



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB0001

Introduced 1/12/2023, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2630/5.2

30 ILCS 105/5.990 new

30 ILCS 105/5.991 new

35 ILCS 1010/1-45

720 ILCS 570/102

from Ch. 56 1/2, par. 1102

720 ILCS 570/204

from Ch. 56 1/2, par. 1204

Creates the Compassionate Use and Research of Entheogens Act. Establishes the Illinois Psilocybin Advisory Board within the Department of Public Health for the purpose of advising and making recommendations to the Department regarding the provision of psilocybin and psilocybin services. Provides that the Department shall begin receiving applications for the licensing of persons to manufacture or test psilocybin products, operate service centers, or facilitate psilocybin services. Contains licensure requirements and prohibitions. Provides that a licensee or licensee representative may manufacture, deliver, or possess a psilocybin product. Provides that the Department may obtain, relinquish, or dispose of psilocybin products to ensure compliance with and enforce the Act and rules adopted under the Act. Creates the Psilocybin Control and Regulation Fund and the Illinois Psilocybin Fund and makes conforming changes in the State Finance Act. Requires the Department of Agriculture, the Illinois Liquor Control Commission, and the Department of Revenue to perform specified duties. Contains provisions concerning rulemaking; taxes; fees; zoning; labeling; and penalties. Preempts home rule powers. Contains other provisions. Amends the Criminal Identification Act. Provides that specified records shall be expunged prior to (i) January 1, 2024 (rather than January 1, 2023) and (ii) January 1, 2026 (rather than January 1, 2025). Provides for expungement of specified records concerning the possession of psilocybin and psilocin. Amends the Illinois Controlled Substances Act. Removes psilocybin and psilocin from the list of Schedule I controlled substances. Amends the Illinois Independent Tax Tribunal Act of 2012. Provides that the Tax Tribunal shall have original jurisdiction over all determinations of the Department of Revenue reflected on specified notices issued under the Compassionate Use and Research of Entheogens Act. Effective immediately.

LRB103 04680 CPF 49688 b

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. This Act may be cited as the
5 Compassionate Use and Research of Entheogens Act.

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

7 (1) The War on Drugs has given rise to significant
8 financial and social costs, and the policies behind the
9 War on Drugs reflect neither a modern understanding of
10 substance use nor the actual risks or potential
11 therapeutic benefits of the substances that have been
12 criminalized.

13 (2) Moreover, criminalization has not deterred drug
14 use. Instead, it has made drug use less safe and has
15 created an unregulated, underground market in which
16 dosages are difficult to verify and dangerous adulterants,
17 such as fentanyl, are common.

18 (3) Lack of honest drug education has laid the
19 groundwork for decades of misinformation, stigma, and
20 cultural appropriation, which have all contributed to
21 increasing the dangers of drug use.

22 (4) Harm reduction tools, including drug-checking
23 kits, scales, and capsules, allow users to make safe and

1 more accurate, evidence-based decisions about their
2 personal use of these substances, and allowing the use of
3 such tools can increase public health and safety.

4 (5) Research is advancing to support the use of
5 psychedelic compounds, along with psychotherapy, to treat
6 mental health disorders, such as anxiety, depression,
7 post-traumatic stress disorder, and substance use
8 disorder.

9 (6) Voters of the city and county of Denver, Colorado
10 approved Ordinance 301 in May of 2019, making the personal
11 possession and use of the natural medicine psilocybin by
12 adults the lowest level of law enforcement priority in
13 Denver and to prohibit the city and county from spending
14 resources enforcing related penalties.

15 (7) Measures 109 and 110 in Oregon, which both passed
16 in November 2020, established a regulated psilocybin
17 therapy system in Oregon to provide people therapeutic
18 access to psilocybin and decriminalized the personal
19 possession of all drugs.

20 (8) Almost 20 countries around the world, including
21 Portugal, the Czech Republic, and Spain, have expressly or
22 effectively decriminalized the personal use of all
23 substances.

24 (9) The City of Oakland, California, and the City of
25 Santa Cruz, California have passed resolutions
26 decriminalizing or deprioritizing the enforcement of laws

1 regulating the possession, use, and propagation of
2 psychedelic plants and fungi. Since June 2019, the
3 following cities have also decriminalized the possession,
4 use, and propagation of psychedelic plants and fungi at
5 the local level: Ann Arbor, Michigan; Somerville,
6 Massachusetts; and Cambridge, Massachusetts. In 2020,
7 Washington, D.C., passed Initiative 81 to decriminalize
8 and deprioritize the enforcement of laws regulating the
9 possession and use of psychedelic plants and fungi with
10 76% voter approval.

11 (10) The State of Colorado passed Proposition 122 in
12 November of 2022, decriminalizing the possession of
13 psychedelic plants and fungi and eventually allowing
14 state-licensed treatment centers to administer the
15 compounds of psychedelic plants and fungi under the
16 supervision of trained staff.

17 (11) To transition away from criminalization models
18 while protecting people who use or may use drugs and
19 reduce negative environmental or cultural impacts, it is
20 necessary to review the full legal context in which these
21 changes to the law are made. It is also necessary to
22 incorporate evidence-based policy, consult with experts,
23 and maintain open discourse based in harm reduction,
24 reciprocity, and human rights during the process of
25 developing alternative regulatory systems.

26 (12) Criminalizing psychedelic plants and fungi has

1 denied people access to accurate education and harm
2 reduction information related to the use of psychedelic
3 compounds and limited the development of appropriate
4 training for first responders and multi-responders,
5 including law enforcement, emergency medical services, and
6 fire services.

7 (13) Illinoisans deserve more tools to address mental
8 health issues, including approaches using psychedelic
9 plants and fungi that are grounded in treatment, recovery,
10 cultural competency, and wellness rather than
11 criminalization, suffering, and punishment.

12 (14) This Act will allow for the noncommercial,
13 personal use and sharing of specified controlled
14 substances, including for the purpose of group counseling,
15 community-based healing, or other related services.

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

21 (16) Peyote is specifically excluded from the list of
22 substances to be decriminalized, including any
23 cultivation, harvest, extraction, tincture, or other
24 product manufactured or derived therefrom, because of the
25 nearly endangered status of the peyote plant and the
26 special significance peyote holds in Native American

1 spirituality. Furthermore, this Act does not amend or
2 repeal paragraph (12) of subsection (d) of Section 204 of
3 the Illinois Controlled Substances Act, which identifies
4 peyote and its derivatives as a Schedule I drug.

5 (17) The State of Illinois fully respects and supports
6 the continued Native American possession and use of peyote
7 under federal law, 42 U.S.C. 1996a, understanding that
8 Native Americans in the United States were persecuted and
9 prosecuted for their ceremonial practices, including the
10 use of peyote, for more than a century, and had to fight
11 numerous legal and political battles to achieve the
12 current protected status. The enactment of this
13 legislation does not intend to explicitly or implicitly
14 undermine that status.

15 (18) Research conducted by domestic and international
16 medical institutions indicates that psilocybin is
17 efficacious and safe for the treatment of a variety of
18 mental health conditions, including, but not limited to,
19 addiction, depression, anxiety disorders, headache
20 disorders, and end-of-life psychological distress.

21 (19) The United States Food and Drug Administration
22 has:

23 (A) determined that preliminary clinical evidence
24 indicates that psilocybin may demonstrate substantial
25 improvement over available therapies for
26 treatment-resistant depression; and

1 (B) granted a "Breakthrough Therapy" designation
2 for a treatment that uses psilocybin as a therapy for
3 such depression.

4 (20) During a 2-year program development period, the
5 Department should:

6 (A) examine, publish, and distribute to the public
7 available medical, psychological, and scientific
8 studies, research, and other information relating to
9 the safety and efficacy of psilocybin in treating
10 mental health conditions; and

11 (B) adopt rules and regulations for the eventual
12 implementation of a comprehensive regulatory framework
13 that will allow persons 18 years of age and older in
14 this State to be provided psilocybin services.

15 (21) An advisory board should be established within
16 the Department for the purpose of advising and making
17 recommendations to the Department.

18 Section 10. Purposes.

19 (a) The purpose of this Act is to establish a new,
20 compassionate, and effective approach to entheogens by:

21 (1) Adopting a public health and harm reduction
22 approach to natural medicines by removing criminal
23 penalties for the possession of some entheogens for
24 personal use by adults who are 18 years of age or older.

25 (2) Developing and promoting public education related

1 to the use of entheogens and appropriate training for
2 first responders.

3 (3) Reducing the prevalence of behavioral health
4 disorders among adults in this State to improve the
5 physical, mental, and social well-being of all people in
6 this State.

7 (4) Promoting health and healing by reducing focus on
8 criminal punishments for persons who suffer from mental
9 health issues by establishing regulated access to natural
10 medicines through a humane, cost-effective, and
11 responsible approach.

12 (5) Developing a long-term strategic plan for ensuring
13 that psilocybin services will become and remain a safe,
14 accessible, and affordable option for all persons 18 years
15 of age and older in this State for whom psilocybin may be
16 appropriate.

17 (6) Protecting the safety, welfare, health, and peace
18 of the people of this State by prioritizing this State's
19 limited law enforcement resources in the most effective,
20 consistent, and rational way.

21 (7) After a 2-year program development period:

22 (A) permitting persons licensed, controlled, and
23 regulated by this State to legally manufacture
24 psilocybin products and provide psilocybin services to
25 persons 18 years of age and older, subject to the
26 provisions of this Act;

1 (B) establishing a comprehensive regulatory
2 framework concerning psilocybin products and
3 psilocybin services under State law; and

4 (C) preparing proposed rules for the addition of
5 botanical forms of dimethyltryptamine, ibogaine
6 (except ibogaine from iboga), and mescaline (except
7 mescaline from peyote) to substances regulated under
8 this Act on or before June 1, 2027.

9 (b) The People of the State of Illinois intend that the
10 provisions of this Act, together with other provisions of
11 State law, will prevent:

12 (1) the distribution of psilocybin products to other
13 persons who are not permitted to possess psilocybin
14 products under the provisions of this Act and rules
15 adopted under this Act, including, but not limited to,
16 persons under 18 years of age; and

17 (2) the diversion of psilocybin products from this
18 State to other states.

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

21 (1) Require a government medical assistance program or
22 private health insurer to reimburse a person for costs
23 associated with the use of psilocybin products.

24 (2) Amend or affect State or federal law pertaining to
25 employment matters.

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

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

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

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

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

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

21 Section 20. Definitions. In this Act:

22 "2-year program development period" means the period
23 beginning on January 1, 2024 and ending no later than December
24 31, 2025.

25 "Administration session" means a session held under the

1 supervision of a facilitator at which a client consumes and
2 experiences the effects of a psilocybin product under the
3 supervision of a facilitator.

4 "Advisory Board" or "Board" means the Illinois Psilocybin
5 Advisory Board established under Section 25.

6 "Client" means an individual who consumes a psilocybin
7 product in an administration session in this State.

8 "Department" means the Department of Public Health.

9 "Entheogen" means the following substances in any form,
10 regardless of whether the substance is regulated under the
11 federal Controlled Substances Act or the Illinois Controlled
12 Substances Act:

13 (1) Dimethyltryptamine.

14 (2) Ibogaine, except ibogaine from iboga.

15 (3) Mescaline, except mescaline from peyote.

16 (4) Psilocybin.

17 (5) Psilocin.

18 "Facilitator" means an individual who facilitates the
19 provision of a psilocybin service in this State.

20 "Integration session" means a meeting between a client and
21 a facilitator that may occur after the client completes an
22 administration session.

23 "Legal entity" means a corporation, limited liability
24 company, limited partnership, or other legal entity that is
25 registered with the office of the Secretary of State or with a
26 comparable office of another jurisdiction.

1 "Licensee" means a person who holds a license issued under
2 Section 85, 100, 115, or 325.

3 "Licensee representative" means an owner, director,
4 officer, manager, employee, agent, or other representative of
5 a licensee, to the extent that the person acts in a
6 representative capacity.

7 "Manufacture" means the manufacture, planting,
8 cultivation, growing, harvesting, production, preparation,
9 propagation, compounding, conversion, or processing of a
10 psilocybin product, directly or indirectly, by extraction from
11 substances of natural origin, independently by means of
12 chemical synthesis or by a combination of extraction and
13 chemical synthesis. "Manufacture" includes any packaging or
14 repackaging of the psilocybin product or labeling or
15 relabeling of its container.

16 "Premises" includes the following areas of a location
17 licensed under this Act:

18 (1) All public and private enclosed areas at the
19 location that are used in the business operated at the
20 location, including offices, kitchens, restrooms, and
21 storerooms.

22 (2) All areas outside of a building that the
23 Department has specifically licensed for the manufacturing
24 of psilocybin products or the operation of a service
25 center.

26 (3) For a location that the Department has

1 specifically licensed for the operation of a service
2 center outside of a building, that portion of the location
3 used to operate the service center and provide a
4 psilocybin service to a client.

5 "Premises" does not include a primary residence, unless a
6 primary residence is necessary for the provision of a
7 psilocybin service to a recipient who is a hospice patient or
8 who is unable to travel to a service center due to a chronic,
9 life-threatening illness.

10 "Preparation session" means a meeting between a client and
11 a facilitator that must occur before the client participates
12 in an administration session.

13 "Psilocybin" means psilocybin or psilocin.

14 "Psilocybin product" means:

15 (1) psilocybin-producing fungi; or

16 (2) mixtures or substances containing a detectable
17 amount of psilocybin.

18 "Psilocybin product" does not include a psilocybin
19 service.

20 "Psilocybin product manufacturer" means a person who
21 manufactures a psilocybin product in this State.

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

25 (1) A preparation session.

26 (2) An administration session.

1 (3) An integration session.

2 "Service center" means an establishment at which:

3 (1) an administration session is held;

4 (2) a psilocybin product is purchased; or

5 (2) other psilocybin services may be provided.

6 "Service center operator" means a person who operates a
7 service center in this State.

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

10 (a) The Illinois Psilocybin Advisory Board is established
11 within the Department for the purpose of advising and making
12 recommendations to the Department. The Illinois Psilocybin
13 Advisory Board shall consist of the following members:

14 (1) The members appointed by the Governor as specified
15 under subsection (b).

16 (2) The Director of Public Health or the Director's
17 designee.

18 (3) A designee of the State Board of Health Policy.

19 (b) The Governor shall appoint the following individuals
20 to the Advisory Board:

21 (1) Any 4 of the following:

22 (A) A State employee who has technical expertise
23 in the field of public health.

24 (B) A local health officer.

25 (C) An individual who is a member of or who

1 represents a federally recognized Indian tribe in this
2 State.

3 (D) An individual who is a member of or who
4 represents an advisory body regarding addiction and
5 mental health planning within the Department or the
6 Department of Human Services.

7 (E) An individual who is a member of or who
8 represents a body regarding health equity policy
9 within the Department or the Department of Human
10 Services.

11 (F) An individual who is a member of or who
12 represents a body regarding palliative care and
13 quality of life within the Department or the
14 Department of Human Services.

15 (G) An individual who represents individuals who
16 provide public health services directly to the public.

17 (2) A psychologist licensed to practice in Illinois
18 who has professional experience engaging in the diagnosis
19 or treatment of a mental, emotional, or behavioral
20 condition.

21 (3) A psychiatrist licensed to practice in Illinois
22 who has professional experience engaging in the diagnosis
23 or treatment of a mental, emotional, or behavioral
24 condition.

25 (4) A therapist licensed to practice in Illinois who
26 has professional experience engaging in the diagnosis or

1 treatment of a mental, emotional, or behavioral condition.

2 (5) A physician licensed to practice in Illinois who
3 holds a degree of Doctor of Medicine.

4 (6) A naturopathic physician.

5 (7) An expert in the field of public health who has a
6 background in academia.

7 (8) A Veterans Affairs service-connected disabled
8 veteran.

9 (9) Any 3 of the following:

10 (A) A person who has professional experience
11 conducting scientific research regarding the use of
12 psychedelic compounds in clinical therapy.

13 (B) A person who has experience in the field of
14 mycology.

15 (C) A person who has experience in the field of
16 ethnobotany.

17 (D) A person who has experience in the field of
18 psychopharmacology.

19 (E) A person who has experience in the field of
20 psilocybin harm reduction.

21 (10) A person representing the Illinois Liquor Control
22 Commission, a person who has experience working with a
23 system developed and maintained by a State body under the
24 Cannabis Regulation and Tax Act for tracking the transfer
25 of cannabis or cannabis products, or a person who is both.

26 (11) The following:

1 (A) During the 2-year program development period:

2 (i) one of the chief petitioners of this Act;

3 and

4 (ii) one or 2 at-large members.

5 (B) After the 2-year program development period,

6 one, 2, or 3 at-large members.

7 (c) The term of office for an Advisory Board member
8 appointed under this Section is 4 years, but a member serves at
9 the pleasure of the Governor. Before the expiration of the
10 term of a member, the Governor shall appoint a successor whose
11 term begins on January 1 of the following calendar year.
12 Members may be eligible for reappointment. If there is a
13 vacancy for any reason, the Governor shall make an appointment
14 to become immediately effective for the unexpired term.

15 (d) Members of the Advisory Board described in paragraphs
16 (2) and (3) of subsection (a) are nonvoting ex officio members
17 of the Advisory Board.

18 (e) A majority of the voting members of the Advisory Board
19 constitutes a quorum for the transaction of business.

20 (f) Official action by the Advisory Board requires the
21 approval of a majority of the voting members of the board.

22 (g) The Advisory Board shall elect one of its voting
23 members to serve as chairperson.

24 (h) During the 2-year program development period, the
25 Advisory Board shall meet at least once every 2 calendar
26 months at a time and place determined by the chairperson, or a

1 majority of the voting members of the Advisory Board. After
2 the 2-year program development period, the Advisory Board
3 shall meet at least once every calendar quarter at a time and
4 place determined by the chairperson or a majority of the
5 voting members of the Advisory Board. The Advisory Board may
6 also meet at other times and places specified by the call of
7 the chairperson or of a majority of the voting members of the
8 board.

9 (i) The Advisory Board may adopt rules necessary for the
10 operation of the board.

11 (j) The Advisory Board may establish committees or
12 subcommittees necessary for the operation of the board.

13 (k) Members of the Advisory Board are entitled to
14 compensation and expenses.

15 Section 30. Duties of the Illinois Psilocybin Advisory
16 Board.

17 (a) The Illinois Psilocybin Advisory Board shall perform
18 the following duties:

19 (1) Provide advice to the Department with respect to
20 the administration of this Act as it relates to accurate
21 public health approaches regarding use, effect, and risk
22 reduction of entheogens and the content and scope of
23 educational campaigns related to entheogens.

24 (2) Make recommendations to the Department on
25 available medical, psychological, and scientific studies,

1 research, and other information relating to the safety and
2 efficacy of psilocybin in treating mental health
3 conditions, including, but not limited to, addiction,
4 depression, anxiety and trauma disorders, headache
5 disorders, and end-of-life psychological distress.

6 (3) Study and review the Oregon Psilocybin Services
7 Act (Measure 109), the Colorado Natural Medicine Health
8 Act of 2022 (Proposition 122), and relevant legislative
9 initiatives in other states in an effort to determine
10 successes and pitfalls that may be applied to the
11 rulemaking process in Illinois.

12 (4) Review scientific and cultural literature
13 concerning ibogaine (except ibogaine from iboga),
14 mescaline (except mescaline from peyote), and botanical
15 forms of dimethyltryptamine and make recommendations to
16 the Department concerning whether these substances may be
17 included in this Act or a similar appropriate regulatory
18 framework based on medical, psychological, and scientific
19 studies, research, and other information related to the
20 safety and efficacy of each compound to avoid an
21 unregulated de facto market for other natural plants and
22 fungi.

23 (5) Make recommendations to the Department on the
24 requirements, specifications, and guidelines for providing
25 psilocybin services to a client, including the following:

26 (A) The requirements, specifications, and

1 guidelines for holding and verifying the completion of
2 a preparation session, an administration session, and
3 an integration session.

4 (B) The contents of the client information form
5 that a client must complete and sign before the client
6 participates in an administration session, giving
7 particular consideration to the following:

8 (i) The information that should be solicited
9 from the client to determine whether the client
10 should participate in the administration session,
11 including information that may identify risk
12 factors and contraindications.

13 (ii) The information that should be solicited
14 from the client to assist the service center
15 operator and the facilitator in meeting any public
16 health and safety standards and industry best
17 practices during the administration session.

18 (iii) The health and safety warnings and other
19 disclosures that should be made to the client
20 before the client participates in the
21 administration session.

22 (6) Make recommendations to the Department on public
23 health and safety standards and industry best practices
24 for each type of licensee under this Act.

25 (7) Make recommendations to the Department on the
26 formulation of a code of professional conduct for

1 facilitators, giving particular consideration to a code of
2 ethics, cultural responsibility, and outlining a clear
3 process for reporting complaints of unethical conduct by
4 facilitators or service center employees.

5 (8) Make recommendations to the Department on the
6 education, experience, and training that facilitators must
7 achieve, giving particular consideration to the following
8 and including whether such education, experience, and
9 training should be available through online resources:

10 (A) Facilitation skills that are affirming,
11 nonjudgmental, nondirective, trauma-informed, and
12 rooted in informed consent.

13 (B) Support skills for clients during an
14 administration session, including specialized skills
15 for the following:

16 (i) Client safety.

17 (ii) Clients who may have a mental health
18 condition.

19 (iii) Appropriate boundaries, heightened
20 transference in expanded states of consciousness,
21 and special precautions related to the use of
22 touch in psilocybin sessions.

23 (iv) Crisis assessment and appropriate
24 referral for those who need ongoing support if
25 challenging mental health issues emerge in
26 psilocybin sessions

1 (C) The environment in which psilocybin services
2 should occur.

3 (D) Social and cultural considerations.

4 (E) Affordable, equitable, ethical, and culturally
5 responsible access to entheogens and requirements to
6 ensure that the regulated entheogen access program is
7 equitable and inclusive.

8 (9) Make recommendations to the Department on the
9 examinations that facilitators must pass.

10 (10) Make recommendations to the Department on public
11 health and safety standards and industry best practices
12 for holding and completing an administration session,
13 including the following:

14 (A) Best practices surrounding group
15 administration.

16 (B) How clients can safely access common or
17 outside areas on the premises at which the
18 administration session is held.

19 (C) The circumstances under which an
20 administration session is considered complete.

21 (D) The transportation needs of the client after
22 the completion of the administration session.

23 (11) Develop a long-term strategic plan for ensuring
24 that psilocybin services will become and remain a safe,
25 accessible, and affordable therapeutic option for all
26 persons 18 years of age and older in this State for whom

1 psilocybin may be appropriate.

2 (12) Monitor and study federal laws, regulations, and
3 policies regarding psilocybin.

4 (13) On an ongoing basis, review and evaluate existing
5 research studies and real-world data related to entheogens
6 and make recommendations to the General Assembly and
7 relevant State agencies as to whether entheogens and
8 associated services should be covered under any Illinois
9 State health insurance or other insurance program as a
10 cost-effective intervention for various mental health
11 conditions, including, but not limited to, end of life
12 anxiety, substance use disorder, alcoholism, depressive
13 disorders, neurological disorders, post-traumatic stress
14 disorder, and other painful conditions, including, but not
15 limited to, cluster headaches, migraines, cancer, and
16 phantom limbs.

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

22 (15) Publish an annual report describing the Advisory
23 Board's activities, including, but not limited to, any
24 recommendations and advice for the Department or the
25 General Assembly.

26 (b) The Department shall provide technical, logistical,

1 and other support to the Advisory Board, as requested by the
2 Advisory Board, to assist the Advisory Board with its duties
3 and obligations.

4 Section 35. Department of Public Health's general powers
5 and duties; rules.

6 (a) The Department has the duties, functions, and powers
7 specified in this Act and the powers necessary or proper to
8 enable the Department to carry out the Department's duties,
9 functions, and powers under this Act. The jurisdiction,
10 supervision, duties, functions, and powers of the Department
11 extend to any person who produces, processes, transports,
12 delivers, sells, or purchases a psilocybin product in this
13 State or who provides a psilocybin service in this State. The
14 Department may sue and be sued.

15 (b) The duties, functions, and powers of the Department
16 specified in this Act include the following:

17 (1) To examine, publish, and distribute to the public
18 available medical, psychological, and scientific studies,
19 research, and other information relating to the safety and
20 efficacy of psilocybin in treating mental health
21 conditions, including, but not limited to, addiction,
22 depression, anxiety disorders, headache disorders, and
23 end-of-life psychological distress.

24 (2) After the 2-year program development period, the
25 following:

1 (A) To regulate the manufacturing, transportation,
2 delivery, sale, and purchase of psilocybin products
3 and the provision of psilocybin services in this State
4 in accordance with the provisions of this Act.

5 (B) To issue, renew, suspend, revoke, or refuse to
6 issue or renew licenses for the manufacturing or sale
7 of psilocybin products, the provision of psilocybin
8 services, or other licenses related to the consumption
9 of psilocybin products, and to permit, at the
10 Department's discretion, the transfer of a license
11 between persons.

12 (C) To regulate the use of psilocybin products and
13 psilocybin services for other purposes as deemed
14 necessary or appropriate by the Department.

15 (3) To adopt, amend, or repeal rules as necessary to
16 carry out the intent and provisions of this Act, including
17 rules that the Department considers necessary to protect
18 the public health and safety.

19 (4) To exercise all powers incidental, convenient, or
20 necessary to enable the Department to administer or carry
21 out the provisions of this Act or any other law of this
22 State that charges the Department with a duty, function,
23 or power related to psilocybin products or psilocybin
24 services. Powers described in this paragraph include, but
25 are not limited to, the following:

26 (A) Issuing subpoenas.

1 (B) Compelling the attendance of witnesses.

2 (C) Administering oaths.

3 (D) Certifying official acts.

4 (E) Taking depositions as provided by law.

5 (F) Compelling the production of books, payrolls,
6 accounts, papers, records, documents, or testimony.

7 (G) Establishing fees in addition to the
8 application, licensing, and renewal fees described in
9 Sections 85, 100, 115, and 325 of this Act, provided
10 that any fee established by the Department is
11 reasonably calculated to not exceed the cost of the
12 activity for which the fee is charged.

13 (5) To adopt rules prohibiting advertisement of
14 psilocybin products to the public.

15 (6) To adopt rules regulating and prohibiting
16 advertisement of psilocybin services and prohibiting
17 advertisements for those services that:

18 (A) That is appealing to minors.

19 (B) That promotes excessive use.

20 (C) That promotes illegal activity.

21 (D) That violates the code of professional conduct
22 for facilitators formulated by the Department.

23 (E) That otherwise presents a significant risk to
24 public health and safety as determined by the
25 Department.

26 (c) The Department may not require that a psilocybin

1 product be manufactured by means of chemical synthesis.

2 (d) The Department may not require a client to be
3 diagnosed with or have any particular medical condition as a
4 prerequisite to being provided psilocybin services.

5 (e) Fees collected pursuant to this Section shall be
6 deposited into the Psilocybin Control and Regulation Fund
7 established under Section 205.

8 Section 40. Authority to purchase, possess, seize,
9 transfer to a licensee, or dispose of psilocybin products.
10 Subject to any applicable provision of Illinois law, the
11 Department may purchase, possess, seize, transfer to a
12 licensee, or dispose of psilocybin products as is necessary
13 for the Department to ensure compliance with and enforce the
14 provisions of this Act and any rule adopted under this Act.

15 Section 45. 2-year program development period; dates.

16 (a) Unless the General Assembly provides otherwise, the
17 Department may not issue any licenses under this Act during
18 the 2-year program development period.

19 (b) On or before February 28, 2024, the Governor shall
20 appoint the individuals specified in subsection (b) of Section
21 25 to the Advisory Board.

22 (c) On or before March 31, 2024, the Advisory Board shall
23 hold its first meeting at a time and place specified by the
24 Governor.

1 (d) On or before June 30, 2024, and on a regular basis
2 after that date, the Advisory Board shall submit its findings
3 and recommendations to the Department on available medical,
4 psychological, and scientific studies, research, and other
5 information relating to the safety and efficacy of psilocybin
6 and other entheogens in treating mental health conditions,
7 including, but not limited to, addiction, depression, anxiety
8 disorders, headache disorders, and end-of-life psychological
9 distress.

10 (e) On or before June 30, 2025, the Advisory Board shall
11 submit its findings and recommendations concerning the
12 following to the Department:

13 (1) Rules and regulations for the implementation of
14 this Act.

15 (2) A long-term strategic plan for ensuring that
16 psilocybin services will become and remain a safe,
17 accessible, and affordable therapeutic option for all
18 persons 18 years of age and older in this State for whom
19 psilocybin may be appropriate.

20 (3) With respect to federal laws, regulations, and
21 policies regarding psilocybin and other entheogens.

22 (f) On or before July 31, 2024, and on a regular basis
23 after that date, the Department shall publish and distribute
24 to the public available medical, psychological, and scientific
25 studies, research, and other information relating to the
26 safety and efficacy of psilocybin and other entheogens in

1 treating mental health conditions, including, but not limited
2 to, addiction, depression, anxiety disorders, headache
3 disorders, and end-of-life psychological distress.

4 (g) On or before December 31, 2025, the Department shall
5 prescribe forms and adopt such rules as the Department deems
6 necessary for the implementation of this Act.

7 Section 50. Licensing.

8 (a) On or before January 2, 2025, the Department shall
9 begin receiving applications for the licensing of persons to
10 perform the following:

- 11 (1) Manufacture psilocybin products.
- 12 (2) Operate a service center.
- 13 (3) Facilitate psilocybin services.
- 14 (4) Test psilocybin products.

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

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

1 Department shall give applicants an opportunity to be heard if
2 an application is rejected. A hearing under this subsection is
3 not subject to the requirements for contested case proceedings
4 under applicable Illinois law.

5 (d) Except as provided in subsection (c), a revocation of
6 or a refusal to issue or renew a license issued under this Act
7 is subject to the requirements for contested case proceedings
8 under applicable Illinois law.

9 (e) An applicant for a facilitator license or renewal of a
10 facilitator license issued under Section 115 need not show the
11 location of any premises.

12 (f) The Department may not license an applicant under the
13 provisions of this Act if the applicant is under 18 years of
14 age.

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

19 (1) Has failed to complete any of the education or
20 training required by the provisions of this Act or rules
21 adopted under this Act.

22 (2) Has failed to complete any of the examination
23 required by the provisions of this Act or rules adopted
24 under this Act.

25 (3) Is in the habit of using alcoholic beverages,
26 habit-forming drugs, or controlled substances to excess as

1 determined by the Department.

2 (4) Has made false statements to the Department.

3 (5) Is incompetent or physically unable to carry on
4 the management of the establishment proposed to be
5 licensed as determined by the Department.

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

11 (7) Is not of good repute and moral character as
12 determined by the Department.

13 (8) Does not have a good record of compliance with
14 this Act or any rule adopted under this Act.

15 (9) Is not the legitimate owner of the premises
16 proposed to be licensed or has not disclosed that any
17 other person has an ownership interest in the premises
18 proposed to be licensed.

19 (10) Has not demonstrated financial responsibility
20 sufficient to adequately meet the requirements of the
21 premises proposed to be licensed.

22 (11) Is unable to understand the laws of this State
23 relating to psilocybin products, psilocybin services, or
24 the rules adopted under this Act.

25 (h) Notwithstanding paragraph (6) of subsection (g), in
26 determining whether to issue a license or a restricted license

1 to an applicant, the Department may not consider the prior
2 conviction of the applicant or any owner, director, officer,
3 manager, employee, agent, or other representative of the
4 applicant for the following:

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

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

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

13 (2) The possession of a controlled substance, as
14 defined in the Illinois Controlled Substances Act, if any
15 of the following apply:

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

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

20 Section 55. Authority to require fingerprints of
21 applicants and other individuals. For the purpose of
22 requesting a State or nationwide criminal records check, the
23 Department may require the fingerprints of any individual
24 listed on an application submitted under Section 50. The
25 powers conferred on the Department under this Section include

1 the power to require the fingerprints of the following
2 persons:

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

5 (2) If the applicant is a manager-managed limited
6 liability company, each manager of the limited liability
7 company.

8 (3) If the applicant is a member-managed limited
9 liability company, each voting member of the limited
10 liability company.

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

13 (5) Any individual who holds a financial interest of
14 10% or more in the person applying for the license.

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

17 (1) A personal privilege.

18 (2) Renewable in the manner provided under Section 50,
19 except for a cause that would be grounds for refusal to
20 issue the license under Section 50.

21 (3) Subject to revocation or suspension as provided in
22 Section 185.

23 (4) Except for a license issued to a facilitator under
24 Section 115, transferable from the premises for which the
25 license was originally issued to another premises subject

1 to the provisions of this Act, applicable rules adopted
2 under this Act, and applicable local ordinances.

3 (5) Subject to expiration upon the death of the
4 licensee, if the license was issued to an individual
5 except as provided under subsection (q) of Section 165.

6 (6) Not considered property.

7 (7) Not alienable.

8 (8) Not subject to attachment or execution.

9 (9) Not subject to descent by the laws of testate or
10 intestate succession.

11 Section 65. Duties of the Department with respect to
12 issuing licenses.

13 (a) The Department shall approve or deny an application to
14 be licensed under this Act. Upon receiving an application
15 under Section 50, the Department may not unreasonably delay
16 processing, approving, or denying the application or, if the
17 application is approved, issuing the license.

18 (b) The licenses described in this Act must be issued by
19 the Department, subject to the provisions of this Act and
20 rules adopted under this Act.

21 (c) The Department may not license premises that do not
22 have defined boundaries. Premises do not need to be enclosed
23 by a wall, fence, or other structure, but the Department may
24 require premises to be enclosed as a condition of issuing or
25 renewing a license. The Department may not license mobile

1 premises.

2 Section 70. Duty to request land use compatibility
3 statement.

4 (a) Prior to receiving a license under Section 85 or 100,
5 an applicant shall request a land use compatibility statement
6 from the city or county that authorizes the land use. The land
7 use compatibility statement must demonstrate that the
8 requested license is for a land use that is allowable as a
9 permitted or conditional use within the given zoning
10 designation where the land is located. The Department may not
11 issue a license if the land use compatibility statement shows
12 that the proposed land use is prohibited in the applicable
13 zone.

14 (b) Except as otherwise provided in this Section, a city
15 or county that receives a request for a land use compatibility
16 statement under this Section must act on that request within
17 21 days after either of the following:

18 (1) Receipt of the request, if the land use is
19 allowable as an outright permitted use.

20 (2) Final local permit approval, if the land use is
21 allowable as a conditional use.

22 A city or county that receives a request for a land use
23 compatibility statement under this Section is not required to
24 act on that request during the period that the Department
25 discontinues licensing those premises pursuant to subsection

1 (d) of Section 480.

2 Section 75. Lawful manufacture, delivery, and possession
3 of psilocybin products. A licensee or licensee representative
4 may manufacture, deliver, or possess a psilocybin product
5 subject to the provisions of this Act and rules adopted under
6 this Act. The manufacture, delivery, or possession of a
7 psilocybin product by a licensee or a licensee representative
8 in compliance with this Act and rules adopted under this Act
9 does not constitute a criminal or civil offense under the laws
10 of this State.

11 Section 80. Restriction on financial interests in multiple
12 licensees.

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

15 (1) More than one psilocybin product manufacturer.

16 (2) More than 5 service center operators.

17 (b) Subject to subsection (a), a person may hold multiple
18 service center operator licenses under Section 100 and may
19 hold both a manufacturer license under Section 85 and a
20 service center operator license under Section 100 at the same
21 or different premises.

22 Section 85. License to manufacture psilocybin products.

23 (a) The manufacture of psilocybin products is subject to

1 regulation by the Department.

2 (b) A psilocybin product manufacturer must have a
3 manufacturer license issued by the Department for the premises
4 at which the psilocybin products are manufactured. To hold a
5 manufacturer license issued under this Section, a psilocybin
6 product manufacturer must comply with the following:

7 (1) Apply for a license in the manner described in
8 Section 50.

9 (2) Provide proof that the applicant is 18 years of
10 age or older.

11 (3) Until January 1, 2027 comply with the following:

12 (A) If the direct owner of the business operating
13 or to be operated under the license is a legal entity,
14 provide proof that more than 50% of the shares,
15 membership interests, partnership interests, or other
16 ownership interests of the legal entity are held,
17 directly or indirectly, by one or more individuals who
18 have been residents of this State for 2 or more years.

19 (B) If the direct owner of the business operating
20 or to be operated under the license is a partnership
21 that is not a legal entity, provide proof that more
22 than 50% of the partnership interests of the
23 partnership are held, directly or indirectly, by one
24 or more individuals who have been residents of this
25 State for 2 or more years.

26 (C) If the direct owner of the business operating

1 or to be operated under the license is an individual,
2 provide proof that the individual has been a resident
3 of this State for 2 or more years.

4 (4) Meet the requirements of any rule adopted by the
5 Department under subsections (c) and (d).

