



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB2612

Introduced 10/18/2023, by Sen. Willie Preston

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2630/5.2

30 ILCS 105/5.1015 new

30 ILCS 105/5.1016 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, 2025 (rather than January 1, 2023) and (ii) January 1, 2027 (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 34492 JAG 64324 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 1. Short title. 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, 2025 and ending no later than December  
24 31, 2026.

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, 2025, 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, 2025, 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, 2025, 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, 2026, 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, 2025, 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, 2026, 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, 2026, 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, 2028 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, 2028, 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, 2028, 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. 103-35)

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

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

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

20 (D) (blank).

21 (b) Expungement.

22 (1) A petitioner may petition the circuit court to  
23 expunge the records of his or her arrests and charges not  
24 initiated by arrest when each arrest or charge not  
25 initiated by arrest sought to be expunged resulted in: (i)  
26 acquittal, dismissal, or the petitioner's release without

1 charging, unless excluded by subsection (a)(3)(B); (ii) a  
2 conviction which was vacated or reversed, unless excluded  
3 by subsection (a)(3)(B); (iii) an order of supervision and  
4 such supervision was successfully completed by the  
5 petitioner, unless excluded by subsection (a)(3)(A) or  
6 (a)(3)(B); or (iv) an order of qualified probation (as  
7 defined in subsection (a)(1)(J)) and such probation was  
8 successfully completed by the petitioner.

9 (1.5) When a petitioner seeks to have a record of  
10 arrest expunged under this Section, and the offender has  
11 been convicted of a criminal offense, the State's Attorney  
12 may object to the expungement on the grounds that the  
13 records contain specific relevant information aside from  
14 the mere fact of the arrest.

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

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

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

26 (i) Those arrests or charges that resulted in

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

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

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

26 (C) When the arrest or charge not initiated by

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

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

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

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

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

1 offense available for public inspection.

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

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

25 (8) If the petitioner has been granted a certificate  
26 of innocence under Section 2-702 of the Code of Civil



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

6 (c) Sealing.

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

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

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

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

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

26 (D) Arrests or charges not initiated by arrest

1 resulting in convictions, including convictions on  
2 municipal ordinance violations, unless excluded by  
3 subsection (a) (3);

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

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

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

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

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

26 (C) Except as otherwise provided in subparagraph

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

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

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

1 sealing eligible records filed under this subparagraph  
2 is denied by the court, the time periods under  
3 subparagraph (B) or (C) shall apply to any subsequent  
4 petition for sealing filed by the petitioner.

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

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

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

21 (1) Filing the petition. Upon becoming eligible to  
22 petition for the expungement or sealing of records under  
23 this Section, the petitioner shall file a petition  
24 requesting the expungement or sealing of records with the  
25 clerk of the court where the arrests occurred or the  
26 charges were brought, or both. If arrests occurred or

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

7 (1.5) County fee waiver pilot program. From August 9,  
8 2019 (the effective date of Public Act 101-306) through  
9 December 31, 2020, in a county of 3,000,000 or more  
10 inhabitants, no fee shall be required to be paid by a  
11 petitioner if the records sought to be expunged or sealed  
12 were arrests resulting in release without charging or  
13 arrests or charges not initiated by arrest resulting in  
14 acquittal, dismissal, or conviction when the conviction  
15 was reversed or vacated, unless excluded by subsection  
16 (a)(3)(B). The provisions of this paragraph (1.5), other  
17 than this sentence, are inoperative on and after January  
18 1, 2022.

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

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

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

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

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

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

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

22 (4) Service of petition. The circuit court clerk shall  
23 promptly serve a copy of the petition and documentation to  
24 support the petition under subsection (e-5) or (e-6) on  
25 the State's Attorney or prosecutor charged with the duty  
26 of prosecuting the offense, the Illinois State Police, the

1           arresting agency and the chief legal officer of the unit  
2           of local government effecting the arrest.

3           (5) Objections.

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

12          (B) Objections to a petition to expunge or seal  
13          must be filed within 60 days of the date of service of  
14          the petition.

15          (6) Entry of order.

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

23          (B) Unless the State's Attorney or prosecutor, the  
24          Illinois State Police, the arresting agency, or the  
25          chief legal officer files an objection to the petition  
26          to expunge or seal within 60 days from the date of

1 service of the petition, the court shall enter an  
2 order granting or denying the petition.

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

20 (D) Notwithstanding any other provision of law,  
21 the court shall not deny a petition to expunge or seal  
22 under this Section because the petitioner has  
23 submitted a drug test taken within 30 days before the  
24 filing of the petition to expunge or seal that  
25 indicates a positive test for the presence of cannabis  
26 within the petitioner's body. In this subparagraph



1 (D), "cannabis" has the meaning ascribed to it in  
2 Section 3 of the Cannabis Control Act.

3 (7) Hearings. If an objection is filed, the court  
4 shall set a date for a hearing and notify the petitioner  
5 and all parties entitled to notice of the petition of the  
6 hearing date at least 30 days prior to the hearing. Prior  
7 to the hearing, the State's Attorney shall consult with  
8 the Illinois State Police as to the appropriateness of the  
9 relief sought in the petition to expunge or seal. At the  
10 hearing, the court shall hear evidence on whether the  
11 petition should or should not be granted, and shall grant  
12 or deny the petition to expunge or seal the records based  
13 on the evidence presented at the hearing. The court may  
14 consider the following:

15 (A) the strength of the evidence supporting the  
16 defendant's conviction;

17 (B) the reasons for retention of the conviction  
18 records by the State;

19 (C) the petitioner's age, criminal record history,  
20 and employment history;

21 (D) the period of time between the petitioner's  
22 arrest on the charge resulting in the conviction and  
23 the filing of the petition under this Section; and

24 (E) the specific adverse consequences the  
25 petitioner may be subject to if the petition is  
26 denied.

1           (8) Service of order. After entering an order to  
2 expunge or seal records, the court must provide copies of  
3 the order to the Illinois State Police, in a form and  
4 manner prescribed by the Illinois State Police, to the  
5 petitioner, to the State's Attorney or prosecutor charged  
6 with the duty of prosecuting the offense, to the arresting  
7 agency, to the chief legal officer of the unit of local  
8 government effecting the arrest, and to such other  
9 criminal justice agencies as may be ordered by the court.

10           (9) Implementation of order.

11           (A) Upon entry of an order to expunge records  
12 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
13 both:

14                   (i) the records shall be expunged (as defined  
15 in subsection (a) (1) (E)) by the arresting agency,  
16 the Illinois State Police, and any other agency as  
17 ordered by the court, within 60 days of the date of  
18 service of the order, unless a motion to vacate,  
19 modify, or reconsider the order is filed pursuant  
20 to paragraph (12) of subsection (d) of this  
21 Section;

22                   (ii) the records of the circuit court clerk  
23 shall be impounded until further order of the  
24 court upon good cause shown and the name of the  
25 petitioner obliterated on the official index  
26 required to be kept by the circuit court clerk

1 under Section 16 of the Clerks of Courts Act, but  
2 the order shall not affect any index issued by the  
3 circuit court clerk before the entry of the order;  
4 and

5 (iii) in response to an inquiry for expunged  
6 records, the court, the Illinois State Police, or  
7 the agency receiving such inquiry, shall reply as  
8 it does in response to inquiries when no records  
9 ever existed.

10 (B) Upon entry of an order to expunge records  
11 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or  
12 both:

13 (i) the records shall be expunged (as defined  
14 in subsection (a) (1) (E)) by the arresting agency  
15 and any other agency as ordered by the court,  
16 within 60 days of the date of service of the order,  
17 unless a motion to vacate, modify, or reconsider  
18 the order is filed pursuant to paragraph (12) of  
19 subsection (d) of this Section;

20 (ii) the records of the circuit court clerk  
21 shall be impounded until further order of the  
22 court upon good cause shown and the name of the  
23 petitioner obliterated on the official index  
24 required to be kept by the circuit court clerk  
25 under Section 16 of the Clerks of Courts Act, but  
26 the order shall not affect any index issued by the

1 circuit court clerk before the entry of the order;

2 (iii) the records shall be impounded by the  
3 Illinois State Police within 60 days of the date  
4 of service of the order as ordered by the court,  
5 unless a motion to vacate, modify, or reconsider  
6 the order is filed pursuant to paragraph (12) of  
7 subsection (d) of this Section;

8 (iv) records impounded by the Illinois State  
9 Police may be disseminated by the Illinois State  
10 Police only as required by law or to the arresting  
11 authority, the State's Attorney, and the court  
12 upon a later arrest for the same or a similar  
13 offense or for the purpose of sentencing for any  
14 subsequent felony, and to the Department of  
15 Corrections upon conviction for any offense; and

16 (v) in response to an inquiry for such records  
17 from anyone not authorized by law to access such  
18 records, the court, the Illinois State Police, or  
19 the agency receiving such inquiry shall reply as  
20 it does in response to inquiries when no records  
21 ever existed.

22 (B-5) Upon entry of an order to expunge records  
23 under subsection (e-6):

24 (i) the records shall be expunged (as defined  
25 in subsection (a)(1)(E)) by the arresting agency  
26 and any other agency as ordered by the court,

1 within 60 days of the date of service of the order,  
2 unless a motion to vacate, modify, or reconsider  
3 the order is filed under paragraph (12) of  
4 subsection (d) of this Section;

5 (ii) the records of the circuit court clerk  
6 shall be impounded until further order of the  
7 court upon good cause shown and the name of the  
8 petitioner obliterated on the official index  
9 required to be kept by the circuit court clerk  
10 under Section 16 of the Clerks of Courts Act, but  
11 the order shall not affect any index issued by the  
12 circuit court clerk before the entry of the order;

13 (iii) the records shall be impounded by the  
14 Illinois State Police within 60 days of the date  
15 of service of the order as ordered by the court,  
16 unless a motion to vacate, modify, or reconsider  
17 the order is filed under paragraph (12) of  
18 subsection (d) of this Section;

19 (iv) records impounded by the Illinois State  
20 Police may be disseminated by the Illinois State  
21 Police only as required by law or to the arresting  
22 authority, the State's Attorney, and the court  
23 upon a later arrest for the same or a similar  
24 offense or for the purpose of sentencing for any  
25 subsequent felony, and to the Department of  
26 Corrections upon conviction for any offense; and

1 (v) in response to an inquiry for these  
2 records from anyone not authorized by law to  
3 access the records, the court, the Illinois State  
4 Police, or the agency receiving the inquiry shall  
5 reply as it does in response to inquiries when no  
6 records ever existed.

7 (C) Upon entry of an order to seal records under  
8 subsection (c), the arresting agency, any other agency  
9 as ordered by the court, the Illinois State Police,  
10 and the court shall seal the records (as defined in  
11 subsection (a)(1)(K)). In response to an inquiry for  
12 such records, from anyone not authorized by law to  
13 access such records, the court, the Illinois State  
14 Police, or the agency receiving such inquiry shall  
15 reply as it does in response to inquiries when no  
16 records ever existed.

17 (D) The Illinois State Police shall send written  
18 notice to the petitioner of its compliance with each  
19 order to expunge or seal records within 60 days of the  
20 date of service of that order or, if a motion to  
21 vacate, modify, or reconsider is filed, within 60 days  
22 of service of the order resolving the motion, if that  
23 order requires the Illinois State Police to expunge or  
24 seal records. In the event of an appeal from the  
25 circuit court order, the Illinois State Police shall  
26 send written notice to the petitioner of its

1 compliance with an Appellate Court or Supreme Court  
2 judgment to expunge or seal records within 60 days of  
3 the issuance of the court's mandate. The notice is not  
4 required while any motion to vacate, modify, or  
5 reconsider, or any appeal or petition for  
6 discretionary appellate review, is pending.

7 (E) Upon motion, the court may order that a sealed  
8 judgment or other court record necessary to  
9 demonstrate the amount of any legal financial  
10 obligation due and owing be made available for the  
11 limited purpose of collecting any legal financial  
12 obligations owed by the petitioner that were  
13 established, imposed, or originated in the criminal  
14 proceeding for which those records have been sealed.  
15 The records made available under this subparagraph (E)  
16 shall not be entered into the official index required  
17 to be kept by the circuit court clerk under Section 16  
18 of the Clerks of Courts Act and shall be immediately  
19 re-impounded upon the collection of the outstanding  
20 financial obligations.

21 (F) Notwithstanding any other provision of this  
22 Section, a circuit court clerk may access a sealed  
23 record for the limited purpose of collecting payment  
24 for any legal financial obligations that were  
25 established, imposed, or originated in the criminal  
26 proceedings for which those records have been sealed.

1           (10) Fees. The Illinois State Police may charge the  
2 petitioner a fee equivalent to the cost of processing any  
3 order to expunge or seal records. Notwithstanding any  
4 provision of the Clerks of Courts Act to the contrary, the  
5 circuit court clerk may charge a fee equivalent to the  
6 cost associated with the sealing or expungement of records  
7 by the circuit court clerk. From the total filing fee  
8 collected for the petition to seal or expunge, the circuit  
9 court clerk shall deposit \$10 into the Circuit Court Clerk  
10 Operation and Administrative Fund, to be used to offset  
11 the costs incurred by the circuit court clerk in  
12 performing the additional duties required to serve the  
13 petition to seal or expunge on all parties. The circuit  
14 court clerk shall collect and remit the Illinois State  
15 Police portion of the fee to the State Treasurer and it  
16 shall be deposited in the State Police Services Fund. If  
17 the record brought under an expungement petition was  
18 previously sealed under this Section, the fee for the  
19 expungement petition for that same record shall be waived.

20           (11) Final Order. No court order issued under the  
21 expungement or sealing provisions of this Section shall  
22 become final for purposes of appeal until 30 days after  
23 service of the order on the petitioner and all parties  
24 entitled to notice of the petition.

25           (12) Motion to Vacate, Modify, or Reconsider. Under  
26 Section 2-1203 of the Code of Civil Procedure, the



1 petitioner or any party entitled to notice may file a  
2 motion to vacate, modify, or reconsider the order granting  
3 or denying the petition to expunge or seal within 60 days  
4 of service of the order. If filed more than 60 days after  
5 service of the order, a petition to vacate, modify, or  
6 reconsider shall comply with subsection (c) of Section  
7 2-1401 of the Code of Civil Procedure. Upon filing of a  
8 motion to vacate, modify, or reconsider, notice of the  
9 motion shall be served upon the petitioner and all parties  
10 entitled to notice of the petition.

11 (13) Effect of Order. An order granting a petition  
12 under the expungement or sealing provisions of this  
13 Section shall not be considered void because it fails to  
14 comply with the provisions of this Section or because of  
15 any error asserted in a motion to vacate, modify, or  
16 reconsider. The circuit court retains jurisdiction to  
17 determine whether the order is voidable and to vacate,  
18 modify, or reconsider its terms based on a motion filed  
19 under paragraph (12) of this subsection (d).

20 (14) Compliance with Order Granting Petition to Seal  
21 Records. Unless a court has entered a stay of an order  
22 granting a petition to seal, all parties entitled to  
23 notice of the petition must fully comply with the terms of  
24 the order within 60 days of service of the order even if a  
25 party is seeking relief from the order through a motion  
26 filed under paragraph (12) of this subsection (d) or is

1 appealing the order.

2 (15) Compliance with Order Granting Petition to  
3 Expunge Records. While a party is seeking relief from the  
4 order granting the petition to expunge through a motion  
5 filed under paragraph (12) of this subsection (d) or is  
6 appealing the order, and unless a court has entered a stay  
7 of that order, the parties entitled to notice of the  
8 petition must seal, but need not expunge, the records  
9 until there is a final order on the motion for relief or,  
10 in the case of an appeal, the issuance of that court's  
11 mandate.

12 (16) The changes to this subsection (d) made by Public  
13 Act 98-163 apply to all petitions pending on August 5,  
14 2013 (the effective date of Public Act 98-163) and to all  
15 orders ruling on a petition to expunge or seal on or after  
16 August 5, 2013 (the effective date of Public Act 98-163).

17 (e) Whenever a person who has been convicted of an offense  
18 is granted a pardon by the Governor which specifically  
19 authorizes expungement, he or she may, upon verified petition  
20 to the Chief Judge of the circuit where the person had been  
21 convicted, any judge of the circuit designated by the Chief  
22 Judge, or in counties of less than 3,000,000 inhabitants, the  
23 presiding trial judge at the defendant's trial, have a court  
24 order entered expunging the record of arrest from the official  
25 records of the arresting authority and order that the records  
26 of the circuit court clerk and the Illinois State Police be

1 sealed until further order of the court upon good cause shown  
2 or as otherwise provided herein, and the name of the defendant  
3 obliterated from the official index requested to be kept by  
4 the circuit court clerk under Section 16 of the Clerks of  
5 Courts Act in connection with the arrest and conviction for  
6 the offense for which he or she had been pardoned but the order  
7 shall not affect any index issued by the circuit court clerk  
8 before the entry of the order. All records sealed by the  
9 Illinois State Police may be disseminated by the Illinois  
10 State Police only to the arresting authority, the State's  
11 Attorney, and the court upon a later arrest for the same or  
12 similar offense or for the purpose of sentencing for any  
13 subsequent felony. Upon conviction for any subsequent offense,  
14 the Department of Corrections shall have access to all sealed  
15 records of the Illinois State Police pertaining to that  
16 individual. Upon entry of the order of expungement, the  
17 circuit court clerk shall promptly mail a copy of the order to  
18 the person who was pardoned.

19 (e-5) Whenever a person who has been convicted of an  
20 offense is granted a certificate of eligibility for sealing by  
21 the Prisoner Review Board which specifically authorizes  
22 sealing, he or she may, upon verified petition to the Chief  
23 Judge of the circuit where the person had been convicted, any  
24 judge of the circuit designated by the Chief Judge, or in  
25 counties of less than 3,000,000 inhabitants, the presiding  
26 trial judge at the petitioner's trial, have a court order

1 entered sealing the record of arrest from the official records  
2 of the arresting authority and order that the records of the  
3 circuit court clerk and the Illinois State Police be sealed  
4 until further order of the court upon good cause shown or as  
5 otherwise provided herein, and the name of the petitioner  
6 obliterated from the official index requested to be kept by  
7 the circuit court clerk under Section 16 of the Clerks of  
8 Courts Act in connection with the arrest and conviction for  
9 the offense for which he or she had been granted the  
10 certificate but the order shall not affect any index issued by  
11 the circuit court clerk before the entry of the order. All  
12 records sealed by the Illinois State Police may be  
13 disseminated by the Illinois State Police only as required by  
14 this Act or to the arresting authority, a law enforcement  
15 agency, the State's Attorney, and the court upon a later  
16 arrest for the same or similar offense or for the purpose of  
17 sentencing for any subsequent felony. Upon conviction for any  
18 subsequent offense, the Department of Corrections shall have  
19 access to all sealed records of the Illinois State Police  
20 pertaining to that individual. Upon entry of the order of  
21 sealing, the circuit court clerk shall promptly mail a copy of  
22 the order to the person who was granted the certificate of  
23 eligibility for sealing.

24 (e-6) Whenever a person who has been convicted of an  
25 offense is granted a certificate of eligibility for  
26 expungement by the Prisoner Review Board which specifically

1 authorizes expungement, he or she may, upon verified petition  
2 to the Chief Judge of the circuit where the person had been  
3 convicted, any judge of the circuit designated by the Chief  
4 Judge, or in counties of less than 3,000,000 inhabitants, the  
5 presiding trial judge at the petitioner's trial, have a court  
6 order entered expunging the record of arrest from the official  
7 records of the arresting authority and order that the records  
8 of the circuit court clerk and the Illinois State Police be  
9 sealed until further order of the court upon good cause shown  
10 or as otherwise provided herein, and the name of the  
11 petitioner obliterated from the official index requested to be  
12 kept by the circuit court clerk under Section 16 of the Clerks  
13 of Courts Act in connection with the arrest and conviction for  
14 the offense for which he or she had been granted the  
15 certificate but the order shall not affect any index issued by  
16 the circuit court clerk before the entry of the order. All  
17 records sealed by the Illinois State Police may be  
18 disseminated by the Illinois State Police only as required by  
19 this Act or to the arresting authority, a law enforcement  
20 agency, the State's Attorney, and the court upon a later  
21 arrest for the same or similar offense or for the purpose of  
22 sentencing for any subsequent felony. Upon conviction for any  
23 subsequent offense, the Department of Corrections shall have  
24 access to all expunged records of the Illinois State Police  
25 pertaining to that individual. Upon entry of the order of  
26 expungement, the circuit court clerk shall promptly mail a

1 copy of the order to the person who was granted the certificate  
2 of eligibility for expungement.

3 (f) Subject to available funding, the Illinois Department  
4 of Corrections shall conduct a study of the impact of sealing,  
5 especially on employment and recidivism rates, utilizing a  
6 random sample of those who apply for the sealing of their  
7 criminal records under Public Act 93-211. At the request of  
8 the Illinois Department of Corrections, records of the  
9 Illinois Department of Employment Security shall be utilized  
10 as appropriate to assist in the study. The study shall not  
11 disclose any data in a manner that would allow the  
12 identification of any particular individual or employing unit.  
13 The study shall be made available to the General Assembly no  
14 later than September 1, 2010.

15 (g) Immediate Sealing.

16 (1) Applicability. Notwithstanding any other provision  
17 of this Act to the contrary, and cumulative with any  
18 rights to expungement or sealing of criminal records, this  
19 subsection authorizes the immediate sealing of criminal  
20 records of adults and of minors prosecuted as adults.

21 (2) Eligible Records. Arrests or charges not initiated  
22 by arrest resulting in acquittal or dismissal with  
23 prejudice, except as excluded by subsection (a)(3)(B),  
24 that occur on or after January 1, 2018 (the effective date  
25 of Public Act 100-282), may be sealed immediately if the  
26 petition is filed with the circuit court clerk on the same

1 day and during the same hearing in which the case is  
2 disposed.

3 (3) When Records are Eligible to be Immediately  
4 Sealed. Eligible records under paragraph (2) of this  
5 subsection (g) may be sealed immediately after entry of  
6 the final disposition of a case, notwithstanding the  
7 disposition of other charges in the same case.

8 (4) Notice of Eligibility for Immediate Sealing. Upon  
9 entry of a disposition for an eligible record under this  
10 subsection (g), the defendant shall be informed by the  
11 court of his or her right to have eligible records  
12 immediately sealed and the procedure for the immediate  
13 sealing of these records.

