenging the
9 constitutionality of a statute or rule on its face may present
10 such challenge to the Tax Tribunal for the sole purpose of
11 making a record for review by the Illinois Appellate Court.
12 Failure to raise a constitutional issue regarding the
13 application of a statute or regulations to the taxpayer shall
14 not preclude the taxpayer or the Department from raising those
15 issues at the appellate court level.

16 (Source: P.A. 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13.)

17 Section 914. The Illinois Vehicle Code is amended by
18 changing Section 11-501 as follows:

19 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

20 Sec. 11-501. Driving while under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds or any
22 combination thereof.

23 (a) A person shall not drive or be in actual physical
24 control of any vehicle within this State while:

1 (1) the alcohol concentration in the person's blood,
2 other bodily substance, or breath is 0.08 or more based on
3 the definition of blood and breath units in Section
4 11-501.2;

5 (2) under the influence of alcohol;

6 (3) under the influence of any intoxicating compound
7 or combination of intoxicating compounds to a degree that
8 renders the person incapable of driving safely;

9 (4) under the influence of any other drug or
10 combination of drugs to a degree that renders the person
11 incapable of safely driving;

12 (5) under the combined influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds to a
14 degree that renders the person incapable of safely
15 driving;

16 (6) there is any amount of a drug, substance, or
17 compound in the person's breath, blood, other bodily
18 substance, or urine resulting from the unlawful use or
19 consumption of a controlled substance listed in the
20 Illinois Controlled Substances Act, an intoxicating
21 compound listed in the Use of Intoxicating Compounds Act,
22 ~~or~~ methamphetamine as listed in the Methamphetamine
23 Control and Community Protection Act, or psilocybin or
24 psilocin as defined in the Healing Opportunities through
25 Psilocybin Equity Pilot Program Act; or

26 (7) the person has, within 2 hours of driving or being

1 in actual physical control of a vehicle, a
2 tetrahydrocannabinol concentration in the person's whole
3 blood or other bodily substance as defined in paragraph 6
4 of subsection (a) of Section 11-501.2 of this Code.
5 Subject to all other requirements and provisions under
6 this Section, this paragraph (7) does not apply to the
7 lawful consumption of cannabis by a qualifying patient
8 licensed under the Compassionate Use of Medical Cannabis
9 Program Act who is in possession of a valid registry card
10 issued under that Act, unless that person is impaired by
11 the use of cannabis.

12 (b) The fact that any person charged with violating this
13 Section is or has been legally entitled to use alcohol,
14 cannabis under the Compassionate Use of Medical Cannabis
15 Program Act, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof, shall not constitute a
17 defense against any charge of violating this Section.

18 (c) Penalties.

19 (1) Except as otherwise provided in this Section, any
20 person convicted of violating subsection (a) of this
21 Section is guilty of a Class A misdemeanor.

22 (2) A person who violates subsection (a) or a similar
23 provision a second time shall be sentenced to a mandatory
24 minimum term of either 5 days of imprisonment or 240 hours
25 of community service in addition to any other criminal or
26 administrative sanction.

1 (3) A person who violates subsection (a) is subject to
2 6 months of imprisonment, an additional mandatory minimum
3 fine of \$1,000, and 25 days of community service in a
4 program benefiting children if the person was transporting
5 a person under the age of 16 at the time of the violation.

6 (4) A person who violates subsection (a) a first time,
7 if the alcohol concentration in his or her blood, breath,
8 other bodily substance, or urine was 0.16 or more based on
9 the definition of blood, breath, other bodily substance,
10 or urine units in Section 11-501.2, shall be subject, in
11 addition to any other penalty that may be imposed, to a
12 mandatory minimum of 100 hours of community service and a
13 mandatory minimum fine of \$500.

14 (5) A person who violates subsection (a) a second
15 time, if at the time of the second violation the alcohol
16 concentration in his or her blood, breath, other bodily
17 substance, or urine was 0.16 or more based on the
18 definition of blood, breath, other bodily substance, or
19 urine units in Section 11-501.2, shall be subject, in
20 addition to any other penalty that may be imposed, to a
21 mandatory minimum of 2 days of imprisonment and a
22 mandatory minimum fine of \$1,250.

23 (d) Aggravated driving under the influence of alcohol,
24 other drug or drugs, or intoxicating compound or compounds, or
25 any combination thereof.