6 (c) If the applicant is not the owner of the premises at
7 which the psilocybin is to be manufactured, the applicant
8 shall submit to the Department signed informed consent from
9 the owner of the premises to manufacture psilocybin at the
10 premises. The Department may adopt rules regarding the
11 informed consent described in this subsection.

12 (d) The Department shall adopt rules that comply with the
13 following:

14 (1) Require a psilocybin product manufacturer to
15 annually renew a license issued under this Section.

16 (2) Establish application, licensure, and renewal of
17 licensure fees for psilocybin product manufacturers.

18 (3) Require psilocybin products manufactured by
19 psilocybin product manufacturers to be tested in
20 accordance with Section 320.

21 (e) Fees adopted under paragraph (2) of subsection (d) may
22 not exceed, together with other fees collected under this Act,
23 the cost of administering this Act and shall be deposited into
24 the Psilocybin Control and Regulation Fund established under
25 Section 205.

1 Section 90. Psilocybin product manufacturers;
2 endorsements.

3 (a) The Department shall adopt rules that designate
4 different types of manufacturing activities. A psilocybin
5 product manufacturer may only engage in a type of
6 manufacturing activity if the psilocybin product manufacturer
7 has received an endorsement from the Department for that type
8 of manufacturing activity.

9 (b) An applicant must request an endorsement upon
10 submission of an initial application but may also request an
11 endorsement at any time following licensure.

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

15 (d) A psilocybin product manufacturer licensee may hold
16 multiple endorsements.

17 (e) The Department may deny a psilocybin product
18 manufacturer's request for an endorsement or revoke an
19 existing endorsement if the psilocybin product manufacturer
20 cannot or does not meet the requirements for the endorsement
21 that is requested. If the Department denies or revokes
22 approval, the psilocybin product manufacturer has a right to a
23 hearing under relevant procedures specified in the Illinois
24 Administrative Procedure Act.

25 Section 95. Psilocybin product quantities; rules. The

1 Department shall adopt rules restricting the quantities of
2 psilocybin products at premises for which a license has been
3 issued under Section 85. In adopting rules under this Section,
4 the Department shall take into consideration the demand for
5 psilocybin services in this State, the number of psilocybin
6 product manufacturers applying for a license under Section 85,
7 the number of psilocybin product manufacturers that hold a
8 license issued under Section 85, and whether the availability
9 of psilocybin products in this State is commensurate with the
10 demand for psilocybin services.

11 Section 100. License to operate a service center.

12 (a) The operation of a service center is subject to
13 regulation by the Department.

14 (b) Service centers are to be regulated under the
15 provisions of this Act and not the provisions of any other Act.

16 (c) A service center operator must have a service center
17 operator license issued by the Department for the premises at
18 which psilocybin services are provided. To hold a service
19 center operator license under this Section, a service center
20 operator must comply with the following:

21 (1) Apply for a license in the manner described in
22 Section 50.

23 (2) Provide proof that the applicant is 18 years of
24 age or older.

25 (3) Until January 1, 2027, comply with the following:

1 (A) If the direct owner of the business operating
2 or to be operated under the license is a legal entity,
3 provide proof that more than 50% of the shares,
4 membership interests, partnership interests, or other
5 ownership interests of the legal entity are held,
6 directly or indirectly, by one or more individuals who
7 have been residents of this State for 2 or more years.

8 (B) If the direct owner of the business operating
9 or to be operated under the license is a partnership
10 that is not a legal entity, provide proof that more
11 than 50% of the partnership interests of the
12 partnership are held, directly or indirectly, by one
13 or more individuals who have been residents of this
14 State for 2 or more years.

15 (C) If the direct owner of the business operating
16 or to be operated under the license is an individual,
17 provide proof that the individual has been a resident
18 of this State for 2 or more years.

19 (4) Must ensure that the service center is located in
20 an area that is not within the limits of an area zoned
21 exclusively for residential use.

22 (5) Except as provided in Section 105, must ensure
23 that the service center is not located within 1,000 feet
24 of a public, private, or parochial school.

25 (6) Must meet the requirements of any rule adopted by
26 the Department under paragraph (7).

1 (7) The Department shall adopt rules that comply with
2 the following:

3 (A) Require a service center operator to annually
4 renew a license issued under this Section.

5 (B) Establish application, licensure, and renewal
6 of licensure fees for service center operators.

7 (C) Require psilocybin products sold by a service
8 center operator to be tested in accordance with
9 Section 320.

10 (D) Require a service center operator to meet any
11 public health and safety standards and industry best
12 practices established by the Department by rule.

13 (8) Fees adopted under subparagraph (B) of paragraph
14 (7) may not exceed, together with other fees collected
15 under this Act, the cost of administering this Act and
16 shall be deposited into the Psilocybin Control and
17 Regulation Fund established under Section 205.

18 Section 105. Proximity of service center to schools.
19 Notwithstanding paragraph (5) of subsection (c) of Section
20 100, a service center may be located within 1,000 feet of a
21 school if either of the following apply:

22 (1) The service center is not located within 500 feet
23 of:

24 (A) a public elementary or secondary school for
25 which attendance is compulsory under applicable

1 provisions of the School Code; or

2 (B) a private or parochial elementary or secondary
3 school.

4 (2) The Department determines that there is a physical
5 or geographic barrier capable of preventing children from
6 traversing to the premises of the service center.

7 Section 110. Establishment of schools after issuance of
8 license.

9 (a) If a school described under paragraph (5) of
10 subsection (c) of Section 100 that has not previously been
11 attended by children is established within 1,000 feet of
12 premises for which a license has been issued under Section
13 100, the service center operator located at that premises may
14 remain at that location unless the Department revokes the
15 license of the service center operator under Section 180.

16 (b) The Department may adopt rules establishing the
17 circumstances under which the Department may require a service
18 center operator that holds a license issued under Section 100
19 to use an age verification scanner or any other equipment used
20 to verify a person's age for the purpose of ensuring that the
21 service center operator does not sell psilocybin products to a
22 person under 18 years of age. Information obtained under this
23 subsection may not be retained after verifying a person's age
24 and may not be used for any purpose other than verifying a
25 person's age.

1 Section 115. License to facilitate psilocybin services.

2 (a) The facilitation of psilocybin services is subject to
3 regulation by the Department.

4 (b) A facilitator must have a facilitator license issued
5 by the Department. To hold a facilitator license issued under
6 this Section, a facilitator must comply with the following:

7 (1) Apply for a license in the manner described in
8 Section 50.

9 (2) Provide proof that the applicant is 18 years of
10 age or older.

11 (3) Until January 1, 2027, provide proof that the
12 applicant has been a resident of this State for 2 or more
13 years.

14 (4) Have a high school diploma or equivalent
15 education.

16 (5) Submit evidence of completion of education and
17 training prescribed and approved by the Department.

18 (6) Have passed an examination approved, administered,
19 or recognized by the Department.

20 (7) Meet the requirements of any rule adopted by the
21 Department under subsection (d).

22 (c) The Department may not require a facilitator to have a
23 degree from a university, college, postsecondary institution,
24 or other institution of higher education.

25 (d) The Department shall adopt rules that comply with the

1 following:

2 (1) Require a facilitator to annually renew a license
3 issued under this Section.

4 (2) Establish application, licensure, and renewal of
5 licensure fees for facilitators.

6 (3) Require a facilitator to meet any public health
7 and safety standards and industry best practices
8 established by the Department by rule.

9 (e) Fees adopted under paragraph (2) of subsection (d) 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 205.

14 (f) A facilitator may be, but need not be, an employee,
15 manager, director, officer, partner, member, shareholder, or
16 direct or indirect owner of one or more service center
17 operators.

18 (g) A license issued to a facilitator under this Section
19 is not limited to any one or more premises.

20 Section 120. License examinations; rules. The Department
21 shall offer an examination for applicants for licenses to
22 facilitate psilocybin services at least twice a year. An
23 applicant who fails any part of the examination may retake the
24 failed section in accordance with rules adopted by the
25 Department.

1 Section 125. Age verification. The Department may adopt
2 rules establishing the circumstances under which the
3 Department may require a facilitator that holds a license
4 issued under Section 115 to use an age verification scanner or
5 any other equipment used to verify a person's age for the
6 purpose of ensuring that the facilitator does not provide
7 psilocybin services to a person under 18 years of age.
8 Information obtained under this Section may not be retained
9 after verifying a person's age and may not be used for any
10 purpose other than verifying a person's age.

11 Section 130. Psilocybin services. The Department shall
12 adopt by rule the requirements, specifications, and guidelines
13 for the following:

- 14 (1) Providing psilocybin services to a client.
- 15 (2) Holding and verifying the completion of a
16 preparation session.
- 17 (3) Having a client complete, sign, and deliver a
18 client information form to a service center operator and a
19 facilitator.
- 20 (4) Holding and verifying the completion of an
21 administration session.
- 22 (5) Holding and verifying the completion of an
23 integration session.

1 Section 135. Preparation session.

2 (a) Before a client participates in an administration
3 session, the client must attend a preparation session with a
4 facilitator.

5 (b) A preparation session may be, but need not be, held at
6 a service center.

7 (c) If a preparation session is completed in accordance
8 with all applicable requirements, specifications, and
9 guidelines, as determined by the Department, the facilitator
10 must certify, in a form and manner prescribed by the
11 Department, that the client completed the preparation session.

12 Section 140. Client information form.

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

15 (1) The client must complete and sign a client
16 information form in a form and manner prescribed by the
17 Department.

18 (2) A copy of the completed and signed client
19 information form must be delivered to the service center
20 operator that operates the service center at which the
21 administration session is to be held and to the
22 facilitator that will supervise the administration
23 session.

24 (b) The client information form must comply with the
25 following:

1 (1) Solicit from the client such information as may be
2 necessary (i) to enable a service center operator and a
3 facilitator to determine whether the client should
4 participate in an administration session, including
5 information that may identify risk factors and
6 contraindications, and (ii) to assist the service center
7 operator and the facilitator in meeting any public health
8 and safety standards and industry best practices during
9 the administration session.

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

12 Section 145. Administration session.

13 (a) After a client completes a preparation session and
14 completes and signs a client information form, the client may
15 participate in an administration session.

16 (b) An administration session must be held under the
17 supervision of a licensed facilitator.

18 (c) If an administration session is completed in
19 accordance with all applicable requirements, specifications,
20 and guidelines, as determined by the Department, the
21 facilitator must certify, in a form and manner prescribed by
22 the Department, that the client completed the administration
23 session.

24 Section 150. Integration session.

1 (a) After a client completes an administration session,
2 the facilitator who supervised the administration session must
3 offer the client an opportunity to participate in an
4 integration session. The client may, but need not, participate
5 in an integration session.

6 (b) An integration session may be, but need not be, held at
7 a service center.

8 (c) If an integration session is completed in accordance
9 with all applicable requirements, specifications, and
10 guidelines, as determined by the Department, the facilitator
11 must certify, in a form and manner prescribed by the
12 Department, that the client completed the integration session.

13 Section 155. Reliance on client information form.

14 (a) If a client information form is offered as evidence in
15 any administrative or criminal prosecution of a licensee or
16 licensee representative for sale or service of a psilocybin
17 product to a client, the licensee or licensee representative
18 is not guilty of any offense prohibiting a person from selling
19 or serving a psilocybin product to a client unless it is
20 demonstrated that a reasonable person would have determined
21 that the responses provided by the client on the client
22 information form were incorrect or altered.

23 (b) A licensee or licensee representative shall be
24 entitled to rely upon all statements, declarations, and
25 representations made by a client in a client information form

1 unless it is demonstrated that either:

2 (1) a reasonable person would have determined that one
3 or more of the statements, declarations, or
4 representations made by the client in the client
5 information form were incorrect or altered; or

6 (2) the licensee or licensee representative violated a
7 provision of this Act or a rule adopted under this Act
8 relative to the client information form.

9 (c) Except as provided in subsection (b), no licensee or
10 licensee representative shall incur legal liability by virtue
11 of any untrue statement, declaration, or representation so
12 relied upon in good faith by the licensee or licensee
13 representative.

14 (d) The Department shall adopt rules for recordkeeping,
15 privacy, and confidentiality requirements of service centers.
16 However, the recordkeeping shall not result in disclosure to
17 the public or any governmental agency of any participant's
18 personally identifiable information.

19 Section 160. Refusal to provide psilocybin services to a
20 client.

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

24 (b) Except as provided in subsection (c), and subject to
25 applicable State law, a licensee or licensee representative

1 may cease providing psilocybin services to a client for any or
2 no reason.

3 (c) A service center operator and a facilitator may not
4 cease providing psilocybin services to a client during an
5 administration session after the client has consumed a
6 psilocybin product, except as authorized by the Department by
7 rule or as necessary in an emergency.

8 Section 165. Department powers and duties relating to
9 facilitators.

10 (a) The Department shall perform the following:

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

15 (A) Facilitation skills that are affirming,
16 nonjudgmental, culturally competent, trauma informed,
17 rooted in informed consent, and nondirective.

18 (B) Support skills for clients during an
19 administration session, including specialized skills
20 for the following:

21 (i) Client safety.

22 (ii) Clients who may have a mental health
23 condition.

24 (C) The environment in which psilocybin services
25 should occur.

1 (D) Social and cultural considerations.

2 (2) Formulate a code of professional conduct for
3 facilitators, giving particular consideration to a code of
4 ethics.

5 (3) Establish standards of practice and professional
6 responsibility for individuals licensed by the Department
7 to facilitate psilocybin services.

8 (4) Select licensing examinations for licenses to
9 facilitate psilocybin services.

10 (5) Provide for waivers of examinations, as
11 appropriate.

12 (6) Appoint representatives to conduct or supervise
13 examinations of applicants for licenses to facilitate
14 psilocybin services.

15 (b) The Department shall adopt by rule minimum standards
16 of education and training requirements for facilitators.

17 (c) The Department shall approve courses for facilitators.
18 To obtain approval of a course, the provider of a course must
19 submit an outline of instruction to the Department. The
20 outline must include the proposed courses, total hours of
21 instruction, hours of lectures in theory, and the hours of
22 instruction in application of practical skills.

23 (d) The Department may, after 72 hours' notice, make an
24 examination of the books of a licensee for the purpose of
25 determining compliance with this Act and rules adopted under
26 this Act.

1 (e) The Department may at any time make an examination of
2 premises for which a license has been issued under this Act for
3 the purpose of determining compliance with this Act and rules
4 adopted under this Act.

5 (f) The Department may not require the books of a licensee
6 to be maintained on the premises of the licensee.

7 (g) If a licensee holds more than one license issued under
8 this Act for the same premises, the Department may require the
9 premises to be segregated into separate areas for conducting
10 the activities permitted under each license as is necessary to
11 protect the public health and safety.

12 (h) As is necessary to protect the public health and
13 safety, the Department may require a licensee to maintain
14 general liability insurance in an amount that the Department
15 determines is reasonably affordable and available for the
16 purpose of protecting the licensee against damages resulting
17 from a cause of action related to activities undertaken
18 pursuant to the license held by the licensee.

19 (i) The Department shall perform the following:

20 (1) Develop and maintain a system for tracking the
21 transfer of psilocybin products between premises for which
22 licenses have been issued under this Act. The purposes of
23 the system include, but are not limited to, the following:

24 (A) Preventing the diversion of psilocybin
25 products to other states.

26 (B) Preventing persons from substituting or

1 tampering with psilocybin products.

2 (C) Ensuring an accurate accounting of the
3 production, processing, and sale of psilocybin
4 products.

5 (D) Ensuring that laboratory testing results are
6 accurately reported.

7 (E) Ensuring compliance with this Act, rules
8 adopted under this Act, and any other law of this State
9 that charges the Department with a duty, function, or
10 power related to psilocybin.

11 (2) Enter into an agreement with the Illinois Liquor
12 Control Commission under which the Illinois Liquor Control
13 Commission shall permit the Department to use any system
14 developed and maintained by the Illinois Liquor Control
15 Commission to track the transfer of psilocybin products
16 between premises for which licenses have been issued under
17 this Act.

18 (j) The system developed under paragraph (1) of subsection
19 (i) must be capable of tracking, at a minimum, the following:

20 (1) The manufacturing of psilocybin products.

21 (2) The sale of psilocybin products by a service
22 center operator to a client.

23 (3) The sale and purchase of psilocybin products
24 between licensees, as permitted by this Act.

25 (4) The transfer of psilocybin products between
26 premises for which licenses have been issued under this

1 Act.

2 (5) Any other information that the Department
3 determines is reasonably necessary to accomplish the
4 duties, functions, and powers of the Department under this
5 Act.

6 (k) Notwithstanding Section 470, before making any other
7 distribution from the Illinois Psilocybin Fund established
8 under Section 470, the Department of Revenue shall first
9 distribute moneys quarterly from the Fund to the Illinois
10 Liquor Control Commission for deposit into the Cannabis
11 Regulation Fund for purposes of paying any costs incurred by
12 the Illinois Liquor Control Commission under paragraph (2) of
13 subsection (i). For purposes of estimating the amount of
14 moneys necessary to pay any costs incurred under this Section,
15 the Illinois Liquor Control Commission shall establish a
16 formulary based on expected costs for each licensee that is
17 tracked under this Section. The Illinois Liquor Control
18 Commission shall provide to the Department of Revenue and the
19 Illinois Liquor Control Commission on Government Forecasting
20 and Accountability before each quarter the estimated amount of
21 moneys necessary to pay costs expected to be incurred under
22 this Section and the formulary.

23 (l) Except as otherwise provided by law, the Department
24 has any power, and may perform any function, necessary for the
25 Department to prevent the diversion of psilocybin products
26 from licensees to a source that is not operating legally under

1 the laws of this State.

2 (m) In addition to any other disciplinary action available
3 to the Department under this Act, the Department may
4 immediately restrict, suspend, or refuse to renew a license
5 issued under this Act if circumstances create probable cause
6 for the Department to conclude that a licensee has purchased
7 or received a psilocybin product from an unlicensed source or
8 that a licensee has sold, stored, or transferred a psilocybin
9 product in a manner that is not permitted by the licensee's
10 license.

11 (n) The Department may require a licensee or applicant for
12 a license under this Act to submit, in a form and manner
13 prescribed by the Department, to the Department a sworn
14 statement showing the following:

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

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

21 (3) The Department may refuse to issue, or may
22 suspend, revoke, or refuse to renew, a license issued
23 under this Act if the Department determines that a person
24 who has a financial interest in the business operating or
25 to be operated under the license committed or failed to
26 commit an act that would constitute grounds for the

1 Department to refuse to issue, or to suspend, revoke, or
2 refuse to renew, the license if the person is the licensee
3 or applicant for the license.

4 (o) Notwithstanding the lapse, suspension, or revocation
5 of a license issued under this Act, the Department may perform
6 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 (3) In cases involving the proposed denial of a
13 license applied for under this Act, the applicant for
14 licensure may not withdraw the applicant's application.

15 (p) Notwithstanding the lapse, suspension or revocation of
16 a permit issued under Section 190, the Department may perform
17 the following:

18 (1) Proceed with any investigation of, or any action
19 or disciplinary proceeding against, the person who held
20 the permit.

21 (2) Revise or render void an order suspending or
22 revoking the permit.

23 (3) In cases involving the proposed denial of a permit
24 applied for under Section 190, the applicant may not
25 withdraw the applicant's application.

26 (q) The Department may, by rule or order, provide for the

1 manner and conditions under which the following occur:

2 (1) Psilocybin products left by a deceased, insolvent,
3 or bankrupt person or licensee, or subject to a security
4 interest, may be foreclosed, sold under execution, or
5 otherwise disposed of.

6 (2) The business of a deceased, insolvent, or bankrupt
7 licensee may be operated for a reasonable period following
8 the death, insolvency, or bankruptcy.

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

13 Section 170. Conduct of licensees; prohibitions.

14 (a) A psilocybin product manufacturer that holds a license
15 under Section 85 may not manufacture psilocybin products
16 outdoors.

17 (b) A psilocybin product manufacturer that holds a license
18 under Section 85 may deliver psilocybin products only to or on
19 premises for which a license has been issued under Section 85
20 or Section 100 and may receive psilocybin products only from a
21 psilocybin product manufacturer that holds a license under
22 Section 85.

23 (c) A service center operator that holds a license under
24 Section 100 may deliver psilocybin products only to or on
25 premises for which a license has been issued under Section 100

1 and may receive psilocybin products only from a psilocybin
2 product manufacturer that holds a license under Section 85 or
3 a service center operator that holds a license under Section
4 100.

5 (d) The sale of psilocybin products to a client by a
6 service center operator that holds a license issued under
7 Section 100 must be restricted to the premises for which the
8 license has been issued.

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

15 (f) A licensee or licensee representative may not sell or
16 deliver a psilocybin product to a person under 18 years of age.

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

21 (1) The person's passport.

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

24 (3) An identification card issued by the State of
25 Illinois.

26 (4) A United States military identification card.

1 (5) An identification card issued by a federally
2 recognized Indian tribe.

3 (6) Any other identification card issued by a state or
4 territory of the United States that bears a picture of the
5 person, the name of the person, the person's date of
6 birth, and a physical description of the person.

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

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

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

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

21 (2) When the client initiates legal action or makes a
22 complaint against the service center operator, the
23 facilitator, or the employee.

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

26 (4) When the communication reveals that a minor may

1 have been a victim of a crime or physical, sexual, or
2 emotional abuse or neglect.

3 (5) When responding to an inquiry by the Department
4 made during the course of an investigation into the
5 conduct of the service center operator, the facilitator,
6 or the employee under this Act.

7 (k) A client may purchase a psilocybin product only at a
8 service center.

9 (l) A licensee may not employ a person under 18 years of
10 age at premises for which a license has been issued under this
11 Act.

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

22 (n) If a person performing work has not provided proof of
23 age requested by the Department under subsection (m), the
24 Department may request that the licensee provide proof that
25 the person is 18 years of age or older. Failure of the licensee
26 to respond to a request made under this subsection by

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

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

12 (p) The Department may prohibit a licensee from selling
13 any psilocybin product that, in the Department's judgment, is
14 deceptively labeled or contains injurious or adulterated
15 ingredients.

16 Section 175. Psilocybin product prohibitions.

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

20 (b) The Department may prohibit the sale of a psilocybin
21 product by a service center operator for a reasonable period
22 of time, not exceeding 90 days, for the purpose of determining
23 whether the psilocybin product complies with the minimum
24 standards prescribed by the laws of this State.

25 (c) A person may not make false representations or

1 statements to the Department in order to induce or prevent
2 action by the Department.

3 (d) A licensee may not maintain a noisy, lewd, unsafe, or
4 unsanitary establishment or supply impure or otherwise
5 deleterious psilocybin products.

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

8 Section 180. Purpose of licenses issued under this Act. A
9 license issued under this Act serves the purpose of exempting
10 the person who holds the license from the criminal laws of this
11 State for possession, delivery, or manufacture of psilocybin
12 products if the person complies with all State laws and rules
13 applicable to the licensee.

14 Section 185. Disciplining licensees.

15 (a) The Department may revoke, suspend, or restrict a
16 license issued under this Act or require a licensee or
17 licensee representative to undergo training if the Department
18 finds or has reasonable grounds to believe any of the
19 following to be true:

20 (1) That the licensee or licensee representative:

21 (A) has violated a provision of this Act or a rule
22 adopted under this Act, including any code of
23 professional conduct or code of ethics;

24 (B) has made any false representation or statement

1 to the Department in order to induce or prevent action
2 by the Department;

3 (C) is insolvent or incompetent or physically
4 unable to carry on the management of the establishment
5 of the licensee;

6 (D) is in the habit of using alcoholic liquor,
7 habit-forming drugs, cannabis, psilocybin products, or
8 controlled substances to excess;

9 (E) has misrepresented to a person or the public
10 any psilocybin products sold by the licensee or
11 licensee representative; or

12 (F) since the issuance of the license has been
13 convicted of a felony, of violating any State or local
14 psilocybin products law, or of any misdemeanor or
15 violation of any municipal ordinance committed on the
16 premises for which the license has been issued.

17 (2) That there is any other reason that, in the
18 opinion of the Department, based on public convenience or
19 necessity, warrants revoking, suspending, or restricting
20 the license.

21 (b) An individual who performs work for, or on behalf of, a
22 licensee must have a valid permit issued by the Department
23 under Section 190 if the individual participates in any of the
24 following:

25 (1) The provision of psilocybin services at the
26 premises for which the license has been issued.

1 (2) The possession, manufacturing, securing, or
2 selling of psilocybin products at the premises for which
3 the license has been issued.

4 (3) The recording of the possession, manufacturing,
5 securing, or selling of psilocybin products at the
6 premises for which the license has been issued.

7 (4) The verification of any document containing
8 fingerprints required under Section 55.

9 (c) A licensee must verify that an individual has a valid
10 permit issued under Section 190 before allowing the individual
11 to perform any work described in subsection (b) at the
12 premises for which the license has been issued.

13 Section 190. Issuing and renewing permits; fees; rules.

14 (a) The Department shall issue permits to qualified
15 applicants to perform work described in Section 185. The
16 Department shall adopt rules establishing the following:

17 (1) The qualifications for performing work described
18 in Section 185.

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

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

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

24 (b) The Department may require an individual applying for
25 a permit under this Section to successfully complete a course,

1 made available by or through the Department, through which the
2 individual receives training on the following:

3 (1) Checking identification.

4 (2) Detecting intoxication.

5 (3) Handling psilocybin products.

6 (4) If applicable, the manufacturing of psilocybin
7 products.

8 (5) The content of this Act and rules adopted under
9 this Act.

10 (6) Any matter deemed necessary by the Department to
11 protect the public health and safety.

12 (c) The Department or other provider of a course may
13 charge a reasonable fee for the course described under
14 subsection (b).

15 (d) The Department may not require an individual to
16 successfully complete a course described under subsection (b)
17 more than once, except for the following:

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

22 (2) As part of a final order revoking a permit issued
23 under this Section, the Department shall require an
24 individual to successfully complete the course prior to
25 applying for a new permit.

26 (e) The Department shall conduct a criminal records check

1 on an individual applying for a permit under this Section.

2 (f) Subject to applicable provisions of Illinois law, the
3 Department may suspend, revoke, or refuse to issue or renew a
4 permit if the individual who is applying for or who holds the
5 permit meets any of the following:

6 (1) Is convicted of a felony, or is convicted of an
7 offense under this Act, except that the Department may not
8 consider a conviction for an offense under this Act if the
9 date of the conviction is 2 or more years before the date
10 of the application or renewal.

11 (2) Violates any provision of this Act or any rule
12 adopted under this Act.

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

14 (g) A permit issued under this Section is a personal
15 privilege and permits work described under Section 185 only
16 for the individual who holds the permit.

17 Section 195. Authority to require fingerprints of
18 individuals listed on application. For the purpose of
19 requesting a State or nationwide criminal records check, the
20 Department may require the fingerprints of any individual
21 listed on an application submitted under Section 190.

22 Section 200. Whistleblower protection for employees. It is
23 an unlawful employment practice for a licensee to discharge,
24 demote, suspend, or in any manner discriminate or retaliate

1 against an employee of the licensee with regard to promotion,
2 compensation, or other terms, conditions, or privileges of
3 employment on the basis that the employee has in good faith
4 reported information to the Department that the employee
5 believes is evidence of a violation of this Act or a rule
6 adopted under this Act.

7 Section 205. Psilocybin Control and Regulation Fund. The
8 Psilocybin Control and Regulation Fund is established as a
9 special fund in the State treasury. Interest earned by the
10 Psilocybin Control and Regulation Fund shall be credited to
11 the Fund. Moneys in the Fund are continuously appropriated to
12 the Department to administer and enforce this Act and to
13 develop and implement programs for education, harm reduction,
14 social equity, and unarmed crisis prevention services.

15 Section 210. Prohibited conduct.

16 (a) Except as authorized by the Department by rule, or as
17 necessary in an emergency, a person under 18 years of age may
18 not enter or attempt to enter any portion of premises posted or
19 otherwise identified as being prohibited to the use of persons
20 under 18 years of age.

21 (b) A person who violates subsection (a) commits a Class B
22 misdemeanor.

23 (c) The prohibitions of this Section do not apply to a
24 person under 18 years of age who is acting under the direction

1 of the Department or under the direction of a State or local
2 law enforcement agency for the purpose of investigating the
3 possible violation of a law prohibiting the sale of a
4 psilocybin product to a person who is under 18 years of age.

5 (d) The prohibitions of this Section do not apply to a
6 person under 18 years of age who is acting under the direction
7 of a licensee for the purpose of investigating possible
8 violations by employees of the licensee of laws prohibiting
9 sales of psilocybin products to persons who are under 18 years
10 of age.

11 (e) A person under 18 years of age is not in violation of,
12 and is immune from prosecution under, this Section if either
13 of the following occurred:

14 (1) The person contacted emergency medical services or
15 a law enforcement agency in order to obtain medical
16 assistance for another person who was in need of medical
17 assistance because that person consumed a psilocybin
18 product and the evidence of the violation was obtained as
19 a result of the person having contacted emergency medical
20 services or a law enforcement agency.

21 (2) The person was in need of medical assistance
22 because the person consumed a psilocybin product and the
23 evidence of the violation was obtained as a result of the
24 person having sought or obtained the medical assistance.

25 (f) Subsection (e) does not exclude the use of evidence
26 obtained as a result of a person having sought medical

1 assistance in proceedings for crimes or offenses other than a
2 violation of this Section.

3 Section 215. Identification that falsely indicates age.

4 (a) A person may not produce any piece of identification
5 that falsely indicates the person's age.

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

7 (c) If a piece of identification is offered as evidence in
8 any administrative or criminal prosecution of a licensee or
9 licensee representative for sale or service of a psilocybin
10 product to a person under 18 years of age, the licensee or
11 licensee representative is not guilty of any offense
12 prohibiting a person from selling or serving a psilocybin
13 product to a person under 18 years of age unless it is
14 demonstrated that a reasonable person would have determined
15 that the identification exhibited by the person under 18 years
16 of age was altered or that the identification exhibited by the
17 person under 18 years of age did not accurately describe the
18 person to whom the psilocybin product was sold or served.

19 Section 220. Prohibition against giving psilocybin
20 products to a person who is visibly intoxicated; penalty.

21 (a) A person may not sell, give, or otherwise make
22 available a psilocybin product to a person who is visibly
23 intoxicated.

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

1 Section 225. Prohibition against giving psilocybin product
2 as prize; penalty.

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

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

7 Section 230. Civil enforcement. In addition to any other
8 liability or penalty provided by law, the Department may
9 impose for each violation of a provision of this Act or a rule
10 adopted under this Act a civil penalty that does not exceed
11 \$5,000 for each violation. Moneys collected under this Section
12 shall be deposited into the Psilocybin Control and Regulation
13 Fund established under Section 205.

14 Section 235. Criminal enforcement.

15 (a) The law enforcement officers of this State may enforce
16 this Act and assist the Department in detecting violations of
17 this Act and apprehending offenders. A law enforcement officer
18 who has notice, knowledge, or reasonable grounds for suspicion
19 of a violation of this Act shall immediately notify the
20 State's Attorney who has jurisdiction over the violation and
21 furnish the State's Attorney who has jurisdiction over the
22 violation with the name and address of any witnesses to the
23 violation or other information related to the violation.

1 (b) A county court, State's Attorney, or municipal
2 authority, immediately upon the conviction of a licensee of a
3 violation of this Act or of a violation of any other law of
4 this State or ordinance of a city or county located in this
5 State, an element of which is the possession, delivery, or
6 manufacture of a psilocybin product, shall notify the
7 Department of the conviction.

8 (c) Violation of a rule adopted under paragraph (3) of
9 subsection (b) of Section 35 is a Class C misdemeanor.

10 Section 245. Home rule; licensure. The authority to
11 require a license for the manufacturing or sale of psilocybin
12 products in this State or for the provision of psilocybin
13 services in this State is an exclusive power and function of
14 the State. A home rule unit may not license the manufacture,
15 sale, or provision of psilocybin products. This Section is a
16 denial and limitation of home rule powers and functions under
17 subsection (h) of Section 6 of Article VII of the Illinois
18 Constitution.

19 Section 250. Local time, place, and manner regulations.

20 (a) For purposes of this Section, "reasonable regulation"
21 includes the following:

22 (1) Reasonable conditions on the manner in which a
23 psilocybin product manufacturer that holds a license
24 issued under Section 85 may manufacture psilocybin

1 products.

2 (2) Reasonable conditions on the manner in which a
3 service center operator that holds a license issued under
4 Section 100 may provide psilocybin services.

5 (3) Reasonable limitations on the hours during which
6 premises for which a license has been issued under this
7 Act may operate.

8 (4) Reasonable requirements related to the public's
9 access to premises for which a license has been issued
10 under this Act.

11 (5) Reasonable limitations on where premises for which
12 a license may be issued under this Act may be located.

13 (b) Notwithstanding the provisions of any law to the
14 contrary, the governing body of a city or county may adopt an
15 ordinance that imposes a reasonable regulation on the
16 operation of businesses located at premises for which a
17 license has been issued under this Act if the premises are
18 located in an area subject to the jurisdiction of the city or
19 county, except that the governing body of a city or county may
20 not adopt an ordinance that prohibits premises for which a
21 license has been issued under Section 100 from being located
22 within a distance that is greater than 1,000 feet of another
23 premises for which a license has been issued under Section
24 100.

25 Section 255. Local tax or fee prohibited.

1 (a) The authority to impose a tax or fee on the
2 manufacturing, sale, or provision of psilocybin products in
3 this State or on the provision of psilocybin services in this
4 State is an exclusive power and function of the State. A home
5 rule unit may not impose a tax or fee on the manufacture, sale,
6 or provision of psilocybin products. This Section is a denial
7 and limitation of home rule powers and functions under
8 subsection (h) of Section 6 of Article VII of the Illinois
9 Constitution.

10 (b) A county, municipality, or unit of local government
11 may not adopt or enact ordinances imposing a tax or fee on the
12 manufacturing or sale of psilocybin products in this State or
13 on the provision of psilocybin services in this State.

14 Section 260. Repeal of city or county ordinances that
15 prohibit certain establishments.

16 (a) The governing body of a city or county may repeal an
17 ordinance that prohibits the establishment of any one or more
18 of the following in the area subject to the jurisdiction of the
19 city or in the unincorporated area subject to the jurisdiction
20 of the county:

21 (1) Psilocybin product manufacturers that hold a
22 license issued under Section 85.

23 (2) Service center operators that hold a license
24 issued under Section 100.

25 (3) Any combination of the entities described in

1 paragraphs (1) and (2).

2 (b) If the governing body of a city or county repeals an
3 ordinance under this Section, the governing body must provide
4 the text of the ordinance to the Department, in a form and
5 manner prescribed by the Department, if the ordinance concerns
6 premises for which a license has been issued under this Act.

7 Section 265. Duty of Illinois Liquor Control Commission to
8 assist. The Illinois Liquor Control Commission shall assist
9 and cooperate with the Department and the Department of
10 Agriculture to the extent necessary for the Department and the
11 Department of Agriculture to carry out the duties of the
12 Department and the Department of Agriculture under this Act.

13 Section 270. Department of Agriculture to assist.

14 (a) The Department of Agriculture shall assist and
15 cooperate with the Department to the extent necessary for the
16 Department to carry out the duties of the Department under
17 this Act.

18 (b) The Department of Agriculture may possess, test, and
19 dispose of psilocybin products.

20 Section 275. Prohibition against refusing to perform
21 certain duties.

22 (a) The Department, the Department of Agriculture, and the
23 Illinois Liquor Control Commission may not refuse to perform

1 any duty under this Act on the basis that manufacturing,
2 distributing, dispensing, possessing, or using psilocybin
3 products is prohibited by federal law.

4 (b) The Department may not revoke, refuse to issue, or
5 renew a license or permit under this Act on the basis that
6 manufacturing, distributing, dispensing, possessing, or using
7 psilocybin products is prohibited by federal law.

8 Section 280. Immunity for State agencies, officers, and
9 employees in performance of duties. A person may not sue the
10 Department, the Department of Agriculture, the Illinois Liquor
11 Control Commission, a member of the Illinois Liquor Control
12 Commission, or any employee of the Department, Department of
13 Agriculture, or Illinois Liquor Control Commission for
14 performing or omitting to perform any duty, function, or power
15 of the Department, the Department of Agriculture, or the
16 Illinois Liquor Control Commission set forth in this Act or in
17 any other law of this State requiring the Department, the
18 Department of Agriculture, or the Illinois Liquor Control
19 Commission to perform a duty, function, or power related to
20 psilocybin products.

21 Section 285. Authority to purchase, possess, seize, or
22 dispose of psilocybin products. Subject to any applicable
23 provision of Illinois law, any State officer, board,
24 commission, corporation, institution, department, or other

1 State body, and any local officer, board, commission,
2 institution, department, or other local government body, that
3 is authorized by the laws of this State to perform a duty,
4 function, or power with respect to a psilocybin product may
5 purchase, possess, seize, or dispose of the psilocybin product
6 as the State officer, board, commission, corporation,
7 institution, department, or other State body or the local
8 officer, board, commission, institution, department, or other
9 local government body considers necessary to ensure compliance
10 with and enforce the applicable State law or any rule adopted
11 under the applicable State law.