14 (5) Procedure. The following procedures apply to  
15 immediate sealing under this subsection (g).

16 (A) Filing the Petition. Upon entry of the final  
17 disposition of the case, the defendant's attorney may  
18 immediately petition the court, on behalf of the  
19 defendant, for immediate sealing of eligible records  
20 under paragraph (2) of this subsection (g) that are  
21 entered on or after January 1, 2018 (the effective  
22 date of Public Act 100-282). The immediate sealing  
23 petition may be filed with the circuit court clerk  
24 during the hearing in which the final disposition of  
25 the case is entered. If the defendant's attorney does  
26 not file the petition for immediate sealing during the

1 hearing, the defendant may file a petition for sealing  
2 at any time as authorized under subsection (c) (3) (A).

3 (B) Contents of Petition. The immediate sealing  
4 petition shall be verified and shall contain the  
5 petitioner's name, date of birth, current address, and  
6 for each eligible record, the case number, the date of  
7 arrest if applicable, the identity of the arresting  
8 authority if applicable, and other information as the  
9 court may require.

10 (C) Drug Test. The petitioner shall not be  
11 required to attach proof that he or she has passed a  
12 drug test.

13 (D) Service of Petition. A copy of the petition  
14 shall be served on the State's Attorney in open court.  
15 The petitioner shall not be required to serve a copy of  
16 the petition on any other agency.

17 (E) Entry of Order. The presiding trial judge  
18 shall enter an order granting or denying the petition  
19 for immediate sealing during the hearing in which it  
20 is filed. Petitions for immediate sealing shall be  
21 ruled on in the same hearing in which the final  
22 disposition of the case is entered.

23 (F) Hearings. The court shall hear the petition  
24 for immediate sealing on the same day and during the  
25 same hearing in which the disposition is rendered.

26 (G) Service of Order. An order to immediately seal



1 eligible records shall be served in conformance with  
2 subsection (d) (8).

3 (H) Implementation of Order. An order to  
4 immediately seal records shall be implemented in  
5 conformance with subsections (d) (9) (C) and (d) (9) (D).

6 (I) Fees. The fee imposed by the circuit court  
7 clerk and the Illinois State Police shall comply with  
8 paragraph (1) of subsection (d) of this Section.

9 (J) Final Order. No court order issued under this  
10 subsection (g) shall become final for purposes of  
11 appeal until 30 days after service of the order on the  
12 petitioner and all parties entitled to service of the  
13 order in conformance with subsection (d) (8).

14 (K) Motion to Vacate, Modify, or Reconsider. Under  
15 Section 2-1203 of the Code of Civil Procedure, the  
16 petitioner, State's Attorney, or the Illinois State  
17 Police may file a motion to vacate, modify, or  
18 reconsider the order denying the petition to  
19 immediately seal within 60 days of service of the  
20 order. If filed more than 60 days after service of the  
21 order, a petition to vacate, modify, or reconsider  
22 shall comply with subsection (c) of Section 2-1401 of  
23 the Code of Civil Procedure.

24 (L) Effect of Order. An order granting an  
25 immediate sealing petition shall not be considered  
26 void because it fails to comply with the provisions of

1           this Section or because of an error asserted in a  
2           motion to vacate, modify, or reconsider. The circuit  
3           court retains jurisdiction to determine whether the  
4           order is voidable, and to vacate, modify, or  
5           reconsider its terms based on a motion filed under  
6           subparagraph (L) of this subsection (g).

7           (M) Compliance with Order Granting Petition to  
8           Seal Records. Unless a court has entered a stay of an  
9           order granting a petition to immediately seal, all  
10          parties entitled to service of the order must fully  
11          comply with the terms of the order within 60 days of  
12          service of the order.

13          (h) Sealing; trafficking victims.

14           (1) A trafficking victim as defined by paragraph (10)  
15          of subsection (a) of Section 10-9 of the Criminal Code of  
16          2012 shall be eligible to petition for immediate sealing  
17          of his or her criminal record upon the completion of his or  
18          her last sentence if his or her participation in the  
19          underlying offense was a direct result of human  
20          trafficking under Section 10-9 of the Criminal Code of  
21          2012 or a severe form of trafficking under the federal  
22          Trafficking Victims Protection Act.

23           (2) A petitioner under this subsection (h), in  
24          addition to the requirements provided under paragraph (4)  
25          of subsection (d) of this Section, shall include in his or  
26          her petition a clear and concise statement that: (A) he or

1 she was a victim of human trafficking at the time of the  
2 offense; and (B) that his or her participation in the  
3 offense was a direct result of human trafficking under  
4 Section 10-9 of the Criminal Code of 2012 or a severe form  
5 of trafficking under the federal Trafficking Victims  
6 Protection Act.

7 (3) If an objection is filed alleging that the  
8 petitioner is not entitled to immediate sealing under this  
9 subsection (h), the court shall conduct a hearing under  
10 paragraph (7) of subsection (d) of this Section and the  
11 court shall determine whether the petitioner is entitled  
12 to immediate sealing under this subsection (h). A  
13 petitioner is eligible for immediate relief under this  
14 subsection (h) if he or she shows, by a preponderance of  
15 the evidence, that: (A) he or she was a victim of human  
16 trafficking at the time of the offense; and (B) that his or  
17 her participation in the offense was a direct result of  
18 human trafficking under Section 10-9 of the Criminal Code  
19 of 2012 or a severe form of trafficking under the federal  
20 Trafficking Victims Protection Act.

21 (i) Minor Cannabis Offenses under the Cannabis Control  
22 Act.

23 (1) Expungement of Arrest Records of Minor Cannabis  
24 Offenses.

25 (A) The Illinois State Police and all law  
26 enforcement agencies within the State shall

1 automatically expunge all criminal history records of  
2 an arrest, charge not initiated by arrest, order of  
3 supervision, or order of qualified probation for a  
4 Minor Cannabis Offense committed prior to June 25,  
5 2019 (the effective date of Public Act 101-27) if:

6 (i) One year or more has elapsed since the  
7 date of the arrest or law enforcement interaction  
8 documented in the records; and

9 (ii) No criminal charges were filed relating  
10 to the arrest or law enforcement interaction or  
11 criminal charges were filed and subsequently  
12 dismissed or vacated or the arrestee was  
13 acquitted.

14 (B) If the law enforcement agency is unable to  
15 verify satisfaction of condition (ii) in paragraph  
16 (A), records that satisfy condition (i) in paragraph  
17 (A) shall be automatically expunged.

18 (C) Records shall be expunged by the law  
19 enforcement agency under the following timelines:

20 (i) Records created prior to June 25, 2019  
21 (the effective date of Public Act 101-27), but on  
22 or after January 1, 2013, shall be automatically  
23 expunged prior to January 1, 2021;

24 (ii) Records created prior to January 1, 2013,  
25 but on or after January 1, 2000, shall be  
26 automatically expunged prior to January 1, 2025

1           ~~2023;~~

2                   (iii) Records created prior to January 1, 2000  
3           shall be automatically expunged prior to January  
4           1, 2027 ~~2025~~.

5           In response to an inquiry for expunged records,  
6           the law enforcement agency receiving such inquiry  
7           shall reply as it does in response to inquiries when no  
8           records ever existed; however, it shall provide a  
9           certificate of disposition or confirmation that the  
10          record was expunged to the individual whose record was  
11          expunged if such a record exists.

12                  (D) Nothing in this Section shall be construed to  
13          restrict or modify an individual's right to have that  
14          individual's records expunged except as otherwise may  
15          be provided in this Act, or diminish or abrogate any  
16          rights or remedies otherwise available to the  
17          individual.

18                  (2) Pardons Authorizing Expungement of Minor Cannabis  
19          Offenses.

20                  (A) Upon June 25, 2019 (the effective date of  
21          Public Act 101-27), the Illinois ~~Department of~~ State  
22          Police shall review all criminal history record  
23          information and identify all records that meet all of  
24          the following criteria:

25                          (i) one or more convictions for a Minor  
26          Cannabis Offense;

1 (ii) the conviction identified in paragraph  
2 (2) (A) (i) did not include a penalty enhancement  
3 under Section 7 of the Cannabis Control Act; and

4 (iii) the conviction identified in paragraph  
5 (2) (A) (i) is not associated with a conviction for  
6 a violent crime as defined in subsection (c) of  
7 Section 3 of the Rights of Crime Victims and  
8 Witnesses Act.

9 (B) Within 180 days after June 25, 2019 (the  
10 effective date of Public Act 101-27), the Department  
11 of State Police shall notify the Prisoner Review Board  
12 of all such records that meet the criteria established  
13 in paragraph (2) (A).

14 (i) The Prisoner Review Board shall notify the  
15 State's Attorney of the county of conviction of  
16 each record identified by State Police in  
17 paragraph (2) (A) that is classified as a Class 4  
18 felony. The State's Attorney may provide a written  
19 objection to the Prisoner Review Board on the sole  
20 basis that the record identified does not meet the  
21 criteria established in paragraph (2) (A). Such an  
22 objection must be filed within 60 days or by such  
23 later date set by the Prisoner Review Board in the  
24 notice after the State's Attorney received notice  
25 from the Prisoner Review Board.

26 (ii) In response to a written objection from a

1 State's Attorney, the Prisoner Review Board is  
2 authorized to conduct a non-public hearing to  
3 evaluate the information provided in the  
4 objection.

5 (iii) The Prisoner Review Board shall make a  
6 confidential and privileged recommendation to the  
7 Governor as to whether to grant a pardon  
8 authorizing expungement for each of the records  
9 identified by the Illinois ~~Department of~~ State  
10 Police as described in paragraph (2) (A).

11 (C) If an individual has been granted a pardon  
12 authorizing expungement as described in this Section,  
13 the Prisoner Review Board, through the Attorney  
14 General, shall file a petition for expungement with  
15 the Chief Judge of the circuit or any judge of the  
16 circuit designated by the Chief Judge where the  
17 individual had been convicted. Such petition may  
18 include more than one individual. Whenever an  
19 individual who has been convicted of an offense is  
20 granted a pardon by the Governor that specifically  
21 authorizes expungement, an objection to the petition  
22 may not be filed. Petitions to expunge under this  
23 subsection (i) may include more than one individual.  
24 Within 90 days of the filing of such a petition, the  
25 court shall enter an order expunging the records of  
26 arrest from the official records of the arresting

1 authority and order that the records of the circuit  
2 court clerk and the Illinois State Police be expunged  
3 and the name of the defendant obliterated from the  
4 official index requested to be kept by the circuit  
5 court clerk under Section 16 of the Clerks of Courts  
6 Act in connection with the arrest and conviction for  
7 the offense for which the individual had received a  
8 pardon but the order shall not affect any index issued  
9 by the circuit court clerk before the entry of the  
10 order. Upon entry of the order of expungement, the  
11 circuit court clerk shall promptly provide a copy of  
12 the order and a certificate of disposition to the  
13 individual who was pardoned to the individual's last  
14 known address or by electronic means (if available) or  
15 otherwise make it available to the individual upon  
16 request.

17 (D) Nothing in this Section is intended to  
18 diminish or abrogate any rights or remedies otherwise  
19 available to the individual.

20 (3) Any individual may file a motion to vacate and  
21 expunge a conviction for a misdemeanor or Class 4 felony  
22 violation of Section 4 or Section 5 of the Cannabis  
23 Control Act. Motions to vacate and expunge under this  
24 subsection (i) may be filed with the circuit court, Chief  
25 Judge of a judicial circuit or any judge of the circuit  
26 designated by the Chief Judge. The circuit court clerk



1 shall promptly serve a copy of the motion to vacate and  
2 expunge, and any supporting documentation, on the State's  
3 Attorney or prosecutor charged with the duty of  
4 prosecuting the offense. When considering such a motion to  
5 vacate and expunge, a court shall consider the following:  
6 the reasons to retain the records provided by law  
7 enforcement, the petitioner's age, the petitioner's age at  
8 the time of offense, the time since the conviction, and  
9 the specific adverse consequences if denied. An individual  
10 may file such a petition after the completion of any  
11 non-financial sentence or non-financial condition imposed  
12 by the conviction. Within 60 days of the filing of such  
13 motion, a State's Attorney may file an objection to such a  
14 petition along with supporting evidence. If a motion to  
15 vacate and expunge is granted, the records shall be  
16 expunged in accordance with subparagraphs (d)(8) and  
17 (d)(9)(A) of this Section. An agency providing civil legal  
18 aid, as defined by Section 15 of the Public Interest  
19 Attorney Assistance Act, assisting individuals seeking to  
20 file a motion to vacate and expunge under this subsection  
21 may file motions to vacate and expunge with the Chief  
22 Judge of a judicial circuit or any judge of the circuit  
23 designated by the Chief Judge, and the motion may include  
24 more than one individual. Motions filed by an agency  
25 providing civil legal aid concerning more than one  
26 individual may be prepared, presented, and signed

1 electronically.

2 (4) Any State's Attorney may file a motion to vacate  
3 and expunge a conviction for a misdemeanor or Class 4  
4 felony violation of Section 4 or Section 5 of the Cannabis  
5 Control Act. Motions to vacate and expunge under this  
6 subsection (i) may be filed with the circuit court, Chief  
7 Judge of a judicial circuit or any judge of the circuit  
8 designated by the Chief Judge, and may include more than  
9 one individual. Motions filed by a State's Attorney  
10 concerning more than one individual may be prepared,  
11 presented, and signed electronically. When considering  
12 such a motion to vacate and expunge, a court shall  
13 consider the following: the reasons to retain the records  
14 provided by law enforcement, the individual's age, the  
15 individual's age at the time of offense, the time since  
16 the conviction, and the specific adverse consequences if  
17 denied. Upon entry of an order granting a motion to vacate  
18 and expunge records pursuant to this Section, the State's  
19 Attorney shall notify the Prisoner Review Board within 30  
20 days. Upon entry of the order of expungement, the circuit  
21 court clerk shall promptly provide a copy of the order and  
22 a certificate of disposition to the individual whose  
23 records will be expunged to the individual's last known  
24 address or by electronic means (if available) or otherwise  
25 make available to the individual upon request. If a motion  
26 to vacate and expunge is granted, the records shall be

1 expunged in accordance with subparagraphs (d)(8) and  
2 (d)(9)(A) of this Section.

3 (5) In the public interest, the State's Attorney of a  
4 county has standing to file motions to vacate and expunge  
5 pursuant to this Section in the circuit court with  
6 jurisdiction over the underlying conviction.

7 (6) If a person is arrested for a Minor Cannabis  
8 Offense as defined in this Section before June 25, 2019  
9 (the effective date of Public Act 101-27) and the person's  
10 case is still pending but a sentence has not been imposed,  
11 the person may petition the court in which the charges are  
12 pending for an order to summarily dismiss those charges  
13 against him or her, and expunge all official records of  
14 his or her arrest, plea, trial, conviction, incarceration,  
15 supervision, or expungement. If the court determines, upon  
16 review, that: (A) the person was arrested before June 25,  
17 2019 (the effective date of Public Act 101-27) for an  
18 offense that has been made eligible for expungement; (B)  
19 the case is pending at the time; and (C) the person has not  
20 been sentenced of the minor cannabis violation eligible  
21 for expungement under this subsection, the court shall  
22 consider the following: the reasons to retain the records  
23 provided by law enforcement, the petitioner's age, the  
24 petitioner's age at the time of offense, the time since  
25 the conviction, and the specific adverse consequences if  
26 denied. If a motion to dismiss and expunge is granted, the

1 records shall be expunged in accordance with subparagraph  
2 (d) (9) (A) of this Section.

3 (7) A person imprisoned solely as a result of one or  
4 more convictions for Minor Cannabis Offenses under this  
5 subsection (i) shall be released from incarceration upon  
6 the issuance of an order under this subsection.

7 (8) The Illinois State Police shall allow a person to  
8 use the access and review process, established in the  
9 Illinois State Police, for verifying that his or her  
10 records relating to Minor Cannabis Offenses of the  
11 Cannabis Control Act eligible under this Section have been  
12 expunged.

13 (9) 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 (10) Effect of Expungement. A person's right to  
17 expunge an expungeable offense shall not be limited under  
18 this Section. The effect of an order of expungement shall  
19 be to restore the person to the status he or she occupied  
20 before the arrest, charge, or conviction.

21 (11) Information. The Illinois State Police shall post  
22 general information on its website about the expungement  
23 process described in this subsection (i).

24 (j) Felony Prostitution Convictions.

25 (1) Any individual may file a motion to vacate and  
26 expunge a conviction for a prior Class 4 felony violation

1 of prostitution. Motions to vacate and expunge under this  
2 subsection (j) may be filed with the circuit court, Chief  
3 Judge of a judicial circuit, or any judge of the circuit  
4 designated by the Chief Judge. When considering the motion  
5 to vacate and expunge, a court shall consider the  
6 following:

7 (A) the reasons to retain the records provided by  
8 law enforcement;

9 (B) the petitioner's age;

10 (C) the petitioner's age at the time of offense;  
11 and

12 (D) the time since the conviction, and the  
13 specific adverse consequences if denied. An individual  
14 may file the petition after the completion of any  
15 sentence or condition imposed by the conviction.  
16 Within 60 days of the filing of the motion, a State's  
17 Attorney may file an objection to the petition along  
18 with supporting evidence. If a motion to vacate and  
19 expunge is granted, the records shall be expunged in  
20 accordance with subparagraph (d)(9)(A) of this  
21 Section. An agency providing civil legal aid, as  
22 defined in Section 15 of the Public Interest Attorney  
23 Assistance Act, assisting individuals seeking to file  
24 a motion to vacate and expunge under this subsection  
25 may file motions to vacate and expunge with the Chief  
26 Judge of a judicial circuit or any judge of the circuit

1 designated by the Chief Judge, and the motion may  
2 include more than one individual.

3 (2) Any State's Attorney may file a motion to vacate  
4 and expunge a conviction for a Class 4 felony violation of  
5 prostitution. Motions to vacate and expunge under this  
6 subsection (j) may be filed with the circuit court, Chief  
7 Judge of a judicial circuit, or any judge of the circuit  
8 court designated by the Chief Judge, and may include more  
9 than one individual. When considering the motion to vacate  
10 and expunge, a court shall consider the following reasons:

11 (A) the reasons to retain the records provided by  
12 law enforcement;

13 (B) the petitioner's age;

14 (C) the petitioner's age at the time of offense;

15 (D) the time since the conviction; and

16 (E) the specific adverse consequences if denied.

17 If the State's Attorney files a motion to vacate and  
18 expunge records for felony prostitution convictions  
19 pursuant to this Section, the State's Attorney shall  
20 notify the Prisoner Review Board within 30 days of the  
21 filing. If a motion to vacate and expunge is granted, the  
22 records shall be expunged in accordance with subparagraph  
23 (d) (9) (A) of this Section.

24 (3) In the public interest, the State's Attorney of a  
25 county has standing to file motions to vacate and expunge  
26 pursuant to this Section in the circuit court with

1 jurisdiction over the underlying conviction.

2 (4) The Illinois State Police shall allow a person to  
3 a use the access and review process, established in the  
4 Illinois State Police, for verifying that his or her  
5 records relating to felony prostitution eligible under  
6 this Section have been expunged.

7 (5) 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 (6) Effect of Expungement. A person's right to expunge  
11 an expungeable offense shall not be limited under this  
12 Section. The effect of an order of expungement shall be to  
13 restore the person to the status he or she occupied before  
14 the arrest, charge, or conviction.

15 (7) Information. The Illinois State Police shall post  
16 general information on its website about the expungement  
17 process described in this subsection (j).

18 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
19 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
20 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;  
21 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.  
22 5-13-22; 102-933, eff. 1-1-23; 130-154, eff. 6-30-23.)

23 (Text of Section after amendment by P.A. 103-35)  
24 Sec. 5.2. Expungement, sealing, and immediate sealing.

25 (a) General Provisions.

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

4           (A) The following terms shall have the meanings  
5 ascribed to them in the following Sections of the  
6 Unified Code of Corrections:

7           Business Offense, Section 5-1-2.

8           Charge, Section 5-1-3.

9           Court, Section 5-1-6.

10          Defendant, Section 5-1-7.

11          Felony, Section 5-1-9.

12          Imprisonment, Section 5-1-10.

13          Judgment, Section 5-1-12.

14          Misdemeanor, Section 5-1-14.

15          Offense, Section 5-1-15.

16          Parole, Section 5-1-16.

17          Petty Offense, Section 5-1-17.

18          Probation, Section 5-1-18.

19          Sentence, Section 5-1-19.

20          Supervision, Section 5-1-21.

21          Victim, Section 5-1-22.

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



1 (C) "Conviction" means a judgment of conviction or  
2 sentence entered upon a plea of guilty or upon a  
3 verdict or finding of guilty of an offense, rendered  
4 by a legally constituted jury or by a court of  
5 competent jurisdiction authorized to try the case  
6 without a jury. An order of supervision successfully  
7 completed by the petitioner is not a conviction. An  
8 order of qualified probation (as defined in subsection  
9 (a)(1)(J)) successfully completed by the petitioner is  
10 not a conviction. An order of supervision or an order  
11 of qualified probation that is terminated  
12 unsatisfactorily is a conviction, unless the  
13 unsatisfactory termination is reversed, vacated, or  
14 modified and the judgment of conviction, if any, is  
15 reversed or vacated.

16 (D) "Criminal offense" means a petty offense,  
17 business offense, misdemeanor, felony, or municipal  
18 ordinance violation (as defined in subsection  
19 (a)(1)(H)). As used in this Section, a minor traffic  
20 offense (as defined in subsection (a)(1)(G)) shall not  
21 be considered a criminal offense.

22 (E) "Expunge" means to physically destroy the  
23 records or return them to the petitioner and to  
24 obliterate the petitioner's name from any official  
25 index or public record, or both. Nothing in this Act  
26 shall require the physical destruction of the circuit

1 court file, but such records relating to arrests or  
2 charges, or both, ordered expunged shall be impounded  
3 as required by subsections (d)(9)(A)(ii) and  
4 (d)(9)(B)(ii).

