

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 406 as follows:

6 (720 ILCS 570/406) (from Ch. 56 1/2, par. 1406)

7 Sec. 406. (a) It is unlawful for any person:

8 (1) who is subject to Article III knowingly to
9 distribute or dispense a controlled substance in violation
10 of Sections 308 through 314.5 of this Act; or

11 (2) who is a registrant, to manufacture a controlled
12 substance not authorized by his or her registration, or to
13 distribute or dispense a controlled substance not
14 authorized by his or her registration to another registrant
15 or other authorized person; or

16 (3) to refuse or fail to make, keep or furnish any
17 record, notification, order form, statement, invoice or
18 information required under this Act; or

19 (4) to refuse an entry into any premises for any
20 inspection authorized by this Act; or

21 (5) knowingly to keep or maintain any store, shop,
22 warehouse, dwelling, building, vehicle, boat, aircraft, or
23 other structure or place, which is resorted to by a person

1 unlawfully possessing controlled substances, or which is
2 used for possessing, manufacturing, dispensing or
3 distributing controlled substances in violation of this
4 Act.

5 Any person who violates this subsection (a) is guilty of a
6 Class A misdemeanor for the first offense and a Class 4 felony
7 for each subsequent offense. The fine for each subsequent
8 offense shall not be more than \$100,000. In addition, any
9 practitioner who is found guilty of violating this subsection
10 (a) is subject to suspension and revocation of his or her
11 professional license, in accordance with such procedures as are
12 provided by law for the taking of disciplinary action with
13 regard to the license of said practitioner's profession.

14 (b) It is unlawful for any person knowingly:

15 (1) to distribute, as a registrant, a controlled
16 substance classified in Schedule I or II, except pursuant
17 to an order form as required by Section 307 of this Act; or

18 (2) to use, in the course of the manufacture or
19 distribution of a controlled substance, a registration
20 number which is fictitious, revoked, suspended, or issued
21 to another person; or

22 (2.1) to use or possess a prescriber's Illinois
23 controlled substance license or United States Drug
24 Enforcement Administration registration number:

25 (A) other than for:

26 (i) prescribing or dispensing controlled

1 substances;
2 (ii) insurance processing related to
3 controlled substances;
4 (iii) professional employment;
5 (iv) collecting credentials data under the
6 Health Care Professional Credentials Data
7 Collection Act; or
8 (v) licensure purposes;
9 (B) without authorization;
10 (C) to fraudulently obtain any medication or to
11 fraudulently create a prescription or order; or
12 (D) except as authorized by law; or
13 (3) to acquire or obtain, or attempt to acquire or
14 obtain, possession of a controlled substance by
15 misrepresentation, fraud, forgery, deception or
16 subterfuge; or
17 (3.1) to withhold information requested from a
18 practitioner, with the intent to obtain a controlled
19 substance that has not been prescribed, by
20 misrepresentation, fraud, forgery, deception, subterfuge,
21 or concealment of a material fact; or
22 (4) to furnish false or fraudulent material
23 information in, or omit any material information from, any
24 application, report or other document required to be kept
25 or filed under this Act, or any record required to be kept
26 by this Act; or

1 (5) to make, distribute or possess any punch, die,
2 plate, stone or other thing designed to print, imprint or
3 reproduce the trademark, trade name or other identifying
4 mark, imprint or device of another, or any likeness of any
5 of the foregoing, upon any controlled substance or
6 container or labeling thereof so as to render the drug a
7 counterfeit substance; or

8 (6) (blank); or

9 (7) (blank).

10 Any person who violates this subsection (b) is guilty of a
11 Class 4 felony for the first offense and a Class 3 felony for
12 each subsequent offense. The fine for the first offense shall
13 be not more than \$100,000. The fine for each subsequent offense
14 shall not be more than \$200,000.

15 (c) A person who knowingly or intentionally violates
16 Section 316, 317, 318, or 319 is guilty of a Class A
17 misdemeanor.

18 (Source: P.A. 99-480, eff. 9-9-15.)