12 Section 290. Suspension of a license or permit without
13 notice. In the case of an invasion, disaster, insurrection,
14 riot, or imminent danger of invasion, disaster, insurrection,
15 or riot, the Governor may, for the duration of the invasion,
16 disaster, insurrection, riot, or imminent danger, immediately
17 and without notice, suspend, in the area involved, any license
18 or permit issued under this Act.

19 Section 295. Psilocybin-producing fungi as a crop.

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

- 21 (1) A crop for the purposes of farm use.
- 22 (2) A crop for purposes of a farm or farming practice.
- 23 (3) A product of farm use.
- 24 (4) The product of an agricultural activity.

1 (b) Notwithstanding the provisions of any law to the
2 contrary, the following are not permitted uses on land
3 designated for exclusive farm use:

4 (1) A new dwelling used in conjunction with a
5 psilocybin-producing fungi crop.

6 (2) A farm stand used in conjunction with a
7 psilocybin-producing fungi crop.

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

10 (d) A county may allow the manufacture of psilocybin
11 products as a farm use on land zoned for farm or forest use in
12 the same manner as the manufacture of psilocybin products is
13 allowed in exclusive farm use zones under this Section or any
14 other applicable State law.

15 (e) This Section applies to psilocybin product
16 manufacturers that hold a license under Section 85.

17 Section 300. Regulation of psilocybin products as food or
18 other commodity.

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

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

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

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

6 Section 305. Enforceability of contracts. A contract is
7 not unenforceable on the basis that manufacturing,
8 distributing, dispensing, possessing, or using psilocybin
9 products is prohibited by federal law.

10 Section 310. Department hotline for verification of
11 license. The Department shall maintain a telephone hotline for
12 the following persons to inquire if an address is the location
13 of premises for which a license has been issued under this Act
14 or is the location of premises for which an application for
15 licensure has been submitted under Section 50:

16 (1) A person designated by a city or a county.

17 (2) A person designated by the Office of Water
18 Resources of the Department of Natural Resources.

19 (3) A person designated by the board of trustees of
20 any public water district.

21 Section 315. Information related to licensure that is
22 exempt from disclosure.

23 (a) Subject to subsection (b), information is exempt from

1 public disclosure under the Freedom of Information Act if the
2 information is any of the following:

3 (1) Personally identifiable information.

4 (2) The address of premises for which a license has
5 been issued or for which an applicant has proposed
6 licensure under Section 85, 100, or 325.

7 (3) Related to the security plan or the operational
8 plan for premises for which a license has been issued or
9 for which an applicant has proposed licensure under
10 Section 85, 100, or 325.

11 (4) Related to any record that the Department
12 determines contains proprietary information of a licensee.

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

15 (1) The name of an individual listed on an application
16 if the individual is a direct owner of the business
17 operating or to be operated under the license.

18 (2) A request for information if the request is made
19 by a law enforcement agency.

20 (c) For purposes of paragraph (1) of subsection (b), an
21 individual is not a direct owner of the business operating or
22 to be operated under the license if the individual is either of
23 the following:

24 (1) The direct owner of the business operating or to
25 be operated under the license is a legal entity.

26 (2) Merely a general partner, limited partner, member,

1 shareholder, or other direct or indirect owner of the
2 legal entity.

3 Section 320. Testing standards and processes; rules.

4 (a) As is necessary to protect the public health and
5 safety, and in consultation with the Illinois Liquor Control
6 Commission and the Department of Agriculture, the Department
7 shall adopt rules that achieve the following:

8 (1) Establish standards for testing psilocybin
9 products.

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

16 (A) Microbiological contaminants.

17 (B) Pesticides.

18 (C) Other contaminants.

19 (D) Solvents or residual solvents.

20 (E) Psilocybin concentration.

21 (F) Psilocin concentration.

22 (G) Total tryptamine concentration

23 (3) Establish procedures for determining batch sizes
24 and for sampling psilocybin products.

25 (4) Establish different minimum standards for

1 different varieties of psilocybin products.

2 (b) In addition to the testing requirements established
3 under subsection (a), the Department may require psilocybin
4 products to be tested in accordance with any applicable law of
5 this State, or any applicable rule adopted under a law of this
6 State, related to the production and processing of food
7 products or commodities.

8 (c) In adopting rules under this Act, the Department may
9 require a psilocybin product manufacturer that holds a license
10 under Section 85 to test psilocybin products before selling or
11 transferring the psilocybin products.

12 (d) The Department may conduct random testing of
13 psilocybin products for the purpose of determining whether a
14 licensee subject to testing under subsection (c) is in
15 compliance with this Section.

16 (e) In adopting rules to implement this Section, the
17 Department may not require a psilocybin product to undergo the
18 same test more than once unless the psilocybin product is
19 processed into a different type of psilocybin product or the
20 condition of the psilocybin product has fundamentally changed.

21 (f) The testing of psilocybin products as required by this
22 Section must be conducted by a laboratory licensed by the
23 Department under Section 325 and accredited by the Department
24 under Section 340.

25 (g) In adopting rules under subsection (a), the Department
26 shall consider the cost of a potential testing procedure and

1 how that cost will affect the cost to the ultimate client and
2 may not adopt rules that are more restrictive than is
3 reasonably necessary to protect the public health and safety.

4 Section 325. Laboratory licensure; qualifications; fees;
5 rules.

6 (a) A laboratory that conducts testing of psilocybin
7 products as required by Section 320 must have a license to
8 operate at the premises at which the psilocybin products are
9 tested.

10 (b) For purposes of this Section, the Department shall
11 adopt rules establishing the following:

12 (1) Qualifications to be licensed under this Section,
13 including that an applicant for licensure under this
14 Section must be accredited by the Department as described
15 in Section 340.

16 (2) Processes for applying for and renewing a license
17 under this Section.

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

20 (4) Procedures for the following:

21 (A) Tracking psilocybin products to be tested.

22 (B) Documenting and reporting test results.

23 (C) Disposing of samples of psilocybin products
24 that have been tested.

25 (c) A license issued under this Section must be renewed

1 annually.

2 (d) The Department may inspect premises licensed under
3 this Section to ensure compliance with Sections 320 through
4 360 and rules adopted under those Sections.

5 (e) Subject to applicable provisions of Illinois law, the
6 Department may refuse to issue or renew, or may suspend or
7 revoke, a license issued under this Section for violation of a
8 provision of this Act or a rule adopted under a provision of
9 this Act.

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

13 (g) Fees collected under this Section shall be deposited
14 into the Psilocybin Control and Regulation Fund established
15 under Section 205 and are continuously appropriated to the
16 Department for the purpose of carrying out the duties,
17 functions, and powers of the Department under this Act.

18 Section 330. Authority to require fingerprints of
19 applicants and other individuals. For the purpose of
20 requesting a State or nationwide criminal records check under
21 this Act, the Department may require the fingerprints of any
22 individual listed on an application submitted under Section
23 325. The powers conferred on the Department under this Section
24 include the power to require the fingerprints of the following
25 persons:

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

3 (2) If the applicant is a manager-managed limited
4 liability company, each manager of the limited liability
5 company.

6 (3) If the applicant is a member-managed limited
7 liability company, each voting member of the limited
8 liability company.

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

11 (5) Any individual who holds a financial interest of
12 10% or more in the person applying for the license.

13 Section 335. Statement of applicant for laboratory
14 licensure. The Department may require a licensee or applicant
15 for a license under Section 325 to submit, in a form and manner
16 prescribed by the Department, to the Department a sworn
17 statement showing the following:

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

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

24 (3) The Department may refuse to issue, or may
25 suspend, revoke, or refuse to renew, a license issued

1 under Section 325 if the Department determines that a
2 person who has a financial interest in the business
3 operating or to be operated under the license committed or
4 failed to commit an act that would constitute grounds for
5 the Department to refuse to issue, or to suspend, revoke
6 or refuse to renew, the license if the person were the
7 licensee or applicant for the license.

8 Section 340. Laboratory accreditation.

9 (a) A laboratory that conducts testing of a psilocybin
10 product as required by Section 325 must be accredited and meet
11 other qualifications as established by the Department under
12 this Section.

13 (b) In addition to other qualifications required pursuant
14 to applicable law, the Department shall require an applicant
15 for accreditation for purposes related to the testing of
16 psilocybin products to the following:

17 (1) Complete an application.

18 (2) Undergo an onsite inspection.

19 (3) Meet other applicable requirements,
20 specifications, and guidelines for testing psilocybin
21 products, as determined to be appropriate by the
22 Department by rule.

23 (c) The Department may inspect premises licensed under
24 Section 325 to ensure compliance with Sections 320 through 360
25 and rules adopted under those Sections.

1 (d) Subject to applicable provisions of Illinois law, the
2 Department may refuse to issue or renew, or may suspend or
3 revoke, a laboratory's accreditation granted under this
4 Section for violation of a provision of this Act or a rule
5 adopted under this Act.

6 (e) In establishing fees under this Section for
7 laboratories that test psilocybin products, the Department
8 shall establish fees that are reasonably calculated to pay the
9 expenses incurred by the Department under this Section in
10 accrediting laboratories that test psilocybin products.

11 Section 345. Authority to discipline licensees. Subject to
12 applicable provisions of Illinois law, if an applicant or
13 licensee violates a provision of Sections 320 through 360 or a
14 rule adopted under those Sections, the Department may refuse
15 to issue or renew, or may suspend or revoke, a license issued
16 under Section 85, 100, 115, or 325.

17 Section 350. Authority of the Department over certain
18 persons; license actions.

19 (a) Notwithstanding the lapse, suspension, or revocation
20 of a license issued under Section 325, the Department may do
21 either of the following:

22 (1) Proceed with any investigation of, or any action
23 or disciplinary proceeding against, the person who held
24 the license.

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

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

6 Section 355. Civil penalty for certain violations.

7 (a) In addition to any other liability or penalty provided
8 by law, the Department may impose for each violation of a
9 provision of Sections 320 through 360 or a rule adopted under
10 those Sections a civil penalty that does not exceed \$500 for
11 each day that the violation occurs.

12 (b) The Department shall impose civil penalties under this
13 Section in the manner provided by applicable Illinois law.

14 (c) Moneys collected under this Section shall be deposited
15 into the Psilocybin Control and Regulation Fund established
16 under Section 205 and are continuously appropriated to the
17 Department for the purpose of carrying out the duties,
18 functions, and powers of the Department under this Act.

19 Section 360. Exemption from criminal liability. A person
20 who holds a license under Section 325, and an employee of or
21 other person who performs work for a person who holds a license
22 under Section 325, is exempt from the criminal laws of this
23 State for possession, delivery, or manufacture of psilocybin,
24 aiding and abetting another in the possession, delivery, or

1 manufacture of psilocybin, or any other criminal offense in
2 which possession, delivery, or manufacture of psilocybin is an
3 element, while performing activities related to testing as
4 described in Sections 320 through 360.

5 Section 365. Labeling requirements; rules.

6 (a) As is necessary to protect the public health and
7 safety, and in consultation with the Department of Agriculture
8 and the Illinois Liquor Control Commission, the Department
9 shall adopt rules establishing standards for the labeling of
10 psilocybin products, including, but not limited to, the
11 following:

12 (1) Ensuring that psilocybin products have labeling
13 that communicates the following:

14 (A) Health and safety warnings.

15 (B) If applicable, activation time.

16 (C) Potency.

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

19 (E) Content of the psilocybin product.

20 (2) Labeling that is in accordance with applicable
21 State food labeling requirements for the same type of food
22 product or potable liquid when the food product or potable
23 liquid does not contain psilocybin.

24 (b) In adopting rules under this Act, the Department shall
25 require all psilocybin products sold or transferred by a

1 service center that holds a license issued under Section 100
2 to be labeled in accordance with subsection (a) and rules
3 adopted under subsection (a).

4 (c) In adopting rules under subsection (a), the
5 Department:

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

8 (2) shall consider the cost of a potential requirement
9 and how that cost will affect the cost to the ultimate
10 client; and

11 (3) may not adopt rules that are more restrictive than
12 is reasonably necessary to protect the public health and
13 safety.

14 Section 370. Preapproval of labels.

15 (a) The Department may by rule require a licensee to
16 submit a label intended for use on a psilocybin product for
17 preapproval by the Department before the licensee may sell or
18 transfer a psilocybin product bearing the label. The
19 Department shall determine whether a label submitted under
20 this Section complies with Section 365 and any rule adopted
21 under Section 365.

22 (b) The Department may impose a fee for submitting a label
23 for preapproval under this Section that is reasonably
24 calculated to not exceed the cost of administering this
25 Section.

1 Section 375. Packaging requirements; rules.

2 (a) As is necessary to protect the public health and
3 safety, and in consultation with the Department of Agriculture
4 and the Illinois Liquor Control Commission, the Department
5 shall adopt rules establishing standards for the packaging of
6 psilocybin products, including, but not limited to, ensuring
7 that psilocybin products are not marketed in a manner that is
8 either untruthful or misleading, or otherwise creates a
9 significant risk of harm to public health and safety.

10 (b) In adopting rules under this Act, the Department shall
11 require all psilocybin products sold or transferred by a
12 service center that holds a license issued under Section 100
13 to be packaged in accordance with subsection (a) and rules
14 adopted under subsection (a).

15 (c) In adopting rules under subsection (a), the
16 Department:

17 (1) may establish different packaging standards for
18 different varieties and types of psilocybin products;

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

21 (3) shall consider the cost of a potential requirement
22 and how that cost will affect the cost to the ultimate
23 client; and

24 (4) may not adopt rules that are more restrictive than
25 is reasonably necessary to protect the public health and

1 safety.

2 Section 380. Preapproval of packaging.

3 (a) The Department may by rule require a licensee to
4 submit packaging intended for a psilocybin product for
5 preapproval by the Department before the licensee may sell or
6 transfer a psilocybin product packaged in the packaging. The
7 Department shall determine whether packaging submitted under
8 this Section complies with Section 375 and any rule adopted
9 under Section 375.

10 (b) The Department may impose a fee for submitting
11 packaging for preapproval under this Section that is
12 reasonably calculated to not exceed the cost of administering
13 this Section.

14 Section 385. Dosage requirements; rules.

15 (a) The Department shall adopt rules establishing the
16 following:

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

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

21 (b) In adopting rules under this Act, the Department shall
22 require all psilocybin products sold or transferred by a
23 service center that holds a license under Section 100 to meet
24 the concentration standards and packaging standards adopted by

1 rule pursuant to this Section.

2 Section 390. Inspections. To ensure compliance with
3 Sections 365 through 400 and any rule adopted under those
4 Sections, the Department may inspect the premises of a person
5 that holds a license under Section 85 or 100.

6 Section 395. Discipline of licensees. Subject to
7 applicable provisions of law, if an applicant or licensee
8 violates a provision of Sections 365 through 400 or a rule
9 adopted under those Sections, the Department may refuse to
10 issue or renew, or may suspend or revoke, a license issued
11 under Section 85, 100, or 115.

12 Section 400. Civil penalties.

13 (a) In addition to any other liability or penalty provided
14 by law, the Department may impose for each violation of a
15 provision of Sections 365 through 400 or a rule adopted under
16 those Sections, a civil penalty that does not exceed \$500 for
17 each day that the violation occurs.

18 (b) The Department shall impose civil penalties under this
19 Section in the manner provided under applicable Illinois law.

20 (c) Moneys collected under this Section shall be deposited
21 into the Psilocybin Control and Regulation Fund established
22 under Section 205 and are continuously appropriated to the
23 Department for the purpose of carrying out the duties,

1 functions, and powers of the Department under this Act.

2 Section 405. Definitions. In this Section through Section
3 475:

4 "Retail sale" means any transfer, exchange, gift, or
5 barter of a psilocybin product by any person to a client.

6 "Retail sales price" means the price paid for a psilocybin
7 product, excluding tax, to a service center operator by or on
8 behalf of a client.

9 Section 410. Tax on retail sale of psilocybin products.

10 (a) A tax is hereby imposed upon the retail sale of
11 psilocybin products in this State. The tax imposed by this
12 Section is a direct tax on the client for which payment upon
13 retail sale is required. The tax shall be collected at the
14 point of sale of a psilocybin product by a service center
15 operator at the time at which the retail sale occurs.

16 (b) The tax imposed under this Section shall be imposed at
17 the rate of 15% of the retail sales price of psilocybin
18 products.

19 (c) If the tax imposed under this Section does not equal an
20 amount calculable to a whole cent, the tax shall be equal to
21 the next higher whole cent.

22 (d) Except as otherwise provided by the Department of
23 Revenue by rule, the amount of the tax shall be separately
24 stated on an invoice, receipt, or other similar document that

1 the service center operator provides to the client at the time
2 at which the retail sale occurs.

3 (e) A person may not knowingly sell, purchase, install,
4 transfer, or possess electronic devices or software programs
5 for the purposes of the following:

6 (1) Hiding or removing records of retail sales of
7 psilocybin products.

8 (2) Falsifying records of retail sales of psilocybin
9 products.

10 (f) A service center operator may not discount a
11 psilocybin product or offer a psilocybin product for free if
12 the retail sale of the psilocybin product is made in
13 conjunction with the retail sale of any other item or service.

14 (g) Subsection (f) does not affect any provision of this
15 Act or any rule adopted by the Department pursuant to this Act
16 that is related to the retail sale of psilocybin products.

17 (h) The Department shall regularly review the rate of tax
18 under subsection (b) and make recommendations to the General
19 Assembly regarding appropriate adjustments to the rate that
20 will further the following purposes:

21 (1) Providing the Department with moneys sufficient to
22 administer and enforce this Act.

23 (2) Not providing the Department with moneys that
24 exceed, together with fees collected under this Act, the
25 cost of administering and enforcing this Act.

1 Section 415. Collection of tax.

2 (a) Except as otherwise provided in Sections 405 through
3 475, the tax imposed upon a client under Section 410 shall be
4 collected at the point of sale and remitted by each service
5 center operator that engages in the retail sale of psilocybin
6 products. The tax is considered a tax upon the service center
7 operator that is required to collect the tax and the service
8 center operator is considered a taxpayer.

9 (b) The service center operator shall file a return to the
10 Department of Revenue on or before the last day of January,
11 April, July, and October of each year for the previous
12 calendar quarter.

13 (c) The service center operator shall pay the tax to the
14 Department of Revenue in the form and manner prescribed by the
15 Department of Revenue, but not later than with each quarterly
16 return, without regard to an extension granted under
17 subsection (e).

18 (d) Service center operators shall file the returns
19 required under this Section regardless of whether any tax is
20 owed.

21 (e) For good cause, the Department of Revenue may extend
22 the time for filing a return under this Section. The extension
23 may be granted at any time if a written request is filed with
24 the Department of Revenue during or prior to the period for
25 which the extension may be granted. The Department of Revenue
26 may not grant an extension of more than 30 days.

1 (f) Interest shall be added at a rate established by the
2 Department of Revenue from the time the return was originally
3 required to be filed to the time of payment.

4 (g) If a service center operator fails to file a return or
5 pay the tax as required by this Section, the Department of
6 Revenue shall impose a penalty in the manner provided under
7 applicable Illinois law.

8 (h) Except as provided in subsections (i) and (j), the
9 period prescribed for the Department of Revenue to allow or
10 make a refund of any overpayment of tax paid under Sections 405
11 through 475 is as provided under applicable Illinois law.

12 (i) The Department of Revenue shall first apply any
13 overpayment of tax by a service center operator to any
14 psilocybin tax that is owed by the service center operator.

15 If after any offset against any delinquent amount the
16 overpayment of tax remains greater than \$1,000, the remaining
17 refund shall be applied as a credit against the next
18 subsequent calendar quarter as an estimated payment.

19 (j) The Department of Revenue may not make a refund of or
20 credit any overpayment of tax under Sections 405 through 475
21 that was credited to the account of a service center operator
22 under subsection (i) if the return for that tax period is not
23 filed within 3 years after the due date of that return.

24 Section 420. Psilocybin revenue estimate.

25 (a) Not later than 30 days before the beginning of each

1 calendar quarter, the Department of Revenue shall forecast and
2 prepare an estimate of the revenue that will be received
3 during the remainder of the current biennium and subsequent 3
4 biennia pursuant to the tax imposed under Section 410. The
5 estimate may be made on the basis of all pertinent information
6 available to the Department of Revenue. Upon making the
7 estimate, the Department of Revenue shall report the estimate
8 to the Commission on Government Forecasting and Accountability
9 and the Comptroller.

10 (b) The Department shall provide the Department of Revenue
11 with any information necessary for the Department of Revenue
12 to perform its duties under this Section.

13 Section 425. Enforcement.

14 (a) Every person who collects any amount under Section 415
15 shall hold the same in trust for the State of Illinois and for
16 the payment thereof to the Department of Revenue in the manner
17 and at the time provided in Section 415.

18 (b) If a service center operator fails to remit any amount
19 collected, the Department of Revenue may enforce collection in
20 the manner provided in Article 11 of the Illinois Income Tax
21 Act.

22 (c) In the case of a service center operator that is
23 assessed pursuant to relevant provisions of Illinois law, the
24 Department of Revenue may issue a notice of liability to any
25 officer, employee, or member of the service center operator

1 within 3 years after the time of assessment. Within 30 days
2 after the date the notice of liability is mailed to the
3 officer, employee, or member, the officer, employee, or member
4 shall pay the assessment, plus penalties and interest, or
5 advise the Department of Revenue in writing of objections to
6 the liability and, if desired, request a conference. A
7 conference shall be governed by the provisions of Illinois law
8 pertaining to a conference requested from a notice of
9 deficiency.

10 After a conference or, if no conference is requested, a
11 determination of the issues considering the written
12 objections, the Department of Revenue shall mail the officer,
13 employee, or member a conference letter affirming, canceling,
14 or adjusting the notice of liability. Within 90 days after the
15 date the conference letter is mailed to the officer, employee,
16 or member, the officer, employee, or member shall pay the
17 assessment, plus penalties and interest, or appeal to the tax
18 court in the manner provided for an appeal from a notice of
19 assessment.

20 If the Department of Revenue does not receive payment or
21 written objection to the notice of liability within 30 days
22 after the notice of liability was mailed, the notice of
23 liability becomes final. In that event, the officer, employee
24 or member may appeal the notice of liability to the tax court
25 within 90 days after it became final in the manner provided for
26 an appeal from a notice of assessment.

1 (d) In the case of a failure to file a return by the due
2 date, the Department of Revenue, in addition to any action
3 under State law, may send a notice of determination and
4 assessment to any officer, employee, or member any time within
5 3 years after the assessment. The time of assessment against
6 the officer, employee, or member is 30 days after the date the
7 notice of determination and assessment is mailed. Within 30
8 days after the date the notice of determination and assessment
9 is mailed to the officer, employee, or member, the officer,
10 employee, or member shall pay the assessment, plus penalties
11 and interest, or advise the Department of Revenue in writing
12 of objections to the assessment and, if desired, request a
13 conference. A conference shall be governed by the provisions
14 of Illinois law pertaining to a conference requested from a
15 notice of deficiency.

16 After a conference or, if no conference is requested, a
17 determination of the issues considering the written
18 objections, the Department of Revenue shall mail the officer,
19 employee, or member a conference letter affirming, canceling,
20 or adjusting the notice of determination and assessment.
21 Within 90 days after the date the conference letter is mailed
22 to the officer, employee, or member, the officer, employee, or
23 member shall pay the assessment, plus penalties and interest,
24 or appeal in the manner provided for an appeal from a notice of
25 assessment.

26 If the Department of Revenue does not receive payment or

1 written objection to the notice of determination and
2 assessment within 30 days after the notice of determination
3 and assessment was mailed, the notice of determination and
4 assessment becomes final. In that event, the officer,
5 employee, or member may appeal the notice of determination and
6 assessment to the tax court within 90 days after it became
7 final in the manner provided for an appeal from a notice of
8 assessment.

9 (e) More than one officer or employee of a corporation may
10 be held jointly and severally liable for payment of taxes.

11 Notwithstanding the confidentiality provisions of Section
12 465, if more than one officer or employee of a corporation may
13 be held jointly and severally liable for payment of taxes, the
14 Department of Revenue may require any or all of the officers,
15 members, or employees who may be held liable to appear before
16 the Department of Revenue for a joint determination of
17 liability. The Department of Revenue shall notify each
18 officer, member, or employee of the time and place set for the
19 determination of liability.

20 Each person notified of a joint determination under this
21 subsection shall appear and present such information as is
22 necessary to establish that person's liability or nonliability
23 for payment of taxes to the Department of Revenue. If a person
24 who was notified fails to appear, the Department of Revenue
25 shall make its determination on the basis of all the
26 information and evidence presented. The Department of

1 Revenue's determination is binding on all persons notified and
2 required to appear under this subsection.

3 If an appeal is taken to the Illinois Independent Tax
4 Tribunal pursuant to Section 465 by any person determined to
5 be liable for unpaid taxes under this subsection, each person
6 required to appear before the Department of Revenue under this
7 subsection shall be impleaded by the plaintiff. The Department
8 of Revenue may implead any officer, employee, or member who
9 may be held jointly and severally liable for the payment of
10 taxes. Each person impleaded under this paragraph shall be
11 made a party to the action before the Illinois Independent Tax
12 Tribunal and shall make available to the Illinois Independent
13 Tax Tribunal the information that was presented before the
14 Department of Revenue, as well as other information that may
15 be presented to the Illinois Independent Tax Tribunal. The
16 Illinois Independent Tax Tribunal may determine that one or
17 more persons impleaded under this paragraph are liable for
18 unpaid taxes without regard to any earlier determination by
19 the Department of Revenue that an impleaded person was not
20 liable for unpaid taxes. If a person required to appear before
21 the Illinois Independent Tax Tribunal under this subsection
22 fails or refuses to appear or bring such information in part or
23 in whole, or is outside the jurisdiction of the Illinois
24 Independent Tax Tribunal, the Illinois Independent Tax
25 Tribunal shall make its determination on the basis of all the
26 evidence introduced. Notwithstanding Section 465, the evidence

1 constitutes a public record and shall be available to the
2 parties and the Illinois Independent Tax Tribunal. The
3 determination of the Illinois Independent Tax Tribunal is
4 binding on all persons made parties to the action under this
5 subsection.

6 (f) This Section may not be construed to preclude a
7 determination by the Department of Revenue or the Illinois
8 Independent Tax Tribunal that more than one officer, employee,
9 or member are jointly and severally liable for unpaid taxes.

10 Section 430. Duty to keep receipts, invoices, and other
11 records.

12 (a) A service center operator shall keep receipts,
13 invoices, and other pertinent records related to retail sales
14 of psilocybin products in the form required by the Department
15 of Revenue. Each record shall be preserved for 5 years after
16 the time to which the record relates or for as long as the
17 service center operator retains the psilocybin products to
18 which the record relates, whichever is later. During the
19 retention period and at any time prior to the destruction of
20 records, the Department of Revenue may give written notice to
21 the service center operator not to destroy records described
22 in the notice without written permission of the Department of
23 Revenue. Notwithstanding any other provision of law, the
24 Department of Revenue shall preserve reports and returns filed
25 with the Department of Revenue for at least 5 years.

1 (b) The Department of Revenue or its authorized
2 representative, upon oral or written demand, may make
3 examinations of the books, papers, records, and equipment of
4 persons making retail sales of psilocybin products and any
5 other investigations as the Department of Revenue deems
6 necessary to carry out the provisions of Sections 405 through
7 475.

8 Section 435. Authority to require production of books,
9 papers, accounts, and other information.

10 (a) The Department of Revenue has the authority, by order
11 or subpoena to be served with the same force and effect and in
12 the same manner as a subpoena is served in a civil action in
13 the circuit court or the Illinois Independent Tax Tribunal, to
14 require the production at any time and place the Department of
15 Revenue designates of any books, papers, accounts, or other
16 information necessary to carry out Sections 405 through 475.
17 The Department of Revenue may require the attendance of any
18 person having knowledge in the premises and may take testimony
19 and require proof material for the information with power to
20 administer oaths to the person.

21 (b) If a person fails to comply with a subpoena or order of
22 the Department of Revenue or to produce or permit the
23 examination or inspection of any books, papers, records, and
24 equipment pertinent to an investigation or inquiry under
25 Sections 405 through 475, or to testify to any matter

1 regarding which the person is lawfully interrogated, the
2 Department of Revenue may apply to the Illinois Independent
3 Tax Tribunal or to the circuit court of the county in which the
4 person resides or where the person is for an order to the
5 person to attend and testify or otherwise to comply with the
6 demand or request of the Department of Revenue. The Department
7 of Revenue shall apply to the court by ex parte motion, upon
8 which the court shall make an order requiring the person
9 against whom the motion is directed to comply with the request
10 or demand of the Department of Revenue within 10 days after the
11 service of the order, or within the additional time granted by
12 the court, or to justify the failure within that time. The
13 order shall be served upon the person to whom it is directed in
14 the manner required by this State for service of process,
15 which service is required to confer jurisdiction upon the
16 court. Failure to obey any order issued by the court under this
17 Section is contempt of court. The remedy provided by this
18 Section is in addition to other remedies, civil or criminal,
19 existing under the tax laws or other laws of this State.

20 Section 440. Disclosure of information.

21 (a) Notwithstanding the confidentiality provisions of
22 Section 465, the Department of Revenue may disclose
23 information received under applicable Illinois law and
24 Sections 405 through 475 to the Department to carry out the
25 provisions of this Act.

1 (b) The Department may disclose information obtained
2 pursuant to this Act to the Department of Revenue for the
3 purpose of carrying out the provisions of this Act.

4 Section 445. Right to appeal determination of tax
5 liability. Except as otherwise provided in this Act, a person
6 aggrieved by an act or determination of the Department of
7 Revenue or its authorized agent under applicable Illinois law
8 and Sections 405 through 475 may appeal, within 90 days after
9 the act or determination, to the Illinois Independent Tax
10 Tribunal in the manner provided under applicable Illinois law.
11 These appeal rights are the exclusive remedy available to
12 determine the person's liability for the tax imposed under
13 Sections 405 through 475.

14 Section 450. Duty to return excess tax collected.

15 (a) When an amount represented by a service center
16 operator at retail to a client as constituting the tax imposed
17 under Sections 405 through 475 of this Act is computed upon an
18 amount that is not taxable or is in excess of the taxable
19 amount and is actually paid by the client to the service center
20 operator, the excess tax paid shall be returned by the service
21 center operator to the client upon written notification by the
22 Department of Revenue or the client.

23 The written notification must contain information
24 necessary to determine the validity of the client's claim.

1 (b) If the service center operator does not return the
2 excess tax within 60 days after mailing of the written
3 notification required under subsection (a), the client may
4 appeal to the Department of Revenue for a refund of the amount
5 of the excess tax in the manner and within the time allowed
6 under rules adopted by the Department of Revenue.

7 (c) If excess tax is returned to the client by the
8 Department of Revenue, the Department of Revenue may issue a
9 notice of deficiency for the excess tax to the service center
10 operator in the manner provided under applicable Illinois law.

11 Section 455. Retention of portions of tax to pay for
12 expenses incurred. For the purpose of compensating service
13 center operators for expenses incurred in collecting the tax
14 imposed under Section 410, each service center operator is
15 permitted to deduct and retain 2% of the amount of taxes that
16 are collected by the service center operator from all retail
17 sales of psilocybin products conducted by the service center
18 operator.

19 Section 460. Duties and powers of the Department of
20 Revenue.

21 (a) The Department of Revenue shall administer and enforce
22 Sections 405 through 475. The Department of Revenue is
23 authorized to establish rules and procedures for the
24 implementation and enforcement of Sections 405 through 475

1 that are consistent with Sections 405 through 475 and that the
2 Department of Revenue considers necessary and appropriate to
3 administer and enforce Sections 405 through 475.

4 (b) The Department shall enter into an agreement with the
5 Department of Revenue for the purpose of administering and
6 enforcing those provisions of Sections 405 through 475, and
7 rules or procedures established for the purpose of
8 implementing and enforcing Sections 405 through 475, that the
9 Department and the Department of Revenue determine are
10 necessary for the effective and efficient administration,
11 implementation, and enforcement of Sections 405 through 475.

12 Section 465. Applicability of tax laws. Except as
13 otherwise provided in Sections 405 through 475 or where the
14 context requires otherwise, the provisions of applicable
15 Illinois law as to the audit and examination of returns,
16 periods of limitation, determination of and notices of
17 deficiencies, assessments, collections, liens, delinquencies,
18 claims for refund and refunds, conferences, appeals to the
19 Illinois Independent Tax Tribunal or the Department of
20 Revenue, stays of collection pending appeal, confidentiality
21 of returns and the penalties relative thereto, and the
22 procedures relating thereto, apply to the determinations of
23 taxes, penalties, and interest under Sections 405 through 475.

24 Section 470. Illinois Psilocybin Fund. The Illinois

1 Psilocybin Fund is created as a special fund in the State
2 treasury. The Fund shall consist of moneys transferred to the
3 Fund under Section 475. The Department of Revenue shall
4 certify quarterly the amount of moneys available in the
5 Illinois Psilocybin Fund. The Department of Revenue shall
6 transfer quarterly the moneys in the Illinois Psilocybin Fund
7 to the Psilocybin Control and Regulation Fund.

8 Section 475. Illinois Psilocybin Fund; payment of
9 expenses. All moneys received by the Department of Revenue
10 under Sections 405 through this Section shall be deposited
11 into the Illinois Psilocybin Fund. The Department of Revenue
12 may pay expenses for the administration and enforcement of
13 Sections 405 through this Section out of moneys received from
14 the tax imposed under Section 410. Amounts necessary to pay
15 administrative and enforcement expenses are continuously
16 appropriated to the Department of Revenue from the Illinois
17 Psilocybin Fund.

18 Section 480. Adoption of ordinances.

19 (a) The governing body of a city or county may adopt
20 ordinances to be referred to the electors of the city or county
21 as described in subsection (b) that prohibit or allow the
22 establishment of any one or more of the following in the area
23 subject to the jurisdiction of the city or in the
24 unincorporated area subject to the jurisdiction of the county:

1 (1) Psilocybin product manufacturers that hold a
2 license issued under Section 85.

3 (2) Service center operators that hold a license
4 issued under 100.

5 (3) Any combination of the entities described in
6 paragraphs (1) and (2).

7 (b) If the governing body of a city or county adopts an
8 ordinance under this Section, the governing body shall submit
9 the measure of the ordinance to the electors of the city or
10 county for approval at the next statewide general election.

11 (c) If the governing body of a city or county adopts an
12 ordinance under this Section, the governing body must provide
13 the text of the ordinance to the Department.

14 (d) Upon receiving notice of a prohibition under
15 subsection (c), the Department shall discontinue licensing
16 those premises to which the prohibition applies until the date
17 of the next statewide general election.

18 (e) If an allowance is approved at the next statewide
19 general election under subsection (b), the Department shall
20 begin licensing the premises to which the allowance applies on
21 the first business day of the January immediately following
22 the date of the next statewide general election.

23 (f) Notwithstanding any other provision of law, a city or
24 county that adopts an ordinance under this Section that
25 prohibits the establishment of an entity described in
26 subsection (a) may not impose a tax or fee on the manufacturing

1 or sale of psilocybin products.

2 Section 485. Incorporation by reference. All of the
3 provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,
4 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11, 11a, and 12 of the
5 Retailers' Occupation Tax Act, and all applicable provisions
6 of the Uniform Penalty and Interest Act that are not
7 inconsistent with this Act, apply to clients, legal entities,
8 licensees, licensee representatives, psilocybin product
9 manufacturers, service centers, service center operators, and
10 facilitators to the same extent as if those provisions were
11 included in this Act. References in the incorporated Sections
12 of the Retailers' Occupation Tax Act to retailers, to sellers,
13 or to persons engaged in the business of selling tangible
14 personal property mean distributors when used in this Act.
15 References in the incorporated Sections to sales of tangible
16 personal property mean sales of tobacco products when used in
17 this Act.