5 (F) As used in this Section, "last sentence" means  
6 the sentence, order of supervision, or order of  
7 qualified probation (as defined by subsection  
8 (a)(1)(J)), for a criminal offense (as defined by  
9 subsection (a)(1)(D)) that terminates last in time in  
10 any jurisdiction, regardless of whether the petitioner  
11 has included the criminal offense for which the  
12 sentence or order of supervision or qualified  
13 probation was imposed in his or her petition. If  
14 multiple sentences, orders of supervision, or orders  
15 of qualified probation terminate on the same day and  
16 are last in time, they shall be collectively  
17 considered the "last sentence" regardless of whether  
18 they were ordered to run concurrently.

19 (G) "Minor traffic offense" means a petty offense,  
20 business offense, or Class C misdemeanor under the  
21 Illinois Vehicle Code or a similar provision of a  
22 municipal or local ordinance.

23 (G-5) "Minor Cannabis Offense" means a violation  
24 of Section 4 or 5 of the Cannabis Control Act  
25 concerning not more than 30 grams of any substance  
26 containing cannabis, provided the violation did not

1 include a penalty enhancement under Section 7 of the  
2 Cannabis Control Act and is not associated with an  
3 arrest, conviction or other disposition for a violent  
4 crime as defined in subsection (c) of Section 3 of the  
5 Rights of Crime Victims and Witnesses Act.

6 (H) "Municipal ordinance violation" means an  
7 offense defined by a municipal or local ordinance that  
8 is criminal in nature and with which the petitioner  
9 was charged or for which the petitioner was arrested  
10 and released without charging.

11 (I) "Petitioner" means an adult or a minor  
12 prosecuted as an adult who has applied for relief  
13 under this Section.

14 (J) "Qualified probation" means an order of  
15 probation under Section 10 of the Cannabis Control  
16 Act, Section 410 of the Illinois Controlled Substances  
17 Act, Section 70 of the Methamphetamine Control and  
18 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
19 of the Unified Code of Corrections, Section  
20 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as  
21 those provisions existed before their deletion by  
22 Public Act 89-313), Section 10-102 of the Illinois  
23 Alcoholism and Other Drug Dependency Act, Section  
24 40-10 of the Substance Use Disorder Act, or Section 10  
25 of the Steroid Control Act. For the purpose of this  
26 Section, "successful completion" of an order of

1 qualified probation under Section 10-102 of the  
2 Illinois Alcoholism and Other Drug Dependency Act and  
3 Section 40-10 of the Substance Use Disorder Act means  
4 that the probation was terminated satisfactorily and  
5 the judgment of conviction was vacated.

6 (K) "Seal" means to physically and electronically  
7 maintain the records, unless the records would  
8 otherwise be destroyed due to age, but to make the  
9 records unavailable without a court order, subject to  
10 the exceptions in Sections 12 and 13 of this Act. The  
11 petitioner's name shall also be obliterated from the  
12 official index required to be kept by the circuit  
13 court clerk under Section 16 of the Clerks of Courts  
14 Act, but any index issued by the circuit court clerk  
15 before the entry of the order to seal shall not be  
16 affected.

17 (L) "Sexual offense committed against a minor"  
18 includes, but is not limited to, the offenses of  
19 indecent solicitation of a child or criminal sexual  
20 abuse when the victim of such offense is under 18 years  
21 of age.

22 (M) "Terminate" as it relates to a sentence or  
23 order of supervision or qualified probation includes  
24 either satisfactory or unsatisfactory termination of  
25 the sentence, unless otherwise specified in this  
26 Section. A sentence is terminated notwithstanding any

1 outstanding financial legal obligation.

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

6 (2.5) Commencing 180 days after July 29, 2016 (the  
7 effective date of Public Act 99-697), the law enforcement  
8 agency issuing the citation shall automatically expunge,  
9 on or before January 1 and July 1 of each year, the law  
10 enforcement records of a person found to have committed a  
11 civil law violation of subsection (a) of Section 4 of the  
12 Cannabis Control Act or subsection (c) of Section 3.5 of  
13 the Drug Paraphernalia Control Act in the law enforcement  
14 agency's possession or control and which contains the  
15 final satisfactory disposition which pertain to the person  
16 issued a citation for that offense. The law enforcement  
17 agency shall provide by rule the process for access,  
18 review, and to confirm the automatic expungement by the  
19 law enforcement agency issuing the citation. Commencing  
20 180 days after July 29, 2016 (the effective date of Public  
21 Act 99-697), the clerk of the circuit court shall expunge,  
22 upon order of the court, or in the absence of a court order  
23 on or before January 1 and July 1 of each year, the court  
24 records of a person found in the circuit court to have  
25 committed a civil law violation of subsection (a) of  
26 Section 4 of the Cannabis Control Act or subsection (c) of

1 Section 3.5 of the Drug Paraphernalia Control Act in the  
2 clerk's possession or control and which contains the final  
3 satisfactory disposition which pertain to the person  
4 issued a citation for any of those offenses.

5 (2.6) Commencing 180 days after the effective date  
6 of this amendatory Act of the 103rd General Assembly, the  
7 law enforcement agency issuing the citation shall  
8 automatically expunge, on or before January 1 and July 1  
9 of each year, the law enforcement records of a person  
10 found to have committed a violation of subsection (e) of  
11 Section 401 of the Illinois Controlled Substances Act by  
12 possessing psilocybin and psilocin or of subsection (a) of  
13 Section 3.5 of the Drug Paraphernalia Control Act by  
14 possessing paraphernalia used in relation to psilocybin  
15 and psilocin in the law enforcement agency's possession or  
16 control and which contains the final satisfactory  
17 disposition which pertain to the person issued a citation  
18 for that offense. The law enforcement agency shall provide  
19 by rule the process for access, review, and to confirm the  
20 automatic expungement by the law enforcement agency  
21 issuing the citation. Commencing 180 days after the  
22 effective date of this amendatory Act of the 103rd General  
23 Assembly, the clerk of the circuit court shall expunge,  
24 upon order of the court, or in the absence of a court order  
25 on or before January 1 and July 1 of each year, the court  
26 records of a person found in the circuit court to have

1       committed a violation of subsection (e) of Section 401 of  
2       the Illinois Controlled Substances Act by possessing  
3       psilocybin and psilocin or of subsection (a) of Section  
4       3.5 of the Drug Paraphernalia Control Act by possessing  
5       paraphernalia used in relation to psilocybin and psilocin  
6       in the clerk's possession or control and which contains  
7       the final satisfactory disposition which pertain to the  
8       person issued a citation for any of those offenses.

9           (3) Exclusions. Except as otherwise provided in  
10       subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
11       of this Section, the court shall not order:

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

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

5 (C) the sealing of the records of arrests or  
6 charges not initiated by arrest which result in an  
7 order of supervision or a conviction for the following  
8 offenses:

9 (i) offenses included in Article 11 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012  
11 or a similar provision of a local ordinance,  
12 except Section 11-14 and a misdemeanor violation  
13 of Section 11-30 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012, or a similar provision  
15 of a local ordinance;

16 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
17 26-5, or 48-1 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, or a similar provision of a  
19 local ordinance;

20 (iii) Section 12-3.1 or 12-3.2 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012, or  
22 Section 125 of the Stalking No Contact Order Act,  
23 or Section 219 of the Civil No Contact Order Act,  
24 or a similar provision of a local ordinance;

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



1 (v) any offense or attempted offense that  
2 would subject a person to registration under the  
3 Sex Offender Registration Act.

4 (D) (blank).

5 (b) Expungement.

6 (1) A petitioner may petition the circuit court to  
7 expunge the records of his or her arrests and charges not  
8 initiated by arrest when each arrest or charge not  
9 initiated by arrest sought to be expunged resulted in: (i)  
10 acquittal, dismissal, or the petitioner's release without  
11 charging, unless excluded by subsection (a)(3)(B); (ii) a  
12 conviction which was vacated or reversed, unless excluded  
13 by subsection (a)(3)(B); (iii) an order of supervision and  
14 such supervision was successfully completed by the  
15 petitioner, unless excluded by subsection (a)(3)(A) or  
16 (a)(3)(B); or (iv) an order of qualified probation (as  
17 defined in subsection (a)(1)(J)) and such probation was  
18 successfully completed by the petitioner.

19 (1.5) When a petitioner seeks to have a record of  
20 arrest expunged under this Section, and the offender has  
21 been convicted of a criminal offense, the State's Attorney  
22 may object to the expungement on the grounds that the  
23 records contain specific relevant information aside from  
24 the mere fact of the arrest.

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

26 (A) When the arrest or charge not initiated by

1           arrest sought to be expunged resulted in an acquittal,  
2           dismissal, the petitioner's release without charging,  
3           or the reversal or vacation of a conviction, there is  
4           no waiting period to petition for the expungement of  
5           such records.

6           (B) When the arrest or charge not initiated by  
7           arrest sought to be expunged resulted in an order of  
8           supervision, successfully completed by the petitioner,  
9           the following time frames will apply:

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

20           (i-5) Those arrests or charges that resulted  
21           in orders of supervision for a misdemeanor  
22           violation of subsection (a) of Section 11-503 of  
23           the Illinois Vehicle Code or a similar provision  
24           of a local ordinance, that occurred prior to the  
25           offender reaching the age of 25 years and the  
26           offender has no other conviction for violating

1 Section 11-501 or 11-503 of the Illinois Vehicle  
2 Code or a similar provision of a local ordinance  
3 shall not be eligible for expungement until the  
4 petitioner has reached the age of 25 years.

5 (ii) Those arrests or charges that resulted in  
6 orders of supervision for any other offenses shall  
7 not be eligible for expungement until 2 years have  
8 passed following the satisfactory termination of  
9 the supervision.

10 (C) When the arrest or charge not initiated by  
11 arrest sought to be expunged resulted in an order of  
12 qualified probation, successfully completed by the  
13 petitioner, such records shall not be eligible for  
14 expungement until 5 years have passed following the  
15 satisfactory termination of the probation.

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

20 (4) Whenever a person has been arrested for or  
21 convicted of any offense, in the name of a person whose  
22 identity he or she has stolen or otherwise come into  
23 possession of, the aggrieved person from whom the identity  
24 was stolen or otherwise obtained without authorization,  
25 upon learning of the person having been arrested using his  
26 or her identity, may, upon verified petition to the chief

1 judge of the circuit wherein the arrest was made, have a  
2 court order entered nunc pro tunc by the Chief Judge to  
3 correct the arrest record, conviction record, if any, and  
4 all official records of the arresting authority, the  
5 Illinois State Police, other criminal justice agencies,  
6 the prosecutor, and the trial court concerning such  
7 arrest, if any, by removing his or her name from all such  
8 records in connection with the arrest and conviction, if  
9 any, and by inserting in the records the name of the  
10 offender, if known or ascertainable, in lieu of the  
11 aggrieved's name. The records of the circuit court clerk  
12 shall be sealed until further order of the court upon good  
13 cause shown and the name of the aggrieved person  
14 obliterated on the official index required to be kept by  
15 the circuit court clerk under Section 16 of the Clerks of  
16 Courts Act, but the order shall not affect any index  
17 issued by the circuit court clerk before the entry of the  
18 order. Nothing in this Section shall limit the Illinois  
19 State Police or other criminal justice agencies or  
20 prosecutors from listing under an offender's name the  
21 false names he or she has used.

22 (5) Whenever a person has been convicted of criminal  
23 sexual assault, aggravated criminal sexual assault,  
24 predatory criminal sexual assault of a child, criminal  
25 sexual abuse, or aggravated criminal sexual abuse, the  
26 victim of that offense may request that the State's

1 Attorney of the county in which the conviction occurred  
2 file a verified petition with the presiding trial judge at  
3 the petitioner's trial to have a court order entered to  
4 seal the records of the circuit court clerk in connection  
5 with the proceedings of the trial court concerning that  
6 offense. However, the records of the arresting authority  
7 and the Illinois State Police concerning the offense shall  
8 not be sealed. The court, upon good cause shown, shall  
9 make the records of the circuit court clerk in connection  
10 with the proceedings of the trial court concerning the  
11 offense available for public inspection.

12 (6) If a conviction has been set aside on direct  
13 review or on collateral attack and the court determines by  
14 clear and convincing evidence that the petitioner was  
15 factually innocent of the charge, the court that finds the  
16 petitioner factually innocent of the charge shall enter an  
17 expungement order for the conviction for which the  
18 petitioner has been determined to be innocent as provided  
19 in subsection (b) of Section 5-5-4 of the Unified Code of  
20 Corrections.

21 (7) Nothing in this Section shall prevent the Illinois  
22 State Police from maintaining all records of any person  
23 who is admitted to probation upon terms and conditions and  
24 who fulfills those terms and conditions pursuant to  
25 Section 10 of the Cannabis Control Act, Section 410 of the  
26 Illinois Controlled Substances Act, Section 70 of the

1 Methamphetamine Control and Community Protection Act,  
2 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
3 Corrections, Section 12-4.3 or subdivision (b)(1) of  
4 Section 12-3.05 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, Section 10-102 of the Illinois  
6 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
7 the Substance Use Disorder Act, or Section 10 of the  
8 Steroid Control Act.

9 (8) If the petitioner has been granted a certificate  
10 of innocence under Section 2-702 of the Code of Civil  
11 Procedure, the court that grants the certificate of  
12 innocence shall also enter an order expunging the  
13 conviction for which the petitioner has been determined to  
14 be innocent as provided in subsection (h) of Section 2-702  
15 of the Code of Civil Procedure.

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision  
18 of this Act to the contrary, and cumulative with any  
19 rights to expungement of criminal records, this subsection  
20 authorizes the sealing of criminal records of adults and  
21 of minors prosecuted as adults. Subsection (g) of this  
22 Section provides for immediate sealing of certain records.

23 (2) Eligible Records. The following records may be  
24 sealed:

25 (A) All arrests resulting in release without  
26 charging;

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

5 (C) Arrests or charges not initiated by arrest  
6 resulting in orders of supervision, including orders  
7 of supervision for municipal ordinance violations,  
8 successfully completed by the petitioner, unless  
9 excluded by subsection (a) (3);

10 (D) Arrests or charges not initiated by arrest  
11 resulting in convictions, including convictions on  
12 municipal ordinance violations, unless excluded by  
13 subsection (a) (3);

14 (E) Arrests or charges not initiated by arrest  
15 resulting in orders of first offender probation under  
16 Section 10 of the Cannabis Control Act, Section 410 of  
17 the Illinois Controlled Substances Act, Section 70 of  
18 the Methamphetamine Control and Community Protection  
19 Act, or Section 5-6-3.3 of the Unified Code of  
20 Corrections; and

21 (F) Arrests or charges not initiated by arrest  
22 resulting in felony convictions unless otherwise  
23 excluded by subsection (a) paragraph (3) of this  
24 Section.

25 (3) When Records Are Eligible to Be Sealed. Records  
26 identified as eligible under subsection (c) (2) may be

1 sealed as follows:

2 (A) Records identified as eligible under  
3 subsections (c)(2)(A) and (c)(2)(B) may be sealed at  
4 any time.

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

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

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

24 (E) Records identified as eligible under  
25 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
26 (c)(2)(F) may be sealed upon termination of the



1 petitioner's last sentence if the petitioner earned a  
2 high school diploma, associate's degree, career  
3 certificate, vocational technical certification, or  
4 bachelor's degree, or passed the high school level  
5 Test of General Educational Development, during the  
6 period of his or her sentence or mandatory supervised  
7 release. This subparagraph shall apply only to a  
8 petitioner who has not completed the same educational  
9 goal prior to the period of his or her sentence or  
10 mandatory supervised release. If a petition for  
11 sealing eligible records filed under this subparagraph  
12 is denied by the court, the time periods under  
13 subparagraph (B) or (C) shall apply to any subsequent  
14 petition for sealing filed by the petitioner.

15 (4) Subsequent felony convictions. A person may not  
16 have subsequent felony conviction records sealed as  
17 provided in this subsection (c) if he or she is convicted  
18 of any felony offense after the date of the sealing of  
19 prior felony convictions as provided in this subsection  
20 (c). The court may, upon conviction for a subsequent  
21 felony offense, order the unsealing of prior felony  
22 conviction records previously ordered sealed by the court.

23 (5) Notice of eligibility for sealing. Upon entry of a  
24 disposition for an eligible record under this subsection  
25 (c), the petitioner shall be informed by the court of the  
26 right to have the records sealed and the procedures for

1 the sealing of the records.

2 (d) Procedure. The following procedures apply to  
3 expungement under subsections (b), (e), and (e-6) and sealing  
4 under subsections (c) and (e-5):

5 (1) Filing the petition. Upon becoming eligible to  
6 petition for the expungement or sealing of records under  
7 this Section, the petitioner shall file a petition  
8 requesting the expungement or sealing of records with the  
9 clerk of the court where the arrests occurred or the  
10 charges were brought, or both. If arrests occurred or  
11 charges were brought in multiple jurisdictions, a petition  
12 must be filed in each such jurisdiction. The petitioner  
13 shall pay the applicable fee, except no fee shall be  
14 required if the petitioner has obtained a court order  
15 waiving fees under Supreme Court Rule 298 or it is  
16 otherwise waived.

17 (1.5) County fee waiver pilot program. From August 9,  
18 2019 (the effective date of Public Act 101-306) through  
19 December 31, 2020, in a county of 3,000,000 or more  
20 inhabitants, no fee shall be required to be paid by a  
21 petitioner if the records sought to be expunged or sealed  
22 were arrests resulting in release without charging or  
23 arrests or charges not initiated by arrest resulting in  
24 acquittal, dismissal, or conviction when the conviction  
25 was reversed or vacated, unless excluded by subsection  
26 (a)(3)(B). The provisions of this paragraph (1.5), other

1 than this sentence, are inoperative on and after January  
2 1, 2022.

3 (2) Contents of petition. The petition shall be  
4 verified and shall contain the petitioner's name, date of  
5 birth, current address and, for each arrest or charge not  
6 initiated by arrest sought to be sealed or expunged, the  
7 case number, the date of arrest (if any), the identity of  
8 the arresting authority, and such other information as the  
9 court may require. During the pendency of the proceeding,  
10 the petitioner shall promptly notify the circuit court  
11 clerk of any change of his or her address. If the  
12 petitioner has received a certificate of eligibility for  
13 sealing from the Prisoner Review Board under paragraph  
14 (10) of subsection (a) of Section 3-3-2 of the Unified  
15 Code of Corrections, the certificate shall be attached to  
16 the petition.

17 (3) Drug test. The petitioner must attach to the  
18 petition proof that the petitioner has taken within 30  
19 days before the filing of the petition a test showing the  
20 absence within his or her body of all illegal substances  
21 as defined by the Illinois Controlled Substances Act and  
22 the Methamphetamine Control and Community Protection Act  
23 if he or she is petitioning to:

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

25 (B) seal felony records for a violation of the  
26 Illinois Controlled Substances Act, the

1 Methamphetamine Control and Community Protection Act,  
2 or the Cannabis Control Act under clause (c) (2) (F);

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

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

6 (4) Service of petition. The circuit court clerk shall  
7 promptly serve a copy of the petition and documentation to  
8 support the petition under subsection (e-5) or (e-6) on  
9 the State's Attorney or prosecutor charged with the duty  
10 of prosecuting the offense, the Illinois State Police, the  
11 arresting agency and the chief legal officer of the unit  
12 of local government effecting the arrest.

13 (5) Objections.

14 (A) Any party entitled to notice of the petition  
15 may file an objection to the petition. All objections  
16 shall be in writing, shall be filed with the circuit  
17 court clerk, and shall state with specificity the  
18 basis of the objection. Whenever a person who has been  
19 convicted of an offense is granted a pardon by the  
20 Governor which specifically authorizes expungement, an  
21 objection to the petition may not be filed.

22 (B) Objections to a petition to expunge or seal  
23 must be filed within 60 days of the date of service of  
24 the petition.

25 (6) Entry of order.

26 (A) The Chief Judge of the circuit wherein the

1 charge was brought, any judge of that circuit  
2 designated by the Chief Judge, or in counties of less  
3 than 3,000,000 inhabitants, the presiding trial judge  
4 at the petitioner's trial, if any, shall rule on the  
5 petition to expunge or seal as set forth in this  
6 subsection (d) (6).

7 (B) Unless the State's Attorney or prosecutor, the  
8 Illinois State Police, the arresting agency, or the  
9 chief legal officer files an objection to the petition  
10 to expunge or seal within 60 days from the date of  
11 service of the petition, the court shall enter an  
12 order granting or denying the petition.

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

1 eliminates or affects the right of the holder of any  
2 financial obligation to pursue collection under  
3 applicable federal, State, or local law.

4 (D) Notwithstanding any other provision of law,  
5 the court shall not deny a petition to expunge or seal  
6 under this Section because the petitioner has  
7 submitted a drug test taken within 30 days before the  
8 filing of the petition to expunge or seal that  
9 indicates a positive test for the presence of cannabis  
10 within the petitioner's body. In this subparagraph  
11 (D), "cannabis" has the meaning ascribed to it in  
12 Section 3 of the Cannabis Control Act.

13 (7) Hearings. If an objection is filed, the court  
14 shall set a date for a hearing and notify the petitioner  
15 and all parties entitled to notice of the petition of the  
16 hearing date at least 30 days prior to the hearing. Prior  
17 to the hearing, the State's Attorney shall consult with  
18 the Illinois State Police as to the appropriateness of the  
19 relief sought in the petition to expunge or seal. At the  
20 hearing, the court shall hear evidence on whether the  
21 petition should or should not be granted, and shall grant  
22 or deny the petition to expunge or seal the records based  
23 on the evidence presented at the hearing. The court may  
24 consider the following:

25 (A) the strength of the evidence supporting the  
26 defendant's conviction;

1 (B) the reasons for retention of the conviction  
2 records by the State;

3 (C) the petitioner's age, criminal record history,  
4 and employment history;

5 (D) the period of time between the petitioner's  
6 arrest on the charge resulting in the conviction and  
7 the filing of the petition under this Section; and

8 (E) the specific adverse consequences the  
9 petitioner may be subject to if the petition is  
10 denied.

11 (8) Service of order. After entering an order to  
12 expunge or seal records, the court must provide copies of  
13 the order to the Illinois State Police, in a form and  
14 manner prescribed by the Illinois State Police, to the  
15 petitioner, to the State's Attorney or prosecutor charged  
16 with the duty of prosecuting the offense, to the arresting  
17 agency, to the chief legal officer of the unit of local  
18 government effecting the arrest, and to such other  
19 criminal justice agencies as may be ordered by the court.

