

HB5657



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5657

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

720 ILCS 570/206

from Ch. 56 1/2, par. 1206

720 ILCS 642/Act rep.

Amends the Illinois Controlled Substances Act. Lists Kratom as a Schedule II controlled substance. Repeals the Kratom Control Act. Effective immediately.

LRB101 14435 RLC 63322 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 206 as follows:

6 (720 ILCS 570/206) (from Ch. 56 1/2, par. 1206)

7 Sec. 206. (a) The controlled substances listed in this
8 Section are included in Schedule II.

9 (b) Unless specifically excepted or unless listed in
10 another schedule, any of the following substances whether
11 produced directly or indirectly by extraction from substances
12 of vegetable origin, or independently by means of chemical
13 synthesis, or by combination of extraction and chemical
14 synthesis:

15 (1) Opium and opiates, and any salt, compound,
16 derivative or preparation of opium or opiate, excluding
17 apomorphine, dextrorphan, levopropoxyphene, nalbuphine,
18 nalmefene, naloxone, and naltrexone, and their respective
19 salts, but including the following:

- 20 (i) Raw Opium;
21 (ii) Opium extracts;
22 (iii) Opium fluid extracts;
23 (iv) Powdered opium;

1 (v) Granulated opium;
2 (vi) Tincture of opium;
3 (vii) Codeine;
4 (viii) Ethylmorphine;
5 (ix) Etorphine Hydrochloride;
6 (x) Hydrocodone;
7 (xi) Hydromorphone;
8 (xii) Metopon;
9 (xiii) Morphine;
10 (xiii.5) 6-Monoacetylmorphine;
11 (xiv) Oxycodone;
12 (xv) Oxymorphone;
13 (xv.5) Tapentadol;
14 (xvi) Thebaine;
15 (xvii) Thebaine-derived butorphanol.
16 (xviii) Methorphan, except drug products
17 containing dextromethorphan that may be dispensed
18 pursuant to a prescription order of a practitioner and
19 are sold in compliance with the safety and labeling
20 standards as set forth by the United States Food and
21 Drug Administration, or drug products containing
22 dextromethorphan that are sold in solid, tablet,
23 liquid, capsule, powder, thin film, or gel form and
24 which are formulated, packaged, and sold in dosages and
25 concentrations for use as an over-the-counter drug
26 product. For the purposes of this Section,

1 "over-the-counter drug product" means a drug that is
2 available to consumers without a prescription and sold
3 in compliance with the safety and labeling standards as
4 set forth by the United States Food and Drug
5 Administration.

6 (2) Any salt, compound, isomer, derivative or
7 preparation thereof which is chemically equivalent or
8 identical with any of the substances referred to in
9 subparagraph (1), but not including the isoquinoline
10 alkaloids of opium;

11 (3) Opium poppy and poppy straw;

12 (4) Coca leaves and any salt, compound, isomer, salt of
13 an isomer, derivative, or preparation of coca leaves
14 including cocaine or ecgonine, and any salt, compound,
15 isomer, derivative, or preparation thereof which is
16 chemically equivalent or identical with any of these
17 substances, but not including decocainized coca leaves or
18 extractions of coca leaves which do not contain cocaine or
19 ecgonine (for the purpose of this paragraph, the term
20 "isomer" includes optical, positional and geometric
21 isomers);

22 (5) Concentrate of poppy straw (the crude extract of
23 poppy straw in either liquid, solid or powder form which
24 contains the phenanthrine alkaloids of the opium poppy).

25 (c) Unless specifically excepted or unless listed in
26 another schedule any of the following opiates, including their

1 isomers, esters, ethers, salts, and salts of isomers, whenever
2 the existence of these isomers, esters, ethers and salts is
3 possible within the specific chemical designation, dextrorphan
4 excepted:

5 (1) Alfentanil;

6 (1.1) Carfentanil;

7 (1.2) Thiafentanyl;

8 (2) Alphaprodine;

9 (3) Anileridine;

10 (4) Bezitramide;

11 (5) Bulk Dextropropoxyphene (non-dosage forms);

12 (6) Dihydrocodeine;

13 (7) Diphenoxylate;

14 (8) Fentanyl;

15 (9) Sufentanil;

16 (9.5) Remifentanil;

17 (10) Isomethadone;

18 (11) (Blank);

19 (12) Levorphanol (Levorphan);

20 (13) Metazocine;

21 (14) Methadone;

22 (15) Methadone-Intermediate,

23 4-cyano-2-dimethylamino-4,4-diphenyl-1-butane;

24 (16) Moramide-Intermediate,

25 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic

26 acid;

- 1 (17) Pethidine (meperidine);
- 2 (18) Pethidine-Intermediate-A,
3 4-cyano-1-methyl-4-phenylpiperidine;
- 4 (19) Pethidine-Intermediate-B,
5 ethyl-4-phenylpiperidine-4-carboxylate;
- 6 (20) Pethidine-Intermediate-C,
7 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 8 (21) Phenazocine;
- 9 (22) Piminodine;
- 10 (23) Racemethorphan;
- 11 (24) (Blank);
- 12 (25) Levo-alpha-acetylmethadol (some other names:
13 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM).
- 14 (d) Unless specifically excepted or unless listed in
15 another schedule, any material, compound, mixture, or
16 preparation which contains any quantity of the following
17 substances having a stimulant effect on the central nervous
18 system:
- 19 (1) Amphetamine, its salts, optical isomers, and salts
20 of its optical isomers;
- 21 (2) Methamphetamine, its salts, isomers, and salts of
22 its isomers;
- 23 (3) Phenmetrazine and its salts;
- 24 (4) Methylphenidate;
- 25 (5) Lisdexamfetamine.
- 26 (e) Unless specifically excepted or unless listed in

1 another schedule, any material, compound, mixture, or
2 preparation which contains any quantity of the following
3 substances having a depressant effect on the central nervous
4 system, including its salts, isomers, and salts of isomers
5 whenever the existence of such salts, isomers, and salts of
6 isomers is possible within the specific chemical designation:

- 7 (1) Amobarbital;
- 8 (2) Secobarbital;
- 9 (3) Pentobarbital;
- 10 (4) Pentazocine;
- 11 (5) Phencyclidine;
- 12 (6) Gluthethimide;
- 13 (7) (Blank).

14 (f) Unless specifically excepted or unless listed in
15 another schedule, any material, compound, mixture, or
16 preparation which contains any quantity of the following
17 substances:

18 (1) Immediate precursor to amphetamine and
19 methamphetamine:

20 (i) Phenylacetone

21 Some trade or other names: phenyl-2-propanone;
22 P2P; benzyl methyl ketone; methyl benzyl ketone.

23 (2) Immediate precursors to phencyclidine:

24 (i) 1-phenylcyclohexylamine;

25 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

26 (3) Nabilone.

1 (g) Unless specifically excepted or unless listed in
2 another schedule, any part of the plant Mitragyna speciosa,
3 whether growing or not, and any compound, manufacture, salt,
4 derivative, mixture, or preparation of that plant, including,
5 but not limited to, mitragynine and 7-hydroxymitragynine
6 (commonly known as Kratom).

7 (Source: P.A. 100-368, eff. 1-1-18.)

8 (720 ILCS 642/Act rep.)

9 Section 10. The Kratom Control Act is repealed.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.