18 Section 490. Registration under the Retailers' Occupation
19 Tax Act. A retailer maintaining a place of business in this
20 State, if required to register under the Retailers' Occupation
21 Tax Act, need not obtain an additional Certificate of
22 Registration under this Act, but shall be deemed to be
23 sufficiently registered by virtue of his being registered
24 under the Retailers' Occupation Tax Act. Every retailer

1 maintaining a place of business in this State, if not required
2 to register under the Retailers' Occupation Tax Act, shall
3 apply to the Department of Revenue (upon a form prescribed and
4 furnished by the Department of Revenue) for a Certificate of
5 Registration under this Act. In completing such application,
6 the applicant shall furnish such information as the Department
7 of Revenue may reasonably require. Upon approval of an
8 application for Certificate of Registration, the Department of
9 Revenue shall issue, without charge, a Certificate of
10 Registration to the applicant. Such Certificate of
11 Registration shall be displayed at the address which the
12 applicant states in his or her application to be the principal
13 place of business or location from which he or she will act as
14 a retailer in this State. If the applicant will act as a
15 retailer in this State from other places of business or
16 locations, he shall list the addresses of such additional
17 places of business or locations in this application for
18 Certificate of Registration, and the Department of Revenue
19 shall issue a Sub-Certificate of Registration to the applicant
20 for each such additional place of business or location. Each
21 Sub-Certificate of Registration shall be conspicuously
22 displayed at the place for which it is issued. Such
23 Sub-Certificate of Registration shall bear the same
24 registration number as that appearing upon the Certificate of
25 Registration to which such Sub-Certificates relate. Where a
26 retailer operates more than one place of business which is

1 subject to registration under this Section and such businesses
2 are substantially different in character or are engaged in
3 under different trade names or are engaged in under other
4 substantially dissimilar circumstances (so that it is more
5 practicable, from an accounting, auditing, or bookkeeping
6 standpoint, for such businesses to be separately registered),
7 the Department of Revenue may require or permit such person to
8 apply for and obtain a separate Certificate of Registration
9 for each such business or for any of such businesses instead of
10 registering such person, as to all such businesses, under a
11 single Certificate of Registration supplemented by related
12 Sub-Certificates of Registration. No Certificate of
13 Registration shall be issued to any person who is in default to
14 the State of Illinois for moneys due hereunder.

15 The Department of Revenue may, in its discretion, upon
16 application, authorize the collection of the tax herein
17 imposed by any retailer not maintaining a place of business
18 within this State, who, to the satisfaction of the Department
19 of Revenue, furnishes adequate security to insure collection
20 and payment of the tax. Such retailer shall be issued, without
21 charge, a permit to collect such tax. When so authorized, it
22 shall be the duty of such retailer to collect the tax upon all
23 tangible personal property sold to his knowledge for use
24 within this State, in the same manner and subject to the same
25 requirements, including the furnishing of a receipt to the
26 purchaser (if demanded by the purchaser), as a retailer

1 maintaining a place of business within this State. The receipt
2 given to the purchaser shall be sufficient to relieve him or
3 her from further liability for the tax to which such receipt
4 may refer. Such permit may be revoked by the Department as
5 provided herein.

6 Section 497. Severability. The provisions of this Act are
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 500. The Criminal Identification Act is amended by
9 changing Section 5.2 as follows:

10 (20 ILCS 2630/5.2)

11 (Text of Section before amendment by P.A. 102-933)

12 Sec. 5.2. Expungement, sealing, and immediate sealing.

13 (a) General Provisions.

14 (1) Definitions. In this Act, words and phrases have
15 the meanings set forth in this subsection, except when a
16 particular context clearly requires a different meaning.

17 (A) The following terms shall have the meanings
18 ascribed to them in the following Sections of the
19 Unified Code of Corrections:

20 Business Offense, Section 5-1-2.

21 Charge, Section 5-1-3.

22 Court, Section 5-1-6.

23 Defendant, Section 5-1-7.

1 Felony, Section 5-1-9.
2 Imprisonment, Section 5-1-10.
3 Judgment, Section 5-1-12.
4 Misdemeanor, Section 5-1-14.
5 Offense, Section 5-1-15.
6 Parole, Section 5-1-16.
7 Petty Offense, Section 5-1-17.
8 Probation, Section 5-1-18.
9 Sentence, Section 5-1-19.
10 Supervision, Section 5-1-21.
11 Victim, Section 5-1-22.

12 (B) As used in this Section, "charge not initiated
13 by arrest" means a charge (as defined by Section 5-1-3
14 of the Unified Code of Corrections) brought against a
15 defendant where the defendant is not arrested prior to
16 or as a direct result of the charge.

17 (C) "Conviction" means a judgment of conviction or
18 sentence entered upon a plea of guilty or upon a
19 verdict or finding of guilty of an offense, rendered
20 by a legally constituted jury or by a court of
21 competent jurisdiction authorized to try the case
22 without a jury. An order of supervision successfully
23 completed by the petitioner is not a conviction. An
24 order of qualified probation (as defined in subsection
25 (a) (1) (J)) successfully completed by the petitioner is
26 not a conviction. An order of supervision or an order

1 of qualified probation that is terminated
2 unsatisfactorily is a conviction, unless the
3 unsatisfactory termination is reversed, vacated, or
4 modified and the judgment of conviction, if any, is
5 reversed or vacated.

6 (D) "Criminal offense" means a petty offense,
7 business offense, misdemeanor, felony, or municipal
8 ordinance violation (as defined in subsection
9 (a)(1)(H)). As used in this Section, a minor traffic
10 offense (as defined in subsection (a)(1)(G)) shall not
11 be considered a criminal offense.

12 (E) "Expunge" means to physically destroy the
13 records or return them to the petitioner and to
14 obliterate the petitioner's name from any official
15 index or public record, or both. Nothing in this Act
16 shall require the physical destruction of the circuit
17 court file, but such records relating to arrests or
18 charges, or both, ordered expunged shall be impounded
19 as required by subsections (d)(9)(A)(ii) and
20 (d)(9)(B)(ii).

21 (F) As used in this Section, "last sentence" means
22 the sentence, order of supervision, or order of
23 qualified probation (as defined by subsection
24 (a)(1)(J)), for a criminal offense (as defined by
25 subsection (a)(1)(D)) that terminates last in time in
26 any jurisdiction, regardless of whether the petitioner

1 has included the criminal offense for which the
2 sentence or order of supervision or qualified
3 probation was imposed in his or her petition. If
4 multiple sentences, orders of supervision, or orders
5 of qualified probation terminate on the same day and
6 are last in time, they shall be collectively
7 considered the "last sentence" regardless of whether
8 they were ordered to run concurrently.

9 (G) "Minor traffic offense" means a petty offense,
10 business offense, or Class C misdemeanor under the
11 Illinois Vehicle Code or a similar provision of a
12 municipal or local ordinance.

13 (G-5) "Minor Cannabis Offense" means a violation
14 of Section 4 or 5 of the Cannabis Control Act
15 concerning not more than 30 grams of any substance
16 containing cannabis, provided the violation did not
17 include a penalty enhancement under Section 7 of the
18 Cannabis Control Act and is not associated with an
19 arrest, conviction or other disposition for a violent
20 crime as defined in subsection (c) of Section 3 of the
21 Rights of Crime Victims and Witnesses Act.

22 (H) "Municipal ordinance violation" means an
23 offense defined by a municipal or local ordinance that
24 is criminal in nature and with which the petitioner
25 was charged or for which the petitioner was arrested
26 and released without charging.

1 (I) "Petitioner" means an adult or a minor
2 prosecuted as an adult who has applied for relief
3 under this Section.

4 (J) "Qualified probation" means an order of
5 probation under Section 10 of the Cannabis Control
6 Act, Section 410 of the Illinois Controlled Substances
7 Act, Section 70 of the Methamphetamine Control and
8 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
9 of the Unified Code of Corrections, Section
10 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
11 those provisions existed before their deletion by
12 Public Act 89-313), Section 10-102 of the Illinois
13 Alcoholism and Other Drug Dependency Act, Section
14 40-10 of the Substance Use Disorder Act, or Section 10
15 of the Steroid Control Act. For the purpose of this
16 Section, "successful completion" of an order of
17 qualified probation under Section 10-102 of the
18 Illinois Alcoholism and Other Drug Dependency Act and
19 Section 40-10 of the Substance Use Disorder Act means
20 that the probation was terminated satisfactorily and
21 the judgment of conviction was vacated.

22 (K) "Seal" means to physically and electronically
23 maintain the records, unless the records would
24 otherwise be destroyed due to age, but to make the
25 records unavailable without a court order, subject to
26 the exceptions in Sections 12 and 13 of this Act. The

1 petitioner's name shall also be obliterated from the
2 official index required to be kept by the circuit
3 court clerk under Section 16 of the Clerks of Courts
4 Act, but any index issued by the circuit court clerk
5 before the entry of the order to seal shall not be
6 affected.

7 (L) "Sexual offense committed against a minor"
8 includes, but is not limited to, the offenses of
9 indecent solicitation of a child or criminal sexual
10 abuse when the victim of such offense is under 18 years
11 of age.

12 (M) "Terminate" as it relates to a sentence or
13 order of supervision or qualified probation includes
14 either satisfactory or unsatisfactory termination of
15 the sentence, unless otherwise specified in this
16 Section. A sentence is terminated notwithstanding any
17 outstanding financial legal obligation.

18 (2) Minor Traffic Offenses. Orders of supervision or
19 convictions for minor traffic offenses shall not affect a
20 petitioner's eligibility to expunge or seal records
21 pursuant to this Section.

22 (2.5) Commencing 180 days after July 29, 2016 (the
23 effective date of Public Act 99-697), the law enforcement
24 agency issuing the citation shall automatically expunge,
25 on or before January 1 and July 1 of each year, the law
26 enforcement records of a person found to have committed a

1 civil law violation of subsection (a) of Section 4 of the
2 Cannabis Control Act or subsection (c) of Section 3.5 of
3 the Drug Paraphernalia Control Act in the law enforcement
4 agency's possession or control and which contains the
5 final satisfactory disposition which pertain to the person
6 issued a citation for that offense. The law enforcement
7 agency shall provide by rule the process for access,
8 review, and to confirm the automatic expungement by the
9 law enforcement agency issuing the citation. Commencing
10 180 days after July 29, 2016 (the effective date of Public
11 Act 99-697), the clerk of the circuit court shall expunge,
12 upon order of the court, or in the absence of a court order
13 on or before January 1 and July 1 of each year, the court
14 records of a person found in the circuit court to have
15 committed a civil law violation of subsection (a) of
16 Section 4 of the Cannabis Control Act or subsection (c) of
17 Section 3.5 of the Drug Paraphernalia Control Act in the
18 clerk's possession or control and which contains the final
19 satisfactory disposition which pertain to the person
20 issued a citation for any of those offenses.

21 (2.6) Commencing 180 days after the effective date
22 of this amendatory Act of the 103rd General Assembly, the
23 law enforcement agency issuing the citation shall
24 automatically expunge, on or before January 1 and July 1
25 of each year, the law enforcement records of a person
26 found to have committed a violation of subsection (e) of

1 Section 401 of the Illinois Controlled Substances Act by
2 possessing psilocybin and psilocin or of subsection (a) of
3 Section 3.5 of the Drug Paraphernalia Control Act by
4 possessing paraphernalia used in relation to psilocybin
5 and psilocin in the law enforcement agency's possession or
6 control and which contains the final satisfactory
7 disposition which pertain to the person issued a citation
8 for that offense. The law enforcement agency shall provide
9 by rule the process for access, review, and to confirm the
10 automatic expungement by the law enforcement agency
11 issuing the citation. Commencing 180 days after the
12 effective date of this amendatory Act of the 103rd General
13 Assembly, the clerk of the circuit court shall expunge,
14 upon order of the court, or in the absence of a court order
15 on or before January 1 and July 1 of each year, the court
16 records of a person found in the circuit court to have
17 committed a violation of subsection (e) of Section 401 of
18 the Illinois Controlled Substances Act by possessing
19 psilocybin and psilocin or of subsection (a) of Section
20 3.5 of the Drug Paraphernalia Control Act by possessing
21 paraphernalia used in relation to psilocybin and psilocin
22 in the clerk's possession or control and which contains
23 the final satisfactory disposition which pertain to the
24 person issued a citation for any of those offenses.

25 (3) Exclusions. Except as otherwise provided in
26 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)

1 of this Section, the court shall not order:

2 (A) the sealing or expungement of the records of
3 arrests or charges not initiated by arrest that result
4 in an order of supervision for or conviction of: (i)
5 any sexual offense committed against a minor; (ii)
6 Section 11-501 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance; or (iii)
8 Section 11-503 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance, unless the
10 arrest or charge is for a misdemeanor violation of
11 subsection (a) of Section 11-503 or a similar
12 provision of a local ordinance, that occurred prior to
13 the offender reaching the age of 25 years and the
14 offender has no other conviction for violating Section
15 11-501 or 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance.

17 (B) the sealing or expungement of records of minor
18 traffic offenses (as defined in subsection (a)(1)(G)),
19 unless the petitioner was arrested and released
20 without charging.

21 (C) the sealing of the records of arrests or
22 charges not initiated by arrest which result in an
23 order of supervision or a conviction for the following
24 offenses:

25 (i) offenses included in Article 11 of the
26 Criminal Code of 1961 or the Criminal Code of 2012

1 or a similar provision of a local ordinance,
2 except Section 11-14 and a misdemeanor violation
3 of Section 11-30 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, or a similar provision
5 of a local ordinance;

6 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
7 26-5, or 48-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or a similar provision of a
9 local ordinance;

10 (iii) Section ~~Sections~~ 12-3.1 or 12-3.2 of the
11 Criminal Code of 1961 or the Criminal Code of
12 2012, or Section 125 of the Stalking No Contact
13 Order Act, or Section 219 of the Civil No Contact
14 Order Act, or a similar provision of a local
15 ordinance;

16 (iv) Class A misdemeanors or felony offenses
17 under the Humane Care for Animals Act; or

18 (v) any offense or attempted offense that
19 would subject a person to registration under the
20 Sex Offender Registration Act.

21 (D) (blank).

22 (b) Expungement.

23 (1) A petitioner may petition the circuit court to
24 expunge the records of his or her arrests and charges not
25 initiated by arrest when each arrest or charge not
26 initiated by arrest sought to be expunged resulted in: (i)

1 acquittal, dismissal, or the petitioner's release without
2 charging, unless excluded by subsection (a)(3)(B); (ii) a
3 conviction which was vacated or reversed, unless excluded
4 by subsection (a)(3)(B); (iii) an order of supervision and
5 such supervision was successfully completed by the
6 petitioner, unless excluded by subsection (a)(3)(A) or
7 (a)(3)(B); or (iv) an order of qualified probation (as
8 defined in subsection (a)(1)(J)) and such probation was
9 successfully completed by the petitioner.

10 (1.5) When a petitioner seeks to have a record of
11 arrest expunged under this Section, and the offender has
12 been convicted of a criminal offense, the State's Attorney
13 may object to the expungement on the grounds that the
14 records contain specific relevant information aside from
15 the mere fact of the arrest.

16 (2) Time frame for filing a petition to expunge.

17 (A) When the arrest or charge not initiated by
18 arrest sought to be expunged resulted in an acquittal,
19 dismissal, the petitioner's release without charging,
20 or the reversal or vacation of a conviction, there is
21 no waiting period to petition for the expungement of
22 such records.

23 (B) When the arrest or charge not initiated by
24 arrest sought to be expunged resulted in an order of
25 supervision, successfully completed by the petitioner,
26 the following time frames will apply:

1 (i) Those arrests or charges that resulted in
2 orders of supervision under Section 3-707, 3-708,
3 3-710, or 5-401.3 of the Illinois Vehicle Code or
4 a similar provision of a local ordinance, or under
5 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, or a
7 similar provision of a local ordinance, shall not
8 be eligible for expungement until 5 years have
9 passed following the satisfactory termination of
10 the supervision.

11 (i-5) Those arrests or charges that resulted
12 in orders of supervision for a misdemeanor
13 violation of subsection (a) of Section 11-503 of
14 the Illinois Vehicle Code or a similar provision
15 of a local ordinance, that occurred prior to the
16 offender reaching the age of 25 years and the
17 offender has no other conviction for violating
18 Section 11-501 or 11-503 of the Illinois Vehicle
19 Code or a similar provision of a local ordinance
20 shall not be eligible for expungement until the
21 petitioner has reached the age of 25 years.

22 (ii) Those arrests or charges that resulted in
23 orders of supervision for any other offenses shall
24 not be eligible for expungement until 2 years have
25 passed following the satisfactory termination of
26 the supervision.

1 (C) When the arrest or charge not initiated by
2 arrest sought to be expunged resulted in an order of
3 qualified probation, successfully completed by the
4 petitioner, such records shall not be eligible for
5 expungement until 5 years have passed following the
6 satisfactory termination of the probation.

7 (3) Those records maintained by the Illinois State
8 Police for persons arrested prior to their 17th birthday
9 shall be expunged as provided in Section 5-915 of the
10 Juvenile Court Act of 1987.

11 (4) Whenever a person has been arrested for or
12 convicted of any offense, in the name of a person whose
13 identity he or she has stolen or otherwise come into
14 possession of, the aggrieved person from whom the identity
15 was stolen or otherwise obtained without authorization,
16 upon learning of the person having been arrested using his
17 or her identity, may, upon verified petition to the chief
18 judge of the circuit wherein the arrest was made, have a
19 court order entered nunc pro tunc by the Chief Judge to
20 correct the arrest record, conviction record, if any, and
21 all official records of the arresting authority, the
22 Illinois State Police, other criminal justice agencies,
23 the prosecutor, and the trial court concerning such
24 arrest, if any, by removing his or her name from all such
25 records in connection with the arrest and conviction, if
26 any, and by inserting in the records the name of the

1 offender, if known or ascertainable, in lieu of the
2 aggrieved's name. The records of the circuit court clerk
3 shall be sealed until further order of the court upon good
4 cause shown and the name of the aggrieved person
5 obliterated on the official index required to be kept by
6 the circuit court clerk under Section 16 of the Clerks of
7 Courts Act, but the order shall not affect any index
8 issued by the circuit court clerk before the entry of the
9 order. Nothing in this Section shall limit the Illinois
10 State Police or other criminal justice agencies or
11 prosecutors from listing under an offender's name the
12 false names he or she has used.

13 (5) Whenever a person has been convicted of criminal
14 sexual assault, aggravated criminal sexual assault,
15 predatory criminal sexual assault of a child, criminal
16 sexual abuse, or aggravated criminal sexual abuse, the
17 victim of that offense may request that the State's
18 Attorney of the county in which the conviction occurred
19 file a verified petition with the presiding trial judge at
20 the petitioner's trial to have a court order entered to
21 seal the records of the circuit court clerk in connection
22 with the proceedings of the trial court concerning that
23 offense. However, the records of the arresting authority
24 and the Illinois State Police concerning the offense shall
25 not be sealed. The court, upon good cause shown, shall
26 make the records of the circuit court clerk in connection

1 with the proceedings of the trial court concerning the
2 offense available for public inspection.

3 (6) If a conviction has been set aside on direct
4 review or on collateral attack and the court determines by
5 clear and convincing evidence that the petitioner was
6 factually innocent of the charge, the court that finds the
7 petitioner factually innocent of the charge shall enter an
8 expungement order for the conviction for which the
9 petitioner has been determined to be innocent as provided
10 in subsection (b) of Section 5-5-4 of the Unified Code of
11 Corrections.

12 (7) Nothing in this Section shall prevent the Illinois
13 State Police from maintaining all records of any person
14 who is admitted to probation upon terms and conditions and
15 who fulfills those terms and conditions pursuant to
16 Section 10 of the Cannabis Control Act, Section 410 of the
17 Illinois Controlled Substances Act, Section 70 of the
18 Methamphetamine Control and Community Protection Act,
19 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
20 Corrections, Section 12-4.3 or subdivision (b)(1) of
21 Section 12-3.05 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, Section 10-102 of the Illinois
23 Alcoholism and Other Drug Dependency Act, Section 40-10 of
24 the Substance Use Disorder Act, or Section 10 of the
25 Steroid Control Act.

26 (8) If the petitioner has been granted a certificate

1 of innocence under Section 2-702 of the Code of Civil
2 Procedure, the court that grants the certificate of
3 innocence shall also enter an order expunging the
4 conviction for which the petitioner has been determined to
5 be innocent as provided in subsection (h) of Section 2-702
6 of the Code of Civil Procedure.

7 (c) Sealing.

8 (1) Applicability. Notwithstanding any other provision
9 of this Act to the contrary, and cumulative with any
10 rights to expungement of criminal records, this subsection
11 authorizes the sealing of criminal records of adults and
12 of minors prosecuted as adults. Subsection (g) of this
13 Section provides for immediate sealing of certain records.

14 (2) Eligible Records. The following records may be
15 sealed:

16 (A) All arrests resulting in release without
17 charging;

18 (B) Arrests or charges not initiated by arrest
19 resulting in acquittal, dismissal, or conviction when
20 the conviction was reversed or vacated, except as
21 excluded by subsection (a) (3) (B);

22 (C) Arrests or charges not initiated by arrest
23 resulting in orders of supervision, including orders
24 of supervision for municipal ordinance violations,
25 successfully completed by the petitioner, unless
26 excluded by subsection (a) (3);

1 (D) Arrests or charges not initiated by arrest
2 resulting in convictions, including convictions on
3 municipal ordinance violations, unless excluded by
4 subsection (a) (3);

5 (E) Arrests or charges not initiated by arrest
6 resulting in orders of first offender probation under
7 Section 10 of the Cannabis Control Act, Section 410 of
8 the Illinois Controlled Substances Act, Section 70 of
9 the Methamphetamine Control and Community Protection
10 Act, or Section 5-6-3.3 of the Unified Code of
11 Corrections; and

12 (F) Arrests or charges not initiated by arrest
13 resulting in felony convictions unless otherwise
14 excluded by subsection (a) paragraph (3) of this
15 Section.

16 (3) When Records Are Eligible to Be Sealed. Records
17 identified as eligible under subsection (c) (2) may be
18 sealed as follows:

19 (A) Records identified as eligible under
20 subsections ~~subsection~~ (c) (2) (A) and (c) (2) (B) may be
21 sealed at any time.

22 (B) Except as otherwise provided in subparagraph
23 (E) of this paragraph (3), records identified as
24 eligible under subsection (c) (2) (C) may be sealed 2
25 years after the termination of petitioner's last
26 sentence (as defined in subsection (a) (1) (F)).

1 (C) Except as otherwise provided in subparagraph
2 (E) of this paragraph (3), records identified as
3 eligible under subsections (c)(2)(D), (c)(2)(E), and
4 (c)(2)(F) may be sealed 3 years after the termination
5 of the petitioner's last sentence (as defined in
6 subsection (a)(1)(F)). Convictions requiring public
7 registration under the Arsonist Registration Act, the
8 Sex Offender Registration Act, or the Murderer and
9 Violent Offender Against Youth Registration Act may
10 not be sealed until the petitioner is no longer
11 required to register under that relevant Act.

12 (D) Records identified in subsection
13 (a)(3)(A)(iii) may be sealed after the petitioner has
14 reached the age of 25 years.

15 (E) Records identified as eligible under
16 subsection ~~subsections~~ (c)(2)(C), (c)(2)(D),
17 (c)(2)(E), or (c)(2)(F) may be sealed upon termination
18 of the petitioner's last sentence if the petitioner
19 earned a high school diploma, associate's degree,
20 career certificate, vocational technical
21 certification, or bachelor's degree, or passed the
22 high school level Test of General Educational
23 Development, during the period of his or her sentence
24 or mandatory supervised release. This subparagraph
25 shall apply only to a petitioner who has not completed
26 the same educational goal prior to the period of his or

1 her sentence or mandatory supervised release. If a
2 petition for sealing eligible records filed under this
3 subparagraph is denied by the court, the time periods
4 under subparagraph (B) or (C) shall apply to any
5 subsequent petition for sealing filed by the
6 petitioner.

7 (4) Subsequent felony convictions. A person may not
8 have subsequent felony conviction records sealed as
9 provided in this subsection (c) if he or she is convicted
10 of any felony offense after the date of the sealing of
11 prior felony convictions as provided in this subsection
12 (c). The court may, upon conviction for a subsequent
13 felony offense, order the unsealing of prior felony
14 conviction records previously ordered sealed by the court.

15 (5) Notice of eligibility for sealing. Upon entry of a
16 disposition for an eligible record under this subsection
17 (c), the petitioner shall be informed by the court of the
18 right to have the records sealed and the procedures for
19 the sealing of the records.

20 (d) Procedure. The following procedures apply to
21 expungement under subsections (b), (e), and (e-6) and sealing
22 under subsections (c) and (e-5):

23 (1) Filing the petition. Upon becoming eligible to
24 petition for the expungement or sealing of records under
25 this Section, the petitioner shall file a petition
26 requesting the expungement or sealing of records with the

1 clerk of the court where the arrests occurred or the
2 charges were brought, or both. If arrests occurred or
3 charges were brought in multiple jurisdictions, a petition
4 must be filed in each such jurisdiction. The petitioner
5 shall pay the applicable fee, except no fee shall be
6 required if the petitioner has obtained a court order
7 waiving fees under Supreme Court Rule 298 or it is
8 otherwise waived.

9 (1.5) County fee waiver pilot program. From August 9,
10 2019 (the effective date of Public Act 101-306) through
11 December 31, 2020, in a county of 3,000,000 or more
12 inhabitants, no fee shall be required to be paid by a
13 petitioner if the records sought to be expunged or sealed
14 were arrests resulting in release without charging or
15 arrests or charges not initiated by arrest resulting in
16 acquittal, dismissal, or conviction when the conviction
17 was reversed or vacated, unless excluded by subsection
18 (a)(3)(B). The provisions of this paragraph (1.5), other
19 than this sentence, are inoperative on and after January
20 1, 2022.

21 (2) Contents of petition. The petition shall be
22 verified and shall contain the petitioner's name, date of
23 birth, current address and, for each arrest or charge not
24 initiated by arrest sought to be sealed or expunged, the
25 case number, the date of arrest (if any), the identity of
26 the arresting authority, and such other information as the

1 court may require. During the pendency of the proceeding,
2 the petitioner shall promptly notify the circuit court
3 clerk of any change of his or her address. If the
4 petitioner has received a certificate of eligibility for
5 sealing from the Prisoner Review Board under paragraph
6 (10) of subsection (a) of Section 3-3-2 of the Unified
7 Code of Corrections, the certificate shall be attached to
8 the petition.

9 (3) Drug test. The petitioner must attach to the
10 petition proof that the petitioner has passed a test taken
11 within 30 days before the filing of the petition showing
12 the absence within his or her body of all illegal
13 substances as defined by the Illinois Controlled
14 Substances Act, the Methamphetamine Control and Community
15 Protection Act, and the Cannabis Control Act if he or she
16 is petitioning to:

17 (A) seal felony records under clause (c) (2) (E);

18 (B) seal felony records for a violation of the
19 Illinois Controlled Substances Act, the
20 Methamphetamine Control and Community Protection Act,
21 or the Cannabis Control Act under clause (c) (2) (F);

22 (C) seal felony records under subsection (e-5); or

23 (D) expunge felony records of a qualified
24 probation under clause (b) (1) (iv).

25 (4) Service of petition. The circuit court clerk shall
26 promptly serve a copy of the petition and documentation to

1 support the petition under subsection (e-5) or (e-6) on
2 the State's Attorney or prosecutor charged with the duty
3 of prosecuting the offense, the Illinois State Police, the
4 arresting agency and the chief legal officer of the unit
5 of local government effecting the arrest.

6 (5) Objections.

7 (A) Any party entitled to notice of the petition
8 may file an objection to the petition. All objections
9 shall be in writing, shall be filed with the circuit
10 court clerk, and shall state with specificity the
11 basis of the objection. Whenever a person who has been
12 convicted of an offense is granted a pardon by the
13 Governor which specifically authorizes expungement, an
14 objection to the petition may not be filed.

15 (B) Objections to a petition to expunge or seal
16 must be filed within 60 days of the date of service of
17 the petition.

18 (6) Entry of order.

19 (A) The Chief Judge of the circuit wherein the
20 charge was brought, any judge of that circuit
21 designated by the Chief Judge, or in counties of less
22 than 3,000,000 inhabitants, the presiding trial judge
23 at the petitioner's trial, if any, shall rule on the
24 petition to expunge or seal as set forth in this
25 subsection (d) (6).

26 (B) Unless the State's Attorney or prosecutor, the

1 Illinois State Police, the arresting agency, or the
2 chief legal officer files an objection to the petition
3 to expunge or seal within 60 days from the date of
4 service of the petition, the court shall enter an
5 order granting or denying the petition.

6 (C) Notwithstanding any other provision of law,
7 the court shall not deny a petition for sealing under
8 this Section because the petitioner has not satisfied
9 an outstanding legal financial obligation established,
10 imposed, or originated by a court, law enforcement
11 agency, or a municipal, State, county, or other unit
12 of local government, including, but not limited to,
13 any cost, assessment, fine, or fee. An outstanding
14 legal financial obligation does not include any court
15 ordered restitution to a victim under Section 5-5-6 of
16 the Unified Code of Corrections, unless the
17 restitution has been converted to a civil judgment.
18 Nothing in this subparagraph (C) waives, rescinds, or
19 abrogates a legal financial obligation or otherwise
20 eliminates or affects the right of the holder of any
21 financial obligation to pursue collection under
22 applicable federal, State, or local law.

23 (7) Hearings. If an objection is filed, the court
24 shall set a date for a hearing and notify the petitioner
25 and all parties entitled to notice of the petition of the
26 hearing date at least 30 days prior to the hearing. Prior

1 to the hearing, the State's Attorney shall consult with
2 the Illinois State Police as to the appropriateness of the
3 relief sought in the petition to expunge or seal. At the
4 hearing, the court shall hear evidence on whether the
5 petition should or should not be granted, and shall grant
6 or deny the petition to expunge or seal the records based
7 on the evidence presented at the hearing. The court may
8 consider the following:

9 (A) the strength of the evidence supporting the
10 defendant's conviction;

11 (B) the reasons for retention of the conviction
12 records by the State;

13 (C) the petitioner's age, criminal record history,
14 and employment history;

15 (D) the period of time between the petitioner's
16 arrest on the charge resulting in the conviction and
17 the filing of the petition under this Section; and

18 (E) the specific adverse consequences the
19 petitioner may be subject to if the petition is
20 denied.

21 (8) Service of order. After entering an order to
22 expunge or seal records, the court must provide copies of
23 the order to the Illinois State Police, in a form and
24 manner prescribed by the Illinois State Police, to the
25 petitioner, to the State's Attorney or prosecutor charged
26 with the duty of prosecuting the offense, to the arresting

1 agency, to the chief legal officer of the unit of local
2 government effecting the arrest, and to such other
3 criminal justice agencies as may be ordered by the court.

4 (9) Implementation of order.

5 (A) Upon entry of an order to expunge records
6 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
7 both:

8 (i) the records shall be expunged (as defined
9 in subsection (a) (1) (E)) by the arresting agency,
10 the Illinois State Police, and any other agency as
11 ordered by the court, within 60 days of the date of
12 service of the order, unless a motion to vacate,
13 modify, or reconsider the order is filed pursuant
14 to paragraph (12) of subsection (d) of this
15 Section;

16 (ii) the records of the circuit court clerk
17 shall be impounded until further order of the
18 court upon good cause shown and the name of the
19 petitioner obliterated on the official index
20 required to be kept by the circuit court clerk
21 under Section 16 of the Clerks of Courts Act, but
22 the order shall not affect any index issued by the
23 circuit court clerk before the entry of the order;
24 and

25 (iii) in response to an inquiry for expunged
26 records, the court, the Illinois State Police, or

1 the agency receiving such inquiry, shall reply as
2 it does in response to inquiries when no records
3 ever existed.

4 (B) Upon entry of an order to expunge records
5 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
6 both:

7 (i) the records shall be expunged (as defined
8 in subsection (a) (1) (E)) by the arresting agency
9 and any other agency as ordered by the court,
10 within 60 days of the date of service of the order,
11 unless a motion to vacate, modify, or reconsider
12 the order is filed pursuant to paragraph (12) of
13 subsection (d) of this Section;

14 (ii) the records of the circuit court clerk
15 shall be impounded until further order of the
16 court upon good cause shown and the name of the
17 petitioner obliterated on the official index
18 required to be kept by the circuit court clerk
19 under Section 16 of the Clerks of Courts Act, but
20 the order shall not affect any index issued by the
21 circuit court clerk before the entry of the order;

22 (iii) the records shall be impounded by the
23 Illinois State Police within 60 days of the date
24 of service of the order as ordered by the court,
25 unless a motion to vacate, modify, or reconsider
26 the order is filed pursuant to paragraph (12) of

1 subsection (d) of this Section;

2 (iv) records impounded by the Illinois State
3 Police may be disseminated by the Illinois State
4 Police only as required by law or to the arresting
5 authority, the State's Attorney, and the court
6 upon a later arrest for the same or a similar
7 offense or for the purpose of sentencing for any
8 subsequent felony, and to the Department of
9 Corrections upon conviction for any offense; and

10 (v) in response to an inquiry for such records
11 from anyone not authorized by law to access such
12 records, the court, the Illinois State Police, or
13 the agency receiving such inquiry shall reply as
14 it does in response to inquiries when no records
15 ever existed.

16 (B-5) Upon entry of an order to expunge records
17 under subsection (e-6):

18 (i) the records shall be expunged (as defined
19 in subsection (a)(1)(E)) by the arresting agency
20 and any other agency as ordered by the court,
21 within 60 days of the date of service of the order,
22 unless a motion to vacate, modify, or reconsider
23 the order is filed under paragraph (12) of
24 subsection (d) of this Section;

25 (ii) the records of the circuit court clerk
26 shall be impounded until further order of the

1 court upon good cause shown and the name of the
2 petitioner obliterated on the official index
3 required to be kept by the circuit court clerk
4 under Section 16 of the Clerks of Courts Act, but
5 the order shall not affect any index issued by the
6 circuit court clerk before the entry of the order;

7 (iii) the records shall be impounded by the
8 Illinois State Police within 60 days of the date
9 of service of the order as ordered by the court,
10 unless a motion to vacate, modify, or reconsider
11 the order is filed under paragraph (12) of
12 subsection (d) of this Section;

13 (iv) records impounded by the Illinois State
14 Police may be disseminated by the Illinois State
15 Police only as required by law or to the arresting
16 authority, the State's Attorney, and the court
17 upon a later arrest for the same or a similar
18 offense or for the purpose of sentencing for any
19 subsequent felony, and to the Department of
20 Corrections upon conviction for any offense; and

21 (v) in response to an inquiry for these
22 records from anyone not authorized by law to
23 access the records, the court, the Illinois State
24 Police, or the agency receiving the inquiry shall
25 reply as it does in response to inquiries when no
26 records ever existed.

1 (C) Upon entry of an order to seal records under
2 subsection (c), the arresting agency, any other agency
3 as ordered by the court, the Illinois State Police,
4 and the court shall seal the records (as defined in
5 subsection (a)(1)(K)). In response to an inquiry for
6 such records, from anyone not authorized by law to
7 access such records, the court, the Illinois State
8 Police, or the agency receiving such inquiry shall
9 reply as it does in response to inquiries when no
10 records ever existed.

11 (D) The Illinois State Police shall send written
12 notice to the petitioner of its compliance with each
13 order to expunge or seal records within 60 days of the
14 date of service of that order or, if a motion to
15 vacate, modify, or reconsider is filed, within 60 days
16 of service of the order resolving the motion, if that
17 order requires the Illinois State Police to expunge or
18 seal records. In the event of an appeal from the
19 circuit court order, the Illinois State Police shall
20 send written notice to the petitioner of its
21 compliance with an Appellate Court or Supreme Court
22 judgment to expunge or seal records within 60 days of
23 the issuance of the court's mandate. The notice is not
24 required while any motion to vacate, modify, or
25 reconsider, or any appeal or petition for
26 discretionary appellate review, is pending.

1 (E) Upon motion, the court may order that a sealed
2 judgment or other court record necessary to
3 demonstrate the amount of any legal financial
4 obligation due and owing be made available for the
5 limited purpose of collecting any legal financial
6 obligations owed by the petitioner that were
7 established, imposed, or originated in the criminal
8 proceeding for which those records have been sealed.
9 The records made available under this subparagraph (E)
10 shall not be entered into the official index required
11 to be kept by the circuit court clerk under Section 16
12 of the Clerks of Courts Act and shall be immediately
13 re-impounded upon the collection of the outstanding
14 financial obligations.

15 (F) Notwithstanding any other provision of this
16 Section, a circuit court clerk may access a sealed
17 record for the limited purpose of collecting payment
18 for any legal financial obligations that were
19 established, imposed, or originated in the criminal
20 proceedings for which those records have been sealed.

21 (10) Fees. The Illinois State Police may charge the
22 petitioner a fee equivalent to the cost of processing any
23 order to expunge or seal records. Notwithstanding any
24 provision of the Clerks of Courts Act to the contrary, the
25 circuit court clerk may charge a fee equivalent to the
26 cost associated with the sealing or expungement of records

1 by the circuit court clerk. From the total filing fee
2 collected for the petition to seal or expunge, the circuit
3 court clerk shall deposit \$10 into the Circuit Court Clerk
4 Operation and Administrative Fund, to be used to offset
5 the costs incurred by the circuit court clerk in
6 performing the additional duties required to serve the
7 petition to seal or expunge on all parties. The circuit
8 court clerk shall collect and remit the Illinois State
9 Police portion of the fee to the State Treasurer and it
10 shall be deposited in the State Police Services Fund. If
11 the record brought under an expungement petition was
12 previously sealed under this Section, the fee for the
13 expungement petition for that same record shall be waived.