20 (9) Implementation of order.

21 (A) Upon entry of an order to expunge records  
22 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
23 both:

24 (i) the records shall be expunged (as defined  
25 in subsection (a) (1) (E)) by the arresting agency,  
26 the Illinois State Police, and any other agency as

1 ordered by the court, within 60 days of the date of  
2 service of the order, unless a motion to vacate,  
3 modify, or reconsider the order is filed pursuant  
4 to paragraph (12) of subsection (d) of this  
5 Section;

6 (ii) the records of the circuit court clerk  
7 shall be impounded until further order of the  
8 court upon good cause shown and the name of the  
9 petitioner obliterated on the official index  
10 required to be kept by the circuit court clerk  
11 under Section 16 of the Clerks of Courts Act, but  
12 the order shall not affect any index issued by the  
13 circuit court clerk before the entry of the order;  
14 and

15 (iii) in response to an inquiry for expunged  
16 records, the court, the Illinois State Police, or  
17 the agency receiving such inquiry, shall reply as  
18 it does in response to inquiries when no records  
19 ever existed.

20 (B) Upon entry of an order to expunge records  
21 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or  
22 both:

23 (i) the records shall be expunged (as defined  
24 in subsection (a) (1) (E)) by the arresting agency  
25 and any other agency as ordered by the court,  
26 within 60 days of the date of service of the order,



1 unless a motion to vacate, modify, or reconsider  
2 the order is filed pursuant to paragraph (12) of  
3 subsection (d) of this Section;

4 (ii) the records of the circuit court clerk  
5 shall be impounded until further order of the  
6 court upon good cause shown and the name of the  
7 petitioner obliterated on the official index  
8 required to be kept by the circuit court clerk  
9 under Section 16 of the Clerks of Courts Act, but  
10 the order shall not affect any index issued by the  
11 circuit court clerk before the entry of the order;

12 (iii) the records shall be impounded by the  
13 Illinois State Police within 60 days of the date  
14 of service of the order as ordered by the court,  
15 unless a motion to vacate, modify, or reconsider  
16 the order is filed pursuant to paragraph (12) of  
17 subsection (d) of this Section;

18 (iv) records impounded by the Illinois State  
19 Police may be disseminated by the Illinois State  
20 Police only as required by law or to the arresting  
21 authority, the State's Attorney, and the court  
22 upon a later arrest for the same or a similar  
23 offense or for the purpose of sentencing for any  
24 subsequent felony, and to the Department of  
25 Corrections upon conviction for any offense; and

26 (v) in response to an inquiry for such records

1 from anyone not authorized by law to access such  
2 records, the court, the Illinois State Police, or  
3 the agency receiving such inquiry shall reply as  
4 it does in response to inquiries when no records  
5 ever existed.

6 (B-5) Upon entry of an order to expunge records  
7 under subsection (e-6):

8 (i) the records shall be expunged (as defined  
9 in subsection (a)(1)(E)) by the arresting agency  
10 and any other agency as ordered by the court,  
11 within 60 days of the date of service of the order,  
12 unless a motion to vacate, modify, or reconsider  
13 the order is filed under paragraph (12) of  
14 subsection (d) of this Section;

15 (ii) the records of the circuit court clerk  
16 shall be impounded until further order of the  
17 court upon good cause shown and the name of the  
18 petitioner obliterated on the official index  
19 required to be kept by the circuit court clerk  
20 under Section 16 of the Clerks of Courts Act, but  
21 the order shall not affect any index issued by the  
22 circuit court clerk before the entry of the order;

23 (iii) the records shall be impounded by the  
24 Illinois State Police within 60 days of the date  
25 of service of the order as ordered by the court,  
26 unless a motion to vacate, modify, or reconsider

1 the order is filed under paragraph (12) of  
2 subsection (d) of this Section;

3 (iv) records impounded by the Illinois State  
4 Police may be disseminated by the Illinois State  
5 Police only as required by law or to the arresting  
6 authority, the State's Attorney, and the court  
7 upon a later arrest for the same or a similar  
8 offense or for the purpose of sentencing for any  
9 subsequent felony, and to the Department of  
10 Corrections upon conviction for any offense; and

11 (v) in response to an inquiry for these  
12 records from anyone not authorized by law to  
13 access the records, the court, the Illinois State  
14 Police, or the agency receiving the inquiry shall  
15 reply as it does in response to inquiries when no  
16 records ever existed.

17 (C) Upon entry of an order to seal records under  
18 subsection (c), the arresting agency, any other agency  
19 as ordered by the court, the Illinois State Police,  
20 and the court shall seal the records (as defined in  
21 subsection (a)(1)(K)). In response to an inquiry for  
22 such records, from anyone not authorized by law to  
23 access such records, the court, the Illinois State  
24 Police, or the agency receiving such inquiry shall  
25 reply as it does in response to inquiries when no  
26 records ever existed.

1 (D) The Illinois State Police shall send written  
2 notice to the petitioner of its compliance with each  
3 order to expunge or seal records within 60 days of the  
4 date of service of that order or, if a motion to  
5 vacate, modify, or reconsider is filed, within 60 days  
6 of service of the order resolving the motion, if that  
7 order requires the Illinois State Police to expunge or  
8 seal records. In the event of an appeal from the  
9 circuit court order, the Illinois State Police shall  
10 send written notice to the petitioner of its  
11 compliance with an Appellate Court or Supreme Court  
12 judgment to expunge or seal records within 60 days of  
13 the issuance of the court's mandate. The notice is not  
14 required while any motion to vacate, modify, or  
15 reconsider, or any appeal or petition for  
16 discretionary appellate review, is pending.

17 (E) Upon motion, the court may order that a sealed  
18 judgment or other court record necessary to  
19 demonstrate the amount of any legal financial  
20 obligation due and owing be made available for the  
21 limited purpose of collecting any legal financial  
22 obligations owed by the petitioner that were  
23 established, imposed, or originated in the criminal  
24 proceeding for which those records have been sealed.  
25 The records made available under this subparagraph (E)  
26 shall not be entered into the official index required

1 to be kept by the circuit court clerk under Section 16  
2 of the Clerks of Courts Act and shall be immediately  
3 re-impounded upon the collection of the outstanding  
4 financial obligations.

5 (F) Notwithstanding any other provision of this  
6 Section, a circuit court clerk may access a sealed  
7 record for the limited purpose of collecting payment  
8 for any legal financial obligations that were  
9 established, imposed, or originated in the criminal  
10 proceedings for which those records have been sealed.

11 (10) Fees. The Illinois State Police may charge the  
12 petitioner a fee equivalent to the cost of processing any  
13 order to expunge or seal records. Notwithstanding any  
14 provision of the Clerks of Courts Act to the contrary, the  
15 circuit court clerk may charge a fee equivalent to the  
16 cost associated with the sealing or expungement of records  
17 by the circuit court clerk. From the total filing fee  
18 collected for the petition to seal or expunge, the circuit  
19 court clerk shall deposit \$10 into the Circuit Court Clerk  
20 Operation and Administrative Fund, to be used to offset  
21 the costs incurred by the circuit court clerk in  
22 performing the additional duties required to serve the  
23 petition to seal or expunge on all parties. The circuit  
24 court clerk shall collect and remit the Illinois State  
25 Police portion of the fee to the State Treasurer and it  
26 shall be deposited in the State Police Services Fund. If

1 the record brought under an expungement petition was  
2 previously sealed under this Section, the fee for the  
3 expungement petition for that same record shall be waived.

4 (11) Final Order. No court order issued under the  
5 expungement or sealing provisions of this Section shall  
6 become final for purposes of appeal until 30 days after  
7 service of the order on the petitioner and all parties  
8 entitled to notice of the petition.

9 (12) Motion to Vacate, Modify, or Reconsider. Under  
10 Section 2-1203 of the Code of Civil Procedure, the  
11 petitioner or any party entitled to notice may file a  
12 motion to vacate, modify, or reconsider the order granting  
13 or denying the petition to expunge or seal within 60 days  
14 of service of the order. If filed more than 60 days after  
15 service of the order, a petition to vacate, modify, or  
16 reconsider shall comply with subsection (c) of Section  
17 2-1401 of the Code of Civil Procedure. Upon filing of a  
18 motion to vacate, modify, or reconsider, notice of the  
19 motion shall be served upon the petitioner and all parties  
20 entitled to notice of the petition.

21 (13) Effect of Order. An order granting a petition  
22 under the expungement or sealing provisions of this  
23 Section shall not be considered void because it fails to  
24 comply with the provisions of this Section or because of  
25 any error asserted in a motion to vacate, modify, or  
26 reconsider. The circuit court retains jurisdiction to

1 determine whether the order is voidable and to vacate,  
2 modify, or reconsider its terms based on a motion filed  
3 under paragraph (12) of this subsection (d).

4 (14) Compliance with Order Granting Petition to Seal  
5 Records. Unless a court has entered a stay of an order  
6 granting a petition to seal, all parties entitled to  
7 notice of the petition must fully comply with the terms of  
8 the order within 60 days of service of the order even if a  
9 party is seeking relief from the order through a motion  
10 filed under paragraph (12) of this subsection (d) or is  
11 appealing the order.

12 (15) Compliance with Order Granting Petition to  
13 Expunge Records. While a party is seeking relief from the  
14 order granting the petition to expunge through a motion  
15 filed under paragraph (12) of this subsection (d) or is  
16 appealing the order, and unless a court has entered a stay  
17 of that order, the parties entitled to notice of the  
18 petition must seal, but need not expunge, the records  
19 until there is a final order on the motion for relief or,  
20 in the case of an appeal, the issuance of that court's  
21 mandate.

22 (16) The changes to this subsection (d) made by Public  
23 Act 98-163 apply to all petitions pending on August 5,  
24 2013 (the effective date of Public Act 98-163) and to all  
25 orders ruling on a petition to expunge or seal on or after  
26 August 5, 2013 (the effective date of Public Act 98-163).

1           (e) Whenever a person who has been convicted of an offense  
2 is granted a pardon by the Governor which specifically  
3 authorizes expungement, he or she may, upon verified petition  
4 to the Chief Judge of the circuit where the person had been  
5 convicted, any judge of the circuit designated by the Chief  
6 Judge, or in counties of less than 3,000,000 inhabitants, the  
7 presiding trial judge at the defendant's trial, have a court  
8 order entered expunging the record of arrest from the official  
9 records of the arresting authority and order that the records  
10 of the circuit court clerk and the Illinois State Police be  
11 sealed until further order of the court upon good cause shown  
12 or as otherwise provided herein, and the name of the defendant  
13 obliterated from the official index requested to be kept by  
14 the circuit court clerk under Section 16 of the Clerks of  
15 Courts Act in connection with the arrest and conviction for  
16 the offense for which he or she had been pardoned but the order  
17 shall not affect any index issued by the circuit court clerk  
18 before the entry of the order. All records sealed by the  
19 Illinois State Police may be disseminated by the Illinois  
20 State Police only to the arresting authority, the State's  
21 Attorney, and the court upon a later arrest for the same or  
22 similar offense or for the purpose of sentencing for any  
23 subsequent felony. Upon conviction for any subsequent offense,  
24 the Department of Corrections shall have access to all sealed  
25 records of the Illinois State Police pertaining to that  
26 individual. Upon entry of the order of expungement, the



1 circuit court clerk shall promptly mail a copy of the order to  
2 the person who was pardoned.

3 (e-5) Whenever a person who has been convicted of an  
4 offense is granted a certificate of eligibility for sealing by  
5 the Prisoner Review Board which specifically authorizes  
6 sealing, he or she may, upon verified petition to the Chief  
7 Judge of the circuit where the person had been convicted, any  
8 judge of the circuit designated by the Chief Judge, or in  
9 counties of less than 3,000,000 inhabitants, the presiding  
10 trial judge at the petitioner's trial, have a court order  
11 entered sealing the record of arrest from the official records  
12 of the arresting authority and order that the records of the  
13 circuit court clerk and the Illinois State Police be sealed  
14 until further order of the court upon good cause shown or as  
15 otherwise provided herein, and the name of the petitioner  
16 obliterated from the official index requested to be kept by  
17 the circuit court clerk under Section 16 of the Clerks of  
18 Courts Act in connection with the arrest and conviction for  
19 the offense for which he or she had been granted the  
20 certificate but the order shall not affect any index issued by  
21 the circuit court clerk before the entry of the order. All  
22 records sealed by the Illinois State Police may be  
23 disseminated by the Illinois State Police only as required by  
24 this Act or to the arresting authority, a law enforcement  
25 agency, the State's Attorney, and the court upon a later  
26 arrest for the same or similar offense or for the purpose of

1 sentencing for any subsequent felony. Upon conviction for any  
2 subsequent offense, the Department of Corrections shall have  
3 access to all sealed records of the Illinois State Police  
4 pertaining to that individual. Upon entry of the order of  
5 sealing, the circuit court clerk shall promptly mail a copy of  
6 the order to the person who was granted the certificate of  
7 eligibility for sealing.

8 (e-6) Whenever a person who has been convicted of an  
9 offense is granted a certificate of eligibility for  
10 expungement by the Prisoner Review Board which specifically  
11 authorizes expungement, he or she may, upon verified petition  
12 to the Chief Judge of the circuit where the person had been  
13 convicted, any judge of the circuit designated by the Chief  
14 Judge, or in counties of less than 3,000,000 inhabitants, the  
15 presiding trial judge at the petitioner's trial, have a court  
16 order entered expunging the record of arrest from the official  
17 records of the arresting authority and order that the records  
18 of the circuit court clerk and the Illinois State Police be  
19 sealed until further order of the court upon good cause shown  
20 or as otherwise provided herein, and the name of the  
21 petitioner obliterated from the official index requested to be  
22 kept by the circuit court clerk under Section 16 of the Clerks  
23 of Courts Act in connection with the arrest and conviction for  
24 the offense for which he or she had been granted the  
25 certificate but the order shall not affect any index issued by  
26 the circuit court clerk before the entry of the order. All

1 records sealed by the Illinois State Police may be  
2 disseminated by the Illinois State Police only as required by  
3 this Act or to the arresting authority, a law enforcement  
4 agency, the State's Attorney, and the court upon a later  
5 arrest for the same or similar offense or for the purpose of  
6 sentencing for any subsequent felony. Upon conviction for any  
7 subsequent offense, the Department of Corrections shall have  
8 access to all expunged records of the Illinois State Police  
9 pertaining to that individual. Upon entry of the order of  
10 expungement, the circuit court clerk shall promptly mail a  
11 copy of the order to the person who was granted the certificate  
12 of eligibility for expungement.

13 (f) Subject to available funding, the Illinois Department  
14 of Corrections shall conduct a study of the impact of sealing,  
15 especially on employment and recidivism rates, utilizing a  
16 random sample of those who apply for the sealing of their  
17 criminal records under Public Act 93-211. At the request of  
18 the Illinois Department of Corrections, records of the  
19 Illinois Department of Employment Security shall be utilized  
20 as appropriate to assist in the study. The study shall not  
21 disclose any data in a manner that would allow the  
22 identification of any particular individual or employing unit.  
23 The study shall be made available to the General Assembly no  
24 later than September 1, 2010.

25 (g) Immediate Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any  
2 rights to expungement or sealing of criminal records, this  
3 subsection authorizes the immediate sealing of criminal  
4 records of adults and of minors prosecuted as adults.

5 (2) Eligible Records. Arrests or charges not initiated  
6 by arrest resulting in acquittal or dismissal with  
7 prejudice, except as excluded by subsection (a)(3)(B),  
8 that occur on or after January 1, 2018 (the effective date  
9 of Public Act 100-282), may be sealed immediately if the  
10 petition is filed with the circuit court clerk on the same  
11 day and during the same hearing in which the case is  
12 disposed.

13 (3) When Records are Eligible to be Immediately  
14 Sealed. Eligible records under paragraph (2) of this  
15 subsection (g) may be sealed immediately after entry of  
16 the final disposition of a case, notwithstanding the  
17 disposition of other charges in the same case.

18 (4) Notice of Eligibility for Immediate Sealing. Upon  
19 entry of a disposition for an eligible record under this  
20 subsection (g), the defendant shall be informed by the  
21 court of his or her right to have eligible records  
22 immediately sealed and the procedure for the immediate  
23 sealing of these records.

24 (5) Procedure. The following procedures apply to  
25 immediate sealing under this subsection (g).

26 (A) Filing the Petition. Upon entry of the final

1 disposition of the case, the defendant's attorney may  
2 immediately petition the court, on behalf of the  
3 defendant, for immediate sealing of eligible records  
4 under paragraph (2) of this subsection (g) that are  
5 entered on or after January 1, 2018 (the effective  
6 date of Public Act 100-282). The immediate sealing  
7 petition may be filed with the circuit court clerk  
8 during the hearing in which the final disposition of  
9 the case is entered. If the defendant's attorney does  
10 not file the petition for immediate sealing during the  
11 hearing, the defendant may file a petition for sealing  
12 at any time as authorized under subsection (c) (3) (A).

13 (B) Contents of Petition. The immediate sealing  
14 petition shall be verified and shall contain the  
15 petitioner's name, date of birth, current address, and  
16 for each eligible record, the case number, the date of  
17 arrest if applicable, the identity of the arresting  
18 authority if applicable, and other information as the  
19 court may require.

20 (C) Drug Test. The petitioner shall not be  
21 required to attach proof that he or she has passed a  
22 drug test.

23 (D) Service of Petition. A copy of the petition  
24 shall be served on the State's Attorney in open court.  
25 The petitioner shall not be required to serve a copy of  
26 the petition on any other agency.

1 (E) Entry of Order. The presiding trial judge  
2 shall enter an order granting or denying the petition  
3 for immediate sealing during the hearing in which it  
4 is filed. Petitions for immediate sealing shall be  
5 ruled on in the same hearing in which the final  
6 disposition of the case is entered.

7 (F) Hearings. The court shall hear the petition  
8 for immediate sealing on the same day and during the  
9 same hearing in which the disposition is rendered.

10 (G) Service of Order. An order to immediately seal  
11 eligible records shall be served in conformance with  
12 subsection (d) (8).

13 (H) Implementation of Order. An order to  
14 immediately seal records shall be implemented in  
15 conformance with subsections (d) (9) (C) and (d) (9) (D).

16 (I) Fees. The fee imposed by the circuit court  
17 clerk and the Illinois State Police shall comply with  
18 paragraph (1) of subsection (d) of this Section.

19 (J) Final Order. No court order issued under this  
20 subsection (g) shall become final for purposes of  
21 appeal until 30 days after service of the order on the  
22 petitioner and all parties entitled to service of the  
23 order in conformance with subsection (d) (8).

24 (K) Motion to Vacate, Modify, or Reconsider. Under  
25 Section 2-1203 of the Code of Civil Procedure, the  
26 petitioner, State's Attorney, or the Illinois State

1 Police may file a motion to vacate, modify, or  
2 reconsider the order denying the petition to  
3 immediately seal within 60 days of service of the  
4 order. If filed more than 60 days after service of the  
5 order, a petition to vacate, modify, or reconsider  
6 shall comply with subsection (c) of Section 2-1401 of  
7 the Code of Civil Procedure.

8 (L) Effect of Order. An order granting an  
9 immediate sealing petition shall not be considered  
10 void because it fails to comply with the provisions of  
11 this Section or because of an error asserted in a  
12 motion to vacate, modify, or reconsider. The circuit  
13 court retains jurisdiction to determine whether the  
14 order is voidable, and to vacate, modify, or  
15 reconsider its terms based on a motion filed under  
16 subparagraph (L) of this subsection (g).

17 (M) Compliance with Order Granting Petition to  
18 Seal Records. Unless a court has entered a stay of an  
19 order granting a petition to immediately seal, all  
20 parties entitled to service of the order must fully  
21 comply with the terms of the order within 60 days of  
22 service of the order.

23 (h) Sealing or vacation and expungement of trafficking  
24 victims' crimes.

25 (1) A trafficking victim, as defined by paragraph (10)  
26 of subsection (a) of Section 10-9 of the Criminal Code of

1           2012, may petition for vacation and expungement or  
2           immediate sealing of his or her criminal record upon the  
3           completion of his or her last sentence if his or her  
4           participation in the underlying offense was a result of  
5           human trafficking under Section 10-9 of the Criminal Code  
6           of 2012 or a severe form of trafficking under the federal  
7           Trafficking Victims Protection Act.

8           (1.5) A petition under paragraph (1) shall be  
9           prepared, signed, and filed in accordance with Supreme  
10          Court Rule 9. The court may allow the petitioner to attend  
11          any required hearing remotely in accordance with local  
12          rules. The court may allow a petition to be filed under  
13          seal if the public filing of the petition would constitute  
14          a risk of harm to the petitioner.

15          (2) A petitioner under this subsection (h), in  
16          addition to the requirements provided under paragraph (4)  
17          of subsection (d) of this Section, shall include in his or  
18          her petition a clear and concise statement that: (A) he or  
19          she was a victim of human trafficking at the time of the  
20          offense; and (B) that his or her participation in the  
21          offense was a result of human trafficking under Section  
22          10-9 of the Criminal Code of 2012 or a severe form of  
23          trafficking under the federal Trafficking Victims  
24          Protection Act.

25          (3) If an objection is filed alleging that the  
26          petitioner is not entitled to vacation and expungement or



1 immediate sealing under this subsection (h), the court  
2 shall conduct a hearing under paragraph (7) of subsection  
3 (d) of this Section and the court shall determine whether  
4 the petitioner is entitled to vacation and expungement or  
5 immediate sealing under this subsection (h). A petitioner  
6 is eligible for vacation and expungement or immediate  
7 relief under this subsection (h) if he or she shows, by a  
8 preponderance of the evidence, that: (A) he or she was a  
9 victim of human trafficking at the time of the offense;  
10 and (B) that his or her participation in the offense was a  
11 result of human trafficking under Section 10-9 of the  
12 Criminal Code of 2012 or a severe form of trafficking  
13 under the federal Trafficking Victims Protection Act.

14 (i) Minor Cannabis Offenses under the Cannabis Control  
15 Act.

16 (1) Expungement of Arrest Records of Minor Cannabis  
17 Offenses.