26 (1) Every person convicted of committing a violation

1 of this Section shall be guilty of aggravated driving
2 under the influence of alcohol, other drug or drugs, or
3 intoxicating compound or compounds, or any combination
4 thereof if:

5 (A) the person committed a violation of subsection
6 (a) or a similar provision for the third or subsequent
7 time;

8 (B) the person committed a violation of subsection
9 (a) while driving a school bus with one or more
10 passengers on board;

11 (C) the person in committing a violation of
12 subsection (a) was involved in a motor vehicle crash
13 that resulted in great bodily harm or permanent
14 disability or disfigurement to another, when the
15 violation was a proximate cause of the injuries;

16 (D) the person committed a violation of subsection
17 (a) and has been previously convicted of violating
18 Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 or a similar provision of a law
20 of another state relating to reckless homicide in
21 which the person was determined to have been under the
22 influence of alcohol, other drug or drugs, or
23 intoxicating compound or compounds as an element of
24 the offense or the person has previously been
25 convicted under subparagraph (C) or subparagraph (F)
26 of this paragraph (1);

1 (E) the person, in committing a violation of
2 subsection (a) while driving at any speed in a school
3 speed zone at a time when a speed limit of 20 miles per
4 hour was in effect under subsection (a) of Section
5 11-605 of this Code, was involved in a motor vehicle
6 crash that resulted in bodily harm, other than great
7 bodily harm or permanent disability or disfigurement,
8 to another person, when the violation of subsection
9 (a) was a proximate cause of the bodily harm;

10 (F) the person, in committing a violation of
11 subsection (a), was involved in a motor vehicle crash
12 or snowmobile, all-terrain vehicle, or watercraft
13 accident that resulted in the death of another person,
14 when the violation of subsection (a) was a proximate
15 cause of the death;

16 (G) the person committed a violation of subsection
17 (a) during a period in which the defendant's driving
18 privileges are revoked or suspended, where the
19 revocation or suspension was for a violation of
20 subsection (a) or a similar provision, Section
21 11-501.1, paragraph (b) of Section 11-401, or for
22 reckless homicide as defined in Section 9-3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012;

24 (H) the person committed the violation while he or
25 she did not possess a driver's license or permit or a
26 restricted driving permit or a judicial driving permit

1 or a monitoring device driving permit;

2 (I) the person committed the violation while he or
3 she knew or should have known that the vehicle he or
4 she was driving was not covered by a liability
5 insurance policy;

6 (J) the person in committing a violation of
7 subsection (a) was involved in a motor vehicle crash
8 that resulted in bodily harm, but not great bodily
9 harm, to the child under the age of 16 being
10 transported by the person, if the violation was the
11 proximate cause of the injury;

12 (K) the person in committing a second violation of
13 subsection (a) or a similar provision was transporting
14 a person under the age of 16; or

15 (L) the person committed a violation of subsection
16 (a) of this Section while transporting one or more
17 passengers in a vehicle for-hire.

18 (2) (A) Except as provided otherwise, a person
19 convicted of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof is guilty of a Class
22 4 felony.

23 (B) A third violation of this Section or a similar
24 provision is a Class 2 felony. If at the time of the third
25 violation the alcohol concentration in his or her blood,
26 breath, other bodily substance, or urine was 0.16 or more

1 based on the definition of blood, breath, other bodily
2 substance, or urine units in Section 11-501.2, a mandatory
3 minimum of 90 days of imprisonment and a mandatory minimum
4 fine of \$2,500 shall be imposed in addition to any other
5 criminal or administrative sanction. If at the time of the
6 third violation, the defendant was transporting a person
7 under the age of 16, a mandatory fine of \$25,000 and 25
8 days of community service in a program benefiting children
9 shall be imposed in addition to any other criminal or
10 administrative sanction.

11 (C) A fourth violation of this Section or a similar
12 provision is a Class 2 felony, for which a sentence of
13 probation or conditional discharge may not be imposed. If
14 at the time of the violation, the alcohol concentration in
15 the defendant's blood, breath, other bodily substance, or
16 urine was 0.16 or more based on the definition of blood,
17 breath, other bodily substance, or urine units in Section
18 11-501.2, a mandatory minimum fine of \$5,000 shall be
19 imposed in addition to any other criminal or
20 administrative sanction. If at the time of the fourth
21 violation, the defendant was transporting a person under
22 the age of 16 a mandatory fine of \$25,000 and 25 days of
23 community service in a program benefiting children shall
24 be imposed in addition to any other criminal or
25 administrative sanction.