14 (11) Final Order. No court order issued under the
15 expungement or sealing provisions of this Section shall
16 become final for purposes of appeal until 30 days after
17 service of the order on the petitioner and all parties
18 entitled to notice of the petition.

19 (12) Motion to Vacate, Modify, or Reconsider. Under
20 Section 2-1203 of the Code of Civil Procedure, the
21 petitioner or any party entitled to notice may file a
22 motion to vacate, modify, or reconsider the order granting
23 or denying the petition to expunge or seal within 60 days
24 of service of the order. If filed more than 60 days after
25 service of the order, a petition to vacate, modify, or
26 reconsider shall comply with subsection (c) of Section

1 2-1401 of the Code of Civil Procedure. Upon filing of a
2 motion to vacate, modify, or reconsider, notice of the
3 motion shall be served upon the petitioner and all parties
4 entitled to notice of the petition.

5 (13) Effect of Order. An order granting a petition
6 under the expungement or sealing provisions of this
7 Section shall not be considered void because it fails to
8 comply with the provisions of this Section or because of
9 any error asserted in a motion to vacate, modify, or
10 reconsider. The circuit court retains jurisdiction to
11 determine whether the order is voidable and to vacate,
12 modify, or reconsider its terms based on a motion filed
13 under paragraph (12) of this subsection (d).

14 (14) Compliance with Order Granting Petition to Seal
15 Records. Unless a court has entered a stay of an order
16 granting a petition to seal, all parties entitled to
17 notice of the petition must fully comply with the terms of
18 the order within 60 days of service of the order even if a
19 party is seeking relief from the order through a motion
20 filed under paragraph (12) of this subsection (d) or is
21 appealing the order.

22 (15) Compliance with Order Granting Petition to
23 Expunge Records. While a party is seeking relief from the
24 order granting the petition to expunge through a motion
25 filed under paragraph (12) of this subsection (d) or is
26 appealing the order, and unless a court has entered a stay

1 of that order, the parties entitled to notice of the
2 petition must seal, but need not expunge, the records
3 until there is a final order on the motion for relief or,
4 in the case of an appeal, the issuance of that court's
5 mandate.

6 (16) The changes to this subsection (d) made by Public
7 Act 98-163 apply to all petitions pending on August 5,
8 2013 (the effective date of Public Act 98-163) and to all
9 orders ruling on a petition to expunge or seal on or after
10 August 5, 2013 (the effective date of Public Act 98-163).

11 (e) Whenever a person who has been convicted of an offense
12 is granted a pardon by the Governor which specifically
13 authorizes expungement, he or she may, upon verified petition
14 to the Chief Judge of the circuit where the person had been
15 convicted, any judge of the circuit designated by the Chief
16 Judge, or in counties of less than 3,000,000 inhabitants, the
17 presiding trial judge at the defendant's trial, have a court
18 order entered expunging the record of arrest from the official
19 records of the arresting authority and order that the records
20 of the circuit court clerk and the Illinois State Police be
21 sealed until further order of the court upon good cause shown
22 or as otherwise provided herein, and the name of the defendant
23 obliterated from the official index requested to be kept by
24 the circuit court clerk under Section 16 of the Clerks of
25 Courts Act in connection with the arrest and conviction for
26 the offense for which he or she had been pardoned but the order

1 shall not affect any index issued by the circuit court clerk
2 before the entry of the order. All records sealed by the
3 Illinois State Police may be disseminated by the Illinois
4 State Police only to the arresting authority, the State's
5 Attorney, and the court upon a later arrest for the same or
6 similar offense or for the purpose of sentencing for any
7 subsequent felony. Upon conviction for any subsequent offense,
8 the Department of Corrections shall have access to all sealed
9 records of the Illinois State Police pertaining to that
10 individual. Upon entry of the order of expungement, the
11 circuit court clerk shall promptly mail a copy of the order to
12 the person who was pardoned.

13 (e-5) Whenever a person who has been convicted of an
14 offense is granted a certificate of eligibility for sealing by
15 the Prisoner Review Board which specifically authorizes
16 sealing, he or she may, upon verified petition to the Chief
17 Judge of the circuit where the person had been convicted, any
18 judge of the circuit designated by the Chief Judge, or in
19 counties of less than 3,000,000 inhabitants, the presiding
20 trial judge at the petitioner's trial, have a court order
21 entered sealing the record of arrest from the official records
22 of the arresting authority and order that the records of the
23 circuit court clerk and the Illinois State Police be sealed
24 until further order of the court upon good cause shown or as
25 otherwise provided herein, and the name of the petitioner
26 obliterated from the official index requested to be kept by

1 the circuit court clerk under Section 16 of the Clerks of
2 Courts Act in connection with the arrest and conviction for
3 the offense for which he or she had been granted the
4 certificate but the order shall not affect any index issued by
5 the circuit court clerk before the entry of the order. All
6 records sealed by the Illinois State Police may be
7 disseminated by the Illinois State Police only as required by
8 this Act or to the arresting authority, a law enforcement
9 agency, the State's Attorney, and the court upon a later
10 arrest for the same or similar offense or for the purpose of
11 sentencing for any subsequent felony. Upon conviction for any
12 subsequent offense, the Department of Corrections shall have
13 access to all sealed records of the Illinois State Police
14 pertaining to that individual. Upon entry of the order of
15 sealing, the circuit court clerk shall promptly mail a copy of
16 the order to the person who was granted the certificate of
17 eligibility for sealing.

18 (e-6) Whenever a person who has been convicted of an
19 offense is granted a certificate of eligibility for
20 expungement by the Prisoner Review Board which specifically
21 authorizes expungement, he or she may, upon verified petition
22 to the Chief Judge of the circuit where the person had been
23 convicted, any judge of the circuit designated by the Chief
24 Judge, or in counties of less than 3,000,000 inhabitants, the
25 presiding trial judge at the petitioner's trial, have a court
26 order entered expunging the record of arrest from the official

1 records of the arresting authority and order that the records
2 of the circuit court clerk and the Illinois State Police be
3 sealed until further order of the court upon good cause shown
4 or as otherwise provided herein, and the name of the
5 petitioner obliterated from the official index requested to be
6 kept by the circuit court clerk under Section 16 of the Clerks
7 of Courts Act in connection with the arrest and conviction for
8 the offense for which he or she had been granted the
9 certificate but the order shall not affect any index issued by
10 the circuit court clerk before the entry of the order. All
11 records sealed by the Illinois State Police may be
12 disseminated by the Illinois State Police only as required by
13 this Act or to the arresting authority, a law enforcement
14 agency, the State's Attorney, and the court upon a later
15 arrest for the same or similar offense or for the purpose of
16 sentencing for any subsequent felony. Upon conviction for any
17 subsequent offense, the Department of Corrections shall have
18 access to all expunged records of the Illinois State Police
19 pertaining to that individual. Upon entry of the order of
20 expungement, the circuit court clerk shall promptly mail a
21 copy of the order to the person who was granted the certificate
22 of eligibility for expungement.

23 (f) Subject to available funding, the Illinois Department
24 of Corrections shall conduct a study of the impact of sealing,
25 especially on employment and recidivism rates, utilizing a
26 random sample of those who apply for the sealing of their

1 criminal records under Public Act 93-211. At the request of
2 the Illinois Department of Corrections, records of the
3 Illinois Department of Employment Security shall be utilized
4 as appropriate to assist in the study. The study shall not
5 disclose any data in a manner that would allow the
6 identification of any particular individual or employing unit.
7 The study shall be made available to the General Assembly no
8 later than September 1, 2010.

9 (g) Immediate Sealing.

10 (1) Applicability. Notwithstanding any other provision
11 of this Act to the contrary, and cumulative with any
12 rights to expungement or sealing of criminal records, this
13 subsection authorizes the immediate sealing of criminal
14 records of adults and of minors prosecuted as adults.

15 (2) Eligible Records. Arrests or charges not initiated
16 by arrest resulting in acquittal or dismissal with
17 prejudice, except as excluded by subsection (a)(3)(B),
18 that occur on or after January 1, 2018 (the effective date
19 of Public Act 100-282), may be sealed immediately if the
20 petition is filed with the circuit court clerk on the same
21 day and during the same hearing in which the case is
22 disposed.

23 (3) When Records are Eligible to be Immediately
24 Sealed. Eligible records under paragraph (2) of this
25 subsection (g) may be sealed immediately after entry of
26 the final disposition of a case, notwithstanding the

1 disposition of other charges in the same case.

2 (4) Notice of Eligibility for Immediate Sealing. Upon
3 entry of a disposition for an eligible record under this
4 subsection (g), the defendant shall be informed by the
5 court of his or her right to have eligible records
6 immediately sealed and the procedure for the immediate
7 sealing of these records.

8 (5) Procedure. The following procedures apply to
9 immediate sealing under this subsection (g).

10 (A) Filing the Petition. Upon entry of the final
11 disposition of the case, the defendant's attorney may
12 immediately petition the court, on behalf of the
13 defendant, for immediate sealing of eligible records
14 under paragraph (2) of this subsection (g) that are
15 entered on or after January 1, 2018 (the effective
16 date of Public Act 100-282). The immediate sealing
17 petition may be filed with the circuit court clerk
18 during the hearing in which the final disposition of
19 the case is entered. If the defendant's attorney does
20 not file the petition for immediate sealing during the
21 hearing, the defendant may file a petition for sealing
22 at any time as authorized under subsection (c) (3) (A).

23 (B) Contents of Petition. The immediate sealing
24 petition shall be verified and shall contain the
25 petitioner's name, date of birth, current address, and
26 for each eligible record, the case number, the date of

1 arrest if applicable, the identity of the arresting
2 authority if applicable, and other information as the
3 court may require.

4 (C) Drug Test. The petitioner shall not be
5 required to attach proof that he or she has passed a
6 drug test.

7 (D) Service of Petition. A copy of the petition
8 shall be served on the State's Attorney in open court.
9 The petitioner shall not be required to serve a copy of
10 the petition on any other agency.

11 (E) Entry of Order. The presiding trial judge
12 shall enter an order granting or denying the petition
13 for immediate sealing during the hearing in which it
14 is filed. Petitions for immediate sealing shall be
15 ruled on in the same hearing in which the final
16 disposition of the case is entered.

17 (F) Hearings. The court shall hear the petition
18 for immediate sealing on the same day and during the
19 same hearing in which the disposition is rendered.

20 (G) Service of Order. An order to immediately seal
21 eligible records shall be served in conformance with
22 subsection (d) (8).

23 (H) Implementation of Order. An order to
24 immediately seal records shall be implemented in
25 conformance with subsections (d) (9) (C) and (d) (9) (D).

26 (I) Fees. The fee imposed by the circuit court

1 clerk and the Illinois State Police shall comply with
2 paragraph (1) of subsection (d) of this Section.

3 (J) Final Order. No court order issued under this
4 subsection (g) shall become final for purposes of
5 appeal until 30 days after service of the order on the
6 petitioner and all parties entitled to service of the
7 order in conformance with subsection (d) (8).

8 (K) Motion to Vacate, Modify, or Reconsider. Under
9 Section 2-1203 of the Code of Civil Procedure, the
10 petitioner, State's Attorney, or the Illinois State
11 Police may file a motion to vacate, modify, or
12 reconsider the order denying the petition to
13 immediately seal within 60 days of service of the
14 order. If filed more than 60 days after service of the
15 order, a petition to vacate, modify, or reconsider
16 shall comply with subsection (c) of Section 2-1401 of
17 the Code of Civil Procedure.

18 (L) Effect of Order. An order granting an
19 immediate sealing petition shall not be considered
20 void because it fails to comply with the provisions of
21 this Section or because of an error asserted in a
22 motion to vacate, modify, or reconsider. The circuit
23 court retains jurisdiction to determine whether the
24 order is voidable, and to vacate, modify, or
25 reconsider its terms based on a motion filed under
26 subparagraph (L) of this subsection (g).

1 (M) Compliance with Order Granting Petition to
2 Seal Records. Unless a court has entered a stay of an
3 order granting a petition to immediately seal, all
4 parties entitled to service of the order must fully
5 comply with the terms of the order within 60 days of
6 service of the order.

7 (h) Sealing; trafficking victims.

8 (1) A trafficking victim as defined by paragraph (10)
9 of subsection (a) of Section 10-9 of the Criminal Code of
10 2012 shall be eligible to petition for immediate sealing
11 of his or her criminal record upon the completion of his or
12 her last sentence if his or her participation in the
13 underlying offense was a direct result of human
14 trafficking under Section 10-9 of the Criminal Code of
15 2012 or a severe form of trafficking under the federal
16 Trafficking Victims Protection Act.

17 (2) A petitioner under this subsection (h), in
18 addition to the requirements provided under paragraph (4)
19 of subsection (d) of this Section, shall include in his or
20 her petition a clear and concise statement that: (A) he or
21 she was a victim of human trafficking at the time of the
22 offense; and (B) that his or her participation in the
23 offense was a direct result of human trafficking under
24 Section 10-9 of the Criminal Code of 2012 or a severe form
25 of trafficking under the federal Trafficking Victims
26 Protection Act.

1 (3) If an objection is filed alleging that the
2 petitioner is not entitled to immediate sealing under this
3 subsection (h), the court shall conduct a hearing under
4 paragraph (7) of subsection (d) of this Section and the
5 court shall determine whether the petitioner is entitled
6 to immediate sealing under this subsection (h). A
7 petitioner is eligible for immediate relief under this
8 subsection (h) if he or she shows, by a preponderance of
9 the evidence, that: (A) he or she was a victim of human
10 trafficking at the time of the offense; and (B) that his or
11 her participation in the offense was a direct result of
12 human trafficking under Section 10-9 of the Criminal Code
13 of 2012 or a severe form of trafficking under the federal
14 Trafficking Victims Protection Act.

15 (i) Minor Cannabis Offenses under the Cannabis Control
16 Act.

17 (1) Expungement of Arrest Records of Minor Cannabis
18 Offenses.

19 (A) The Illinois State Police and all law
20 enforcement agencies within the State shall
21 automatically expunge all criminal history records of
22 an arrest, charge not initiated by arrest, order of
23 supervision, or order of qualified probation for a
24 Minor Cannabis Offense committed prior to June 25,
25 2019 (the effective date of Public Act 101-27) if:

26 (i) One year or more has elapsed since the

1 date of the arrest or law enforcement interaction
2 documented in the records; and

3 (ii) No criminal charges were filed relating
4 to the arrest or law enforcement interaction or
5 criminal charges were filed and subsequently
6 dismissed or vacated or the arrestee was
7 acquitted.

8 (B) If the law enforcement agency is unable to
9 verify satisfaction of condition (ii) in paragraph
10 (A), records that satisfy condition (i) in paragraph
11 (A) shall be automatically expunged.

12 (C) Records shall be expunged by the law
13 enforcement agency under the following timelines:

14 (i) Records created prior to June 25, 2019
15 (the effective date of Public Act 101-27), but on
16 or after January 1, 2013, shall be automatically
17 expunged prior to January 1, 2021;

18 (ii) Records created prior to January 1, 2013,
19 but on or after January 1, 2000, shall be
20 automatically expunged prior to January 1, 2024
21 ~~2023~~;

22 (iii) Records created prior to January 1, 2000
23 shall be automatically expunged prior to January
24 1, 2026 ~~2025~~.

25 In response to an inquiry for expunged records,
26 the law enforcement agency receiving such inquiry

1 shall reply as it does in response to inquiries when no
2 records ever existed; however, it shall provide a
3 certificate of disposition or confirmation that the
4 record was expunged to the individual whose record was
5 expunged if such a record exists.

6 (D) Nothing in this Section shall be construed to
7 restrict or modify an individual's right to have that
8 individual's records expunged except as otherwise may
9 be provided in this Act, or diminish or abrogate any
10 rights or remedies otherwise available to the
11 individual.

12 (2) Pardons Authorizing Expungement of Minor Cannabis
13 Offenses.

14 (A) Upon June 25, 2019 (the effective date of
15 Public Act 101-27), the Illinois ~~Department of~~ State
16 Police shall review all criminal history record
17 information and identify all records that meet all of
18 the following criteria:

19 (i) one or more convictions for a Minor
20 Cannabis Offense;

21 (ii) the conviction identified in paragraph
22 (2)(A)(i) did not include a penalty enhancement
23 under Section 7 of the Cannabis Control Act; and

24 (iii) the conviction identified in paragraph
25 (2)(A)(i) is not associated with a conviction for
26 a violent crime as defined in subsection (c) of

1 Section 3 of the Rights of Crime Victims and
2 Witnesses Act.

3 (B) Within 180 days after June 25, 2019 (the
4 effective date of Public Act 101-27), the Department
5 of State Police shall notify the Prisoner Review Board
6 of all such records that meet the criteria established
7 in paragraph (2) (A).

8 (i) The Prisoner Review Board shall notify the
9 State's Attorney of the county of conviction of
10 each record identified by State Police in
11 paragraph (2) (A) that is classified as a Class 4
12 felony. The State's Attorney may provide a written
13 objection to the Prisoner Review Board on the sole
14 basis that the record identified does not meet the
15 criteria established in paragraph (2) (A). Such an
16 objection must be filed within 60 days or by such
17 later date set by the Prisoner Review Board in the
18 notice after the State's Attorney received notice
19 from the Prisoner Review Board.

20 (ii) In response to a written objection from a
21 State's Attorney, the Prisoner Review Board is
22 authorized to conduct a non-public hearing to
23 evaluate the information provided in the
24 objection.

25 (iii) The Prisoner Review Board shall make a
26 confidential and privileged recommendation to the

1 Governor as to whether to grant a pardon
2 authorizing expungement for each of the records
3 identified by the Illinois ~~Department of~~ State
4 Police as described in paragraph (2) (A).

5 (C) If an individual has been granted a pardon
6 authorizing expungement as described in this Section,
7 the Prisoner Review Board, through the Attorney
8 General, shall file a petition for expungement with
9 the Chief Judge of the circuit or any judge of the
10 circuit designated by the Chief Judge where the
11 individual had been convicted. Such petition may
12 include more than one individual. Whenever an
13 individual who has been convicted of an offense is
14 granted a pardon by the Governor that specifically
15 authorizes expungement, an objection to the petition
16 may not be filed. Petitions to expunge under this
17 subsection (i) may include more than one individual.
18 Within 90 days of the filing of such a petition, the
19 court shall enter an order expunging the records of
20 arrest from the official records of the arresting
21 authority and order that the records of the circuit
22 court clerk and the Illinois State Police be expunged
23 and the name of the defendant obliterated from the
24 official index requested to be kept by the circuit
25 court clerk under Section 16 of the Clerks of Courts
26 Act in connection with the arrest and conviction for

1 the offense for which the individual had received a
2 pardon but the order shall not affect any index issued
3 by the circuit court clerk before the entry of the
4 order. Upon entry of the order of expungement, the
5 circuit court clerk shall promptly provide a copy of
6 the order and a certificate of disposition to the
7 individual who was pardoned to the individual's last
8 known address or by electronic means (if available) or
9 otherwise make it available to the individual upon
10 request.

11 (D) Nothing in this Section is intended to
12 diminish or abrogate any rights or remedies otherwise
13 available to the individual.

14 (3) Any individual may file a motion to vacate and
15 expunge a conviction for a misdemeanor or Class 4 felony
16 violation of Section 4 or Section 5 of the Cannabis
17 Control Act. Motions to vacate and expunge under this
18 subsection (i) may be filed with the circuit court, Chief
19 Judge of a judicial circuit or any judge of the circuit
20 designated by the Chief Judge. The circuit court clerk
21 shall promptly serve a copy of the motion to vacate and
22 expunge, and any supporting documentation, on the State's
23 Attorney or prosecutor charged with the duty of
24 prosecuting the offense. When considering such a motion to
25 vacate and expunge, a court shall consider the following:
26 the reasons to retain the records provided by law

1 enforcement, the petitioner's age, the petitioner's age at
2 the time of offense, the time since the conviction, and
3 the specific adverse consequences if denied. An individual
4 may file such a petition after the completion of any
5 non-financial sentence or non-financial condition imposed
6 by the conviction. Within 60 days of the filing of such
7 motion, a State's Attorney may file an objection to such a
8 petition along with supporting evidence. If a motion to
9 vacate and expunge is granted, the records shall be
10 expunged in accordance with subparagraphs (d)(8) and
11 (d)(9)(A) of this Section. An agency providing civil legal
12 aid, as defined by Section 15 of the Public Interest
13 Attorney Assistance Act, assisting individuals seeking to
14 file a motion to vacate and expunge under this subsection
15 may file motions to vacate and expunge with the Chief
16 Judge of a judicial circuit or any judge of the circuit
17 designated by the Chief Judge, and the motion may include
18 more than one individual. Motions filed by an agency
19 providing civil legal aid concerning more than one
20 individual may be prepared, presented, and signed
21 electronically.

22 (4) Any State's Attorney may file a motion to vacate
23 and expunge a conviction for a misdemeanor or Class 4
24 felony violation of Section 4 or Section 5 of the Cannabis
25 Control Act. Motions to vacate and expunge under this
26 subsection (i) may be filed with the circuit court, Chief

1 Judge of a judicial circuit or any judge of the circuit
2 designated by the Chief Judge, and may include more than
3 one individual. Motions filed by a State's Attorney
4 concerning more than one individual may be prepared,
5 presented, and signed electronically. When considering
6 such a motion to vacate and expunge, a court shall
7 consider the following: the reasons to retain the records
8 provided by law enforcement, the individual's age, the
9 individual's age at the time of offense, the time since
10 the conviction, and the specific adverse consequences if
11 denied. Upon entry of an order granting a motion to vacate
12 and expunge records pursuant to this Section, the State's
13 Attorney shall notify the Prisoner Review Board within 30
14 days. Upon entry of the order of expungement, the circuit
15 court clerk shall promptly provide a copy of the order and
16 a certificate of disposition to the individual whose
17 records will be expunged to the individual's last known
18 address or by electronic means (if available) or otherwise
19 make available to the individual upon request. If a motion
20 to vacate and expunge is granted, the records shall be
21 expunged in accordance with subparagraphs (d)(8) and
22 (d)(9)(A) of this Section.

23 (5) In the public interest, the State's Attorney of a
24 county has standing to file motions to vacate and expunge
25 pursuant to this Section in the circuit court with
26 jurisdiction over the underlying conviction.

1 (6) If a person is arrested for a Minor Cannabis
2 Offense as defined in this Section before June 25, 2019
3 (the effective date of Public Act 101-27) and the person's
4 case is still pending but a sentence has not been imposed,
5 the person may petition the court in which the charges are
6 pending for an order to summarily dismiss those charges
7 against him or her, and expunge all official records of
8 his or her arrest, plea, trial, conviction, incarceration,
9 supervision, or expungement. If the court determines, upon
10 review, that: (A) the person was arrested before June 25,
11 2019 (the effective date of Public Act 101-27) for an
12 offense that has been made eligible for expungement; (B)
13 the case is pending at the time; and (C) the person has not
14 been sentenced of the minor cannabis violation eligible
15 for expungement under this subsection, the court shall
16 consider the following: the reasons to retain the records
17 provided by law enforcement, the petitioner's age, the
18 petitioner's age at the time of offense, the time since
19 the conviction, and the specific adverse consequences if
20 denied. If a motion to dismiss and expunge is granted, the
21 records shall be expunged in accordance with subparagraph
22 (d) (9) (A) of this Section.

23 (7) A person imprisoned solely as a result of one or
24 more convictions for Minor Cannabis Offenses under this
25 subsection (i) shall be released from incarceration upon
26 the issuance of an order under this subsection.

1 (8) The Illinois State Police shall allow a person to
2 use the access and review process, established in the
3 Illinois State Police, for verifying that his or her
4 records relating to Minor Cannabis Offenses of the
5 Cannabis Control Act eligible under this Section have been
6 expunged.

7 (9) No conviction vacated pursuant to this Section
8 shall serve as the basis for damages for time unjustly
9 served as provided in the Court of Claims Act.

10 (10) Effect of Expungement. A person's right to
11 expunge an expungeable offense shall not be limited under
12 this Section. The effect of an order of expungement shall
13 be to restore the person to the status he or she occupied
14 before the arrest, charge, or conviction.

15 (11) Information. The Illinois State Police shall post
16 general information on its website about the expungement
17 process described in this subsection (i).

18 (j) Felony Prostitution Convictions.

19 (1) Any individual may file a motion to vacate and
20 expunge a conviction for a prior Class 4 felony violation
21 of prostitution. Motions to vacate and expunge under this
22 subsection (j) may be filed with the circuit court, Chief
23 Judge of a judicial circuit, or any judge of the circuit
24 designated by the Chief Judge. When considering the motion
25 to vacate and expunge, a court shall consider the
26 following:

1 (A) the reasons to retain the records provided by
2 law enforcement;

3 (B) the petitioner's age;

4 (C) the petitioner's age at the time of offense;
5 and

6 (D) the time since the conviction, and the
7 specific adverse consequences if denied. An individual
8 may file the petition after the completion of any
9 sentence or condition imposed by the conviction.
10 Within 60 days of the filing of the motion, a State's
11 Attorney may file an objection to the petition along
12 with supporting evidence. If a motion to vacate and
13 expunge is granted, the records shall be expunged in
14 accordance with subparagraph (d)(9)(A) of this
15 Section. An agency providing civil legal aid, as
16 defined in Section 15 of the Public Interest Attorney
17 Assistance Act, assisting individuals seeking to file
18 a motion to vacate and expunge under this subsection
19 may file motions to vacate and expunge with the Chief
20 Judge of a judicial circuit or any judge of the circuit
21 designated by the Chief Judge, and the motion may
22 include more than one individual.

23 (2) Any State's Attorney may file a motion to vacate
24 and expunge a conviction for a Class 4 felony violation of
25 prostitution. Motions to vacate and expunge under this
26 subsection (j) may be filed with the circuit court, Chief

1 Judge of a judicial circuit, or any judge of the circuit
2 court designated by the Chief Judge, and may include more
3 than one individual. When considering the motion to vacate
4 and expunge, a court shall consider the following reasons:

5 (A) the reasons to retain the records provided by
6 law enforcement;

7 (B) the petitioner's age;

8 (C) the petitioner's age at the time of offense;

9 (D) the time since the conviction; and

10 (E) the specific adverse consequences if denied.

11 If the State's Attorney files a motion to vacate and
12 expunge records for felony prostitution convictions
13 pursuant to this Section, the State's Attorney shall
14 notify the Prisoner Review Board within 30 days of the
15 filing. If a motion to vacate and expunge is granted, the
16 records shall be expunged in accordance with subparagraph
17 (d) (9) (A) of this Section.

18 (3) In the public interest, the State's Attorney of a
19 county has standing to file motions to vacate and expunge
20 pursuant to this Section in the circuit court with
21 jurisdiction over the underlying conviction.

22 (4) The Illinois State Police shall allow a person to
23 use the access and review process, established in the
24 Illinois State Police, for verifying that his or her
25 records relating to felony prostitution eligible under
26 this Section have been expunged.

1 (5) No conviction vacated pursuant to this Section
2 shall serve as the basis for damages for time unjustly
3 served as provided in the Court of Claims Act.

4 (6) Effect of Expungement. A person's right to expunge
5 an expungeable offense shall not be limited under this
6 Section. The effect of an order of expungement shall be to
7 restore the person to the status he or she occupied before
8 the arrest, charge, or conviction.

9 (7) Information. The Illinois State Police shall post
10 general information on its website about the expungement
11 process described in this subsection (j).

12 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
13 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
14 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
15 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
16 5-13-22; revised 8-19-22.)

17 (Text of Section after amendment by P.A. 102-933)
18 Sec. 5.2. Expungement, sealing, and immediate sealing.

19 (a) General Provisions.

20 (1) Definitions. In this Act, words and phrases have
21 the meanings set forth in this subsection, except when a
22 particular context clearly requires a different meaning.

23 (A) The following terms shall have the meanings
24 ascribed to them in the following Sections of the
25 Unified Code of Corrections:

1 Business Offense, Section 5-1-2.
2 Charge, Section 5-1-3.
3 Court, Section 5-1-6.
4 Defendant, Section 5-1-7.
5 Felony, Section 5-1-9.
6 Imprisonment, Section 5-1-10.
7 Judgment, Section 5-1-12.
8 Misdemeanor, Section 5-1-14.
9 Offense, Section 5-1-15.
10 Parole, Section 5-1-16.
11 Petty Offense, Section 5-1-17.
12 Probation, Section 5-1-18.
13 Sentence, Section 5-1-19.
14 Supervision, Section 5-1-21.
15 Victim, Section 5-1-22.

16 (B) As used in this Section, "charge not initiated
17 by arrest" means a charge (as defined by Section 5-1-3
18 of the Unified Code of Corrections) brought against a
19 defendant where the defendant is not arrested prior to
20 or as a direct result of the charge.

21 (C) "Conviction" means a judgment of conviction or
22 sentence entered upon a plea of guilty or upon a
23 verdict or finding of guilty of an offense, rendered
24 by a legally constituted jury or by a court of
25 competent jurisdiction authorized to try the case
26 without a jury. An order of supervision successfully

1 completed by the petitioner is not a conviction. An
2 order of qualified probation (as defined in subsection
3 (a) (1) (J)) successfully completed by the petitioner is
4 not a conviction. An order of supervision or an order
5 of qualified probation that is terminated
6 unsatisfactorily is a conviction, unless the
7 unsatisfactory termination is reversed, vacated, or
8 modified and the judgment of conviction, if any, is
9 reversed or vacated.

10 (D) "Criminal offense" means a petty offense,
11 business offense, misdemeanor, felony, or municipal
12 ordinance violation (as defined in subsection
13 (a) (1) (H)). As used in this Section, a minor traffic
14 offense (as defined in subsection (a) (1) (G)) shall not
15 be considered a criminal offense.

16 (E) "Expunge" means to physically destroy the
17 records or return them to the petitioner and to
18 obliterate the petitioner's name from any official
19 index or public record, or both. Nothing in this Act
20 shall require the physical destruction of the circuit
21 court file, but such records relating to arrests or
22 charges, or both, ordered expunged shall be impounded
23 as required by subsections (d) (9) (A) (ii) and
24 (d) (9) (B) (ii).

25 (F) As used in this Section, "last sentence" means
26 the sentence, order of supervision, or order of

1 qualified probation (as defined by subsection
2 (a)(1)(J)), for a criminal offense (as defined by
3 subsection (a)(1)(D)) that terminates last in time in
4 any jurisdiction, regardless of whether the petitioner
5 has included the criminal offense for which the
6 sentence or order of supervision or qualified
7 probation was imposed in his or her petition. If
8 multiple sentences, orders of supervision, or orders
9 of qualified probation terminate on the same day and
10 are last in time, they shall be collectively
11 considered the "last sentence" regardless of whether
12 they were ordered to run concurrently.

13 (G) "Minor traffic offense" means a petty offense,
14 business offense, or Class C misdemeanor under the
15 Illinois Vehicle Code or a similar provision of a
16 municipal or local ordinance.

17 (G-5) "Minor Cannabis Offense" means a violation
18 of Section 4 or 5 of the Cannabis Control Act
19 concerning not more than 30 grams of any substance
20 containing cannabis, provided the violation did not
21 include a penalty enhancement under Section 7 of the
22 Cannabis Control Act and is not associated with an
23 arrest, conviction or other disposition for a violent
24 crime as defined in subsection (c) of Section 3 of the
25 Rights of Crime Victims and Witnesses Act.

26 (H) "Municipal ordinance violation" means an

1 offense defined by a municipal or local ordinance that
2 is criminal in nature and with which the petitioner
3 was charged or for which the petitioner was arrested
4 and released without charging.

5 (I) "Petitioner" means an adult or a minor
6 prosecuted as an adult who has applied for relief
7 under this Section.

8 (J) "Qualified probation" means an order of
9 probation under Section 10 of the Cannabis Control
10 Act, Section 410 of the Illinois Controlled Substances
11 Act, Section 70 of the Methamphetamine Control and
12 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
13 of the Unified Code of Corrections, Section
14 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
15 those provisions existed before their deletion by
16 Public Act 89-313), Section 10-102 of the Illinois
17 Alcoholism and Other Drug Dependency Act, Section
18 40-10 of the Substance Use Disorder Act, or Section 10
19 of the Steroid Control Act. For the purpose of this
20 Section, "successful completion" of an order of
21 qualified probation under Section 10-102 of the
22 Illinois Alcoholism and Other Drug Dependency Act and
23 Section 40-10 of the Substance Use Disorder Act means
24 that the probation was terminated satisfactorily and
25 the judgment of conviction was vacated.

26 (K) "Seal" means to physically and electronically

1 maintain the records, unless the records would
2 otherwise be destroyed due to age, but to make the
3 records unavailable without a court order, subject to
4 the exceptions in Sections 12 and 13 of this Act. The
5 petitioner's name shall also be obliterated from the
6 official index required to be kept by the circuit
7 court clerk under Section 16 of the Clerks of Courts
8 Act, but any index issued by the circuit court clerk
9 before the entry of the order to seal shall not be
10 affected.

11 (L) "Sexual offense committed against a minor"
12 includes, but is not limited to, the offenses of
13 indecent solicitation of a child or criminal sexual
14 abuse when the victim of such offense is under 18 years
15 of age.

16 (M) "Terminate" as it relates to a sentence or
17 order of supervision or qualified probation includes
18 either satisfactory or unsatisfactory termination of
19 the sentence, unless otherwise specified in this
20 Section. A sentence is terminated notwithstanding any
21 outstanding financial legal obligation.

22 (2) Minor Traffic Offenses. Orders of supervision or
23 convictions for minor traffic offenses shall not affect a
24 petitioner's eligibility to expunge or seal records
25 pursuant to this Section.

26 (2.5) Commencing 180 days after July 29, 2016 (the

1 effective date of Public Act 99-697), the law enforcement
2 agency issuing the citation shall automatically expunge,
3 on or before January 1 and July 1 of each year, the law
4 enforcement records of a person found to have committed a
5 civil law violation of subsection (a) of Section 4 of the
6 Cannabis Control Act or subsection (c) of Section 3.5 of
7 the Drug Paraphernalia Control Act in the law enforcement
8 agency's possession or control and which contains the
9 final satisfactory disposition which pertain to the person
10 issued a citation for that offense. The law enforcement
11 agency shall provide by rule the process for access,
12 review, and to confirm the automatic expungement by the
13 law enforcement agency issuing the citation. Commencing
14 180 days after July 29, 2016 (the effective date of Public
15 Act 99-697), the clerk of the circuit court shall expunge,
16 upon order of the court, or in the absence of a court order
17 on or before January 1 and July 1 of each year, the court
18 records of a person found in the circuit court to have
19 committed a civil law violation of subsection (a) of
20 Section 4 of the Cannabis Control Act or subsection (c) of
21 Section 3.5 of the Drug Paraphernalia Control Act in the
22 clerk's possession or control and which contains the final
23 satisfactory disposition which pertain to the person
24 issued a citation for any of those offenses.

25 (2.6) Commencing 180 days after the effective date
26 of this amendatory Act of the 103rd General Assembly, the

1 law enforcement agency issuing the citation shall
2 automatically expunge, on or before January 1 and July 1
3 of each year, the law enforcement records of a person
4 found to have committed a violation of subsection (e) of
5 Section 401 of the Illinois Controlled Substances Act by
6 possessing psilocybin and psilocin or of subsection (a) of
7 Section 3.5 of the Drug Paraphernalia Control Act by
8 possessing paraphernalia used in relation to psilocybin
9 and psilocin in the law enforcement agency's possession or
10 control and which contains the final satisfactory
11 disposition which pertain to the person issued a citation
12 for that offense. The law enforcement agency shall provide
13 by rule the process for access, review, and to confirm the
14 automatic expungement by the law enforcement agency
15 issuing the citation. Commencing 180 days after the
16 effective date of this amendatory Act of the 103rd General
17 Assembly, the clerk of the circuit court shall expunge,
18 upon order of the court, or in the absence of a court order
19 on or before January 1 and July 1 of each year, the court
20 records of a person found in the circuit court to have
21 committed a violation of subsection (e) of Section 401 of
22 the Illinois Controlled Substances Act by possessing
23 psilocybin and psilocin or of subsection (a) of Section
24 3.5 of the Drug Paraphernalia Control Act by possessing
25 paraphernalia used in relation to psilocybin and psilocin
26 in the clerk's possession or control and which contains

1 the final satisfactory disposition which pertain to the
2 person issued a citation for any of those offenses.

3 (3) Exclusions. Except as otherwise provided in
4 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
5 of this Section, the court shall not order:

6 (A) the sealing or expungement of the records of
7 arrests or charges not initiated by arrest that result
8 in an order of supervision for or conviction of: (i)
9 any sexual offense committed against a minor; (ii)
10 Section 11-501 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance; or (iii)
12 Section 11-503 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance, unless the
14 arrest or charge is for a misdemeanor violation of
15 subsection (a) of Section 11-503 or a similar
16 provision of a local ordinance, that occurred prior to
17 the offender reaching the age of 25 years and the
18 offender has no other conviction for violating Section
19 11-501 or 11-503 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance.