18 (A) The Illinois State Police and all law  
19 enforcement agencies within the State shall  
20 automatically expunge all criminal history records of  
21 an arrest, charge not initiated by arrest, order of  
22 supervision, or order of qualified probation for a  
23 Minor Cannabis Offense committed prior to June 25,  
24 2019 (the effective date of Public Act 101-27) if:

25 (i) One year or more has elapsed since the  
26 date of the arrest or law enforcement interaction

1 documented in the records; and

2 (ii) No criminal charges were filed relating  
3 to the arrest or law enforcement interaction or  
4 criminal charges were filed and subsequently  
5 dismissed or vacated or the arrestee was  
6 acquitted.

7 (B) If the law enforcement agency is unable to  
8 verify satisfaction of condition (ii) in paragraph  
9 (A), records that satisfy condition (i) in paragraph  
10 (A) shall be automatically expunged.

11 (C) Records shall be expunged by the law  
12 enforcement agency under the following timelines:

13 (i) Records created prior to June 25, 2019  
14 (the effective date of Public Act 101-27), but on  
15 or after January 1, 2013, shall be automatically  
16 expunged prior to January 1, 2021;

17 (ii) Records created prior to January 1, 2013,  
18 but on or after January 1, 2000, shall be  
19 automatically expunged prior to January 1, 2025  
20 ~~2023~~;

21 (iii) Records created prior to January 1, 2000  
22 shall be automatically expunged prior to January  
23 1, 2027 ~~2025~~.

24 In response to an inquiry for expunged records,  
25 the law enforcement agency receiving such inquiry  
26 shall reply as it does in response to inquiries when no

1 records ever existed; however, it shall provide a  
2 certificate of disposition or confirmation that the  
3 record was expunged to the individual whose record was  
4 expunged if such a record exists.

5 (D) Nothing in this Section shall be construed to  
6 restrict or modify an individual's right to have that  
7 individual's records expunged except as otherwise may  
8 be provided in this Act, or diminish or abrogate any  
9 rights or remedies otherwise available to the  
10 individual.

11 (2) Pardons Authorizing Expungement of Minor Cannabis  
12 Offenses.

13 (A) Upon June 25, 2019 (the effective date of  
14 Public Act 101-27), the Illinois ~~Department of~~ State  
15 Police shall review all criminal history record  
16 information and identify all records that meet all of  
17 the following criteria:

18 (i) one or more convictions for a Minor  
19 Cannabis Offense;

20 (ii) the conviction identified in paragraph  
21 (2)(A)(i) did not include a penalty enhancement  
22 under Section 7 of the Cannabis Control Act; and

23 (iii) the conviction identified in paragraph  
24 (2)(A)(i) is not associated with a conviction for  
25 a violent crime as defined in subsection (c) of  
26 Section 3 of the Rights of Crime Victims and

1           Witnesses Act.

2           (B) Within 180 days after June 25, 2019 (the  
3 effective date of Public Act 101-27), the Department  
4 of State Police shall notify the Prisoner Review Board  
5 of all such records that meet the criteria established  
6 in paragraph (2) (A).

7           (i) The Prisoner Review Board shall notify the  
8 State's Attorney of the county of conviction of  
9 each record identified by State Police in  
10 paragraph (2) (A) that is classified as a Class 4  
11 felony. The State's Attorney may provide a written  
12 objection to the Prisoner Review Board on the sole  
13 basis that the record identified does not meet the  
14 criteria established in paragraph (2) (A). Such an  
15 objection must be filed within 60 days or by such  
16 later date set by the Prisoner Review Board in the  
17 notice after the State's Attorney received notice  
18 from the Prisoner Review Board.

19           (ii) In response to a written objection from a  
20 State's Attorney, the Prisoner Review Board is  
21 authorized to conduct a non-public hearing to  
22 evaluate the information provided in the  
23 objection.

24           (iii) The Prisoner Review Board shall make a  
25 confidential and privileged recommendation to the  
26 Governor as to whether to grant a pardon

1           authorizing expungement for each of the records  
2           identified by the Department of State Police as  
3           described in paragraph (2) (A).

4           (C) If an individual has been granted a pardon  
5           authorizing expungement as described in this Section,  
6           the Prisoner Review Board, through the Attorney  
7           General, shall file a petition for expungement with  
8           the Chief Judge of the circuit or any judge of the  
9           circuit designated by the Chief Judge where the  
10          individual had been convicted. Such petition may  
11          include more than one individual. Whenever an  
12          individual who has been convicted of an offense is  
13          granted a pardon by the Governor that specifically  
14          authorizes expungement, an objection to the petition  
15          may not be filed. Petitions to expunge under this  
16          subsection (i) may include more than one individual.  
17          Within 90 days of the filing of such a petition, the  
18          court shall enter an order expunging the records of  
19          arrest from the official records of the arresting  
20          authority and order that the records of the circuit  
21          court clerk and the Illinois State Police be expunged  
22          and the name of the defendant obliterated from the  
23          official index requested to be kept by the circuit  
24          court clerk under Section 16 of the Clerks of Courts  
25          Act in connection with the arrest and conviction for  
26          the offense for which the individual had received a

1           pardon but the order shall not affect any index issued  
2           by the circuit court clerk before the entry of the  
3           order. Upon entry of the order of expungement, the  
4           circuit court clerk shall promptly provide a copy of  
5           the order and a certificate of disposition to the  
6           individual who was pardoned to the individual's last  
7           known address or by electronic means (if available) or  
8           otherwise make it available to the individual upon  
9           request.

10           (D) Nothing in this Section is intended to  
11           diminish or abrogate any rights or remedies otherwise  
12           available to the individual.

13           (3) Any individual may file a motion to vacate and  
14           expunge a conviction for a misdemeanor or Class 4 felony  
15           violation of Section 4 or Section 5 of the Cannabis  
16           Control Act. Motions to vacate and expunge under this  
17           subsection (i) may be filed with the circuit court, Chief  
18           Judge of a judicial circuit or any judge of the circuit  
19           designated by the Chief Judge. The circuit court clerk  
20           shall promptly serve a copy of the motion to vacate and  
21           expunge, and any supporting documentation, on the State's  
22           Attorney or prosecutor charged with the duty of  
23           prosecuting the offense. When considering such a motion to  
24           vacate and expunge, a court shall consider the following:  
25           the reasons to retain the records provided by law  
26           enforcement, the petitioner's age, the petitioner's age at

1 the time of offense, the time since the conviction, and  
2 the specific adverse consequences if denied. An individual  
3 may file such a petition after the completion of any  
4 non-financial sentence or non-financial condition imposed  
5 by the conviction. Within 60 days of the filing of such  
6 motion, a State's Attorney may file an objection to such a  
7 petition along with supporting evidence. If a motion to  
8 vacate and expunge is granted, the records shall be  
9 expunged in accordance with subparagraphs (d)(8) and  
10 (d)(9)(A) of this Section. An agency providing civil legal  
11 aid, as defined by Section 15 of the Public Interest  
12 Attorney Assistance Act, assisting individuals seeking to  
13 file a motion to vacate and expunge under this subsection  
14 may file motions to vacate and expunge with the Chief  
15 Judge of a judicial circuit or any judge of the circuit  
16 designated by the Chief Judge, and the motion may include  
17 more than one individual. Motions filed by an agency  
18 providing civil legal aid concerning more than one  
19 individual may be prepared, presented, and signed  
20 electronically.

21 (4) Any State's Attorney may file a motion to vacate  
22 and expunge a conviction for a misdemeanor or Class 4  
23 felony violation of Section 4 or Section 5 of the Cannabis  
24 Control Act. Motions to vacate and expunge under this  
25 subsection (i) may be filed with the circuit court, Chief  
26 Judge of a judicial circuit or any judge of the circuit

1 designated by the Chief Judge, and may include more than  
2 one individual. Motions filed by a State's Attorney  
3 concerning more than one individual may be prepared,  
4 presented, and signed electronically. When considering  
5 such a motion to vacate and expunge, a court shall  
6 consider the following: the reasons to retain the records  
7 provided by law enforcement, the individual's age, the  
8 individual's age at the time of offense, the time since  
9 the conviction, and the specific adverse consequences if  
10 denied. Upon entry of an order granting a motion to vacate  
11 and expunge records pursuant to this Section, the State's  
12 Attorney shall notify the Prisoner Review Board within 30  
13 days. Upon entry of the order of expungement, the circuit  
14 court clerk shall promptly provide a copy of the order and  
15 a certificate of disposition to the individual whose  
16 records will be expunged to the individual's last known  
17 address or by electronic means (if available) or otherwise  
18 make available to the individual upon request. If a motion  
19 to vacate and expunge is granted, the records shall be  
20 expunged in accordance with subparagraphs (d)(8) and  
21 (d)(9)(A) of this Section.

22 (5) In the public interest, the State's Attorney of a  
23 county has standing to file motions to vacate and expunge  
24 pursuant to this Section in the circuit court with  
25 jurisdiction over the underlying conviction.

26 (6) If a person is arrested for a Minor Cannabis



1 Offense as defined in this Section before June 25, 2019  
2 (the effective date of Public Act 101-27) and the person's  
3 case is still pending but a sentence has not been imposed,  
4 the person may petition the court in which the charges are  
5 pending for an order to summarily dismiss those charges  
6 against him or her, and expunge all official records of  
7 his or her arrest, plea, trial, conviction, incarceration,  
8 supervision, or expungement. If the court determines, upon  
9 review, that: (A) the person was arrested before June 25,  
10 2019 (the effective date of Public Act 101-27) for an  
11 offense that has been made eligible for expungement; (B)  
12 the case is pending at the time; and (C) the person has not  
13 been sentenced of the minor cannabis violation eligible  
14 for expungement under this subsection, the court shall  
15 consider the following: the reasons to retain the records  
16 provided by law enforcement, the petitioner's age, the  
17 petitioner's age at the time of offense, the time since  
18 the conviction, and the specific adverse consequences if  
19 denied. If a motion to dismiss and expunge is granted, the  
20 records shall be expunged in accordance with subparagraph  
21 (d) (9) (A) of this Section.

22 (7) A person imprisoned solely as a result of one or  
23 more convictions for Minor Cannabis Offenses under this  
24 subsection (i) shall be released from incarceration upon  
25 the issuance of an order under this subsection.

26 (8) The Illinois State Police shall allow a person to

1 use the access and review process, established in the  
2 Illinois State Police, for verifying that his or her  
3 records relating to Minor Cannabis Offenses of the  
4 Cannabis Control Act eligible under this Section have been  
5 expunged.

6 (9) No conviction vacated pursuant to this Section  
7 shall serve as the basis for damages for time unjustly  
8 served as provided in the Court of Claims Act.

9 (10) Effect of Expungement. A person's right to  
10 expunge an expungeable offense shall not be limited under  
11 this Section. The effect of an order of expungement shall  
12 be to restore the person to the status he or she occupied  
13 before the arrest, charge, or conviction.

14 (11) Information. The Illinois State Police shall post  
15 general information on its website about the expungement  
16 process described in this subsection (i).

17 (j) Felony Prostitution Convictions.

18 (1) Any individual may file a motion to vacate and  
19 expunge a conviction for a prior Class 4 felony violation  
20 of prostitution. Motions to vacate and expunge under this  
21 subsection (j) may be filed with the circuit court, Chief  
22 Judge of a judicial circuit, or any judge of the circuit  
23 designated by the Chief Judge. When considering the motion  
24 to vacate and expunge, a court shall consider the  
25 following:

26 (A) the reasons to retain the records provided by

1 law enforcement;

2 (B) the petitioner's age;

3 (C) the petitioner's age at the time of offense;

4 and

5 (D) the time since the conviction, and the  
6 specific adverse consequences if denied. An individual  
7 may file the petition after the completion of any  
8 sentence or condition imposed by the conviction.  
9 Within 60 days of the filing of the motion, a State's  
10 Attorney may file an objection to the petition along  
11 with supporting evidence. If a motion to vacate and  
12 expunge is granted, the records shall be expunged in  
13 accordance with subparagraph (d) (9) (A) of this  
14 Section. An agency providing civil legal aid, as  
15 defined in Section 15 of the Public Interest Attorney  
16 Assistance Act, assisting individuals seeking to file  
17 a motion to vacate and expunge under this subsection  
18 may file motions to vacate and expunge with the Chief  
19 Judge of a judicial circuit or any judge of the circuit  
20 designated by the Chief Judge, and the motion may  
21 include more than one individual.

22 (2) Any State's Attorney may file a motion to vacate  
23 and expunge a conviction for a Class 4 felony violation of  
24 prostitution. Motions to vacate and expunge under this  
25 subsection (j) may be filed with the circuit court, Chief  
26 Judge of a judicial circuit, or any judge of the circuit

1 court designated by the Chief Judge, and may include more  
2 than one individual. When considering the motion to vacate  
3 and expunge, a court shall consider the following reasons:

4 (A) the reasons to retain the records provided by  
5 law enforcement;

6 (B) the petitioner's age;

7 (C) the petitioner's age at the time of offense;

8 (D) the time since the conviction; and

9 (E) the specific adverse consequences if denied.

10 If the State's Attorney files a motion to vacate and  
11 expunge records for felony prostitution convictions  
12 pursuant to this Section, the State's Attorney shall  
13 notify the Prisoner Review Board within 30 days of the  
14 filing. If a motion to vacate and expunge is granted, the  
15 records shall be expunged in accordance with subparagraph  
16 (d) (9) (A) of this Section.

17 (3) In the public interest, the State's Attorney of a  
18 county has standing to file motions to vacate and expunge  
19 pursuant to this Section in the circuit court with  
20 jurisdiction over the underlying conviction.

21 (4) The Illinois State Police shall allow a person to  
22 use the access and review process, established in the  
23 Illinois State Police, for verifying that his or her  
24 records relating to felony prostitution eligible under  
25 this Section have been expunged.

26 (5) No conviction vacated pursuant to this Section

1 shall serve as the basis for damages for time unjustly  
2 served as provided in the Court of Claims Act.

3 (6) Effect of Expungement. A person's right to expunge  
4 an expungeable offense shall not be limited under this  
5 Section. The effect of an order of expungement shall be to  
6 restore the person to the status he or she occupied before  
7 the arrest, charge, or conviction.

8 (7) Information. The Illinois State Police shall post  
9 general information on its website about the expungement  
10 process described in this subsection (j).

11 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;  
12 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.  
13 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

14 Section 550. The State Finance Act is amended by adding  
15 Sections 5.1015 and 5.1016 as follows:

16 (30 ILCS 105/5.1015 new)

17 Sec. 5.1015. The Psilocybin Control and Regulation Fund.

18 (30 ILCS 105/5.1016 new)

19 Sec. 5.1016. The Illinois Psilocybin Fund.

20 Section 555. The Illinois Independent Tax Tribunal Act of  
21 2012 is amended by changing Section 1-45 as follows:

1 (35 ILCS 1010/1-45)

2 Sec. 1-45. Jurisdiction of the Tax Tribunal.

3 (a) Except as provided by the Constitution of the United  
4 States, the Constitution of the State of Illinois, or any  
5 statutes of this State, including, but not limited to, the  
6 State Officers and Employees Money Disposition Act, the Tax  
7 Tribunal shall have original jurisdiction over all  
8 determinations of the Department reflected on a Notice of  
9 Deficiency, Notice of Tax Liability, Notice of Claim Denial,  
10 or Notice of Penalty Liability issued under the Illinois  
11 Income Tax Act, the Use Tax Act, the Service Use Tax Act, the  
12 Service Occupation Tax Act, the Retailers' Occupation Tax Act,  
13 the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco  
14 Products Tax Act of 1995, the Hotel Operators' Occupation Tax  
15 Act, the Motor Fuel Tax Law, the Automobile Renting Occupation  
16 and Use Tax Act, the Coin-Operated Amusement Device and  
17 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water  
18 Company Invested Capital Tax Act, the Telecommunications  
19 Excise Tax Act, the Telecommunications Infrastructure  
20 Maintenance Fee Act, the Public Utilities Revenue Act, the  
21 Electricity Excise Tax Law, the Aircraft Use Tax Law, the  
22 Watercraft Use Tax Law, the Gas Use Tax Law, ~~or~~ the Uniform  
23 Penalty and Interest Act, or the Compassionate Use and  
24 Research of Entheogens Act. Jurisdiction of the Tax Tribunal  
25 is limited to Notices of Tax Liability, Notices of Deficiency,  
26 Notices of Claim Denial, and Notices of Penalty Liability

1 where the amount at issue in a notice, or the aggregate amount  
2 at issue in multiple notices issued for the same tax year or  
3 audit period, exceeds \$15,000, exclusive of penalties and  
4 interest. In notices solely asserting either an interest or  
5 penalty assessment, or both, the Tax Tribunal shall have  
6 jurisdiction over cases where the combined total of all  
7 penalties or interest assessed exceeds \$15,000.

8 (b) Except as otherwise permitted by this Act and by the  
9 Constitution of the State of Illinois or otherwise by State  
10 law, including, but not limited to, the State Officers and  
11 Employees Money Disposition Act, no person shall contest any  
12 matter within the jurisdiction of the Tax Tribunal in any  
13 action, suit, or proceeding in the circuit court or any other  
14 court of the State. If a person attempts to do so, then such  
15 action, suit, or proceeding shall be dismissed without  
16 prejudice. The improper commencement of any action, suit, or  
17 proceeding does not extend the time period for commencing a  
18 proceeding in the Tax Tribunal.

19 (c) The Tax Tribunal may require the taxpayer to post a  
20 bond equal to 25% of the liability at issue (1) upon motion of  
21 the Department and a showing that (A) the taxpayer's action is  
22 frivolous or legally insufficient or (B) the taxpayer is  
23 acting primarily for the purpose of delaying the collection of  
24 tax or prejudicing the ability ultimately to collect the tax,  
25 or (2) if, at any time during the proceedings, it is determined  
26 by the Tax Tribunal that the taxpayer is not pursuing the

1 resolution of the case with due diligence. If the Tax Tribunal  
2 finds in a particular case that the taxpayer cannot procure  
3 and furnish a satisfactory surety or sureties for the kind of  
4 bond required herein, the Tax Tribunal may relieve the  
5 taxpayer of the obligation of filing such bond, if, upon the  
6 timely application for a lien in lieu thereof and accompanying  
7 proof therein submitted, the Tax Tribunal is satisfied that  
8 any such lien imposed would operate to secure the assessment  
9 in the manner and to the degree as would a bond. The Tax  
10 Tribunal shall adopt rules for the procedures to be used in  
11 securing a bond or lien under this Section.

12 (d) If, with or after the filing of a timely petition, the  
13 taxpayer pays all or part of the tax or other amount in issue  
14 before the Tax Tribunal has rendered a decision, the Tax  
15 Tribunal shall treat the taxpayer's petition as a protest of a  
16 denial of claim for refund of the amount so paid upon a written  
17 motion filed by the taxpayer.

18 (e) The Tax Tribunal shall not have jurisdiction to  
19 review:

20 (1) any assessment made under the Property Tax Code;

21 (2) any decisions relating to the issuance or denial  
22 of an exemption ruling for any entity claiming exemption  
23 from any tax imposed under the Property Tax Code or any  
24 State tax administered by the Department;

25 (3) a notice of proposed tax liability, notice of  
26 proposed deficiency, or any other notice of proposed



1 assessment or notice of intent to take some action;

2 (4) any action or determination of the Department  
3 regarding tax liabilities that have become finalized by  
4 law, including but not limited to the issuance of liens,  
5 levies, and revocations, suspensions, or denials of  
6 licenses or certificates of registration or any other  
7 collection activities;

8 (5) any proceedings of the Department's informal  
9 administrative appeals function; and

10 (6) any challenge to an administrative subpoena issued  
11 by the Department.

12 (f) The Tax Tribunal shall decide questions regarding the  
13 constitutionality of statutes and rules adopted by the  
14 Department as applied to the taxpayer, but shall not have the  
15 power to declare a statute or rule unconstitutional or  
16 otherwise invalid on its face. A taxpayer challenging the  
17 constitutionality of a statute or rule on its face may present  
18 such challenge to the Tax Tribunal for the sole purpose of  
19 making a record for review by the Illinois Appellate Court.  
20 Failure to raise a constitutional issue regarding the  
21 application of a statute or regulations to the taxpayer shall  
22 not preclude the taxpayer or the Department from raising those  
23 issues at the appellate court level.

24 (Source: P.A. 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13.)

25 Section 560. The Illinois Controlled Substances Act is

1 amended by changing Sections 102 and 204 as follows:

2 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

3 Sec. 102. Definitions. As used in this Act, unless the  
4 context otherwise requires:

5 (a) "Addict" means any person who habitually uses any  
6 drug, chemical, substance or dangerous drug other than alcohol  
7 so as to endanger the public morals, health, safety or welfare  
8 or who is so far addicted to the use of a dangerous drug or  
9 controlled substance other than alcohol as to have lost the  
10 power of self control with reference to his or her addiction.

11 (b) "Administer" means the direct application of a  
12 controlled substance, whether by injection, inhalation,  
13 ingestion, or any other means, to the body of a patient,  
14 research subject, or animal (as defined by the Humane  
15 Euthanasia in Animal Shelters Act) by:

16 (1) a practitioner (or, in his or her presence, by his  
17 or her authorized agent),

18 (2) the patient or research subject pursuant to an  
19 order, or

20 (3) a euthanasia technician as defined by the Humane  
21 Euthanasia in Animal Shelters Act.

22 (c) "Agent" means an authorized person who acts on behalf  
23 of or at the direction of a manufacturer, distributor,  
24 dispenser, prescriber, or practitioner. It does not include a  
25 common or contract carrier, public warehouseman or employee of

1 the carrier or warehouseman.