26 (D) A fifth violation of this Section or a similar

1 provision is a Class 1 felony, for which a sentence of
2 probation or conditional discharge may not be imposed. If
3 at the time of the violation, the alcohol concentration in
4 the defendant's blood, breath, other bodily substance, or
5 urine was 0.16 or more based on the definition of blood,
6 breath, other bodily substance, or urine units in Section
7 11-501.2, a mandatory minimum fine of \$5,000 shall be
8 imposed in addition to any other criminal or
9 administrative sanction. If at the time of the fifth
10 violation, the defendant was transporting a person under
11 the age of 16, a mandatory fine of \$25,000, and 25 days of
12 community service in a program benefiting children shall
13 be imposed in addition to any other criminal or
14 administrative sanction.

15 (E) A sixth or subsequent violation of this Section or
16 similar provision is a Class X felony. If at the time of
17 the violation, the alcohol concentration in the
18 defendant's blood, breath, other bodily substance, or
19 urine was 0.16 or more based on the definition of blood,
20 breath, other bodily substance, or urine units in Section
21 11-501.2, a mandatory minimum fine of \$5,000 shall be
22 imposed in addition to any other criminal or
23 administrative sanction. If at the time of the violation,
24 the defendant was transporting a person under the age of
25 16, a mandatory fine of \$25,000 and 25 days of community
26 service in a program benefiting children shall be imposed

1 in addition to any other criminal or administrative
2 sanction.

3 (F) For a violation of subparagraph (C) of paragraph
4 (1) of this subsection (d), the defendant, if sentenced to
5 a term of imprisonment, shall be sentenced to not less
6 than one year nor more than 12 years.

7 (G) A violation of subparagraph (F) of paragraph (1)
8 of this subsection (d) is a Class 2 felony, for which the
9 defendant, unless the court determines that extraordinary
10 circumstances exist and require probation, shall be
11 sentenced to: (i) a term of imprisonment of not less than 3
12 years and not more than 14 years if the violation resulted
13 in the death of one person; or (ii) a term of imprisonment
14 of not less than 6 years and not more than 28 years if the
15 violation resulted in the deaths of 2 or more persons.

16 (H) For a violation of subparagraph (J) of paragraph
17 (1) of this subsection (d), a mandatory fine of \$2,500,
18 and 25 days of community service in a program benefiting
19 children shall be imposed in addition to any other
20 criminal or administrative sanction.

21 (I) A violation of subparagraph (K) of paragraph (1)
22 of this subsection (d), is a Class 2 felony and a mandatory
23 fine of \$2,500, and 25 days of community service in a
24 program benefiting children shall be imposed in addition
25 to any other criminal or administrative sanction. If the
26 child being transported suffered bodily harm, but not

1 great bodily harm, in a motor vehicle crash, and the
2 violation was the proximate cause of that injury, a
3 mandatory fine of \$5,000 and 25 days of community service
4 in a program benefiting children shall be imposed in
5 addition to any other criminal or administrative sanction.

6 (J) A violation of subparagraph (D) of paragraph (1)
7 of this subsection (d) is a Class 3 felony, for which a
8 sentence of probation or conditional discharge may not be
9 imposed.

10 (3) Any person sentenced under this subsection (d) who
11 receives a term of probation or conditional discharge must
12 serve a minimum term of either 480 hours of community
13 service or 10 days of imprisonment as a condition of the
14 probation or conditional discharge in addition to any
15 other criminal or administrative sanction.

16 (e) Any reference to a prior violation of subsection (a)
17 or a similar provision includes any violation of a provision
18 of a local ordinance or a provision of a law of another state
19 or an offense committed on a military installation that is
20 similar to a violation of subsection (a) of this Section.

21 (f) The imposition of a mandatory term of imprisonment or
22 assignment of community service for a violation of this
23 Section shall not be suspended or reduced by the court.

24 (g) Any penalty imposed for driving with a license that
25 has been revoked for a previous violation of subsection (a) of
26 this Section shall be in addition to the penalty imposed for

1 any subsequent violation of subsection (a).

2 (h) For any prosecution under this Section, a certified
3 copy of the driving abstract of the defendant shall be
4 admitted as proof of any prior conviction.

5 (Source: P.A. 101-363, eff. 8-9-19; 102-982, eff. 7-1-23.)

6 Section 950. Severability. The provisions of this Act are
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.