21 (B) the sealing or expungement of records of minor
22 traffic offenses (as defined in subsection (a) (1) (G)),
23 unless the petitioner was arrested and released
24 without charging.

25 (C) the sealing of the records of arrests or
26 charges not initiated by arrest which result in an

1 order of supervision or a conviction for the following
2 offenses:

3 (i) offenses included in Article 11 of the
4 Criminal Code of 1961 or the Criminal Code of 2012
5 or a similar provision of a local ordinance,
6 except Section 11-14 and a misdemeanor violation
7 of Section 11-30 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, or a similar provision
9 of a local ordinance;

10 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
11 26-5, or 48-1 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, or a similar provision of a
13 local ordinance;

14 (iii) Section ~~Sections~~ 12-3.1 or 12-3.2 of the
15 Criminal Code of 1961 or the Criminal Code of
16 2012, or Section 125 of the Stalking No Contact
17 Order Act, or Section 219 of the Civil No Contact
18 Order Act, or a similar provision of a local
19 ordinance;

20 (iv) Class A misdemeanors or felony offenses
21 under the Humane Care for Animals Act; or

22 (v) any offense or attempted offense that
23 would subject a person to registration under the
24 Sex Offender Registration Act.

25 (D) (blank).

26 (b) Expungement.

1 (1) A petitioner may petition the circuit court to
2 expunge the records of his or her arrests and charges not
3 initiated by arrest when each arrest or charge not
4 initiated by arrest sought to be expunged resulted in: (i)
5 acquittal, dismissal, or the petitioner's release without
6 charging, unless excluded by subsection (a)(3)(B); (ii) a
7 conviction which was vacated or reversed, unless excluded
8 by subsection (a)(3)(B); (iii) an order of supervision and
9 such supervision was successfully completed by the
10 petitioner, unless excluded by subsection (a)(3)(A) or
11 (a)(3)(B); or (iv) an order of qualified probation (as
12 defined in subsection (a)(1)(J)) and such probation was
13 successfully completed by the petitioner.

14 (1.5) When a petitioner seeks to have a record of
15 arrest expunged under this Section, and the offender has
16 been convicted of a criminal offense, the State's Attorney
17 may object to the expungement on the grounds that the
18 records contain specific relevant information aside from
19 the mere fact of the arrest.

20 (2) Time frame for filing a petition to expunge.

21 (A) When the arrest or charge not initiated by
22 arrest sought to be expunged resulted in an acquittal,
23 dismissal, the petitioner's release without charging,
24 or the reversal or vacation of a conviction, there is
25 no waiting period to petition for the expungement of
26 such records.

1 (B) When the arrest or charge not initiated by
2 arrest sought to be expunged resulted in an order of
3 supervision, successfully completed by the petitioner,
4 the following time frames will apply:

5 (i) Those arrests or charges that resulted in
6 orders of supervision under Section 3-707, 3-708,
7 3-710, or 5-401.3 of the Illinois Vehicle Code or
8 a similar provision of a local ordinance, or under
9 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
10 Code of 1961 or the Criminal Code of 2012, or a
11 similar provision of a local ordinance, shall not
12 be eligible for expungement until 5 years have
13 passed following the satisfactory termination of
14 the supervision.

15 (i-5) Those arrests or charges that resulted
16 in orders of supervision for a misdemeanor
17 violation of subsection (a) of Section 11-503 of
18 the Illinois Vehicle Code or a similar provision
19 of a local ordinance, that occurred prior to the
20 offender reaching the age of 25 years and the
21 offender has no other conviction for violating
22 Section 11-501 or 11-503 of the Illinois Vehicle
23 Code or a similar provision of a local ordinance
24 shall not be eligible for expungement until the
25 petitioner has reached the age of 25 years.

26 (ii) Those arrests or charges that resulted in

1 orders of supervision for any other offenses shall
2 not be eligible for expungement until 2 years have
3 passed following the satisfactory termination of
4 the supervision.

5 (C) When the arrest or charge not initiated by
6 arrest sought to be expunged resulted in an order of
7 qualified probation, successfully completed by the
8 petitioner, such records shall not be eligible for
9 expungement until 5 years have passed following the
10 satisfactory termination of the probation.

11 (3) Those records maintained by the Illinois State
12 Police for persons arrested prior to their 17th birthday
13 shall be expunged as provided in Section 5-915 of the
14 Juvenile Court Act of 1987.

15 (4) Whenever a person has been arrested for or
16 convicted of any offense, in the name of a person whose
17 identity he or she has stolen or otherwise come into
18 possession of, the aggrieved person from whom the identity
19 was stolen or otherwise obtained without authorization,
20 upon learning of the person having been arrested using his
21 or her identity, may, upon verified petition to the chief
22 judge of the circuit wherein the arrest was made, have a
23 court order entered nunc pro tunc by the Chief Judge to
24 correct the arrest record, conviction record, if any, and
25 all official records of the arresting authority, the
26 Illinois State Police, other criminal justice agencies,

1 the prosecutor, and the trial court concerning such
2 arrest, if any, by removing his or her name from all such
3 records in connection with the arrest and conviction, if
4 any, and by inserting in the records the name of the
5 offender, if known or ascertainable, in lieu of the
6 aggrieved's name. The records of the circuit court clerk
7 shall be sealed until further order of the court upon good
8 cause shown and the name of the aggrieved person
9 obliterated on the official index required to be kept by
10 the circuit court clerk under Section 16 of the Clerks of
11 Courts Act, but the order shall not affect any index
12 issued by the circuit court clerk before the entry of the
13 order. Nothing in this Section shall limit the Illinois
14 State Police or other criminal justice agencies or
15 prosecutors from listing under an offender's name the
16 false names he or she has used.

17 (5) Whenever a person has been convicted of criminal
18 sexual assault, aggravated criminal sexual assault,
19 predatory criminal sexual assault of a child, criminal
20 sexual abuse, or aggravated criminal sexual abuse, the
21 victim of that offense may request that the State's
22 Attorney of the county in which the conviction occurred
23 file a verified petition with the presiding trial judge at
24 the petitioner's trial to have a court order entered to
25 seal the records of the circuit court clerk in connection
26 with the proceedings of the trial court concerning that

1 offense. However, the records of the arresting authority
2 and the Illinois State Police concerning the offense shall
3 not be sealed. The court, upon good cause shown, shall
4 make the records of the circuit court clerk in connection
5 with the proceedings of the trial court concerning the
6 offense available for public inspection.

7 (6) If a conviction has been set aside on direct
8 review or on collateral attack and the court determines by
9 clear and convincing evidence that the petitioner was
10 factually innocent of the charge, the court that finds the
11 petitioner factually innocent of the charge shall enter an
12 expungement order for the conviction for which the
13 petitioner has been determined to be innocent as provided
14 in subsection (b) of Section 5-5-4 of the Unified Code of
15 Corrections.

16 (7) Nothing in this Section shall prevent the Illinois
17 State Police from maintaining all records of any person
18 who is admitted to probation upon terms and conditions and
19 who fulfills those terms and conditions pursuant to
20 Section 10 of the Cannabis Control Act, Section 410 of the
21 Illinois Controlled Substances Act, Section 70 of the
22 Methamphetamine Control and Community Protection Act,
23 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
24 Corrections, Section 12-4.3 or subdivision (b)(1) of
25 Section 12-3.05 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, Section 10-102 of the Illinois

1 Alcoholism and Other Drug Dependency Act, Section 40-10 of
2 the Substance Use Disorder Act, or Section 10 of the
3 Steroid Control Act.

4 (8) If the petitioner has been granted a certificate
5 of innocence under Section 2-702 of the Code of Civil
6 Procedure, the court that grants the certificate of
7 innocence shall also enter an order expunging the
8 conviction for which the petitioner has been determined to
9 be innocent as provided in subsection (h) of Section 2-702
10 of the Code of Civil Procedure.

11 (c) Sealing.

12 (1) Applicability. Notwithstanding any other provision
13 of this Act to the contrary, and cumulative with any
14 rights to expungement of criminal records, this subsection
15 authorizes the sealing of criminal records of adults and
16 of minors prosecuted as adults. Subsection (g) of this
17 Section provides for immediate sealing of certain records.

18 (2) Eligible Records. The following records may be
19 sealed:

20 (A) All arrests resulting in release without
21 charging;

22 (B) Arrests or charges not initiated by arrest
23 resulting in acquittal, dismissal, or conviction when
24 the conviction was reversed or vacated, except as
25 excluded by subsection (a) (3) (B);

26 (C) Arrests or charges not initiated by arrest

1 resulting in orders of supervision, including orders
2 of supervision for municipal ordinance violations,
3 successfully completed by the petitioner, unless
4 excluded by subsection (a) (3);

5 (D) Arrests or charges not initiated by arrest
6 resulting in convictions, including convictions on
7 municipal ordinance violations, unless excluded by
8 subsection (a) (3);

9 (E) Arrests or charges not initiated by arrest
10 resulting in orders of first offender probation under
11 Section 10 of the Cannabis Control Act, Section 410 of
12 the Illinois Controlled Substances Act, Section 70 of
13 the Methamphetamine Control and Community Protection
14 Act, or Section 5-6-3.3 of the Unified Code of
15 Corrections; and

16 (F) Arrests or charges not initiated by arrest
17 resulting in felony convictions unless otherwise
18 excluded by subsection (a) paragraph (3) of this
19 Section.

20 (3) When Records Are Eligible to Be Sealed. Records
21 identified as eligible under subsection (c) (2) may be
22 sealed as follows:

23 (A) Records identified as eligible under
24 subsections ~~subsection~~ (c) (2) (A) and (c) (2) (B) may be
25 sealed at any time.

26 (B) Except as otherwise provided in subparagraph

1 (E) of this paragraph (3), records identified as
2 eligible under subsection (c)(2)(C) may be sealed 2
3 years after the termination of petitioner's last
4 sentence (as defined in subsection (a)(1)(F)).

5 (C) Except as otherwise provided in subparagraph
6 (E) of this paragraph (3), records identified as
7 eligible under subsections (c)(2)(D), (c)(2)(E), and
8 (c)(2)(F) may be sealed 3 years after the termination
9 of the petitioner's last sentence (as defined in
10 subsection (a)(1)(F)). Convictions requiring public
11 registration under the Arsonist Registration Act, the
12 Sex Offender Registration Act, or the Murderer and
13 Violent Offender Against Youth Registration Act may
14 not be sealed until the petitioner is no longer
15 required to register under that relevant Act.

16 (D) Records identified in subsection
17 (a)(3)(A)(iii) may be sealed after the petitioner has
18 reached the age of 25 years.

19 (E) Records identified as eligible under
20 subsection ~~subsections~~ (c)(2)(C), (c)(2)(D),
21 (c)(2)(E), or (c)(2)(F) may be sealed upon termination
22 of the petitioner's last sentence if the petitioner
23 earned a high school diploma, associate's degree,
24 career certificate, vocational technical
25 certification, or bachelor's degree, or passed the
26 high school level Test of General Educational

1 Development, during the period of his or her sentence
2 or mandatory supervised release. This subparagraph
3 shall apply only to a petitioner who has not completed
4 the same educational goal prior to the period of his or
5 her sentence or mandatory supervised release. If a
6 petition for sealing eligible records filed under this
7 subparagraph is denied by the court, the time periods
8 under subparagraph (B) or (C) shall apply to any
9 subsequent petition for sealing filed by the
10 petitioner.

11 (4) Subsequent felony convictions. A person may not
12 have subsequent felony conviction records sealed as
13 provided in this subsection (c) if he or she is convicted
14 of any felony offense after the date of the sealing of
15 prior felony convictions as provided in this subsection
16 (c). The court may, upon conviction for a subsequent
17 felony offense, order the unsealing of prior felony
18 conviction records previously ordered sealed by the court.

19 (5) Notice of eligibility for sealing. Upon entry of a
20 disposition for an eligible record under this subsection
21 (c), the petitioner shall be informed by the court of the
22 right to have the records sealed and the procedures for
23 the sealing of the records.

24 (d) Procedure. The following procedures apply to
25 expungement under subsections (b), (e), and (e-6) and sealing
26 under subsections (c) and (e-5):

1 (1) Filing the petition. Upon becoming eligible to
2 petition for the expungement or sealing of records under
3 this Section, the petitioner shall file a petition
4 requesting the expungement or sealing of records with the
5 clerk of the court where the arrests occurred or the
6 charges were brought, or both. If arrests occurred or
7 charges were brought in multiple jurisdictions, a petition
8 must be filed in each such jurisdiction. The petitioner
9 shall pay the applicable fee, except no fee shall be
10 required if the petitioner has obtained a court order
11 waiving fees under Supreme Court Rule 298 or it is
12 otherwise waived.

13 (1.5) County fee waiver pilot program. From August 9,
14 2019 (the effective date of Public Act 101-306) through
15 December 31, 2020, in a county of 3,000,000 or more
16 inhabitants, no fee shall be required to be paid by a
17 petitioner if the records sought to be expunged or sealed
18 were arrests resulting in release without charging or
19 arrests or charges not initiated by arrest resulting in
20 acquittal, dismissal, or conviction when the conviction
21 was reversed or vacated, unless excluded by subsection
22 (a) (3) (B). The provisions of this paragraph (1.5), other
23 than this sentence, are inoperative on and after January
24 1, 2022.

25 (2) Contents of petition. The petition shall be
26 verified and shall contain the petitioner's name, date of

1 birth, current address and, for each arrest or charge not
2 initiated by arrest sought to be sealed or expunged, the
3 case number, the date of arrest (if any), the identity of
4 the arresting authority, and such other information as the
5 court may require. During the pendency of the proceeding,
6 the petitioner shall promptly notify the circuit court
7 clerk of any change of his or her address. If the
8 petitioner has received a certificate of eligibility for
9 sealing from the Prisoner Review Board under paragraph
10 (10) of subsection (a) of Section 3-3-2 of the Unified
11 Code of Corrections, the certificate shall be attached to
12 the petition.

13 (3) Drug test. The petitioner must attach to the
14 petition proof that the petitioner has taken within 30
15 days before the filing of the petition a test showing the
16 absence within his or her body of all illegal substances
17 as defined by the Illinois Controlled Substances Act and
18 the Methamphetamine Control and Community Protection Act
19 if he or she is petitioning to:

20 (A) seal felony records under clause (c) (2) (E);

21 (B) seal felony records for a violation of the
22 Illinois Controlled Substances Act, the
23 Methamphetamine Control and Community Protection Act,
24 or the Cannabis Control Act under clause (c) (2) (F);

25 (C) seal felony records under subsection (e-5); or

26 (D) expunge felony records of a qualified

1 probation under clause (b) (1) (iv) .

2 (4) Service of petition. The circuit court clerk shall
3 promptly serve a copy of the petition and documentation to
4 support the petition under subsection (e-5) or (e-6) on
5 the State's Attorney or prosecutor charged with the duty
6 of prosecuting the offense, the Illinois State Police, the
7 arresting agency and the chief legal officer of the unit
8 of local government effecting the arrest.

9 (5) Objections.

10 (A) Any party entitled to notice of the petition
11 may file an objection to the petition. All objections
12 shall be in writing, shall be filed with the circuit
13 court clerk, and shall state with specificity the
14 basis of the objection. Whenever a person who has been
15 convicted of an offense is granted a pardon by the
16 Governor which specifically authorizes expungement, an
17 objection to the petition may not be filed.

18 (B) Objections to a petition to expunge or seal
19 must be filed within 60 days of the date of service of
20 the petition.

21 (6) Entry of order.

22 (A) The Chief Judge of the circuit wherein the
23 charge was brought, any judge of that circuit
24 designated by the Chief Judge, or in counties of less
25 than 3,000,000 inhabitants, the presiding trial judge
26 at the petitioner's trial, if any, shall rule on the

1 petition to expunge or seal as set forth in this
2 subsection (d) (6).

3 (B) Unless the State's Attorney or prosecutor, the
4 Illinois State Police, the arresting agency, or the
5 chief legal officer files an objection to the petition
6 to expunge or seal within 60 days from the date of
7 service of the petition, the court shall enter an
8 order granting or denying the petition.

9 (C) Notwithstanding any other provision of law,
10 the court shall not deny a petition for sealing under
11 this Section because the petitioner has not satisfied
12 an outstanding legal financial obligation established,
13 imposed, or originated by a court, law enforcement
14 agency, or a municipal, State, county, or other unit
15 of local government, including, but not limited to,
16 any cost, assessment, fine, or fee. An outstanding
17 legal financial obligation does not include any court
18 ordered restitution to a victim under Section 5-5-6 of
19 the Unified Code of Corrections, unless the
20 restitution has been converted to a civil judgment.
21 Nothing in this subparagraph (C) waives, rescinds, or
22 abrogates a legal financial obligation or otherwise
23 eliminates or affects the right of the holder of any
24 financial obligation to pursue collection under
25 applicable federal, State, or local law.

26 (D) Notwithstanding any other provision of law,

1 the court shall not deny a petition to expunge or seal
2 under this Section because the petitioner has
3 submitted a drug test taken within 30 days before the
4 filing of the petition to expunge or seal that
5 indicates a positive test for the presence of cannabis
6 within the petitioner's body. In this subparagraph
7 (D), "cannabis" has the meaning ascribed to it in
8 Section 3 of the Cannabis Control Act.

9 (7) Hearings. If an objection is filed, the court
10 shall set a date for a hearing and notify the petitioner
11 and all parties entitled to notice of the petition of the
12 hearing date at least 30 days prior to the hearing. Prior
13 to the hearing, the State's Attorney shall consult with
14 the Illinois State Police as to the appropriateness of the
15 relief sought in the petition to expunge or seal. At the
16 hearing, the court shall hear evidence on whether the
17 petition should or should not be granted, and shall grant
18 or deny the petition to expunge or seal the records based
19 on the evidence presented at the hearing. The court may
20 consider the following:

21 (A) the strength of the evidence supporting the
22 defendant's conviction;

23 (B) the reasons for retention of the conviction
24 records by the State;

25 (C) the petitioner's age, criminal record history,
26 and employment history;

1 (D) the period of time between the petitioner's
2 arrest on the charge resulting in the conviction and
3 the filing of the petition under this Section; and

4 (E) the specific adverse consequences the
5 petitioner may be subject to if the petition is
6 denied.

7 (8) Service of order. After entering an order to
8 expunge or seal records, the court must provide copies of
9 the order to the Illinois State Police, in a form and
10 manner prescribed by the Illinois State Police, to the
11 petitioner, to the State's Attorney or prosecutor charged
12 with the duty of prosecuting the offense, to the arresting
13 agency, to the chief legal officer of the unit of local
14 government effecting the arrest, and to such other
15 criminal justice agencies as may be ordered by the court.

16 (9) Implementation of order.

17 (A) Upon entry of an order to expunge records
18 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
19 both:

20 (i) the records shall be expunged (as defined
21 in subsection (a) (1) (E)) by the arresting agency,
22 the Illinois State Police, and any other agency as
23 ordered by the court, within 60 days of the date of
24 service of the order, unless a motion to vacate,
25 modify, or reconsider the order is filed pursuant
26 to paragraph (12) of subsection (d) of this

1 Section;

2 (ii) the records of the circuit court clerk
3 shall be impounded until further order of the
4 court upon good cause shown and the name of the
5 petitioner obliterated on the official index
6 required to be kept by the circuit court clerk
7 under Section 16 of the Clerks of Courts Act, but
8 the order shall not affect any index issued by the
9 circuit court clerk before the entry of the order;
10 and

11 (iii) in response to an inquiry for expunged
12 records, the court, the Illinois State Police, or
13 the agency receiving such inquiry, shall reply as
14 it does in response to inquiries when no records
15 ever existed.

16 (B) Upon entry of an order to expunge records
17 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
18 both:

19 (i) the records shall be expunged (as defined
20 in subsection (a) (1) (E)) by the arresting agency
21 and any other agency as ordered by the court,
22 within 60 days of the date of service of the order,
23 unless a motion to vacate, modify, or reconsider
24 the order is filed pursuant to paragraph (12) of
25 subsection (d) of this Section;

26 (ii) the records of the circuit court clerk

1 shall be impounded until further order of the
2 court upon good cause shown and the name of the
3 petitioner obliterated on the official index
4 required to be kept by the circuit court clerk
5 under Section 16 of the Clerks of Courts Act, but
6 the order shall not affect any index issued by the
7 circuit court clerk before the entry of the order;

8 (iii) the records shall be impounded by the
9 Illinois State Police within 60 days of the date
10 of service of the order as ordered by the court,
11 unless a motion to vacate, modify, or reconsider
12 the order is filed pursuant to paragraph (12) of
13 subsection (d) of this Section;

14 (iv) records impounded by the Illinois State
15 Police may be disseminated by the Illinois State
16 Police only as required by law or to the arresting
17 authority, the State's Attorney, and the court
18 upon a later arrest for the same or a similar
19 offense or for the purpose of sentencing for any
20 subsequent felony, and to the Department of
21 Corrections upon conviction for any offense; and

22 (v) in response to an inquiry for such records
23 from anyone not authorized by law to access such
24 records, the court, the Illinois State Police, or
25 the agency receiving such inquiry shall reply as
26 it does in response to inquiries when no records

1 ever existed.

2 (B-5) Upon entry of an order to expunge records
3 under subsection (e-6):

4 (i) the records shall be expunged (as defined
5 in subsection (a)(1)(E)) by the arresting agency
6 and any other agency as ordered by the court,
7 within 60 days of the date of service of the order,
8 unless a motion to vacate, modify, or reconsider
9 the order is filed under paragraph (12) of
10 subsection (d) of this Section;

11 (ii) the records of the circuit court clerk
12 shall be impounded until further order of the
13 court upon good cause shown and the name of the
14 petitioner obliterated on the official index
15 required to be kept by the circuit court clerk
16 under Section 16 of the Clerks of Courts Act, but
17 the order shall not affect any index issued by the
18 circuit court clerk before the entry of the order;

19 (iii) the records shall be impounded by the
20 Illinois State Police within 60 days of the date
21 of service of the order as ordered by the court,
22 unless a motion to vacate, modify, or reconsider
23 the order is filed under paragraph (12) of
24 subsection (d) of this Section;

25 (iv) records impounded by the Illinois State
26 Police may be disseminated by the Illinois State

1 Police only as required by law or to the arresting
2 authority, the State's Attorney, and the court
3 upon a later arrest for the same or a similar
4 offense or for the purpose of sentencing for any
5 subsequent felony, and to the Department of
6 Corrections upon conviction for any offense; and

7 (v) in response to an inquiry for these
8 records from anyone not authorized by law to
9 access the records, the court, the Illinois State
10 Police, or the agency receiving the inquiry shall
11 reply as it does in response to inquiries when no
12 records ever existed.

13 (C) Upon entry of an order to seal records under
14 subsection (c), the arresting agency, any other agency
15 as ordered by the court, the Illinois State Police,
16 and the court shall seal the records (as defined in
17 subsection (a)(1)(K)). In response to an inquiry for
18 such records, from anyone not authorized by law to
19 access such records, the court, the Illinois State
20 Police, or the agency receiving such inquiry shall
21 reply as it does in response to inquiries when no
22 records ever existed.

23 (D) The Illinois State Police shall send written
24 notice to the petitioner of its compliance with each
25 order to expunge or seal records within 60 days of the
26 date of service of that order or, if a motion to

1 vacate, modify, or reconsider is filed, within 60 days
2 of service of the order resolving the motion, if that
3 order requires the Illinois State Police to expunge or
4 seal records. In the event of an appeal from the
5 circuit court order, the Illinois State Police shall
6 send written notice to the petitioner of its
7 compliance with an Appellate Court or Supreme Court
8 judgment to expunge or seal records within 60 days of
9 the issuance of the court's mandate. The notice is not
10 required while any motion to vacate, modify, or
11 reconsider, or any appeal or petition for
12 discretionary appellate review, is pending.

13 (E) Upon motion, the court may order that a sealed
14 judgment or other court record necessary to
15 demonstrate the amount of any legal financial
16 obligation due and owing be made available for the
17 limited purpose of collecting any legal financial
18 obligations owed by the petitioner that were
19 established, imposed, or originated in the criminal
20 proceeding for which those records have been sealed.
21 The records made available under this subparagraph (E)
22 shall not be entered into the official index required
23 to be kept by the circuit court clerk under Section 16
24 of the Clerks of Courts Act and shall be immediately
25 re-impounded upon the collection of the outstanding
26 financial obligations.

1 (F) Notwithstanding any other provision of this
2 Section, a circuit court clerk may access a sealed
3 record for the limited purpose of collecting payment
4 for any legal financial obligations that were
5 established, imposed, or originated in the criminal
6 proceedings for which those records have been sealed.

7 (10) Fees. The Illinois State Police may charge the
8 petitioner a fee equivalent to the cost of processing any
9 order to expunge or seal records. Notwithstanding any
10 provision of the Clerks of Courts Act to the contrary, the
11 circuit court clerk may charge a fee equivalent to the
12 cost associated with the sealing or expungement of records
13 by the circuit court clerk. From the total filing fee
14 collected for the petition to seal or expunge, the circuit
15 court clerk shall deposit \$10 into the Circuit Court Clerk
16 Operation and Administrative Fund, to be used to offset
17 the costs incurred by the circuit court clerk in
18 performing the additional duties required to serve the
19 petition to seal or expunge on all parties. The circuit
20 court clerk shall collect and remit the Illinois State
21 Police portion of the fee to the State Treasurer and it
22 shall be deposited in the State Police Services Fund. If
23 the record brought under an expungement petition was
24 previously sealed under this Section, the fee for the
25 expungement petition for that same record shall be waived.

26 (11) Final Order. No court order issued under the

1 expungement or sealing provisions of this Section shall
2 become final for purposes of appeal until 30 days after
3 service of the order on the petitioner and all parties
4 entitled to notice of the petition.

5 (12) Motion to Vacate, Modify, or Reconsider. Under
6 Section 2-1203 of the Code of Civil Procedure, the
7 petitioner or any party entitled to notice may file a
8 motion to vacate, modify, or reconsider the order granting
9 or denying the petition to expunge or seal within 60 days
10 of service of the order. If filed more than 60 days after
11 service of the order, a petition to vacate, modify, or
12 reconsider shall comply with subsection (c) of Section
13 2-1401 of the Code of Civil Procedure. Upon filing of a
14 motion to vacate, modify, or reconsider, notice of the
15 motion shall be served upon the petitioner and all parties
16 entitled to notice of the petition.

17 (13) Effect of Order. An order granting a petition
18 under the expungement or sealing provisions of this
19 Section shall not be considered void because it fails to
20 comply with the provisions of this Section or because of
21 any error asserted in a motion to vacate, modify, or
22 reconsider. The circuit court retains jurisdiction to
23 determine whether the order is voidable and to vacate,
24 modify, or reconsider its terms based on a motion filed
25 under paragraph (12) of this subsection (d).

26 (14) Compliance with Order Granting Petition to Seal

1 Records. Unless a court has entered a stay of an order
2 granting a petition to seal, all parties entitled to
3 notice of the petition must fully comply with the terms of
4 the order within 60 days of service of the order even if a
5 party is seeking relief from the order through a motion
6 filed under paragraph (12) of this subsection (d) or is
7 appealing the order.

8 (15) Compliance with Order Granting Petition to
9 Expunge Records. While a party is seeking relief from the
10 order granting the petition to expunge through a motion
11 filed under paragraph (12) of this subsection (d) or is
12 appealing the order, and unless a court has entered a stay
13 of that order, the parties entitled to notice of the
14 petition must seal, but need not expunge, the records
15 until there is a final order on the motion for relief or,
16 in the case of an appeal, the issuance of that court's
17 mandate.

18 (16) The changes to this subsection (d) made by Public
19 Act 98-163 apply to all petitions pending on August 5,
20 2013 (the effective date of Public Act 98-163) and to all
21 orders ruling on a petition to expunge or seal on or after
22 August 5, 2013 (the effective date of Public Act 98-163).

23 (e) Whenever a person who has been convicted of an offense
24 is granted a pardon by the Governor which specifically
25 authorizes expungement, he or she may, upon verified petition
26 to the Chief Judge of the circuit where the person had been

1 convicted, any judge of the circuit designated by the Chief
2 Judge, or in counties of less than 3,000,000 inhabitants, the
3 presiding trial judge at the defendant's trial, have a court
4 order entered expunging the record of arrest from the official
5 records of the arresting authority and order that the records
6 of the circuit court clerk and the Illinois State Police be
7 sealed until further order of the court upon good cause shown
8 or as otherwise provided herein, and the name of the defendant
9 obliterated from the official index requested to be kept by
10 the circuit court clerk under Section 16 of the Clerks of
11 Courts Act in connection with the arrest and conviction for
12 the offense for which he or she had been pardoned but the order
13 shall not affect any index issued by the circuit court clerk
14 before the entry of the order. All records sealed by the
15 Illinois State Police may be disseminated by the Illinois
16 State Police only to the arresting authority, the State's
17 Attorney, and the court upon a later arrest for the same or
18 similar offense or for the purpose of sentencing for any
19 subsequent felony. Upon conviction for any subsequent offense,
20 the Department of Corrections shall have access to all sealed
21 records of the Illinois State Police pertaining to that
22 individual. Upon entry of the order of expungement, the
23 circuit court clerk shall promptly mail a copy of the order to
24 the person who was pardoned.

25 (e-5) Whenever a person who has been convicted of an
26 offense is granted a certificate of eligibility for sealing by

1 the Prisoner Review Board which specifically authorizes
2 sealing, he or she may, upon verified petition to the Chief
3 Judge of the circuit where the person had been convicted, any
4 judge of the circuit designated by the Chief Judge, or in
5 counties of less than 3,000,000 inhabitants, the presiding
6 trial judge at the petitioner's trial, have a court order
7 entered sealing the record of arrest from the official records
8 of the arresting authority and order that the records of the
9 circuit court clerk and the Illinois State Police be sealed
10 until further order of the court upon good cause shown or as
11 otherwise provided herein, and the name of the petitioner
12 obliterated from the official index requested to be kept by
13 the circuit court clerk under Section 16 of the Clerks of
14 Courts Act in connection with the arrest and conviction for
15 the offense for which he or she had been granted the
16 certificate but the order shall not affect any index issued by
17 the circuit court clerk before the entry of the order. All
18 records sealed by the Illinois State Police may be
19 disseminated by the Illinois State Police only as required by
20 this Act or to the arresting authority, a law enforcement
21 agency, the State's Attorney, and the court upon a later
22 arrest for the same or similar offense or for the purpose of
23 sentencing for any subsequent felony. Upon conviction for any
24 subsequent offense, the Department of Corrections shall have
25 access to all sealed records of the Illinois State Police
26 pertaining to that individual. Upon entry of the order of

1 sealing, the circuit court clerk shall promptly mail a copy of
2 the order to the person who was granted the certificate of
3 eligibility for sealing.

4 (e-6) Whenever a person who has been convicted of an
5 offense is granted a certificate of eligibility for
6 expungement by the Prisoner Review Board which specifically
7 authorizes expungement, he or she may, upon verified petition
8 to the Chief Judge of the circuit where the person had been
9 convicted, any judge of the circuit designated by the Chief
10 Judge, or in counties of less than 3,000,000 inhabitants, the
11 presiding trial judge at the petitioner's trial, have a court
12 order entered expunging the record of arrest from the official
13 records of the arresting authority and order that the records
14 of the circuit court clerk and the Illinois State Police be
15 sealed until further order of the court upon good cause shown
16 or as otherwise provided herein, and the name of the
17 petitioner obliterated from the official index requested to be
18 kept by the circuit court clerk under Section 16 of the Clerks
19 of Courts Act in connection with the arrest and conviction for
20 the offense for which he or she had been granted the
21 certificate but the order shall not affect any index issued by
22 the circuit court clerk before the entry of the order. All
23 records sealed by the Illinois State Police may be
24 disseminated by the Illinois State Police only as required by
25 this Act or to the arresting authority, a law enforcement
26 agency, the State's Attorney, and the court upon a later

1 arrest for the same or similar offense or for the purpose of
2 sentencing for any subsequent felony. Upon conviction for any
3 subsequent offense, the Department of Corrections shall have
4 access to all expunged records of the Illinois State Police
5 pertaining to that individual. Upon entry of the order of
6 expungement, the circuit court clerk shall promptly mail a
7 copy of the order to the person who was granted the certificate
8 of eligibility for expungement.

9 (f) Subject to available funding, the Illinois Department
10 of Corrections shall conduct a study of the impact of sealing,
11 especially on employment and recidivism rates, utilizing a
12 random sample of those who apply for the sealing of their
13 criminal records under Public Act 93-211. At the request of
14 the Illinois Department of Corrections, records of the
15 Illinois Department of Employment Security shall be utilized
16 as appropriate to assist in the study. The study shall not
17 disclose any data in a manner that would allow the
18 identification of any particular individual or employing unit.
19 The study shall be made available to the General Assembly no
20 later than September 1, 2010.

21 (g) Immediate Sealing.

22 (1) Applicability. Notwithstanding any other provision
23 of this Act to the contrary, and cumulative with any
24 rights to expungement or sealing of criminal records, this
25 subsection authorizes the immediate sealing of criminal
26 records of adults and of minors prosecuted as adults.

1 (2) Eligible Records. Arrests or charges not initiated
2 by arrest resulting in acquittal or dismissal with
3 prejudice, except as excluded by subsection (a)(3)(B),
4 that occur on or after January 1, 2018 (the effective date
5 of Public Act 100-282), may be sealed immediately if the
6 petition is filed with the circuit court clerk on the same
7 day and during the same hearing in which the case is
8 disposed.

9 (3) When Records are Eligible to be Immediately
10 Sealed. Eligible records under paragraph (2) of this
11 subsection (g) may be sealed immediately after entry of
12 the final disposition of a case, notwithstanding the
13 disposition of other charges in the same case.

14 (4) Notice of Eligibility for Immediate Sealing. Upon
15 entry of a disposition for an eligible record under this
16 subsection (g), the defendant shall be informed by the
17 court of his or her right to have eligible records
18 immediately sealed and the procedure for the immediate
19 sealing of these records.

20 (5) Procedure. The following procedures apply to
21 immediate sealing under this subsection (g).

22 (A) Filing the Petition. Upon entry of the final
23 disposition of the case, the defendant's attorney may
24 immediately petition the court, on behalf of the
25 defendant, for immediate sealing of eligible records
26 under paragraph (2) of this subsection (g) that are

1 entered on or after January 1, 2018 (the effective
2 date of Public Act 100-282). The immediate sealing
3 petition may be filed with the circuit court clerk
4 during the hearing in which the final disposition of
5 the case is entered. If the defendant's attorney does
6 not file the petition for immediate sealing during the
7 hearing, the defendant may file a petition for sealing
8 at any time as authorized under subsection (c) (3) (A).

9 (B) Contents of Petition. The immediate sealing
10 petition shall be verified and shall contain the
11 petitioner's name, date of birth, current address, and
12 for each eligible record, the case number, the date of
13 arrest if applicable, the identity of the arresting
14 authority if applicable, and other information as the
15 court may require.

16 (C) Drug Test. The petitioner shall not be
17 required to attach proof that he or she has passed a
18 drug test.

19 (D) Service of Petition. A copy of the petition
20 shall be served on the State's Attorney in open court.
21 The petitioner shall not be required to serve a copy of
22 the petition on any other agency.

23 (E) Entry of Order. The presiding trial judge
24 shall enter an order granting or denying the petition
25 for immediate sealing during the hearing in which it
26 is filed. Petitions for immediate sealing shall be

1 ruled on in the same hearing in which the final
2 disposition of the case is entered.

3 (F) Hearings. The court shall hear the petition
4 for immediate sealing on the same day and during the
5 same hearing in which the disposition is rendered.

6 (G) Service of Order. An order to immediately seal
7 eligible records shall be served in conformance with
8 subsection (d) (8).

9 (H) Implementation of Order. An order to
10 immediately seal records shall be implemented in
11 conformance with subsections (d) (9) (C) and (d) (9) (D).

12 (I) Fees. The fee imposed by the circuit court
13 clerk and the Illinois State Police shall comply with
14 paragraph (1) of subsection (d) of this Section.

15 (J) Final Order. No court order issued under this
16 subsection (g) shall become final for purposes of
17 appeal until 30 days after service of the order on the
18 petitioner and all parties entitled to service of the
19 order in conformance with subsection (d) (8).

20 (K) Motion to Vacate, Modify, or Reconsider. Under
21 Section 2-1203 of the Code of Civil Procedure, the
22 petitioner, State's Attorney, or the Illinois State
23 Police may file a motion to vacate, modify, or
24 reconsider the order denying the petition to
25 immediately seal within 60 days of service of the
26 order. If filed more than 60 days after service of the

1 order, a petition to vacate, modify, or reconsider
2 shall comply with subsection (c) of Section 2-1401 of
3 the Code of Civil Procedure.