2 (c-1) "Anabolic Steroids" means any drug or hormonal  
3 substance, chemically and pharmacologically related to  
4 testosterone (other than estrogens, progestins,  
5 corticosteroids, and dehydroepiandrosterone), and includes:

6 (i) 3[beta],17-dihydroxy-5a-androstane,

7 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

8 (iii) 5[alpha]-androstan-3,17-dione,

9 (iv) 1-androstenediol (3[beta],

10 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

11 (v) 1-androstenediol (3[alpha],

12 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

13 (vi) 4-androstenediol

14 (3[beta],17[beta]-dihydroxy-androst-4-ene),

15 (vii) 5-androstenediol

16 (3[beta],17[beta]-dihydroxy-androst-5-ene),

17 (viii) 1-androstenedione

18 ([5alpha]-androst-1-en-3,17-dione),

19 (ix) 4-androstenedione

20 (androst-4-en-3,17-dione),

21 (x) 5-androstenedione

22 (androst-5-en-3,17-dione),

23 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-

24 hydroxyandrost-4-en-3-one),

25 (xii) boldenone (17[beta]-hydroxyandrost-

26 1,4,-diene-3-one),

- 1 (xiii) boldione (androsta-1,4-  
2 diene-3,17-dione),  
3 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17  
4 [beta]-hydroxyandrost-4-en-3-one),  
5 (xv) clostebol (4-chloro-17[beta]-  
6 hydroxyandrost-4-en-3-one),  
7 (xvi) dehydrochloromethyltestosterone (4-chloro-  
8 17[beta]-hydroxy-17[alpha]-methyl-  
9 androst-1,4-dien-3-one),  
10 (xvii) desoxymethyltestosterone  
11 (17[alpha]-methyl-5[alpha]  
12 -androst-2-en-17[beta]-ol) (a.k.a., madol),  
13 (xviii) [delta]1-dihydrotestosterone (a.k.a.  
14 '1-testosterone') (17[beta]-hydroxy-  
15 5[alpha]-androst-1-en-3-one),  
16 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
17 androstan-3-one),  
18 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
19 5[alpha]-androstan-3-one),  
20 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
21 hydroxyestr-4-ene),  
22 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-  
23 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),  
24 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
25 17[beta]-dihydroxyandrost-1,4-dien-3-one),  
26 (xxiv) furazabol (17[alpha]-methyl-17[beta]-

1 hydroxyandrostando[2,3-c]-furan),  
2 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,  
3 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-  
4 androst-4-en-3-one),  
5 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-  
6 dihydroxy-estr-4-en-3-one),  
7 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
8 hydroxy-5-androstan-3-one),  
9 (xxix) mesterolone (1-methyl-17[beta]-hydroxy-  
10 [5a]-androstan-3-one),  
11 (xxx) methandienone (17[alpha]-methyl-17[beta]-  
12 hydroxyandrost-1,4-dien-3-one),  
13 (xxxii) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
14 dihydroxyandrost-5-ene),  
15 (xxxiii) methenolone (1-methyl-17[beta]-hydroxy-  
16 5[alpha]-androst-1-en-3-one),  
17 (xxxiiii) 17[alpha]-methyl-3[beta], 17[beta]-  
18 dihydroxy-5a-androstane,  
19 (xxxv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
20 -5a-androstane,  
21 (xxxvi) 17[alpha]-methyl-3[beta],17[beta]-  
22 dihydroxyandrost-4-ene),  
23 (xxxvii) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
24 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
25 (xxxviii) methyldienolone (17[alpha]-methyl-17[beta]-  
26 hydroxyestra-4,9(10)-dien-3-one),

- 1 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-  
2 hydroxyestra-4,9-11-trien-3-one),  
3 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-  
4 hydroxyandrost-4-en-3-one),  
5 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-  
6 hydroxyestr-4-en-3-one),  
7 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
8 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
9 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
10 1-testosterone'),  
11 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),  
12 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-  
13 dihydroxyestr-4-ene),  
14 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
15 dihydroxyestr-4-ene),  
16 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-  
17 dihydroxyestr-5-ene),  
18 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
19 dihydroxyestr-5-ene),  
20 (xlvii) 19-nor-4,9(10)-androstadienedione  
21 (estra-4,9(10)-diene-3,17-dione),  
22 (xlviii) 19-nor-4-androstenedione (estr-4-  
23 en-3,17-dione),  
24 (xlix) 19-nor-5-androstenedione (estr-5-  
25 en-3,17-dione),  
26 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-

- 1 hydroxygon-4-en-3-one),
- 2 (li) norclostebol (4-chloro-17[beta]-
- 3 hydroxyestr-4-en-3-one),
- 4 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-
- 5 hydroxyestr-4-en-3-one),
- 6 (liii) normethandrolone (17[alpha]-methyl-17[beta]-
- 7 hydroxyestr-4-en-3-one),
- 8 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-
- 9 2-oxa-5[alpha]-androstan-3-one),
- 10 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-
- 11 dihydroxyandrost-4-en-3-one),
- 12 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-
- 13 17[beta]-hydroxy-(5[alpha]-androstan-3-one),
- 14 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-
- 15 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),
- 16 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-
- 17 (5[alpha]-androst-1-en-3-one),
- 18 (lix) testolactone (13-hydroxy-3-oxo-13,17-
- 19 secoandrosta-1,4-dien-17-oic
- 20 acid lactone),
- 21 (lx) testosterone (17[beta]-hydroxyandrost-
- 22 4-en-3-one),
- 23 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-
- 24 diethyl-17[beta]-hydroxygon-
- 25 4,9,11-trien-3-one),
- 26 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,

1           11-trien-3-one).

2           Any person who is otherwise lawfully in possession of an  
3           anabolic steroid, or who otherwise lawfully manufactures,  
4           distributes, dispenses, delivers, or possesses with intent to  
5           deliver an anabolic steroid, which anabolic steroid is  
6           expressly intended for and lawfully allowed to be administered  
7           through implants to livestock or other nonhuman species, and  
8           which is approved by the Secretary of Health and Human  
9           Services for such administration, and which the person intends  
10          to administer or have administered through such implants,  
11          shall not be considered to be in unauthorized possession or to  
12          unlawfully manufacture, distribute, dispense, deliver, or  
13          possess with intent to deliver such anabolic steroid for  
14          purposes of this Act.

15          (d) "Administration" means the Drug Enforcement  
16          Administration, United States Department of Justice, or its  
17          successor agency.

18          (d-5) "Clinical Director, Prescription Monitoring Program"  
19          means a Department of Human Services administrative employee  
20          licensed to either prescribe or dispense controlled substances  
21          who shall run the clinical aspects of the Department of Human  
22          Services Prescription Monitoring Program and its Prescription  
23          Information Library.

24          (d-10) "Compounding" means the preparation and mixing of  
25          components, excluding flavorings, (1) as the result of a  
26          prescriber's prescription drug order or initiative based on



1 the prescriber-patient-pharmacist relationship in the course  
2 of professional practice or (2) for the purpose of, or  
3 incident to, research, teaching, or chemical analysis and not  
4 for sale or dispensing. "Compounding" includes the preparation  
5 of drugs or devices in anticipation of receiving prescription  
6 drug orders based on routine, regularly observed dispensing  
7 patterns. Commercially available products may be compounded  
8 for dispensing to individual patients only if both of the  
9 following conditions are met: (i) the commercial product is  
10 not reasonably available from normal distribution channels in  
11 a timely manner to meet the patient's needs and (ii) the  
12 prescribing practitioner has requested that the drug be  
13 compounded.

14 (e) "Control" means to add a drug or other substance, or  
15 immediate precursor, to a Schedule whether by transfer from  
16 another Schedule or otherwise.

17 (f) "Controlled Substance" means (i) a drug, substance,  
18 immediate precursor, or synthetic drug in the Schedules of  
19 Article II of this Act or (ii) a drug or other substance, or  
20 immediate precursor, designated as a controlled substance by  
21 the Department through administrative rule. The term does not  
22 include: distilled spirits, wine, malt beverages, or tobacco,  
23 as those terms are defined or used in the Liquor Control Act of  
24 1934 and the Tobacco Products Tax Act of 1995; or psilocybin or  
25 a psilocybin product, as those terms are defined or used in the  
26 Compassionate Use and Research of Entheogens Act.

1 (f-5) "Controlled substance analog" means a substance:

2 (1) the chemical structure of which is substantially  
3 similar to the chemical structure of a controlled  
4 substance in Schedule I or II;

5 (2) which has a stimulant, depressant, or  
6 hallucinogenic effect on the central nervous system that  
7 is substantially similar to or greater than the stimulant,  
8 depressant, or hallucinogenic effect on the central  
9 nervous system of a controlled substance in Schedule I or  
10 II; or

11 (3) with respect to a particular person, which such  
12 person represents or intends to have a stimulant,  
13 depressant, or hallucinogenic effect on the central  
14 nervous system that is substantially similar to or greater  
15 than the stimulant, depressant, or hallucinogenic effect  
16 on the central nervous system of a controlled substance in  
17 Schedule I or II.

18 (g) "Counterfeit substance" means a controlled substance,  
19 which, or the container or labeling of which, without  
20 authorization bears the trademark, trade name, or other  
21 identifying mark, imprint, number or device, or any likeness  
22 thereof, of a manufacturer, distributor, or dispenser other  
23 than the person who in fact manufactured, distributed, or  
24 dispensed the substance.

25 (h) "Deliver" or "delivery" means the actual, constructive  
26 or attempted transfer of possession of a controlled substance,

1 with or without consideration, whether or not there is an  
2 agency relationship. "Deliver" or "delivery" does not include  
3 the donation of drugs to the extent permitted under the  
4 Illinois Drug Reuse Opportunity Program Act.

5 (i) "Department" means the Illinois Department of Human  
6 Services (as successor to the Department of Alcoholism and  
7 Substance Abuse) or its successor agency.

8 (j) (Blank).

9 (k) "Department of Corrections" means the Department of  
10 Corrections of the State of Illinois or its successor agency.

11 (l) "Department of Financial and Professional Regulation"  
12 means the Department of Financial and Professional Regulation  
13 of the State of Illinois or its successor agency.

14 (m) "Depressant" means any drug that (i) causes an overall  
15 depression of central nervous system functions, (ii) causes  
16 impaired consciousness and awareness, and (iii) can be  
17 habit-forming or lead to a substance abuse problem, including,  
18 but not limited to, alcohol, cannabis and its active  
19 principles and their analogs, benzodiazepines and their  
20 analogs, barbiturates and their analogs, opioids (natural and  
21 synthetic) and their analogs, and chloral hydrate and similar  
22 sedative hypnotics.

23 (n) (Blank).

24 (o) "Director" means the Director of the Illinois State  
25 Police or his or her designated agents.

26 (p) "Dispense" means to deliver a controlled substance to

1 an ultimate user or research subject by or pursuant to the  
2 lawful order of a prescriber, including the prescribing,  
3 administering, packaging, labeling, or compounding necessary  
4 to prepare the substance for that delivery.

5 (q) "Dispenser" means a practitioner who dispenses.

6 (r) "Distribute" means to deliver, other than by  
7 administering or dispensing, a controlled substance.

8 (s) "Distributor" means a person who distributes.

9 (t) "Drug" means (1) substances recognized as drugs in the  
10 official United States Pharmacopoeia, Official Homeopathic  
11 Pharmacopoeia of the United States, or official National  
12 Formulary, or any supplement to any of them; (2) substances  
13 intended for use in diagnosis, cure, mitigation, treatment, or  
14 prevention of disease in man or animals; (3) substances (other  
15 than food) intended to affect the structure of any function of  
16 the body of man or animals and (4) substances intended for use  
17 as a component of any article specified in clause (1), (2), or  
18 (3) of this subsection. It does not include devices or their  
19 components, parts, or accessories.

20 (t-3) "Electronic health record" or "EHR" means an  
21 electronic record of health-related information on an  
22 individual that is created, gathered, managed, and consulted  
23 by authorized health care clinicians and staff.

24 (t-3.5) "Electronic health record system" or "EHR system"  
25 means any computer-based system or combination of federally  
26 certified Health IT Modules (defined at 42 CFR 170.102 or its

1 successor) used as a repository for electronic health records  
2 and accessed or updated by a prescriber or authorized  
3 surrogate in the ordinary course of his or her medical  
4 practice. For purposes of connecting to the Prescription  
5 Information Library maintained by the Bureau of Pharmacy and  
6 Clinical Support Systems or its successor, an EHR system may  
7 connect to the Prescription Information Library directly or  
8 through all or part of a computer program or system that is a  
9 federally certified Health IT Module maintained by a third  
10 party and used by the EHR system to secure access to the  
11 database.

12 (t-4) "Emergency medical services personnel" has the  
13 meaning ascribed to it in the Emergency Medical Services (EMS)  
14 Systems Act.

15 (t-5) "Euthanasia agency" means an entity certified by the  
16 Department of Financial and Professional Regulation for the  
17 purpose of animal euthanasia that holds an animal control  
18 facility license or animal shelter license under the Animal  
19 Welfare Act. A euthanasia agency is authorized to purchase,  
20 store, possess, and utilize Schedule II nonnarcotic and  
21 Schedule III nonnarcotic drugs for the sole purpose of animal  
22 euthanasia.

23 (t-10) "Euthanasia drugs" means Schedule II or Schedule  
24 III substances (nonnarcotic controlled substances) that are  
25 used by a euthanasia agency for the purpose of animal  
26 euthanasia.

1 (u) "Good faith" means the prescribing or dispensing of a  
2 controlled substance by a practitioner in the regular course  
3 of professional treatment to or for any person who is under his  
4 or her treatment for a pathology or condition other than that  
5 individual's physical or psychological dependence upon or  
6 addiction to a controlled substance, except as provided  
7 herein: and application of the term to a pharmacist shall mean  
8 the dispensing of a controlled substance pursuant to the  
9 prescriber's order which in the professional judgment of the  
10 pharmacist is lawful. The pharmacist shall be guided by  
11 accepted professional standards, including, but not limited  
12 to, the following, in making the judgment:

13 (1) lack of consistency of prescriber-patient  
14 relationship,

15 (2) frequency of prescriptions for same drug by one  
16 prescriber for large numbers of patients,

17 (3) quantities beyond those normally prescribed,

18 (4) unusual dosages (recognizing that there may be  
19 clinical circumstances where more or less than the usual  
20 dose may be used legitimately),

21 (5) unusual geographic distances between patient,  
22 pharmacist and prescriber,

23 (6) consistent prescribing of habit-forming drugs.

24 (u-0.5) "Hallucinogen" means a drug that causes markedly  
25 altered sensory perception leading to hallucinations of any  
26 type.

1 (u-1) "Home infusion services" means services provided by  
2 a pharmacy in compounding solutions for direct administration  
3 to a patient in a private residence, long-term care facility,  
4 or hospice setting by means of parenteral, intravenous,  
5 intramuscular, subcutaneous, or intraspinal infusion.

6 (u-5) "Illinois State Police" means the Illinois State  
7 Police or its successor agency.

8 (v) "Immediate precursor" means a substance:

9 (1) which the Department has found to be and by rule  
10 designated as being a principal compound used, or produced  
11 primarily for use, in the manufacture of a controlled  
12 substance;

13 (2) which is an immediate chemical intermediary used  
14 or likely to be used in the manufacture of such controlled  
15 substance; and

16 (3) the control of which is necessary to prevent,  
17 curtail or limit the manufacture of such controlled  
18 substance.

19 (w) "Instructional activities" means the acts of teaching,  
20 educating or instructing by practitioners using controlled  
21 substances within educational facilities approved by the State  
22 Board of Education or its successor agency.

23 (x) "Local authorities" means a duly organized State,  
24 County or Municipal peace unit or police force.

25 (y) "Look-alike substance" means a substance, other than a  
26 controlled substance which (1) by overall dosage unit

1 appearance, including shape, color, size, markings or lack  
2 thereof, taste, consistency, or any other identifying physical  
3 characteristic of the substance, would lead a reasonable  
4 person to believe that the substance is a controlled  
5 substance, or (2) is expressly or impliedly represented to be  
6 a controlled substance or is distributed under circumstances  
7 which would lead a reasonable person to believe that the  
8 substance is a controlled substance. For the purpose of  
9 determining whether the representations made or the  
10 circumstances of the distribution would lead a reasonable  
11 person to believe the substance to be a controlled substance  
12 under this clause (2) of subsection (y), the court or other  
13 authority may consider the following factors in addition to  
14 any other factor that may be relevant:

15 (a) statements made by the owner or person in control  
16 of the substance concerning its nature, use or effect;

17 (b) statements made to the buyer or recipient that the  
18 substance may be resold for profit;

19 (c) whether the substance is packaged in a manner  
20 normally used for the illegal distribution of controlled  
21 substances;

22 (d) whether the distribution or attempted distribution  
23 included an exchange of or demand for money or other  
24 property as consideration, and whether the amount of the  
25 consideration was substantially greater than the  
26 reasonable retail market value of the substance.



1           Clause (1) of this subsection (y) shall not apply to a  
2 noncontrolled substance in its finished dosage form that was  
3 initially introduced into commerce prior to the initial  
4 introduction into commerce of a controlled substance in its  
5 finished dosage form which it may substantially resemble.

6           Nothing in this subsection (y) prohibits the dispensing or  
7 distributing of noncontrolled substances by persons authorized  
8 to dispense and distribute controlled substances under this  
9 Act, provided that such action would be deemed to be carried  
10 out in good faith under subsection (u) if the substances  
11 involved were controlled substances.

12           Nothing in this subsection (y) or in this Act prohibits  
13 the manufacture, preparation, propagation, compounding,  
14 processing, packaging, advertising or distribution of a drug  
15 or drugs by any person registered pursuant to Section 510 of  
16 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

17           (y-1) "Mail-order pharmacy" means a pharmacy that is  
18 located in a state of the United States that delivers,  
19 dispenses or distributes, through the United States Postal  
20 Service or other common carrier, to Illinois residents, any  
21 substance which requires a prescription.

22           (z) "Manufacture" means the production, preparation,  
23 propagation, compounding, conversion or processing of a  
24 controlled substance other than methamphetamine, either  
25 directly or indirectly, by extraction from substances of  
26 natural origin, or independently by means of chemical

1 synthesis, or by a combination of extraction and chemical  
2 synthesis, and includes any packaging or repackaging of the  
3 substance or labeling of its container, except that this term  
4 does not include:

5 (1) by an ultimate user, the preparation or  
6 compounding of a controlled substance for his or her own  
7 use;

8 (2) by a practitioner, or his or her authorized agent  
9 under his or her supervision, the preparation,  
10 compounding, packaging, or labeling of a controlled  
11 substance:

12 (a) as an incident to his or her administering or  
13 dispensing of a controlled substance in the course of  
14 his or her professional practice; or

15 (b) as an incident to lawful research, teaching or  
16 chemical analysis and not for sale; or

17 (3) the packaging, repackaging, or labeling of drugs  
18 only to the extent permitted under the Illinois Drug Reuse  
19 Opportunity Program Act.

20 (z-1) (Blank).

21 (z-5) "Medication shopping" means the conduct prohibited  
22 under subsection (a) of Section 314.5 of this Act.

23 (z-10) "Mid-level practitioner" means (i) a physician  
24 assistant who has been delegated authority to prescribe  
25 through a written delegation of authority by a physician  
26 licensed to practice medicine in all of its branches, in

1 accordance with Section 7.5 of the Physician Assistant  
2 Practice Act of 1987, (ii) an advanced practice registered  
3 nurse who has been delegated authority to prescribe through a  
4 written delegation of authority by a physician licensed to  
5 practice medicine in all of its branches or by a podiatric  
6 physician, in accordance with Section 65-40 of the Nurse  
7 Practice Act, (iii) an advanced practice registered nurse  
8 certified as a nurse practitioner, nurse midwife, or clinical  
9 nurse specialist who has been granted authority to prescribe  
10 by a hospital affiliate in accordance with Section 65-45 of  
11 the Nurse Practice Act, (iv) an animal euthanasia agency, or  
12 (v) a prescribing psychologist.

13 (aa) "Narcotic drug" means any of the following, whether  
14 produced directly or indirectly by extraction from substances  
15 of vegetable origin, or independently by means of chemical  
16 synthesis, or by a combination of extraction and chemical  
17 synthesis:

18 (1) opium, opiates, derivatives of opium and opiates,  
19 including their isomers, esters, ethers, salts, and salts  
20 of isomers, esters, and ethers, whenever the existence of  
21 such isomers, esters, ethers, and salts is possible within  
22 the specific chemical designation; however the term  
23 "narcotic drug" does not include the isoquinoline  
24 alkaloids of opium;

25 (2) (blank);

26 (3) opium poppy and poppy straw;

1           (4) coca leaves, except coca leaves and extracts of  
2           coca leaves from which substantially all of the cocaine  
3           and ecgonine, and their isomers, derivatives and salts,  
4           have been removed;

5           (5) cocaine, its salts, optical and geometric isomers,  
6           and salts of isomers;

7           (6) ecgonine, its derivatives, their salts, isomers,  
8           and salts of isomers;

9           (7) any compound, mixture, or preparation which  
10          contains any quantity of any of the substances referred to  
11          in subparagraphs (1) through (6).

12          (bb) "Nurse" means a registered nurse licensed under the  
13          Nurse Practice Act.

14          (cc) (Blank).

15          (dd) "Opiate" means any substance having an addiction  
16          forming or addiction sustaining liability similar to morphine  
17          or being capable of conversion into a drug having addiction  
18          forming or addiction sustaining liability.

19          (ee) "Opium poppy" means the plant of the species *Papaver*  
20          *somniferum* L., except its seeds.

21          (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
22          solution or other liquid form of medication intended for  
23          administration by mouth, but the term does not include a form  
24          of medication intended for buccal, sublingual, or transmucosal  
25          administration.

26          (ff) "Parole and Pardon Board" means the Parole and Pardon

1 Board of the State of Illinois or its successor agency.

2 (gg) "Person" means any individual, corporation,  
3 mail-order pharmacy, government or governmental subdivision or  
4 agency, business trust, estate, trust, partnership or  
5 association, or any other entity.

6 (hh) "Pharmacist" means any person who holds a license or  
7 certificate of registration as a registered pharmacist, a  
8 local registered pharmacist or a registered assistant  
9 pharmacist under the Pharmacy Practice Act.

10 (ii) "Pharmacy" means any store, ship or other place in  
11 which pharmacy is authorized to be practiced under the  
12 Pharmacy Practice Act.

13 (ii-5) "Pharmacy shopping" means the conduct prohibited  
14 under subsection (b) of Section 314.5 of this Act.

15 (ii-10) "Physician" (except when the context otherwise  
16 requires) means a person licensed to practice medicine in all  
17 of its branches.

18 (jj) "Poppy straw" means all parts, except the seeds, of  
19 the opium poppy, after mowing.

20 (kk) "Practitioner" means a physician licensed to practice  
21 medicine in all its branches, dentist, optometrist, podiatric  
22 physician, veterinarian, scientific investigator, pharmacist,  
23 physician assistant, advanced practice registered nurse,  
24 licensed practical nurse, registered nurse, emergency medical  
25 services personnel, hospital, laboratory, or pharmacy, or  
26 other person licensed, registered, or otherwise lawfully

1 permitted by the United States or this State to distribute,  
2 dispense, conduct research with respect to, administer or use  
3 in teaching or chemical analysis, a controlled substance in  
4 the course of professional practice or research.

5 (ll) "Pre-printed prescription" means a written  
6 prescription upon which the designated drug has been indicated  
7 prior to the time of issuance; the term does not mean a written  
8 prescription that is individually generated by machine or  
9 computer in the prescriber's office.

10 (mm) "Prescriber" means a physician licensed to practice  
11 medicine in all its branches, dentist, optometrist,  
12 prescribing psychologist licensed under Section 4.2 of the  
13 Clinical Psychologist Licensing Act with prescriptive  
14 authority delegated under Section 4.3 of the Clinical  
15 Psychologist Licensing Act, podiatric physician, or  
16 veterinarian who issues a prescription, a physician assistant  
17 who issues a prescription for a controlled substance in  
18 accordance with Section 303.05, a written delegation, and a  
19 written collaborative agreement required under Section 7.5 of  
20 the Physician Assistant Practice Act of 1987, an advanced  
21 practice registered nurse with prescriptive authority  
22 delegated under Section 65-40 of the Nurse Practice Act and in  
23 accordance with Section 303.05, a written delegation, and a  
24 written collaborative agreement under Section 65-35 of the  
25 Nurse Practice Act, an advanced practice registered nurse  
26 certified as a nurse practitioner, nurse midwife, or clinical

1 nurse specialist who has been granted authority to prescribe  
2 by a hospital affiliate in accordance with Section 65-45 of  
3 the Nurse Practice Act and in accordance with Section 303.05,  
4 or an advanced practice registered nurse certified as a nurse  
5 practitioner, nurse midwife, or clinical nurse specialist who  
6 has full practice authority pursuant to Section 65-43 of the  
7 Nurse Practice Act.

8 (nn) "Prescription" means a written, facsimile, or oral  
9 order, or an electronic order that complies with applicable  
10 federal requirements, of a physician licensed to practice  
11 medicine in all its branches, dentist, podiatric physician or  
12 veterinarian for any controlled substance, of an optometrist  
13 in accordance with Section 15.1 of the Illinois Optometric  
14 Practice Act of 1987, of a prescribing psychologist licensed  
15 under Section 4.2 of the Clinical Psychologist Licensing Act  
16 with prescriptive authority delegated under Section 4.3 of the  
17 Clinical Psychologist Licensing Act, of a physician assistant  
18 for a controlled substance in accordance with Section 303.05,  
19 a written delegation, and a written collaborative agreement  
20 required under Section 7.5 of the Physician Assistant Practice  
21 Act of 1987, of an advanced practice registered nurse with  
22 prescriptive authority delegated under Section 65-40 of the  
23 Nurse Practice Act who issues a prescription for a controlled  
24 substance in accordance with Section 303.05, a written  
25 delegation, and a written collaborative agreement under  
26 Section 65-35 of the Nurse Practice Act, of an advanced

1 practice registered nurse certified as a nurse practitioner,  
2 nurse midwife, or clinical nurse specialist who has been  
3 granted authority to prescribe by a hospital affiliate in  
4 accordance with Section 65-45 of the Nurse Practice Act and in  
5 accordance with Section 303.05 when required by law, or of an  
6 advanced practice registered nurse certified as a nurse  
7 practitioner, nurse midwife, or clinical nurse specialist who  
8 has full practice authority pursuant to Section 65-43 of the  
9 Nurse Practice Act.

10 (nn-5) "Prescription Information Library" (PIL) means an  
11 electronic library that contains reported controlled substance  
12 data.

13 (nn-10) "Prescription Monitoring Program" (PMP) means the  
14 entity that collects, tracks, and stores reported data on  
15 controlled substances and select drugs pursuant to Section  
16 316.

17 (oo) "Production" or "produce" means manufacture,  
18 planting, cultivating, growing, or harvesting of a controlled  
19 substance other than methamphetamine.

20 (pp) "Registrant" means every person who is required to  
21 register under Section 302 of this Act.

22 (qq) "Registry number" means the number assigned to each  
23 person authorized to handle controlled substances under the  
24 laws of the United States and of this State.

25 (qq-5) "Secretary" means, as the context requires, either  
26 the Secretary of the Department or the Secretary of the



1 Department of Financial and Professional Regulation, and the  
2 Secretary's designated agents.

3 (rr) "State" includes the State of Illinois and any state,  
4 district, commonwealth, territory, insular possession thereof,  
5 and any area subject to the legal authority of the United  
6 States of America.

7 (rr-5) "Stimulant" means any drug that (i) causes an  
8 overall excitation of central nervous system functions, (ii)  
9 causes impaired consciousness and awareness, and (iii) can be  
10 habit-forming or lead to a substance abuse problem, including,  
11 but not limited to, amphetamines and their analogs,  
12 methylphenidate and its analogs, cocaine, and phencyclidine  
13 and its analogs.

14 (rr-10) "Synthetic drug" includes, but is not limited to,  
15 any synthetic cannabinoids or piperazines or any synthetic  
16 cathinones as provided for in Schedule I.

17 (ss) "Ultimate user" means a person who lawfully possesses  
18 a controlled substance for his or her own use or for the use of  
19 a member of his or her household or for administering to an  
20 animal owned by him or her or by a member of his or her  
21 household.

22 (Source: P.A. 101-666, eff. 1-1-22; 102-389, eff. 1-1-22;  
23 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

24 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

25 (Text of Section before amendment by P.A. 103-245)

1           Sec. 204. (a) The controlled substances listed in this  
2 Section are included in Schedule I.

3           (b) Unless specifically excepted or unless listed in  
4 another schedule, any of the following opiates, including  
5 their isomers, esters, ethers, salts, and salts of isomers,  
6 esters, and ethers, whenever the existence of such isomers,  
7 esters, ethers and salts is possible within the specific  
8 chemical designation:

9           (1) Acetylmethadol;

10           (1.1) Acetyl-alpha-methylfentanyl

11           (N-[1-(1-methyl-2-phenethyl)-

12           4-piperidinyl]-N-phenylacetamide);

13           (2) Allylprodine;

14           (3) Alphacetylmethadol, except

15           levo-alphacetylmethadol (also known as levo-alpha-

16           acetylmethadol, levomethadyl acetate, or LAAM);

17           (4) Alphameprodine;

18           (5) Alphamethadol;

19           (6) Alpha-methylfentanyl

20           (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)

21           propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-

22           propanilido) piperidine;

23           (6.1) Alpha-methylthiofentanyl

24           (N-[1-methyl-2-(2-thienyl)ethyl-

25           4-piperidinyl]-N-phenylpropanamide);

26           (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);

- 1 (7.1) PEPAP
- 2 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 3 (8) Benzethidine;
- 4 (9) Betacetylmethadol;
- 5 (9.1) Beta-hydroxyfentanyl
- 6 (N-[1-(2-hydroxy-2-phenethyl)-
- 7 4-piperidinyl]-N-phenylpropanamide);
- 8 (10) Betameprodine;
- 9 (11) Betamethadol;
- 10 (12) Betaprodine;
- 11 (13) Clonitazene;
- 12 (14) Dextromoramide;
- 13 (15) Diampromide;
- 14 (16) Diethylthiambutene;
- 15 (17) DifenoXin;
- 16 (18) Dimenoxadol;
- 17 (19) Dimepheptanol;
- 18 (20) Dimethylthiambutene;
- 19 (21) Dioxaphetylbutyrate;
- 20 (22) Dipipanone;
- 21 (23) Ethylmethylthiambutene;
- 22 (24) Etonitazene;
- 23 (25) EtoXeridine;
- 24 (26) Furethidine;
- 25 (27) Hydroxpethidine;
- 26 (28) Ketobemidone;

- 1 (29) Levomoramide;
- 2 (30) Levophenacetylmorphan;
- 3 (31) 3-Methylfentanyl
- 4 (N-[3-methyl-1-(2-phenylethyl)-
- 5 4-piperidyl]-N-phenylpropanamide);
- 6 (31.1) 3-Methylthiofentanyl
- 7 (N-[(3-methyl-1-(2-thienyl)ethyl-
- 8 4-piperidinyl]-N-phenylpropanamide);
- 9 (32) Morpheridine;
- 10 (33) Noracymethadol;
- 11 (34) Norlevorphanol;
- 12 (35) Normethadone;
- 13 (36) Norpipanone;
- 14 (36.1) Para-fluorofentanyl
- 15 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-
- 16 4-piperidinyl]propanamide);
- 17 (37) Phenadoxone;
- 18 (38) Phenampromide;
- 19 (39) Phenomorphan;
- 20 (40) Phenoperidine;
- 21 (41) Piritramide;
- 22 (42) Proheptazine;
- 23 (43) Properidine;
- 24 (44) Propiram;
- 25 (45) Racemoramide;
- 26 (45.1) Thiofentanyl

- 1 (N-phenyl-N-[1-(2-thienyl)ethyl-  
2 4-piperidinyll]-propanamide);  
3 (46) Tilidine;  
4 (47) Trimeperidine;  
5 (48) Beta-hydroxy-3-methylfentanyl (other name:  
6 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyll]-  
7 N-phenylpropanamide);  
8 (49) Furanyl fentanyl (FU-F);  
9 (50) Butyryl fentanyl;  
10 (51) Valeryl fentanyl;  
11 (52) Acetyl fentanyl;  
12 (53) Beta-hydroxy-thiofentanyl;  
13 (54) 3,4-dichloro-N-[2-  
14 (dimethylamino)cyclohexyl]-N-  
15 methylbenzamide (U-47700);  
16 (55) 4-chloro-N-[1-[2-  
17 (4-nitrophenyl)ethyl]-2-piperidinyllidene]-  
18 benzenesulfonamide (W-18);  
19 (56) 4-chloro-N-[1-(2-phenylethyl)  
20 -2-piperidinyllidene]-benzenesulfonamide (W-15);  
21 (57) acrylfentanyl (acryloylfentanyl).

22 (c) Unless specifically excepted or unless listed in  
23 another schedule, any of the following opium derivatives, its  
24 salts, isomers and salts of isomers, whenever the existence of  
25 such salts, isomers and salts of isomers is possible within  
26 the specific chemical designation:

- 1 (1) Acetorphine;
- 2 (2) Acetyldihydrocodeine;
- 3 (3) Benzylmorphine;
- 4 (4) Codeine methylbromide;
- 5 (5) Codeine-N-Oxide;
- 6 (6) Cyprenorphine;
- 7 (7) Desomorphine;
- 8 (8) Diacetyldihydromorphine (Dihydroheroin);
- 9 (9) Dihydromorphine;
- 10 (10) Drotebanol;
- 11 (11) Etorphine (except hydrochloride salt);
- 12 (12) Heroin;
- 13 (13) Hydromorphenol;
- 14 (14) Methyldesorphine;
- 15 (15) Methyldihydromorphine;
- 16 (16) Morphine methylbromide;
- 17 (17) Morphine methylsulfonate;
- 18 (18) Morphine-N-Oxide;
- 19 (19) Myrophine;
- 20 (20) Nicocodeine;
- 21 (21) Nicomorphine;
- 22 (22) Normorphine;
- 23 (23) Pholcodine;
- 24 (24) Thebacon.

25 (d) Unless specifically excepted or unless listed in  
26 another schedule, any material, compound, mixture, or

1 preparation which contains any quantity of the following  
2 hallucinogenic substances, or which contains any of its salts,  
3 isomers and salts of isomers, whenever the existence of such  
4 salts, isomers, and salts of isomers is possible within the  
5 specific chemical designation (for the purposes of this  
6 paragraph only, the term "isomer" includes the optical,  
7 position and geometric isomers):

8 (1) 3,4-methylenedioxyamphetamine

9 (alpha-methyl, 3,4-methylenedioxyphenethylamine,  
10 methylenedioxyamphetamine, MDA);

11 (1.1) Alpha-ethyltryptamine

12 (some trade or other names: etryptamine;  
13 MONASE; alpha-ethyl-1H-indole-3-ethanamine;  
14 3-(2-aminobutyl)indole; a-ET; and AET);

15 (2) 3,4-methylenedioxymethamphetamine (MDMA);

16 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

17 (also known as: N-ethyl-alpha-methyl-  
18 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,  
19 and MDEA);

20 (2.2) N-Benzylpiperazine (BZP);

21 (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);

22 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

23 (4) 3,4,5-trimethoxyamphetamine (TMA);

24 (5) (Blank);

25 (6) Diethyltryptamine (DET);

26 (7) Dimethyltryptamine (DMT);

- 1 (7.1) 5-Methoxy-diallyltryptamine;
- 2 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 3 (9) Ibogaine (some trade and other names:
- 4 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
- 5 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
- 6 indole; Tabernanthe iboga);
- 7 (10) Lysergic acid diethylamide;
- 8 (10.1) Salvinorin A;
- 9 (10.5) Salvia divinorum (meaning all parts of the
- 10 plant presently classified botanically as Salvia
- 11 divinorum, whether growing or not, the seeds thereof, any
- 12 extract from any part of that plant, and every compound,
- 13 manufacture, salts, isomers, and salts of isomers whenever
- 14 the existence of such salts, isomers, and salts of isomers
- 15 is possible within the specific chemical designation,
- 16 derivative, mixture, or preparation of that plant, its
- 17 seeds or extracts);
- 18 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- 19 (12) Peyote (meaning all parts of the plant presently
- 20 classified botanically as Lophophora williamsii Lemaire,
- 21 whether growing or not, the seeds thereof, any extract
- 22 from any part of that plant, and every compound,
- 23 manufacture, salts, derivative, mixture, or preparation of
- 24 that plant, its seeds or extracts);
- 25 (13) N-ethyl-3-piperidyl benzilate (JB 318);
- 26 (14) N-methyl-3-piperidyl benzilate;



- 1 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine  
2 (also known as N-hydroxy-alpha-methyl-  
3 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);  
4 (15) Parahexyl; some trade or other names:  
5 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-  
6 dibenzo (b,d) pyran; Synhexyl;  
7 (16) (Blank) ~~Psilocybin~~;  
8 (17) (Blank) ~~Psilocyn~~;  
9 (18) Alpha-methyltryptamine (AMT);  
10 (19) 2,5-dimethoxyamphetamine  
11 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);  
12 (20) 4-bromo-2,5-dimethoxyamphetamine  
13 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;  
14 4-bromo-2,5-DMA);  
15 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.  
16 Some trade or other names: 2-(4-bromo-  
17 2,5-dimethoxyphenyl)-1-aminoethane;  
18 alpha-desmethyl DOB, 2CB, Nexus;  
19 (21) 4-methoxyamphetamine  
20 (4-methoxy-alpha-methylphenethylamine;  
21 paramethoxyamphetamine; PMA);  
22 (22) (Blank);  
23 (23) Ethylamine analog of phencyclidine.  
24 Some trade or other names:  
25 N-ethyl-1-phenylcyclohexylamine,  
26 (1-phenylcyclohexyl) ethylamine,

1 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;  
2 (24) Pyrrolidine analog of phencyclidine. Some trade  
3 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,  
4 PHP;  
5 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;  
6 (26) 2,5-dimethoxy-4-ethylamphetamine  
7 (another name: DOET);  
8 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
9 (another name: TCPy);  
10 (28) (Blank);  
11 (29) Thiophene analog of phencyclidine (some trade  
12 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;  
13 2-thienyl analog of phencyclidine; TCPy; TCP);  
14 (29.1) Benzothiophene analog of phencyclidine. Some  
15 trade or other names: BTCP or benocyclidine;  
16 (29.2) 3-Methoxyphencyclidine (3-MeO-PCP);  
17 (30) Bufotenine (some trade or other names:  
18 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;  
19 3-(2-dimethylaminoethyl)-5-indolol;  
20 5-hydroxy-N,N-dimethyltryptamine;  
21 N,N-dimethylserotonin; mappine);  
22 (31) (Blank);  
23 (32) (Blank);  
24 (33) (Blank);  
25 (34) (Blank);  
26 (34.5) (Blank);

1 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-  
2 (2-methyloctan-2-yl)-6a,7,  
3 10,10a-tetrahydrobenzo[c]chromen-1-ol

4 Some trade or other names: HU-210;

5 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-  
6 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-  
7 tetrahydrobenzo[c]chromen-1-ol, its isomers,

8 salts, and salts of isomers; Some trade or other  
9 names: HU-210, Dexanabinol;

10 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-  
11 6,6-dimethyl-3-(2-methyloctan-2-yl)-  
12 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

13 Some trade or other names: HU-211;

14 (37) (Blank);

15 (38) (Blank);

16 (39) (Blank);

17 (40) (Blank);

18 (41) (Blank);

19 (42) Any compound structurally derived from  
20 3-(1-naphthoyl)indole or  
21 1H-indol-3-yl-(1-naphthyl)methane by substitution at the  
22 nitrogen atom of the indole ring by alkyl, haloalkyl,  
23 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
24 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
25 2-(4-morpholinyl)ethyl whether or not further substituted  
26 in the indole ring to any extent, whether or not

1 substituted in the naphthyl ring to any extent. Examples  
2 of this structural class include, but are not limited to,  
3 JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

4 (43) Any compound structurally derived from  
5 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
6 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,  
7 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
8 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
9 2-(4-morpholinyl)ethyl, whether or not further substituted  
10 in the pyrrole ring to any extent, whether or not  
11 substituted in the naphthyl ring to any extent. Examples  
12 of this structural class include, but are not limited to,  
13 JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

14 (44) Any compound structurally derived from  
15 1-(1-naphthylmethyl)indene by substitution at the  
16 3-position of the indene ring by alkyl, haloalkyl,  
17 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
18 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
19 2-(4-morpholinyl)ethyl whether or not further substituted  
20 in the indene ring to any extent, whether or not  
21 substituted in the naphthyl ring to any extent. Examples  
22 of this structural class include, but are not limited to,  
23 JWH-176;

24 (45) Any compound structurally derived from  
25 3-phenylacetylindole by substitution at the nitrogen atom  
26 of the indole ring with alkyl, haloalkyl, alkenyl,

1 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
2 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
3 2-(4-morpholinyl)ethyl, whether or not further substituted  
4 in the indole ring to any extent, whether or not  
5 substituted in the phenyl ring to any extent. Examples of  
6 this structural class include, but are not limited to,  
7 JWH-167, JWH-250, JWH-251, and RCS-8;

8 (46) Any compound structurally derived from  
9 2-(3-hydroxycyclohexyl)phenol by substitution at the  
10 5-position of the phenolic 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 substituted in the  
14 cyclohexyl ring to any extent. Examples of this structural  
15 class include, but are not limited to, CP 47, 497 and its  
16 C8 homologue (cannabicyclohexanol);

17 (46.1) Any compound structurally derived from  
18 3-(benzoyl) indole with substitution at the nitrogen atom  
19 of the indole ring by an alkyl, haloalkyl, alkenyl,  
20 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
21 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
22 2-(4-morpholinyl)ethyl group whether or not further  
23 substituted in the indole ring to any extent and whether  
24 or not substituted in the phenyl ring to any extent.  
25 Examples of this structural class include, but are not  
26 limited to, AM-630, AM-2233, AM-694, Pravadoline (WIN

1 48,098), and RCS-4;

2 (47) (Blank);

3 (48) (Blank);

4 (49) (Blank);

5 (50) (Blank);

6 (51) (Blank);

7 (52) (Blank);

8 (53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine.

9 Some trade or other names: 2C-T-7;

10 (53.1) 4-ethyl-2,5-dimethoxyphenethylamine. Some

11 trade or other names: 2C-E;

12 (53.2) 2,5-dimethoxy-4-methylphenethylamine. Some

13 trade or other names: 2C-D;

14 (53.3) 4-chloro-2,5-dimethoxyphenethylamine. Some

15 trade or other names: 2C-C;

16 (53.4) 4-iodo-2,5-dimethoxyphenethylamine. Some trade

17 or other names: 2C-I;

18 (53.5) 4-ethylthio-2,5-dimethoxyphenethylamine. Some

19 trade or other names: 2C-T-2;

20 (53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine.

21 Some trade or other names: 2C-T-4;

22 (53.7) 2,5-dimethoxyphenethylamine. Some trade or

23 other names: 2C-H;

24 (53.8) 2,5-dimethoxy-4-nitrophenethylamine. Some

25 trade or other names: 2C-N;

26 (53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine. Some

1 trade or other names: 2C-P;

2 (53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine.