4 (L) Effect of Order. An order granting an
5 immediate sealing petition shall not be considered
6 void because it fails to comply with the provisions of
7 this Section or because of an error asserted in a
8 motion to vacate, modify, or reconsider. The circuit
9 court retains jurisdiction to determine whether the
10 order is voidable, and to vacate, modify, or
11 reconsider its terms based on a motion filed under
12 subparagraph (L) of this subsection (g).

13 (M) Compliance with Order Granting Petition to
14 Seal Records. Unless a court has entered a stay of an
15 order granting a petition to immediately seal, all
16 parties entitled to service of the order must fully
17 comply with the terms of the order within 60 days of
18 service of the order.

19 (h) Sealing; trafficking victims.

20 (1) A trafficking victim as defined by paragraph (10)
21 of subsection (a) of Section 10-9 of the Criminal Code of
22 2012 shall be eligible to petition for immediate sealing
23 of his or her criminal record upon the completion of his or
24 her last sentence if his or her participation in the
25 underlying offense was a direct result of human
26 trafficking under Section 10-9 of the Criminal Code of

1 2012 or a severe form of trafficking under the federal
2 Trafficking Victims Protection Act.

3 (2) A petitioner under this subsection (h), in
4 addition to the requirements provided under paragraph (4)
5 of subsection (d) of this Section, shall include in his or
6 her petition a clear and concise statement that: (A) he or
7 she was a victim of human trafficking at the time of the
8 offense; and (B) that his or her participation in the
9 offense was a direct result of human trafficking under
10 Section 10-9 of the Criminal Code of 2012 or a severe form
11 of trafficking under the federal Trafficking Victims
12 Protection Act.

13 (3) If an objection is filed alleging that the
14 petitioner is not entitled to immediate sealing under this
15 subsection (h), the court shall conduct a hearing under
16 paragraph (7) of subsection (d) of this Section and the
17 court shall determine whether the petitioner is entitled
18 to immediate sealing under this subsection (h). A
19 petitioner is eligible for immediate relief under this
20 subsection (h) if he or she shows, by a preponderance of
21 the evidence, that: (A) he or she was a victim of human
22 trafficking at the time of the offense; and (B) that his or
23 her participation in the offense was a direct result of
24 human trafficking under Section 10-9 of the Criminal Code
25 of 2012 or a severe form of trafficking under the federal
26 Trafficking Victims Protection Act.

1 (i) Minor Cannabis Offenses under the Cannabis Control
2 Act.

3 (1) Expungement of Arrest Records of Minor Cannabis
4 Offenses.

5 (A) The Illinois State Police and all law
6 enforcement agencies within the State shall
7 automatically expunge all criminal history records of
8 an arrest, charge not initiated by arrest, order of
9 supervision, or order of qualified probation for a
10 Minor Cannabis Offense committed prior to June 25,
11 2019 (the effective date of Public Act 101-27) if:

12 (i) One year or more has elapsed since the
13 date of the arrest or law enforcement interaction
14 documented in the records; and

15 (ii) No criminal charges were filed relating
16 to the arrest or law enforcement interaction or
17 criminal charges were filed and subsequently
18 dismissed or vacated or the arrestee was
19 acquitted.

20 (B) If the law enforcement agency is unable to
21 verify satisfaction of condition (ii) in paragraph
22 (A), records that satisfy condition (i) in paragraph
23 (A) shall be automatically expunged.

24 (C) Records shall be expunged by the law
25 enforcement agency under the following timelines:

26 (i) Records created prior to June 25, 2019

1 (the effective date of Public Act 101-27), but on
2 or after January 1, 2013, shall be automatically
3 expunged prior to January 1, 2021;

4 (ii) Records created prior to January 1, 2013,
5 but on or after January 1, 2000, shall be
6 automatically expunged prior to January 1, 2024
7 ~~2023~~;

8 (iii) Records created prior to January 1, 2000
9 shall be automatically expunged prior to January
10 1, 2026 ~~2025~~.

11 In response to an inquiry for expunged records,
12 the law enforcement agency receiving such inquiry
13 shall reply as it does in response to inquiries when no
14 records ever existed; however, it shall provide a
15 certificate of disposition or confirmation that the
16 record was expunged to the individual whose record was
17 expunged if such a record exists.

18 (D) Nothing in this Section shall be construed to
19 restrict or modify an individual's right to have that
20 individual's records expunged except as otherwise may
21 be provided in this Act, or diminish or abrogate any
22 rights or remedies otherwise available to the
23 individual.

24 (2) Pardons Authorizing Expungement of Minor Cannabis
25 Offenses.

26 (A) Upon June 25, 2019 (the effective date of

1 Public Act 101-27), the Illinois ~~Department of~~ State
2 Police shall review all criminal history record
3 information and identify all records that meet all of
4 the following criteria:

5 (i) one or more convictions for a Minor
6 Cannabis Offense;

7 (ii) the conviction identified in paragraph
8 (2) (A) (i) did not include a penalty enhancement
9 under Section 7 of the Cannabis Control Act; and

10 (iii) the conviction identified in paragraph
11 (2) (A) (i) is not associated with a conviction for
12 a violent crime as defined in subsection (c) of
13 Section 3 of the Rights of Crime Victims and
14 Witnesses Act.

15 (B) Within 180 days after June 25, 2019 (the
16 effective date of Public Act 101-27), the Department
17 of State Police shall notify the Prisoner Review Board
18 of all such records that meet the criteria established
19 in paragraph (2) (A).

20 (i) The Prisoner Review Board shall notify the
21 State's Attorney of the county of conviction of
22 each record identified by State Police in
23 paragraph (2) (A) that is classified as a Class 4
24 felony. The State's Attorney may provide a written
25 objection to the Prisoner Review Board on the sole
26 basis that the record identified does not meet the

1 criteria established in paragraph (2) (A). Such an
2 objection must be filed within 60 days or by such
3 later date set by the Prisoner Review Board in the
4 notice after the State's Attorney received notice
5 from the Prisoner Review Board.

6 (ii) In response to a written objection from a
7 State's Attorney, the Prisoner Review Board is
8 authorized to conduct a non-public hearing to
9 evaluate the information provided in the
10 objection.

11 (iii) The Prisoner Review Board shall make a
12 confidential and privileged recommendation to the
13 Governor as to whether to grant a pardon
14 authorizing expungement for each of the records
15 identified by the Illinois Department of State
16 Police as described in paragraph (2) (A).

17 (C) If an individual has been granted a pardon
18 authorizing expungement as described in this Section,
19 the Prisoner Review Board, through the Attorney
20 General, shall file a petition for expungement with
21 the Chief Judge of the circuit or any judge of the
22 circuit designated by the Chief Judge where the
23 individual had been convicted. Such petition may
24 include more than one individual. Whenever an
25 individual who has been convicted of an offense is
26 granted a pardon by the Governor that specifically

1 authorizes expungement, an objection to the petition
2 may not be filed. Petitions to expunge under this
3 subsection (i) may include more than one individual.
4 Within 90 days of the filing of such a petition, the
5 court shall enter an order expunging the records of
6 arrest from the official records of the arresting
7 authority and order that the records of the circuit
8 court clerk and the Illinois State Police be expunged
9 and the name of the defendant obliterated from the
10 official index requested to be kept by the circuit
11 court clerk under Section 16 of the Clerks of Courts
12 Act in connection with the arrest and conviction for
13 the offense for which the individual had received a
14 pardon but the order shall not affect any index issued
15 by the circuit court clerk before the entry of the
16 order. Upon entry of the order of expungement, the
17 circuit court clerk shall promptly provide a copy of
18 the order and a certificate of disposition to the
19 individual who was pardoned to the individual's last
20 known address or by electronic means (if available) or
21 otherwise make it available to the individual upon
22 request.

23 (D) Nothing in this Section is intended to
24 diminish or abrogate any rights or remedies otherwise
25 available to the individual.

26 (3) Any individual may file a motion to vacate and

1 expunge a conviction for a misdemeanor or Class 4 felony
2 violation of Section 4 or Section 5 of the Cannabis
3 Control Act. Motions to vacate and expunge under this
4 subsection (i) may be filed with the circuit court, Chief
5 Judge of a judicial circuit or any judge of the circuit
6 designated by the Chief Judge. The circuit court clerk
7 shall promptly serve a copy of the motion to vacate and
8 expunge, and any supporting documentation, on the State's
9 Attorney or prosecutor charged with the duty of
10 prosecuting the offense. When considering such a motion to
11 vacate and expunge, a court shall consider the following:
12 the reasons to retain the records provided by law
13 enforcement, the petitioner's age, the petitioner's age at
14 the time of offense, the time since the conviction, and
15 the specific adverse consequences if denied. An individual
16 may file such a petition after the completion of any
17 non-financial sentence or non-financial condition imposed
18 by the conviction. Within 60 days of the filing of such
19 motion, a State's Attorney may file an objection to such a
20 petition along with supporting evidence. If a motion to
21 vacate and expunge is granted, the records shall be
22 expunged in accordance with subparagraphs (d)(8) and
23 (d)(9)(A) of this Section. An agency providing civil legal
24 aid, as defined by Section 15 of the Public Interest
25 Attorney Assistance Act, assisting individuals seeking to
26 file a motion to vacate and expunge under this subsection

1 may file motions to vacate and expunge with the Chief
2 Judge of a judicial circuit or any judge of the circuit
3 designated by the Chief Judge, and the motion may include
4 more than one individual. Motions filed by an agency
5 providing civil legal aid concerning more than one
6 individual may be prepared, presented, and signed
7 electronically.

8 (4) Any State's Attorney may file a motion to vacate
9 and expunge a conviction for a misdemeanor or Class 4
10 felony violation of Section 4 or Section 5 of the Cannabis
11 Control Act. Motions to vacate and expunge under this
12 subsection (i) may be filed with the circuit court, Chief
13 Judge of a judicial circuit or any judge of the circuit
14 designated by the Chief Judge, and may include more than
15 one individual. Motions filed by a State's Attorney
16 concerning more than one individual may be prepared,
17 presented, and signed electronically. When considering
18 such a motion to vacate and expunge, a court shall
19 consider the following: the reasons to retain the records
20 provided by law enforcement, the individual's age, the
21 individual's age at the time of offense, the time since
22 the conviction, and the specific adverse consequences if
23 denied. Upon entry of an order granting a motion to vacate
24 and expunge records pursuant to this Section, the State's
25 Attorney shall notify the Prisoner Review Board within 30
26 days. Upon entry of the order of expungement, the circuit

1 court clerk shall promptly provide a copy of the order and
2 a certificate of disposition to the individual whose
3 records will be expunged to the individual's last known
4 address or by electronic means (if available) or otherwise
5 make available to the individual upon request. If a motion
6 to vacate and expunge is granted, the records shall be
7 expunged in accordance with subparagraphs (d)(8) and
8 (d)(9)(A) of this Section.

9 (5) In the public interest, the State's Attorney of a
10 county has standing to file motions to vacate and expunge
11 pursuant to this Section in the circuit court with
12 jurisdiction over the underlying conviction.

13 (6) If a person is arrested for a Minor Cannabis
14 Offense as defined in this Section before June 25, 2019
15 (the effective date of Public Act 101-27) and the person's
16 case is still pending but a sentence has not been imposed,
17 the person may petition the court in which the charges are
18 pending for an order to summarily dismiss those charges
19 against him or her, and expunge all official records of
20 his or her arrest, plea, trial, conviction, incarceration,
21 supervision, or expungement. If the court determines, upon
22 review, that: (A) the person was arrested before June 25,
23 2019 (the effective date of Public Act 101-27) for an
24 offense that has been made eligible for expungement; (B)
25 the case is pending at the time; and (C) the person has not
26 been sentenced of the minor cannabis violation eligible

1 for expungement under this subsection, the court shall
2 consider the following: the reasons to retain the records
3 provided by law enforcement, the petitioner's age, the
4 petitioner's age at the time of offense, the time since
5 the conviction, and the specific adverse consequences if
6 denied. If a motion to dismiss and expunge is granted, the
7 records shall be expunged in accordance with subparagraph
8 (d) (9) (A) of this Section.

9 (7) A person imprisoned solely as a result of one or
10 more convictions for Minor Cannabis Offenses under this
11 subsection (i) shall be released from incarceration upon
12 the issuance of an order under this subsection.

13 (8) The Illinois State Police shall allow a person to
14 use the access and review process, established in the
15 Illinois State Police, for verifying that his or her
16 records relating to Minor Cannabis Offenses of the
17 Cannabis Control Act eligible under this Section have been
18 expunged.

19 (9) No conviction vacated pursuant to this Section
20 shall serve as the basis for damages for time unjustly
21 served as provided in the Court of Claims Act.

22 (10) Effect of Expungement. A person's right to
23 expunge an expungeable offense shall not be limited under
24 this Section. The effect of an order of expungement shall
25 be to restore the person to the status he or she occupied
26 before the arrest, charge, or conviction.

1 (11) Information. The Illinois State Police shall post
2 general information on its website about the expungement
3 process described in this subsection (i).

4 (j) Felony Prostitution Convictions.

5 (1) Any individual may file a motion to vacate and
6 expunge a conviction for a prior Class 4 felony violation
7 of prostitution. Motions to vacate and expunge under this
8 subsection (j) may be filed with the circuit court, Chief
9 Judge of a judicial circuit, or any judge of the circuit
10 designated by the Chief Judge. When considering the motion
11 to vacate and expunge, a court shall consider the
12 following:

13 (A) the reasons to retain the records provided by
14 law enforcement;

15 (B) the petitioner's age;

16 (C) the petitioner's age at the time of offense;

17 and

18 (D) the time since the conviction, and the
19 specific adverse consequences if denied. An individual
20 may file the petition after the completion of any
21 sentence or condition imposed by the conviction.
22 Within 60 days of the filing of the motion, a State's
23 Attorney may file an objection to the petition along
24 with supporting evidence. If a motion to vacate and
25 expunge is granted, the records shall be expunged in
26 accordance with subparagraph (d) (9) (A) of this

1 Section. An agency providing civil legal aid, as
2 defined in Section 15 of the Public Interest Attorney
3 Assistance Act, assisting individuals seeking to file
4 a motion to vacate and expunge under this subsection
5 may file motions to vacate and expunge with the Chief
6 Judge of a judicial circuit or any judge of the circuit
7 designated by the Chief Judge, and the motion may
8 include more than one individual.

9 (2) Any State's Attorney may file a motion to vacate
10 and expunge a conviction for a Class 4 felony violation of
11 prostitution. Motions to vacate and expunge under this
12 subsection (j) may be filed with the circuit court, Chief
13 Judge of a judicial circuit, or any judge of the circuit
14 court designated by the Chief Judge, and may include more
15 than one individual. When considering the motion to vacate
16 and expunge, a court shall consider the following reasons:

17 (A) the reasons to retain the records provided by
18 law enforcement;

19 (B) the petitioner's age;

20 (C) the petitioner's age at the time of offense;

21 (D) the time since the conviction; and

22 (E) the specific adverse consequences if denied.

23 If the State's Attorney files a motion to vacate and
24 expunge records for felony prostitution convictions
25 pursuant to this Section, the State's Attorney shall
26 notify the Prisoner Review Board within 30 days of the

1 filing. If a motion to vacate and expunge is granted, the
2 records shall be expunged in accordance with subparagraph
3 (d) (9) (A) of this Section.

4 (3) In the public interest, the State's Attorney of a
5 county has standing to file motions to vacate and expunge
6 pursuant to this Section in the circuit court with
7 jurisdiction over the underlying conviction.

8 (4) The Illinois State Police shall allow a person to
9 a use the access and review process, established in the
10 Illinois State Police, for verifying that his or her
11 records relating to felony prostitution eligible under
12 this Section have been expunged.

13 (5) No conviction vacated pursuant to this Section
14 shall serve as the basis for damages for time unjustly
15 served as provided in the Court of Claims Act.

16 (6) Effect of Expungement. A person's right to expunge
17 an expungeable offense shall not be limited under this
18 Section. The effect of an order of expungement shall be to
19 restore the person to the status he or she occupied before
20 the arrest, charge, or conviction.

21 (7) Information. The Illinois State Police shall post
22 general information on its website about the expungement
23 process described in this subsection (j).

24 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
25 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
26 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;

1 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
2 5-13-22; 102-933, eff. 1-1-23; revised 8-19-22.)

3 Section 550. The State Finance Act is amended by adding
4 Sections 5.990 and 5.991 as follows:

5 (30 ILCS 105/5.990 new)

6 Sec. 5.990. The Psilocybin Control and Regulation Fund.

7 (30 ILCS 105/5.991 new)

8 Sec. 5.991. The Illinois Psilocybin Fund.

9 Section 555. The Illinois Independent Tax Tribunal Act of
10 2012 is amended by changing Section 1-45 as follows:

11 (35 ILCS 1010/1-45)

12 Sec. 1-45. Jurisdiction of the Tax Tribunal.

13 (a) Except as provided by the Constitution of the United
14 States, the Constitution of the State of Illinois, or any
15 statutes of this State, including, but not limited to, the
16 State Officers and Employees Money Disposition Act, the Tax
17 Tribunal shall have original jurisdiction over all
18 determinations of the Department reflected on a Notice of
19 Deficiency, Notice of Tax Liability, Notice of Claim Denial,
20 or Notice of Penalty Liability issued under the Illinois
21 Income Tax Act, the Use Tax Act, the Service Use Tax Act, the

1 Service Occupation Tax Act, the Retailers' Occupation Tax Act,
2 the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco
3 Products Tax Act of 1995, the Hotel Operators' Occupation Tax
4 Act, the Motor Fuel Tax Law, the Automobile Renting Occupation
5 and Use Tax Act, the Coin-Operated Amusement Device and
6 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water
7 Company Invested Capital Tax Act, the Telecommunications
8 Excise Tax Act, the Telecommunications Infrastructure
9 Maintenance Fee Act, the Public Utilities Revenue Act, the
10 Electricity Excise Tax Law, the Aircraft Use Tax Law, the
11 Watercraft Use Tax Law, the Gas Use Tax Law, ~~or~~ the Uniform
12 Penalty and Interest Act, or the Compassionate Use and
13 Research of Entheogens Act. Jurisdiction of the Tax Tribunal
14 is limited to Notices of Tax Liability, Notices of Deficiency,
15 Notices of Claim Denial, and Notices of Penalty Liability
16 where the amount at issue in a notice, or the aggregate amount
17 at issue in multiple notices issued for the same tax year or
18 audit period, exceeds \$15,000, exclusive of penalties and
19 interest. In notices solely asserting either an interest or
20 penalty assessment, or both, the Tax Tribunal shall have
21 jurisdiction over cases where the combined total of all
22 penalties or interest assessed exceeds \$15,000.

23 (b) Except as otherwise permitted by this Act and by the
24 Constitution of the State of Illinois or otherwise by State
25 law, including, but not limited to, the State Officers and
26 Employees Money Disposition Act, no person shall contest any

1 matter within the jurisdiction of the Tax Tribunal in any
2 action, suit, or proceeding in the circuit court or any other
3 court of the State. If a person attempts to do so, then such
4 action, suit, or proceeding shall be dismissed without
5 prejudice. The improper commencement of any action, suit, or
6 proceeding does not extend the time period for commencing a
7 proceeding in the Tax Tribunal.

8 (c) The Tax Tribunal may require the taxpayer to post a
9 bond equal to 25% of the liability at issue (1) upon motion of
10 the Department and a showing that (A) the taxpayer's action is
11 frivolous or legally insufficient or (B) the taxpayer is
12 acting primarily for the purpose of delaying the collection of
13 tax or prejudicing the ability ultimately to collect the tax,
14 or (2) if, at any time during the proceedings, it is determined
15 by the Tax Tribunal that the taxpayer is not pursuing the
16 resolution of the case with due diligence. If the Tax Tribunal
17 finds in a particular case that the taxpayer cannot procure
18 and furnish a satisfactory surety or sureties for the kind of
19 bond required herein, the Tax Tribunal may relieve the
20 taxpayer of the obligation of filing such bond, if, upon the
21 timely application for a lien in lieu thereof and accompanying
22 proof therein submitted, the Tax Tribunal is satisfied that
23 any such lien imposed would operate to secure the assessment
24 in the manner and to the degree as would a bond. The Tax
25 Tribunal shall adopt rules for the procedures to be used in
26 securing a bond or lien under this Section.

1 (d) If, with or after the filing of a timely petition, the
2 taxpayer pays all or part of the tax or other amount in issue
3 before the Tax Tribunal has rendered a decision, the Tax
4 Tribunal shall treat the taxpayer's petition as a protest of a
5 denial of claim for refund of the amount so paid upon a written
6 motion filed by the taxpayer.

7 (e) The Tax Tribunal shall not have jurisdiction to
8 review:

9 (1) any assessment made under the Property Tax Code;

10 (2) any decisions relating to the issuance or denial
11 of an exemption ruling for any entity claiming exemption
12 from any tax imposed under the Property Tax Code or any
13 State tax administered by the Department;

14 (3) a notice of proposed tax liability, notice of
15 proposed deficiency, or any other notice of proposed
16 assessment or notice of intent to take some action;

17 (4) any action or determination of the Department
18 regarding tax liabilities that have become finalized by
19 law, including but not limited to the issuance of liens,
20 levies, and revocations, suspensions, or denials of
21 licenses or certificates of registration or any other
22 collection activities;

23 (5) any proceedings of the Department's informal
24 administrative appeals function; and

25 (6) any challenge to an administrative subpoena issued
26 by the Department.

1 (f) The Tax Tribunal shall decide questions regarding the
2 constitutionality of statutes and rules adopted by the
3 Department as applied to the taxpayer, but shall not have the
4 power to declare a statute or rule unconstitutional or
5 otherwise invalid on its face. A taxpayer challenging the
6 constitutionality of a statute or rule on its face may present
7 such challenge to the Tax Tribunal for the sole purpose of
8 making a record for review by the Illinois Appellate Court.
9 Failure to raise a constitutional issue regarding the
10 application of a statute or regulations to the taxpayer shall
11 not preclude the taxpayer or the Department from raising those
12 issues at the appellate court level.

13 (Source: P.A. 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13.)

14 Section 560. The Illinois Controlled Substances Act is
15 amended by changing Sections 102 and 204 as follows:

16 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

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

19 (a) "Addict" means any person who habitually uses any
20 drug, chemical, substance or dangerous drug other than alcohol
21 so as to endanger the public morals, health, safety or welfare
22 or who is so far addicted to the use of a dangerous drug or
23 controlled substance other than alcohol as to have lost the
24 power of self control with reference to his or her addiction.

1 (b) "Administer" means the direct application of a
2 controlled substance, whether by injection, inhalation,
3 ingestion, or any other means, to the body of a patient,
4 research subject, or animal (as defined by the Humane
5 Euthanasia in Animal Shelters Act) by:

6 (1) a practitioner (or, in his or her presence, by his
7 or her authorized agent),

8 (2) the patient or research subject pursuant to an
9 order, or

10 (3) a euthanasia technician as defined by the Humane
11 Euthanasia in Animal Shelters Act.

12 (c) "Agent" means an authorized person who acts on behalf
13 of or at the direction of a manufacturer, distributor,
14 dispenser, prescriber, or practitioner. It does not include a
15 common or contract carrier, public warehouseman or employee of
16 the carrier or warehouseman.

17 (c-1) "Anabolic Steroids" means any drug or hormonal
18 substance, chemically and pharmacologically related to
19 testosterone (other than estrogens, progestins,
20 corticosteroids, and dehydroepiandrosterone), and includes:

21 (i) 3[beta],17-dihydroxy-5a-androstane,

22 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

23 (iii) 5[alpha]-androstan-3,17-dione,

24 (iv) 1-androstenediol (3[beta],

25 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

26 (v) 1-androstenediol (3[alpha],

1 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
2 (vi) 4-androstenediol
3 (3[beta],17[beta]-dihydroxy-androst-4-ene),
4 (vii) 5-androstenediol
5 (3[beta],17[beta]-dihydroxy-androst-5-ene),
6 (viii) 1-androstenedione
7 ([5alpha]-androst-1-en-3,17-dione),
8 (ix) 4-androstenedione
9 (androst-4-en-3,17-dione),
10 (x) 5-androstenedione
11 (androst-5-en-3,17-dione),
12 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-
13 hydroxyandrost-4-en-3-one),
14 (xii) boldenone (17[beta]-hydroxyandrost-
15 1,4,-diene-3-one),
16 (xiii) boldione (androsta-1,4-
17 diene-3,17-dione),
18 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17
19 [beta]-hydroxyandrost-4-en-3-one),
20 (xv) clostebol (4-chloro-17[beta]-
21 hydroxyandrost-4-en-3-one),
22 (xvi) dehydrochloromethyltestosterone (4-chloro-
23 17[beta]-hydroxy-17[alpha]-methyl-
24 androst-1,4-dien-3-one),
25 (xvii) desoxymethyltestosterone
26 (17[alpha]-methyl-5[alpha]

1 -androst-2-en-17[beta]-ol) (a.k.a., madol),
2 (xviii) [delta]1-dihydrotestosterone (a.k.a.
3 '1-testosterone') (17[beta]-hydroxy-
4 5[alpha]-androst-1-en-3-one),
5 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-
6 androstan-3-one),
7 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-
8 5[alpha]-androstan-3-one),
9 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-
10 hydroxyestr-4-ene),
11 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-
12 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
13 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],
14 17[beta]-dihydroxyandrost-1,4-dien-3-one),
15 (xxiv) furazabol (17[alpha]-methyl-17[beta]-
16 hydroxyandrostan[2,3-c]-furazan),
17 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,
18 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-
19 androst-4-en-3-one),
20 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-
21 dihydroxy-estr-4-en-3-one),
22 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-
23 hydroxy-5-androstan-3-one),
24 (xxix) mesterolone (1amethyl-17[beta]-hydroxy-
25 [5a]-androstan-3-one),
26 (xxx) methandienone (17[alpha]-methyl-17[beta]-

1 hydroxyandrost-1,4-dien-3-one),
2 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-
3 dihydroxyandrost-5-ene),
4 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-
5 5[alpha]-androst-1-en-3-one),
6 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-
7 dihydroxy-5a-androstane,
8 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy
9 -5a-androstane,
10 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-
11 dihydroxyandrost-4-ene),
12 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-
13 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
14 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-
15 hydroxyestra-4,9(10)-dien-3-one),
16 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-
17 hydroxyestra-4,9-11-trien-3-one),
18 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-
19 hydroxyandrost-4-en-3-one),
20 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-
21 hydroxyestr-4-en-3-one),
22 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
23 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-
24 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-
25 1-testosterone'),
26 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),

- 1 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-
2 dihydroxyestr-4-ene),
3 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-
4 dihydroxyestr-4-ene),
5 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-
6 dihydroxyestr-5-ene),
7 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-
8 dihydroxyestr-5-ene),
9 (xlvii) 19-nor-4,9(10)-androstadienedione
10 (estra-4,9(10)-diene-3,17-dione),
11 (xlviii) 19-nor-4-androstenedione (estr-4-
12 en-3,17-dione),
13 (xlix) 19-nor-5-androstenedione (estr-5-
14 en-3,17-dione),
15 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-
16 hydroxygon-4-en-3-one),
17 (li) norclostebol (4-chloro-17[beta]-
18 hydroxyestr-4-en-3-one),
19 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-
20 hydroxyestr-4-en-3-one),
21 (liii) normethandrolone (17[alpha]-methyl-17[beta]-
22 hydroxyestr-4-en-3-one),
23 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-
24 2-oxa-5[alpha]-androstan-3-one),
25 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-
26 dihydroxyandrost-4-en-3-one),

- 1 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-
2 17[beta]-hydroxy-(5[alpha]-androst-3-one),
3 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-
4 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),
5 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-
6 (5[alpha]-androst-1-en-3-one),
7 (lix) testolactone (13-hydroxy-3-oxo-13,17-
8 secoandrosta-1,4-dien-17-oic
9 acid lactone),
10 (lx) testosterone (17[beta]-hydroxyandrost-
11 4-en-3-one),
12 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-
13 diethyl-17[beta]-hydroxygon-
14 4,9,11-trien-3-one),
15 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,
16 11-trien-3-one).

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

1 unlawfully manufacture, distribute, dispense, deliver, or
2 possess with intent to deliver such anabolic steroid for
3 purposes of this Act.

4 (d) "Administration" means the Drug Enforcement
5 Administration, United States Department of Justice, or its
6 successor agency.

7 (d-5) "Clinical Director, Prescription Monitoring Program"
8 means a Department of Human Services administrative employee
9 licensed to either prescribe or dispense controlled substances
10 who shall run the clinical aspects of the Department of Human
11 Services Prescription Monitoring Program and its Prescription
12 Information Library.

13 (d-10) "Compounding" means the preparation and mixing of
14 components, excluding flavorings, (1) as the result of a
15 prescriber's prescription drug order or initiative based on
16 the prescriber-patient-pharmacist relationship in the course
17 of professional practice or (2) for the purpose of, or
18 incident to, research, teaching, or chemical analysis and not
19 for sale or dispensing. "Compounding" includes the preparation
20 of drugs or devices in anticipation of receiving prescription
21 drug orders based on routine, regularly observed dispensing
22 patterns. Commercially available products may be compounded
23 for dispensing to individual patients only if both of the
24 following conditions are met: (i) the commercial product is
25 not reasonably available from normal distribution channels in
26 a timely manner to meet the patient's needs and (ii) the

1 prescribing practitioner has requested that the drug be
2 compounded.

3 (e) "Control" means to add a drug or other substance, or
4 immediate precursor, to a Schedule whether by transfer from
5 another Schedule or otherwise.

6 (f) "Controlled Substance" means (i) a drug, substance,
7 immediate precursor, or synthetic drug in the Schedules of
8 Article II of this Act or (ii) a drug or other substance, or
9 immediate precursor, designated as a controlled substance by
10 the Department through administrative rule. The term does not
11 include: distilled spirits, wine, malt beverages, or tobacco,
12 as those terms are defined or used in the Liquor Control Act of
13 1934 and the Tobacco Products Tax Act of 1995; or psilocybin or
14 a psilocybin product, as those terms are defined or used in the
15 Compassionate Use and Research of Entheogens Act.

16 (f-5) "Controlled substance analog" means a substance:

17 (1) the chemical structure of which is substantially
18 similar to the chemical structure of a controlled
19 substance in Schedule I or II;

20 (2) which has a stimulant, depressant, or
21 hallucinogenic effect on the central nervous system that
22 is substantially similar to or greater than the stimulant,
23 depressant, or hallucinogenic effect on the central
24 nervous system of a controlled substance in Schedule I or
25 II; or

26 (3) with respect to a particular person, which such

1 person represents or intends to have a stimulant,
2 depressant, or hallucinogenic effect on the central
3 nervous system that is substantially similar to or greater
4 than the stimulant, depressant, or hallucinogenic effect
5 on the central nervous system of a controlled substance in
6 Schedule I or II.

7 (g) "Counterfeit substance" means a controlled substance,
8 which, or the container or labeling of which, without
9 authorization bears the trademark, trade name, or other
10 identifying mark, imprint, number or device, or any likeness
11 thereof, of a manufacturer, distributor, or dispenser other
12 than the person who in fact manufactured, distributed, or
13 dispensed the substance.

14 (h) "Deliver" or "delivery" means the actual, constructive
15 or attempted transfer of possession of a controlled substance,
16 with or without consideration, whether or not there is an
17 agency relationship. "Deliver" or "delivery" does not include
18 the donation of drugs to the extent permitted under the
19 Illinois Drug Reuse Opportunity Program Act.

20 (i) "Department" means the Illinois Department of Human
21 Services (as successor to the Department of Alcoholism and
22 Substance Abuse) or its successor agency.

23 (j) (Blank).

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

26 (l) "Department of Financial and Professional Regulation"

1 means the Department of Financial and Professional Regulation
2 of the State of Illinois or its successor agency.

3 (m) "Depressant" means any drug that (i) causes an overall
4 depression of central nervous system functions, (ii) causes
5 impaired consciousness and awareness, and (iii) can be
6 habit-forming or lead to a substance abuse problem, including,
7 but not limited to, alcohol, cannabis and its active
8 principles and their analogs, benzodiazepines and their
9 analogs, barbiturates and their analogs, opioids (natural and
10 synthetic) and their analogs, and chloral hydrate and similar
11 sedative hypnotics.

12 (n) (Blank).

13 (o) "Director" means the Director of the Illinois State
14 Police or his or her designated agents.

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

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

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

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

24 (t) "Drug" means (1) substances recognized as drugs in the
25 official United States Pharmacopoeia, Official Homeopathic
26 Pharmacopoeia of the United States, or official National

1 Formulary, or any supplement to any of them; (2) substances
2 intended for use in diagnosis, cure, mitigation, treatment, or
3 prevention of disease in man or animals; (3) substances (other
4 than food) intended to affect the structure of any function of
5 the body of man or animals and (4) substances intended for use
6 as a component of any article specified in clause (1), (2), or
7 (3) of this subsection. It does not include devices or their
8 components, parts, or accessories.

9 (t-3) "Electronic health record" or "EHR" means an
10 electronic record of health-related information on an
11 individual that is created, gathered, managed, and consulted
12 by authorized health care clinicians and staff.

13 (t-3.5) "Electronic health record system" or "EHR system"
14 means any computer-based system or combination of federally
15 certified Health IT Modules (defined at 42 CFR 170.102 or its
16 successor) used as a repository for electronic health records
17 and accessed or updated by a prescriber or authorized
18 surrogate in the ordinary course of his or her medical
19 practice. For purposes of connecting to the Prescription
20 Information Library maintained by the Bureau of Pharmacy and
21 Clinical Support Systems or its successor, an EHR system may
22 connect to the Prescription Information Library directly or
23 through all or part of a computer program or system that is a
24 federally certified Health IT Module maintained by a third
25 party and used by the EHR system to secure access to the
26 database.

1 (t-4) "Emergency medical services personnel" has the
2 meaning ascribed to it in the Emergency Medical Services (EMS)
3 Systems Act.

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

12 (t-10) "Euthanasia drugs" means Schedule II or Schedule
13 III substances (nonnarcotic controlled substances) that are
14 used by a euthanasia agency for the purpose of animal
15 euthanasia.

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

1 to, the following, in making the judgment:

2 (1) lack of consistency of prescriber-patient
3 relationship,

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

6 (3) quantities beyond those normally prescribed,

7 (4) unusual dosages (recognizing that there may be
8 clinical circumstances where more or less than the usual
9 dose may be used legitimately),

10 (5) unusual geographic distances between patient,
11 pharmacist and prescriber,

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

13 (u-0.5) "Hallucinogen" means a drug that causes markedly
14 altered sensory perception leading to hallucinations of any
15 type.

16 (u-1) "Home infusion services" means services provided by
17 a pharmacy in compounding solutions for direct administration
18 to a patient in a private residence, long-term care facility,
19 or hospice setting by means of parenteral, intravenous,
20 intramuscular, subcutaneous, or intraspinal infusion.

21 (u-5) "Illinois State Police" means the Illinois State
22 Police or its successor agency.

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

24 (1) which the Department has found to be and by rule
25 designated as being a principal compound used, or produced
26 primarily for use, in the manufacture of a controlled

1 substance;

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

5 (3) the control of which is necessary to prevent,
6 curtail or limit the manufacture of such controlled
7 substance.

8 (w) "Instructional activities" means the acts of teaching,
9 educating or instructing by practitioners using controlled
10 substances within educational facilities approved by the State
11 Board of Education or its successor agency.

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

14 (y) "Look-alike substance" means a substance, other than a
15 controlled substance which (1) by overall dosage unit
16 appearance, including shape, color, size, markings or lack
17 thereof, taste, consistency, or any other identifying physical
18 characteristic of the substance, would lead a reasonable
19 person to believe that the substance is a controlled
20 substance, or (2) is expressly or impliedly represented to be
21 a controlled substance or is distributed under circumstances
22 which would lead a reasonable person to believe that the
23 substance is a controlled substance. For the purpose of
24 determining whether the representations made or the
25 circumstances of the distribution would lead a reasonable
26 person to believe the substance to be a controlled substance

1 under this clause (2) of subsection (y), the court or other
2 authority may consider the following factors in addition to
3 any other factor that may be relevant:

4 (a) statements made by the owner or person in control
5 of the substance concerning its nature, use or effect;

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

8 (c) whether the substance is packaged in a manner
9 normally used for the illegal distribution of controlled
10 substances;

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

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

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

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

6 (y-1) "Mail-order pharmacy" means a pharmacy that is
7 located in a state of the United States that delivers,
8 dispenses or distributes, through the United States Postal
9 Service or other common carrier, to Illinois residents, any
10 substance which requires a prescription.

11 (z) "Manufacture" means the production, preparation,
12 propagation, compounding, conversion or processing of a
13 controlled substance other than methamphetamine, either
14 directly or indirectly, by extraction from substances of
15 natural origin, or independently by means of chemical
16 synthesis, or by a combination of extraction and chemical
17 synthesis, and includes any packaging or repackaging of the
18 substance or labeling of its container, except that this term
19 does not include:

20 (1) by an ultimate user, the preparation or
21 compounding of a controlled substance for his or her own
22 use;

23 (2) by a practitioner, or his or her authorized agent
24 under his or her supervision, the preparation,
25 compounding, packaging, or labeling of a controlled
26 substance:

1 (a) as an incident to his or her administering or
2 dispensing of a controlled substance in the course of
3 his or her professional practice; or

4 (b) as an incident to lawful research, teaching or
5 chemical analysis and not for sale; or

6 (3) the packaging, repackaging, or labeling of drugs
7 only to the extent permitted under the Illinois Drug Reuse
8 Opportunity Program Act.

9 (z-1) (Blank).

10 (z-5) "Medication shopping" means the conduct prohibited
11 under subsection (a) of Section 314.5 of this Act.

12 (z-10) "Mid-level practitioner" means (i) a physician
13 assistant who has been delegated authority to prescribe
14 through a written delegation of authority by a physician
15 licensed to practice medicine in all of its branches, in
16 accordance with Section 7.5 of the Physician Assistant
17 Practice Act of 1987, (ii) an advanced practice registered
18 nurse who has been delegated authority to prescribe through a
19 written delegation of authority by a physician licensed to
20 practice medicine in all of its branches or by a podiatric
21 physician, in accordance with Section 65-40 of the Nurse
22 Practice Act, (iii) an advanced practice registered nurse
23 certified as a nurse practitioner, nurse midwife, or clinical
24 nurse specialist who has been granted authority to prescribe
25 by a hospital affiliate in accordance with Section 65-45 of
26 the Nurse Practice Act, (iv) an animal euthanasia agency, or

1 (v) a prescribing psychologist.

2 (aa) "Narcotic drug" means any of the following, whether
3 produced directly or indirectly by extraction from substances
4 of vegetable origin, or independently by means of chemical
5 synthesis, or by a combination of extraction and chemical
6 synthesis:

7 (1) opium, opiates, derivatives of opium and opiates,
8 including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, whenever the existence of
10 such isomers, esters, ethers, and salts is possible within
11 the specific chemical designation; however the term
12 "narcotic drug" does not include the isoquinoline
13 alkaloids of opium;

14 (2) (blank);

15 (3) opium poppy and poppy straw;

16 (4) coca leaves, except coca leaves and extracts of
17 coca leaves from which substantially all of the cocaine
18 and ecgonine, and their isomers, derivatives and salts,
19 have been removed;

20 (5) cocaine, its salts, optical and geometric isomers,
21 and salts of isomers;

22 (6) ecgonine, its derivatives, their salts, isomers,
23 and salts of isomers;

24 (7) any compound, mixture, or preparation which
25 contains any quantity of any of the substances referred to
26 in subparagraphs (1) through (6).

1 (bb) "Nurse" means a registered nurse licensed under the
2 Nurse Practice Act.

3 (cc) (Blank).

4 (dd) "Opiate" means any substance having an addiction
5 forming or addiction sustaining liability similar to morphine
6 or being capable of conversion into a drug having addiction
7 forming or addiction sustaining liability.

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

10 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
11 solution or other liquid form of medication intended for
12 administration by mouth, but the term does not include a form
13 of medication intended for buccal, sublingual, or transmucosal
14 administration.

15 (ff) "Parole and Pardon Board" means the Parole and Pardon
16 Board of the State of Illinois or its successor agency.

17 (gg) "Person" means any individual, corporation,
18 mail-order pharmacy, government or governmental subdivision or
19 agency, business trust, estate, trust, partnership or
20 association, or any other entity.

21 (hh) "Pharmacist" means any person who holds a license or
22 certificate of registration as a registered pharmacist, a
23 local registered pharmacist or a registered assistant
24 pharmacist under the Pharmacy Practice Act.

25 (ii) "Pharmacy" means any store, ship or other place in
26 which pharmacy is authorized to be practiced under the

1 Pharmacy Practice Act.

2 (ii-5) "Pharmacy shopping" means the conduct prohibited
3 under subsection (b) of Section 314.5 of this Act.

4 (ii-10) "Physician" (except when the context otherwise
5 requires) means a person licensed to practice medicine in all
6 of its branches.

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

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

20 (ll) "Pre-printed prescription" means a written
21 prescription upon which the designated drug has been indicated
22 prior to the time of issuance; the term does not mean a written
23 prescription that is individually generated by machine or
24 computer in the prescriber's office.

25 (mm) "Prescriber" means a physician licensed to practice
26 medicine in all its branches, dentist, optometrist,

1 prescribing psychologist licensed under Section 4.2 of the
2 Clinical Psychologist Licensing Act with prescriptive
3 authority delegated under Section 4.3 of the Clinical
4 Psychologist Licensing Act, podiatric physician, or
5 veterinarian who issues a prescription, a physician assistant
6 who issues a prescription for a controlled substance in
7 accordance with Section 303.05, a written delegation, and a
8 written collaborative agreement required under Section 7.5 of
9 the Physician Assistant Practice Act of 1987, an advanced
10 practice registered nurse with prescriptive authority
11 delegated under Section 65-40 of the Nurse Practice Act and in
12 accordance with Section 303.05, a written delegation, and a
13 written collaborative agreement under Section 65-35 of the
14 Nurse Practice Act, an advanced practice registered nurse
15 certified as a nurse practitioner, nurse midwife, or clinical
16 nurse specialist who has been granted authority to prescribe
17 by a hospital affiliate in accordance with Section 65-45 of
18 the Nurse Practice Act and in accordance with Section 303.05,
19 or an advanced practice registered nurse certified as a nurse
20 practitioner, nurse midwife, or clinical nurse specialist who
21 has full practice authority pursuant to Section 65-43 of the
22 Nurse Practice Act.

23 (nn) "Prescription" means a written, facsimile, or oral
24 order, or an electronic order that complies with applicable
25 federal requirements, of a physician licensed to practice
26 medicine in all its branches, dentist, podiatric physician or

1 veterinarian for any controlled substance, of an optometrist
2 in accordance with Section 15.1 of the Illinois Optometric
3 Practice Act of 1987, of a prescribing psychologist licensed
4 under Section 4.2 of the Clinical Psychologist Licensing Act
5 with prescriptive authority delegated under Section 4.3 of the
6 Clinical Psychologist Licensing Act, of a physician assistant
7 for a controlled substance in accordance with Section 303.05,
8 a written delegation, and a written collaborative agreement
9 required under Section 7.5 of the Physician Assistant Practice
10 Act of 1987, of an advanced practice registered nurse with
11 prescriptive authority delegated under Section 65-40 of the
12 Nurse Practice Act who issues a prescription for a controlled
13 substance in accordance with Section 303.05, a written
14 delegation, and a written collaborative agreement under
15 Section 65-35 of the Nurse Practice Act, of an advanced
16 practice registered nurse certified as a nurse practitioner,
17 nurse midwife, or clinical nurse specialist who has been
18 granted authority to prescribe by a hospital affiliate in
19 accordance with Section 65-45 of the Nurse Practice Act and in
20 accordance with Section 303.05 when required by law, or of an
21 advanced practice registered nurse certified as a nurse
22 practitioner, nurse midwife, or clinical nurse specialist who
23 has full practice authority pursuant to Section 65-43 of the
24 Nurse Practice Act.

25 (nn-5) "Prescription Information Library" (PIL) means an
26 electronic library that contains reported controlled substance

1 data.

2 (nn-10) "Prescription Monitoring Program" (PMP) means the
3 entity that collects, tracks, and stores reported data on
4 controlled substances and select drugs pursuant to Section
5 316.

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

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

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

14 (qq-5) "Secretary" means, as the context requires, either
15 the Secretary of the Department or the Secretary of the
16 Department of Financial and Professional Regulation, and the
17 Secretary's designated agents.

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

22 (rr-5) "Stimulant" means any drug that (i) causes an
23 overall excitation of central nervous system functions, (ii)
24 causes impaired consciousness and awareness, and (iii) can be
25 habit-forming or lead to a substance abuse problem, including,
26 but not limited to, amphetamines and their analogs,

1 methylphenidate and its analogs, cocaine, and phencyclidine
2 and its analogs.

3 (rr-10) "Synthetic drug" includes, but is not limited to,
4 any synthetic cannabinoids or piperazines or any synthetic
5 cathinones as provided for in Schedule I.

6 (ss) "Ultimate user" means a person who lawfully possesses
7 a controlled substance for his or her own use or for the use of
8 a member of his or her household or for administering to an
9 animal owned by him or her or by a member of his or her
10 household.

11 (Source: P.A. 101-666, eff. 1-1-22; 102-389, eff. 1-1-22;
12 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

13 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

14 Sec. 204. (a) The controlled substances listed in this
15 Section are included in Schedule I.

16 (b) Unless specifically excepted or unless listed in
17 another schedule, any of the following opiates, including
18 their isomers, esters, ethers, salts, and salts of isomers,
19 esters, and ethers, whenever the existence of such isomers,
20 esters, ethers and salts is possible within the specific
21 chemical designation:

22 (1) Acetylmethadol;

23 (1.1) Acetyl-alpha-methylfentanyl

24 (N-[1-(1-methyl-2-phenethyl)-

25 4-piperidinyl]-N-phenylacetamide);

- 1 (2) Allylprodine;
- 2 (3) Alphacetylmethadol, except
- 3 levo-alphacetylmethadol (also known as levo-alpha-
- 4 acetylmethadol, levomethadyl acetate, or LAAM);
- 5 (4) Alphameprodine;
- 6 (5) Alphamethadol;
- 7 (6) Alpha-methylfentanyl
- 8 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)
- 9 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
- 10 propanilido) piperidine;
- 11 (6.1) Alpha-methylthiofentanyl
- 12 (N-[1-methyl-2-(2-thienyl)ethyl-
- 13 4-piperidinyl]-N-phenylpropanamide);
- 14 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 15 (7.1) PEPAP
- 16 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 17 (8) Benzethidine;
- 18 (9) Betacetylmethadol;
- 19 (9.1) Beta-hydroxyfentanyl
- 20 (N-[1-(2-hydroxy-2-phenethyl)-
- 21 4-piperidinyl]-N-phenylpropanamide);
- 22 (10) Betameprodine;
- 23 (11) Betamethadol;
- 24 (12) Betaprodine;
- 25 (13) Clonitazene;
- 26 (14) Dextromoramide;

- 1 (15) Diampromide;
- 2 (16) Diethylthiambutene;
- 3 (17) Difenoquin;
- 4 (18) Dimenoxadol;
- 5 (19) Dimepheptanol;
- 6 (20) Dimethylthiambutene;
- 7 (21) Dioxaphetylbutyrate;
- 8 (22) Dipipanone;
- 9 (23) Ethylmethylthiambutene;
- 10 (24) Etonitazene;
- 11 (25) Etoxadine;
- 12 (26) Furethidine;
- 13 (27) Hydroxypethidine;
- 14 (28) Ketobemidone;
- 15 (29) Levomoramide;
- 16 (30) Levophenacetylmorphan;
- 17 (31) 3-Methylfentanyl
- 18 (N-[3-methyl-1-(2-phenylethyl)-
- 19 4-piperidyl]-N-phenylpropanamide);
- 20 (31.1) 3-Methylthiofentanyl
- 21 (N-[(3-methyl-1-(2-thienyl)ethyl-
- 22 4-piperidinyl]-N-phenylpropanamide);
- 23 (32) Morpheridine;
- 24 (33) Noracymethadol;
- 25 (34) Norlevorphanol;
- 26 (35) Normethadone;

- 1 (36) Norpipanone;
- 2 (36.1) Para-fluorofentanyl
- 3 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-
- 4 4-piperidinyl]propanamide);
- 5 (37) Phenadoxone;
- 6 (38) Phenampromide;
- 7 (39) Phenomorphan;
- 8 (40) Phenoperidine;
- 9 (41) Piritramide;
- 10 (42) Proheptazine;
- 11 (43) Properidine;
- 12 (44) Propiram;
- 13 (45) Racemoramide;
- 14 (45.1) Thiofentanyl
- 15 (N-phenyl-N-[1-(2-thienyl)ethyl-
- 16 4-piperidinyl]-propanamide);
- 17 (46) Tilidine;
- 18 (47) Trimeperidine;
- 19 (48) Beta-hydroxy-3-methylfentanyl (other name:
- 20 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-
- 21 N-phenylpropanamide);
- 22 (49) Furanyl fentanyl (FU-F);
- 23 (50) Butyryl fentanyl;
- 24 (51) Valeryl fentanyl;
- 25 (52) Acetyl fentanyl;
- 26 (53) Beta-hydroxy-thiofentanyl;

- 1 (54) 3,4-dichloro-N-[2-
2 (dimethylamino)cyclohexyl]-N-
3 methylbenzamide (U-47700);
4 (55) 4-chloro-N-[1-[2-
5 (4-nitrophenyl)ethyl]-2-piperidinylidene]-
6 benzenesulfonamide (W-18);
7 (56) 4-chloro-N-[1-(2-phenylethyl)
8 -2-piperidinylidene]-benzenesulfonamide (W-15);
9 (57) acrylfentanyl (acryloylfentanyl).

10 (c) Unless specifically excepted or unless listed in
11 another schedule, any of the following opium derivatives, its
12 salts, isomers and salts of isomers, whenever the existence of
13 such salts, isomers and salts of isomers is possible within
14 the specific chemical designation:

- 15 (1) Acetorphine;
16 (2) Acetyldihydrocodeine;
17 (3) Benzylmorphine;
18 (4) Codeine methylbromide;
19 (5) Codeine-N-Oxide;
20 (6) Cyprenorphine;
21 (7) Desomorphine;
22 (8) Diacetyldihydromorphine (Dihydroheroin);
23 (9) Dihydromorphine;
24 (10) Drotebanol;
25 (11) Etorphine (except hydrochloride salt);
26 (12) Heroin;

- 1 (13) Hydromorphenol;
- 2 (14) Methyldesorphine;
- 3 (15) Methyldihydromorphine;
- 4 (16) Morphine methylbromide;
- 5 (17) Morphine methylsulfonate;
- 6 (18) Morphine-N-Oxide;
- 7 (19) Myrophine;
- 8 (20) Nicocodeine;
- 9 (21) Nicomorphine;
- 10 (22) Normorphine;
- 11 (23) Pholcodine;
- 12 (24) Thebacon.

13 (d) Unless specifically excepted or unless listed in
14 another schedule, any material, compound, mixture, or
15 preparation which contains any quantity of the following
16 hallucinogenic substances, or which contains any of its salts,
17 isomers and salts of isomers, whenever the existence of such
18 salts, isomers, and salts of isomers is possible within the
19 specific chemical designation (for the purposes of this
20 paragraph only, the term "isomer" includes the optical,
21 position and geometric isomers):

- 22 (1) 3,4-methylenedioxyamphetamine
23 (alpha-methyl, 3,4-methylenedioxyphenethylamine,
24 methylenedioxyamphetamine, MDA);
25 (1.1) Alpha-ethyltryptamine
26 (some trade or other names: etryptamine;

1 MONASE; alpha-ethyl-1H-indole-3-ethanamine;
2 3-(2-aminobutyl)indole; a-ET; and AET);
3 (2) 3,4-methylenedioxymethamphetamine (MDMA);
4 (2.1) 3,4-methylenedioxy-N-ethylamphetamine
5 (also known as: N-ethyl-alpha-methyl-
6 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
7 and MDEA);
8 (2.2) N-Benzylpiperazine (BZP);
9 (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);
10 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
11 (4) 3,4,5-trimethoxyamphetamine (TMA);
12 (5) (Blank);
13 (6) Diethyltryptamine (DET);
14 (7) Dimethyltryptamine (DMT);
15 (7.1) 5-Methoxy-diallyltryptamine;
16 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
17 (9) Ibogaine (some trade and other names:
18 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
19 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
20 indole; Tabernanthe iboga);
21 (10) Lysergic acid diethylamide;
22 (10.1) Salvinorin A;
23 (10.5) Salvia divinorum (meaning all parts of the
24 plant presently classified botanically as Salvia
25 divinorum, whether growing or not, the seeds thereof, any
26 extract from any part of that plant, and every compound,

1 manufacture, salts, isomers, and salts of isomers whenever
2 the existence of such salts, isomers, and salts of isomers
3 is possible within the specific chemical designation,
4 derivative, mixture, or preparation of that plant, its
5 seeds or extracts);

6 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);

7 (12) Peyote (meaning all parts of the plant presently
8 classified botanically as *Lophophora williamsii* Lemaire,
9 whether growing or not, the seeds thereof, any extract
10 from any part of that plant, and every compound,
11 manufacture, salts, derivative, mixture, or preparation of
12 that plant, its seeds or extracts);

13 (13) N-ethyl-3-piperidyl benzilate (JB 318);

14 (14) N-methyl-3-piperidyl benzilate;

15 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine
16 (also known as N-hydroxy-alpha-methyl-
17 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

18 (15) Parahexyl; some trade or other names:
19 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
20 dibenzo (b,d) pyran; Synhexyl;

21 (16) (Blank) ~~Psilocybin~~;

22 (17) (Blank) ~~Psilocyn~~;

23 (18) Alpha-methyltryptamine (AMT);

24 (19) 2,5-dimethoxyamphetamine
25 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

26 (20) 4-bromo-2,5-dimethoxyamphetamine

1 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;

2 4-bromo-2,5-DMA);

3 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.

4 Some trade or other names: 2-(4-bromo-

5 2,5-dimethoxyphenyl)-1-aminoethane;

6 alpha-desmethyl DOB, 2CB, Nexus;

7 (21) 4-methoxyamphetamine

8 (4-methoxy-alpha-methylphenethylamine;

9 paramethoxyamphetamine; PMA);

10 (22) (Blank);

11 (23) Ethylamine analog of phencyclidine.

12 Some trade or other names:

13 N-ethyl-1-phenylcyclohexylamine,

14 (1-phenylcyclohexyl) ethylamine,

15 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

16 (24) Pyrrolidine analog of phencyclidine. Some trade

17 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,

18 PHP;

19 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;

20 (26) 2,5-dimethoxy-4-ethylamphetamine

21 (another name: DOET);

22 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine

23 (another name: TCPy);

24 (28) (Blank);

25 (29) Thiophene analog of phencyclidine (some trade

26 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;

1 2-thienyl analog of phencyclidine; TCP; TCP);
2 (29.1) Benzothiophene analog of phencyclidine. Some
3 trade or other names: BTCP or benocyclidine;
4 (29.2) 3-Methoxyphencyclidine (3-MeO-PCP);
5 (30) Bufotenine (some trade or other names:
6 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;
7 3-(2-dimethylaminoethyl)-5-indolol;
8 5-hydroxy-N,N-dimethyltryptamine;
9 N,N-dimethylserotonin; mappine);
10 (31) (Blank);
11 (32) (Blank);
12 (33) (Blank);
13 (34) (Blank);
14 (34.5) (Blank);
15 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
16 (2-methyloctan-2-yl)-6a,7,
17 10,10a-tetrahydrobenzo[c]chromen-1-ol
18 Some trade or other names: HU-210;
19 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-
20 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
21 tetrahydrobenzo[c]chromen-1-ol, its isomers,
22 salts, and salts of isomers; Some trade or other
23 names: HU-210, Dexanabinol;
24 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-
25 6,6-dimethyl-3-(2-methyloctan-2-yl)-
26 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

1 Some trade or other names: HU-211;

2 (37) (Blank);

3 (38) (Blank);

4 (39) (Blank);

5 (40) (Blank);

6 (41) (Blank);

7 (42) Any compound structurally derived from
8 3-(1-naphthoyl)indole or
9 1H-indol-3-yl-(1-naphthyl)methane by substitution at the
10 nitrogen atom of the indole ring by alkyl, haloalkyl,
11 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,
12 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or
13 2-(4-morpholinyl)ethyl whether or not further substituted
14 in the indole ring to any extent, whether or not
15 substituted in the naphthyl ring to any extent. Examples
16 of this structural class include, but are not limited to,
17 JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

18 (43) Any compound structurally derived from
19 3-(1-naphthoyl)pyrrole by substitution at the nitrogen
20 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
21 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
22 halide, 1-(N-methyl-2-piperidinyl)methyl, or
23 2-(4-morpholinyl)ethyl, whether or not further substituted
24 in the pyrrole ring to any extent, whether or not
25 substituted in the naphthyl ring to any extent. Examples
26 of this structural class include, but are not limited to,

1 JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

2 (44) Any compound structurally derived from
3 1-(1-naphthylmethyl)indene by substitution at the
4 3-position of the indene ring by alkyl, haloalkyl,
5 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,
6 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or
7 2-(4-morpholinyl)ethyl whether or not further substituted
8 in the indene ring to any extent, whether or not
9 substituted in the naphthyl ring to any extent. Examples
10 of this structural class include, but are not limited to,
11 JWH-176;

12 (45) Any compound structurally derived from
13 3-phenylacetylindole by substitution at the nitrogen atom
14 of the indole ring with alkyl, haloalkyl, alkenyl,
15 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
16 halide, 1-(N-methyl-2-piperidinyl)methyl, or
17 2-(4-morpholinyl)ethyl, whether or not further substituted
18 in the indole ring to any extent, whether or not
19 substituted in the phenyl ring to any extent. Examples of
20 this structural class include, but are not limited to,
21 JWH-167, JWH-250, JWH-251, and RCS-8;

22 (46) Any compound structurally derived from
23 2-(3-hydroxycyclohexyl)phenol by substitution at the
24 5-position of the phenolic ring by alkyl, haloalkyl,
25 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,
26 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or

1 2-(4-morpholinyl)ethyl, whether or not substituted in the
2 cyclohexyl ring to any extent. Examples of this structural
3 class include, but are not limited to, CP 47, 497 and its
4 C8 homologue (cannabicyclohexanol);

5 (46.1) Any compound structurally derived from
6 3-(benzoyl) indole with substitution at the nitrogen atom
7 of the indole ring by an alkyl, haloalkyl, alkenyl,
8 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
9 halide, 1-(N-methyl-2-piperidinyl)methyl, or
10 2-(4-morpholinyl)ethyl group whether or not further
11 substituted in the indole ring to any extent and whether
12 or not substituted in the phenyl ring to any extent.
13 Examples of this structural class include, but are not
14 limited to, AM-630, AM-2233, AM-694, Pravadoline (WIN
15 48,098), and RCS-4;

16 (47) (Blank);

17 (48) (Blank);

18 (49) (Blank);

19 (50) (Blank);

20 (51) (Blank);

21 (52) (Blank);

22 (53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine.

23 Some trade or other names: 2C-T-7;

24 (53.1) 4-ethyl-2,5-dimethoxyphenethylamine. Some
25 trade or other names: 2C-E;

26 (53.2) 2,5-dimethoxy-4-methylphenethylamine. Some

1 trade or other names: 2C-D;

2 (53.3) 4-chloro-2,5-dimethoxyphenethylamine. Some

3 trade or other names: 2C-C;

4 (53.4) 4-iodo-2,5-dimethoxyphenethylamine. Some trade

5 or other names: 2C-I;

6 (53.5) 4-ethylthio-2,5-dimethoxyphenethylamine. Some

7 trade or other names: 2C-T-2;

8 (53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine.

9 Some trade or other names: 2C-T-4;

10 (53.7) 2,5-dimethoxyphenethylamine. Some trade or

11 other names: 2C-H;

12 (53.8) 2,5-dimethoxy-4-nitrophenethylamine. Some

13 trade or other names: 2C-N;

14 (53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine. Some

15 trade or other names: 2C-P;

16 (53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine.

17 Some trade or other names: 2C-G;

18 (53.11) The N-(2-methoxybenzyl) derivative of any 2C

19 phenethylamine referred to in subparagraphs (20.1), (53),

20 (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7),

21 (53.8), (53.9), and (53.10) including, but not limited to,

22 25I-NBOMe and 25C-NBOMe;

23 (54) 5-Methoxy-N,N-diisopropyltryptamine;

24 (55) (Blank);

25 (56) (Blank);

26 (57) (Blank);

1 (58) (Blank);

2 (59) 3-cyclopropoylindole with substitution at the
3 nitrogen atom of the indole ring by alkyl, haloalkyl,
4 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,
5 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or
6 2-(4-morpholinyl)ethyl, whether or not further substituted
7 on the indole ring to any extent, whether or not
8 substituted on the cyclopropyl ring to any extent:
9 including, but not limited to, XLR11, UR144, FUB-144;

10 (60) 3-adamantoylindole with substitution at the
11 nitrogen atom of the indole ring by alkyl, haloalkyl,
12 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,
13 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or
14 2-(4-morpholinyl)ethyl, whether or not further substituted
15 on the indole ring to any extent, whether or not
16 substituted on the adamantyl ring to any extent:
17 including, but not limited to, AB-001;

18 (61) N-(adamantyl)-indole-3-carboxamide with
19 substitution at the nitrogen atom of the indole ring by
20 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
21 cycloalkylethyl, aryl halide, alkyl aryl halide,
22 1-(N-methyl-2-piperidinyl)methyl, or
23 2-(4-morpholinyl)ethyl, whether or not further substituted
24 on the indole ring to any extent, whether or not
25 substituted on the adamantyl ring to any extent:
26 including, but not limited to, APICA/2NE-1, STS-135;

1 (62) N-(adamantyl)-indazole-3-carboxamide with
2 substitution at a nitrogen atom of the indazole ring by
3 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
4 cycloalkylethyl, aryl halide, alkyl aryl halide,
5 1-(N-methyl-2-piperidinyl)methyl, or
6 2-(4-morpholinyl)ethyl, whether or not further substituted
7 on the indazole ring to any extent, whether or not
8 substituted on the adamantyl ring to any extent:
9 including, but not limited to, AKB48, 5F-AKB48;

10 (63) 1H-indole-3-carboxylic acid 8-quinolinyl ester
11 with substitution at the nitrogen atom of the indole ring
12 by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
13 cycloalkylethyl, aryl halide, alkyl aryl halide,
14 1-(N-methyl-2-piperidinyl)methyl, or
15 2-(4-morpholinyl)ethyl, whether or not further substituted
16 on the indole ring to any extent, whether or not
17 substituted on the quinoline ring to any extent:
18 including, but not limited to, PB22, 5F-PB22, FUB-PB-22;

19 (64) 3-(1-naphthoyl)indazole with substitution at the
20 nitrogen atom of the indazole ring by alkyl, haloalkyl,
21 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,
22 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or
23 2-(4-morpholinyl)ethyl, whether or not further substituted
24 on the indazole ring to any extent, whether or not
25 substituted on the naphthyl ring to any extent: including,
26 but not limited to, THJ-018, THJ-2201;

1 (65) 2-(1-naphthoyl)benzimidazole with substitution
2 at the nitrogen atom of the benzimidazole ring by alkyl,
3 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
4 aryl halide, alkyl aryl halide,
5 1-(N-methyl-2-piperidinyl)methyl, or
6 2-(4-morpholinyl)ethyl, whether or not further substituted
7 on the benzimidazole ring to any extent, whether or not
8 substituted on the naphthyl ring to any extent: including,
9 but not limited to, FUBIMINA;

10 (66)
11 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-
12 3-carboxamide with substitution on the nitrogen atom of
13 the indazole ring by alkyl, haloalkyl, alkenyl,
14 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
15 halide, 1-(N-methyl-2-piperidinyl)methyl, or
16 2-(4-morpholinyl)ethyl, whether or not further substituted
17 on the indazole ring to any extent: including, but not
18 limited to, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

19 (67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-
20 indazole-3-carboxamide with substitution on the nitrogen
21 atom of the indazole ring by alkyl, haloalkyl, alkenyl,
22 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
23 halide, 1-(N-methyl-2-piperidinyl)methyl, or
24 2-(4-morpholinyl)ethyl, whether or not further substituted
25 on the indazole ring to any extent: including, but not
26 limited to, ADB-PINACA, ADB-FUBINACA;

1 (68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-
2 indole-3-carboxamide with substitution on the nitrogen
3 atom of the indole ring by alkyl, haloalkyl, alkenyl,
4 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
5 halide, 1-(N-methyl-2-piperidinyl)methyl, or
6 2-(4-morpholinyl)ethyl, whether or not further substituted
7 on the indole ring to any extent: including, but not
8 limited to, ADBICA, 5F-ADBICA;

9 (69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-
10 3-carboxamide with substitution on the nitrogen atom of
11 the indole ring by alkyl, haloalkyl, alkenyl,
12 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
13 halide, 1-(N-methyl-2-piperidinyl)methyl, or
14 2-(4-morpholinyl)ethyl, whether or not further substituted
15 on the indole ring to any extent: including, but not
16 limited to, ABICA, 5F-ABICA;

17 (70) Methyl 2-(1H-indazole-3-carboxamido)-3-
18 methylbutanoate with substitution on the nitrogen atom of
19 the indazole ring by alkyl, haloalkyl, alkenyl,
20 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
21 halide, 1-(N-methyl-2-piperidinyl)methyl, or
22 2-(4-morpholinyl)ethyl, whether or not further substituted
23 on the indazole ring to any extent: including, but not
24 limited to, AMB, 5F-AMB;

25 (71) Methyl 2-(1H-indazole-3-carboxamido)-3,3-
26 dimethylbutanoate with substitution on the nitrogen atom

1 of the indazole ring by alkyl, haloalkyl, alkenyl,
2 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
3 halide, 1-(N-methyl-2-piperidinyl)methyl, or
4 2-(4-morpholinyl)ethyl, whether or not further substituted
5 on the indazole ring to any extent: including, but not
6 limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

7 (72) Methyl 2-(1H-indole-3-carboxamido)-3-
8 methylbutanoate with substitution on the nitrogen atom of
9 the indole ring by alkyl, haloalkyl, alkenyl,
10 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
11 halide, 1-(N-methyl-2-piperidinyl)methyl, or
12 2-(4-morpholinyl)ethyl, whether or not further substituted
13 on the indazole ring to any extent: including, but not
14 limited to, MMB018, MMB2201, and AMB-CHMICA;

15 (73) Methyl 2-(1H-indole-3-carboxamido)-3,3-
16 dimethylbutanoate with substitution on the nitrogen atom
17 of the indole ring by alkyl, haloalkyl, alkenyl,
18 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
19 halide, 1-(N-methyl-2-piperidinyl)methyl, or
20 2-(4-morpholinyl)ethyl, whether or not further substituted
21 on the indazole ring to any extent: including, but not
22 limited to, MDMB-CHMICA;

23 (74) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-
24 indazole-3-carboxamide with substitution on the nitrogen
25 atom of the indazole ring by alkyl, haloalkyl, alkenyl,
26 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl

1 halide, 1-(N-methyl-2-piperidinyl)methyl, or
2 2-(4-morpholinyl)ethyl, whether or not further substituted
3 on the indazole ring to any extent: including, but not
4 limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

5 (75) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-
6 3-carboxamide with substitution on the nitrogen atom of
7 the indole ring by alkyl, haloalkyl, alkenyl,
8 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl
9 halide, 1-(N-methyl-2-piperidinyl)methyl, or
10 2-(4-morpholinyl)ethyl, whether or not further substituted
11 on the indazole ring to any extent: including, but not
12 limited to, APP-PICA and 5-fluoro-APP-PICA;

13 (76) 4-Acetoxy-N,N-dimethyltryptamine: trade name
14 4-AcO-DMT;

15 (77) 5-Methoxy-N-methyl-N-isopropyltryptamine: trade
16 name 5-MeO-MIPT;

17 (78) 4-hydroxy Diethyltryptamine (4-HO-DET);

18 (79) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);

19 (80) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

20 (81) 4-hydroxy-N-methyl-N-isopropyltryptamine
21 (4-HO-MiPT);

22 (82) Fluorophenylpiperazine;

23 (83) Methoxetamine;

24 (84) 1-(Ethylamino)-2-phenylpropan-2-one (iso-
25 ethcathinone).

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) mecloqualone;

8 (2) methaqualone; and

9 (3) gamma hydroxybutyric acid.

10 (f) Unless specifically excepted or unless listed in
11 another schedule, any material, compound, mixture, or
12 preparation which contains any quantity of the following
13 substances having a stimulant effect on the central nervous
14 system, including its salts, isomers, and salts of isomers:

15 (1) Fenethylline;

16 (2) N-ethylamphetamine;

17 (3) Aminorex (some other names:

18 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

19 4-5-dihydro-5-phenyl-2-oxazolamine) and its

20 salts, optical isomers, and salts of optical isomers;

21 (4) Methcathinone (some other names:

22 2-methylamino-1-phenylpropan-1-one;

23 Ephedrone; 2-(methylamino)-propiofenone;

24 alpha-(methylamino)propiofenone; N-methylcathinone;

25 methcathinone; Monomethylpropion; UR 1431) and its

26 salts, optical isomers, and salts of optical isomers;

- 1 (5) Cathinone (some trade or other names:
2 2-aminopropiophenone; alpha-aminopropiophenone;
3 2-amino-1-phenyl-propanone; norephedrone);
- 4 (6) N,N-dimethylamphetamine (also known as:
5 N,N-alpha-trimethyl-benzeneethanamine;
6 N,N-alpha-trimethylphenethylamine);
- 7 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-
8 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);
- 9 (8) 3,4-Methylenedioxypropylamphetamine (MDPV);
- 10 (9) Halogenated amphetamines and
11 methamphetamines - any compound derived from either
12 amphetamine or methamphetamine through the substitution
13 of a halogen on the phenyl ring, including, but not
14 limited to, 2-fluoroamphetamine, 3-
15 fluoroamphetamine and 4-fluoroamphetamine;
- 16 (10) Aminopropylbenzofuran (APB):
17 including 4-(2-Aminopropyl) benzofuran, 5-
18 (2-Aminopropyl)benzofuran, 6-(2-Aminopropyl)
19 benzofuran, and 7-(2-Aminopropyl) benzofuran;
- 20 (11) Aminopropyl-dihydrobenzofuran (APDB):
21 including 4-(2-Aminopropyl)-2,3- dihydrobenzofuran,
22 5-(2-Aminopropyl)-2, 3-dihydrobenzofuran,
23 6-(2-Aminopropyl)-2,3-dihydrobenzofuran,
24 and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;
- 25 (12) Methylaminopropylbenzofuran
26 (MAPB): including 4-(2-methylaminopropyl)

1 benzofuran, 5-(2-methylaminopropyl)benzofuran,
2 6-(2-methylaminopropyl)benzofuran
3 and 7-(2-methylaminopropyl)benzofuran.

4 (g) Temporary listing of substances subject to emergency
5 scheduling. Any material, compound, mixture, or preparation
6 that contains any quantity of the following substances:

7 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
8 (benzylfentanyl), its optical isomers, isomers, salts, and
9 salts of isomers;

10 (2) N-[1(2-thienyl) methyl-4-piperidyl]-N-
11 phenylpropanamide (thenylfentanyl), its optical isomers,
12 salts, and salts of isomers.

13 (h) Synthetic cathinones. Unless specifically excepted,
14 any chemical compound which is not approved by the United
15 States Food and Drug Administration or, if approved, is not
16 dispensed or possessed in accordance with State or federal
17 law, not including bupropion, structurally derived from
18 2-aminopropan-1-one by substitution at the 1-position with
19 either phenyl, naphthyl, or thiophene ring systems, whether or
20 not the compound is further modified in one or more of the
21 following ways:

22 (1) by substitution in the ring system to any extent
23 with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or
24 halide substituents, whether or not further substituted in
25 the ring system by one or more other univalent
26 substituents. Examples of this class include, but are not

1 limited to, 3,4-Methylenedioxycathinone (bk-MDA);

2 (2) by substitution at the 3-position with an acyclic
3 alkyl substituent. Examples of this class include, but are
4 not limited to, 2-methylamino-1-phenylbutan-1-one
5 (buphedrone); or

6 (3) by substitution at the 2-amino nitrogen atom with
7 alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by
8 inclusion of the 2-amino nitrogen atom in a cyclic
9 structure. Examples of this class include, but are not
10 limited to, Dimethylcathinone, Ethcathinone, and
11 α -Pyrrolidinopropiophenone (α -PPP); or

12 Any other synthetic cathinone which is not approved by the
13 United States Food and Drug Administration or, if approved, is
14 not dispensed or possessed in accordance with State or federal
15 law.

16 (i) Synthetic cannabinoids or piperazines. Any synthetic
17 cannabinoid or piperazine which is not approved by the United
18 States Food and Drug Administration or, if approved, which is
19 not dispensed or possessed in accordance with State and
20 federal law.

21 (Source: P.A. 99-371, eff. 1-1-16; 100-201, eff. 8-18-17;
22 100-368, eff. 1-1-18; 100-789, eff. 1-1-19; 100-863, eff.
23 8-14-18.)

24 Section 995. No acceleration or delay. Where this Act
25 makes changes in a statute that is represented in this Act by

1 text that is not yet or no longer in effect (for example, a
2 Section represented by multiple versions), the use of that
3 text does not accelerate or delay the taking effect of (i) the
4 changes made by this Act or (ii) provisions derived from any
5 other Public Act.

6 Section 999. Effective date. This Act takes effect upon
7 becoming law.