3 Some trade or other names: 2C-G;

4 (53.11) The N-(2-methoxybenzyl) derivative of any 2C  
5 phenethylamine referred to in subparagraphs (20.1), (53),  
6 (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7),  
7 (53.8), (53.9), and (53.10) including, but not limited to,  
8 25I-NBOMe and 25C-NBOMe;

9 (54) 5-Methoxy-N,N-diisopropyltryptamine;

10 (55) (Blank);

11 (56) (Blank);

12 (57) (Blank);

13 (58) (Blank);

14 (59) 3-cyclopropoylindole with substitution at the  
15 nitrogen atom of the indole ring by alkyl, haloalkyl,  
16 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
17 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
18 2-(4-morpholinyl)ethyl, whether or not further substituted  
19 on the indole ring to any extent, whether or not  
20 substituted on the cyclopropyl ring to any extent:  
21 including, but not limited to, XLR11, UR144, FUB-144;

22 (60) 3-adamantoylindole with substitution at the  
23 nitrogen atom of the indole ring by alkyl, haloalkyl,  
24 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
25 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
26 2-(4-morpholinyl)ethyl, whether or not further substituted

1 on the indole ring to any extent, whether or not  
2 substituted on the adamantyl ring to any extent:  
3 including, but not limited to, AB-001;

4 (61) N-(adamantyl)-indole-3-carboxamide with  
5 substitution at the nitrogen atom of the indole ring by  
6 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
7 cycloalkylethyl, aryl halide, alkyl aryl halide,  
8 1-(N-methyl-2-piperidinyl)methyl, or  
9 2-(4-morpholinyl)ethyl, whether or not further substituted  
10 on the indole ring to any extent, whether or not  
11 substituted on the adamantyl ring to any extent:  
12 including, but not limited to, APICA/2NE-1, STS-135;

13 (62) N-(adamantyl)-indazole-3-carboxamide with  
14 substitution at a nitrogen atom of the indazole ring by  
15 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
16 cycloalkylethyl, aryl halide, alkyl aryl halide,  
17 1-(N-methyl-2-piperidinyl)methyl, or  
18 2-(4-morpholinyl)ethyl, whether or not further substituted  
19 on the indazole ring to any extent, whether or not  
20 substituted on the adamantyl ring to any extent:  
21 including, but not limited to, AKB48, 5F-AKB48;

22 (63) 1H-indole-3-carboxylic acid 8-quinolinyl ester  
23 with substitution at the nitrogen atom of the indole ring  
24 by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
25 cycloalkylethyl, aryl halide, alkyl aryl halide,  
26 1-(N-methyl-2-piperidinyl)methyl, or



1 2-(4-morpholinyl)ethyl, whether or not further substituted  
2 on the indole ring to any extent, whether or not  
3 substituted on the quinoline ring to any extent:  
4 including, but not limited to, PB22, 5F-PB22, FUB-PB-22;

5 (64) 3-(1-naphthoyl)indazole with substitution at the  
6 nitrogen atom of the indazole ring by alkyl, haloalkyl,  
7 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
8 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
9 2-(4-morpholinyl)ethyl, whether or not further substituted  
10 on the indazole ring to any extent, whether or not  
11 substituted on the naphthyl ring to any extent: including,  
12 but not limited to, THJ-018, THJ-2201;

13 (65) 2-(1-naphthoyl)benzimidazole with substitution  
14 at the nitrogen atom of the benzimidazole ring by alkyl,  
15 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
16 aryl halide, alkyl aryl halide,  
17 1-(N-methyl-2-piperidinyl)methyl, or  
18 2-(4-morpholinyl)ethyl, whether or not further substituted  
19 on the benzimidazole ring to any extent, whether or not  
20 substituted on the naphthyl ring to any extent: including,  
21 but not limited to, FUBIMINA;

22 (66)  
23 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-  
24 3-carboxamide with substitution on the nitrogen atom of  
25 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, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

5 (67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
6 indazole-3-carboxamide with substitution on the nitrogen  
7 atom of the indazole 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, ADB-PINACA, ADB-FUBINACA;

13 (68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
14 indole-3-carboxamide with substitution on the nitrogen  
15 atom of the indole ring by alkyl, haloalkyl, alkenyl,  
16 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
17 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
18 2-(4-morpholinyl)ethyl, whether or not further substituted  
19 on the indole ring to any extent: including, but not  
20 limited to, ADBICA, 5F-ADBICA;

21 (69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-  
22 3-carboxamide with substitution on the nitrogen atom of  
23 the indole ring by alkyl, haloalkyl, alkenyl,  
24 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
25 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
26 2-(4-morpholinyl)ethyl, whether or not further substituted

1 on the indole ring to any extent: including, but not  
2 limited to, ABICA, 5F-ABICA;

3 (70) Methyl 2-(1H-indazole-3-carboxamido)-3-  
4 methylbutanoate with substitution on the nitrogen atom of  
5 the indazole ring by alkyl, haloalkyl, alkenyl,  
6 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
7 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
8 2-(4-morpholinyl)ethyl, whether or not further substituted  
9 on the indazole ring to any extent: including, but not  
10 limited to, AMB, 5F-AMB;

11 (71) Methyl 2-(1H-indazole-3-carboxamido)-3,3-  
12 dimethylbutanoate with substitution on the nitrogen atom  
13 of 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, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

19 (72) Methyl 2-(1H-indole-3-carboxamido)-3-  
20 methylbutanoate with substitution on the nitrogen atom of  
21 the indole 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, MMB018, MMB2201, and AMB-CHMICA;

1           (73)           Methyl           2-(1H-indole-3-carboxamido)-3,3-  
2           dimethylbutanoate with substitution on the nitrogen atom  
3           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 indazole ring to any extent: including, but not  
8           limited to, MDMB-CHMICA;

9           (74)           N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-  
10          indazole-3-carboxamide with substitution on the nitrogen  
11          atom of the indazole 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 indazole ring to any           extent: including, but not  
16          limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

17          (75) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-  
18          3-carboxamide with substitution on the nitrogen atom of  
19          the indole 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, APP-PICA and 5-fluoro-APP-PICA;

25          (76)   4-Acetoxy-N,N-dimethyltryptamine:   trade   name  
26          4-AcO-DMT;

1 (77) 5-Methoxy-N-methyl-N-isopropyltryptamine: trade  
2 name 5-MeO-MIPT;

3 (78) 4-hydroxy Diethyltryptamine (4-HO-DET);

4 (79) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);

5 (80) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

6 (81) 4-hydroxy-N-methyl-N-isopropyltryptamine  
7 (4-HO-MiPT);

8 (82) Fluorophenylpiperazine;

9 (83) Methoxetamine;

10 (84) 1-(Ethylamino)-2-phenylpropan-2-one (iso-  
11 ethcathinone).

12 (e) Unless specifically excepted or unless listed in  
13 another schedule, any material, compound, mixture, or  
14 preparation which contains any quantity of the following  
15 substances having a depressant effect on the central nervous  
16 system, including its salts, isomers, and salts of isomers  
17 whenever the existence of such salts, isomers, and salts of  
18 isomers is possible within the specific chemical designation:

19 (1) mecloqualone;

20 (2) methaqualone; and

21 (3) gamma hydroxybutyric acid.

22 (f) Unless specifically excepted or unless listed in  
23 another schedule, any material, compound, mixture, or  
24 preparation which contains any quantity of the following  
25 substances having a stimulant effect on the central nervous  
26 system, including its salts, isomers, and salts of isomers:

- 1 (1) Fenethylamine;
- 2 (2) N-ethylamphetamine;
- 3 (3) Aminorex (some other names:  
4 2-amino-5-phenyl-2-oxazoline; aminoxaphen;  
5 4,5-dihydro-5-phenyl-2-oxazolamine) and its  
6 salts, optical isomers, and salts of optical isomers;
- 7 (4) Methcathinone (some other names:  
8 2-methylamino-1-phenylpropan-1-one;  
9 Ephedrone; 2-(methylamino)-propionophenone;  
10 alpha-(methylamino)propionophenone; N-methylcathinone;  
11 methcathinone; Monomethylpropion; UR 1431) and its  
12 salts, optical isomers, and salts of optical isomers;
- 13 (5) Cathinone (some trade or other names:  
14 2-aminopropionophenone; alpha-aminopropionophenone;  
15 2-amino-1-phenyl-propanone; norephedrone);
- 16 (6) N,N-dimethylamphetamine (also known as:  
17 N,N-alpha-trimethyl-benzeneethanamine;  
18 N,N-alpha-trimethylphenethylamine);
- 19 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-  
20 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);
- 21 (8) 3,4-Methylenedioxypropionophenone (MDPV);
- 22 (9) Halogenated amphetamines and  
23 methamphetamines - any compound derived from either  
24 amphetamine or methamphetamine through the substitution  
25 of a halogen on the phenyl ring, including, but not  
26 limited to, 2-fluoroamphetamine, 3-

1 fluoroamphetamine and 4-fluoroamphetamine;

2 (10) Aminopropylbenzofuran (APB):

3 including 4-(2-Aminopropyl) benzofuran, 5-

4 (2-Aminopropyl)benzofuran, 6-(2-Aminopropyl)

5 benzofuran, and 7-(2-Aminopropyl) benzofuran;

6 (11) Aminopropyl-dihydrobenzofuran (APDB):

7 including 4-(2-Aminopropyl)-2,3- dihydrobenzofuran,

8 5-(2-Aminopropyl)-2, 3-dihydrobenzofuran,

9 6-(2-Aminopropyl)-2,3-dihydrobenzofuran,

10 and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;

11 (12) Methylaminopropylbenzofuran

12 (MAPB): including 4-(2-methylaminopropyl)

13 benzofuran, 5-(2-methylaminopropyl)benzofuran,

14 6-(2-methylaminopropyl)benzofuran

15 and 7-(2-methylaminopropyl)benzofuran.

16 (g) Temporary listing of substances subject to emergency  
17 scheduling. Any material, compound, mixture, or preparation  
18 that contains any quantity of the following substances:

19 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
20 (benzylfentanyl), its optical isomers, isomers, salts, and  
21 salts of isomers;

22 (2) N-[1(2-thienyl) methyl-4-piperidyl]-N-  
23 phenylpropanamide (thenylfentanyl), its optical isomers,  
24 salts, and salts of isomers.

25 (h) Synthetic cathinones. Unless specifically excepted,  
26 any chemical compound which is not approved by the United

1 States Food and Drug Administration or, if approved, is not  
2 dispensed or possessed in accordance with State or federal  
3 law, not including bupropion, structurally derived from  
4 2-aminopropan-1-one by substitution at the 1-position with  
5 either phenyl, naphthyl, or thiophene ring systems, whether or  
6 not the compound is further modified in one or more of the  
7 following ways:

8 (1) by substitution in the ring system to any extent  
9 with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or  
10 halide substituents, whether or not further substituted in  
11 the ring system by one or more other univalent  
12 substituents. Examples of this class include, but are not  
13 limited to, 3,4-Methylenedioxycathinone (bk-MDA);

14 (2) by substitution at the 3-position with an acyclic  
15 alkyl substituent. Examples of this class include, but are  
16 not limited to, 2-methylamino-1-phenylbutan-1-one  
17 (buphedrone); or

18 (3) by substitution at the 2-amino nitrogen atom with  
19 alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by  
20 inclusion of the 2-amino nitrogen atom in a cyclic  
21 structure. Examples of this class include, but are not  
22 limited to, Dimethylcathinone, Ethcathinone, and  
23  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP); or

24 Any other synthetic cathinone which is not approved by the  
25 United States Food and Drug Administration or, if approved, is  
26 not dispensed or possessed in accordance with State or federal



1 law.

2 (i) Synthetic cannabinoids or piperazines. Any synthetic  
3 cannabinoid or piperazine which is not approved by the United  
4 States Food and Drug Administration or, if approved, which is  
5 not dispensed or possessed in accordance with State and  
6 federal law.

7 (Source: P.A. 99-371, eff. 1-1-16; 100-201, eff. 8-18-17;  
8 100-368, eff. 1-1-18; 100-789, eff. 1-1-19; 100-863, eff.  
9 8-14-18.)

10 (Text of Section after amendment by P.A. 103-245)

11 Sec. 204. (a) The controlled substances listed in this  
12 Section are included in Schedule I.

13 (b) Unless specifically excepted or unless listed in  
14 another schedule, any of the following opiates, including  
15 their isomers, esters, ethers, salts, and salts of isomers,  
16 esters, and ethers, whenever the existence of such isomers,  
17 esters, ethers and salts is possible within the specific  
18 chemical designation:

19 (1) Acetylmethadol;

20 (1.1) Acetyl-alpha-methylfentanyl

21 (N-[1-(1-methyl-2-phenethyl)-

22 4-piperidinyl]-N-phenylacetamide);

23 (2) Allylprodine;

24 (3) Alphacetylmethadol, except

25 levo-alphacetylmethadol (also known as levo-alpha-

1 acetylmethadol, levomethadyl acetate, or LAAM);  
2 (4) Alphameprodine;  
3 (5) Alphamethadol;  
4 (6) Alpha-methylfentanyl  
5 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)  
6 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-  
7 propanilido) piperidine;  
8 (6.1) Alpha-methylthiofentanyl  
9 (N-[1-methyl-2-(2-thienyl)ethyl-  
10 4-piperidinyl]-N-phenylpropanamide);  
11 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);  
12 (7.1) PEPAP  
13 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
14 (8) Benzethidine;  
15 (9) Betacetylmethadol;  
16 (9.1) Beta-hydroxyfentanyl  
17 (N-[1-(2-hydroxy-2-phenethyl)-  
18 4-piperidinyl]-N-phenylpropanamide);  
19 (10) Betameprodine;  
20 (11) Betamethadol;  
21 (12) Betaprodine;  
22 (13) Clonitazene;  
23 (14) Dextromoramide;  
24 (15) Diampromide;  
25 (16) Diethylthiambutene;  
26 (17) Difenoxin;

- 1 (18) Dimenoxadol;
- 2 (19) Dimepheptanol;
- 3 (20) Dimethylthiambutene;
- 4 (21) Dioxaphetylbutyrate;
- 5 (22) Dipipanone;
- 6 (23) Ethylmethylthiambutene;
- 7 (24) Etonitazene;
- 8 (25) Etoxeridine;
- 9 (26) Furethidine;
- 10 (27) Hydroxypethidine;
- 11 (28) Ketobemidone;
- 12 (29) Levomoramide;
- 13 (30) Levophenacymorphan;
- 14 (31) 3-Methylfentanyl
- 15 (N-[3-methyl-1-(2-phenylethyl)-
- 16 4-piperidyl]-N-phenylpropanamide);
- 17 (31.1) 3-Methylthiofentanyl
- 18 (N-[(3-methyl-1-(2-thienyl)ethyl-
- 19 4-piperidinyl]-N-phenylpropanamide);
- 20 (32) Morpheridine;
- 21 (33) Noracymethadol;
- 22 (34) Norlevorphanol;
- 23 (35) Normethadone;
- 24 (36) Norpipanone;
- 25 (36.1) Para-fluorofentanyl
- 26 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-

1 4-piperidinyl]propanamide);  
2 (37) Phenadoxone;  
3 (38) Phenampromide;  
4 (39) Phenomorphan;  
5 (40) Phenoperidine;  
6 (41) Piritramide;  
7 (42) Proheptazine;  
8 (43) Properidine;  
9 (44) Propiram;  
10 (45) Racemoramide;  
11 (45.1) Thiofentanyl  
12 (N-phenyl-N-[1-(2-thienyl)ethyl-  
13 4-piperidinyl]-propanamide);  
14 (46) Tilidine;  
15 (47) Trimeperidine;  
16 (48) Beta-hydroxy-3-methylfentanyl (other name:  
17 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-  
18 N-phenylpropanamide);  
19 (49) Furanyl fentanyl (FU-F);  
20 (50) Butyryl fentanyl;  
21 (51) Valeryl fentanyl;  
22 (52) Acetyl fentanyl;  
23 (53) Beta-hydroxy-thiofentanyl;  
24 (54) 3,4-dichloro-N-[2-  
25 (dimethylamino)cyclohexyl]-N-  
26 methylbenzamide (U-47700);

- 1 (55) 4-chloro-N-[1-[2-  
2 (4-nitrophenyl)ethyl]-2-piperidinylidene]-  
3 benzenesulfonamide (W-18);  
4 (56) 4-chloro-N-[1-(2-phenylethyl)  
5 -2-piperidinylidene]-benzenesulfonamide (W-15);  
6 (57) acrylfentanyl (acryloylfentanyl).

7 (c) Unless specifically excepted or unless listed in  
8 another schedule, any of the following opium derivatives, its  
9 salts, isomers and salts of isomers, whenever the existence of  
10 such salts, isomers and salts of isomers is possible within  
11 the specific chemical designation:

- 12 (1) Acetorphine;  
13 (2) Acetyldihydrocodeine;  
14 (3) Benzylmorphine;  
15 (4) Codeine methylbromide;  
16 (5) Codeine-N-Oxide;  
17 (6) Cyprenorphine;  
18 (7) Desomorphine;  
19 (8) Diacetyldihydromorphine (Dihydroheroin);  
20 (9) Dihydromorphine;  
21 (10) Drotebanol;  
22 (11) Etorphine (except hydrochloride salt);  
23 (12) Heroin;  
24 (13) Hydromorphinol;  
25 (14) Methyldesorphine;  
26 (15) Methyldihydromorphine;

- 1 (16) Morphine methylbromide;
- 2 (17) Morphine methylsulfonate;
- 3 (18) Morphine-N-Oxide;
- 4 (19) Myrophine;
- 5 (20) Nicocodeine;
- 6 (21) Nicomorphine;
- 7 (22) Normorphine;
- 8 (23) Pholcodine;
- 9 (24) Thebacon.

10 (d) 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 hallucinogenic substances, or which contains any of its salts,  
14 isomers and salts of isomers, whenever the existence of such  
15 salts, isomers, and salts of isomers is possible within the  
16 specific chemical designation (for the purposes of this  
17 paragraph only, the term "isomer" includes the optical,  
18 position and geometric isomers):

- 19 (1) 3,4-methylenedioxyamphetamine  
20 (alpha-methyl, 3,4-methylenedioxyphenethylamine,  
21 methylenedioxyamphetamine, MDA);  
22 (1.1) Alpha-ethyltryptamine  
23 (some trade or other names: etryptamine;  
24 MONASE; alpha-ethyl-1H-indole-3-ethanamine;  
25 3-(2-aminobutyl)indole; a-ET; and AET);  
26 (2) 3,4-methylenedioxymethamphetamine (MDMA);

- 1 (2.1) 3,4-methylenedioxy-N-ethylamphetamine  
2 (also known as: N-ethyl-alpha-methyl-  
3 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,  
4 and MDEA);
- 5 (2.2) N-Benzylpiperazine (BZP);
- 6 (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);
- 7 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
- 8 (4) 3,4,5-trimethoxyamphetamine (TMA);
- 9 (5) (Blank);
- 10 (6) Diethyltryptamine (DET);
- 11 (7) Dimethyltryptamine (DMT);
- 12 (7.1) 5-Methoxy-diallyltryptamine;
- 13 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 14 (9) Ibogaine (some trade and other names:  
15 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-  
16 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]  
17 indole; Tabernanthe iboga);
- 18 (10) Lysergic acid diethylamide;
- 19 (10.1) Salvinorin A;
- 20 (10.5) Salvia divinorum (meaning all parts of the  
21 plant presently classified botanically as Salvia  
22 divinorum, whether growing or not, the seeds thereof, any  
23 extract from any part of that plant, and every compound,  
24 manufacture, salts, isomers, and salts of isomers whenever  
25 the existence of such salts, isomers, and salts of isomers  
26 is possible within the specific chemical designation,

1 derivative, mixture, or preparation of that plant, its  
2 seeds or extracts);

3 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);

4 (12) Peyote (meaning all parts of the plant presently  
5 classified botanically as *Lophophora williamsii* Lemaire,  
6 whether growing or not, the seeds thereof, any extract  
7 from any part of that plant, and every compound,  
8 manufacture, salts, derivative, mixture, or preparation of  
9 that plant, its seeds or extracts);

10 (13) N-ethyl-3-piperidyl benzilate (JB 318);

11 (14) N-methyl-3-piperidyl benzilate;

12 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine

13 (also known as N-hydroxy-alpha-methyl-

14 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

15 (15) Parahexyl; some trade or other names:

16 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-  
17 dibenzo (b,d) pyran; Synhexyl;

18 (16) (Blank); ~~Psilocybin~~;

19 (17) (Blank); ~~Psilocyn~~;

20 (18) Alpha-methyltryptamine (AMT);

21 (19) 2,5-dimethoxyamphetamine

22 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

23 (20) 4-bromo-2,5-dimethoxyamphetamine

24 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;

25 4-bromo-2,5-DMA);

26 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.



1 Some trade or other names: 2-(4-bromo-

2 2,5-dimethoxyphenyl)-1-aminoethane;

3 alpha-desmethyl DOB, 2CB, Nexus;

4 (21) 4-methoxyamphetamine

5 (4-methoxy-alpha-methylphenethylamine;

6 paramethoxyamphetamine; PMA);

7 (22) (Blank);

8 (23) Ethylamine analog of phencyclidine.

9 Some trade or other names:

10 N-ethyl-1-phenylcyclohexylamine,

11 (1-phenylcyclohexyl) ethylamine,

12 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

13 (24) Pyrrolidine analog of phencyclidine. Some trade

14 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,

15 PHP;

16 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;

17 (26) 2,5-dimethoxy-4-ethylamphetamine

18 (another name: DOET);

19 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine

20 (another name: TCPy);

21 (28) (Blank);

22 (29) Thiophene analog of phencyclidine (some trade

23 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;

24 2-thienyl analog of phencyclidine; TCP; TCP);

25 (29.1) Benzothiophene analog of phencyclidine. Some

26 trade or other names: BTCP or benocyclidine;

- 1 (29.2) 3-Methoxyphencyclidine (3-MeO-PCP);
- 2 (30) Bufotenine (some trade or other names:
- 3 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;
- 4 3-(2-dimethylaminoethyl)-5-indolol;
- 5 5-hydroxy-N,N-dimethyltryptamine;
- 6 N,N-dimethylserotonin; mappine);
- 7 (31) (Blank);
- 8 (32) (Blank);
- 9 (33) (Blank);
- 10 (34) (Blank);
- 11 (34.5) (Blank);
- 12 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
- 13 (2-methyloctan-2-yl)-6a,7,
- 14 10,10a-tetrahydrobenzo[c]chromen-1-ol
- 15 Some trade or other names: HU-210;
- 16 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-
- 17 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
- 18 tetrahydrobenzo[c]chromen-1-ol, its isomers,
- 19 salts, and salts of isomers; Some trade or other
- 20 names: HU-210, Dexanabinol;
- 21 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-
- 22 6,6-dimethyl-3-(2-methyloctan-2-yl)-
- 23 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
- 24 Some trade or other names: HU-211;
- 25 (37) (Blank);
- 26 (38) (Blank);

1 (39) (Blank);

2 (40) (Blank);

3 (41) (Blank);

4 (42) Any compound structurally derived from  
5 3-(1-naphthoyl)indole or  
6 1H-indol-3-yl-(1-naphthyl)methane by substitution at the  
7 nitrogen atom of the indole ring by alkyl, haloalkyl,  
8 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
9 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
10 2-(4-morpholinyl)ethyl whether or not further substituted  
11 in the indole ring to any extent, whether or not  
12 substituted in the naphthyl ring to any extent. Examples  
13 of this structural class include, but are not limited to,  
14 JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

15 (43) Any compound structurally derived from  
16 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
17 atom of the pyrrole 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 in the pyrrole ring to any extent, whether or not  
22 substituted in the naphthyl ring to any extent. Examples  
23 of this structural class include, but are not limited to,  
24 JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

25 (44) Any compound structurally derived from  
26 1-(1-naphthylmethyl)indene by substitution at the

1 3-position of the indene ring by alkyl, haloalkyl,  
2 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
3 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
4 2-(4-morpholinyl)ethyl whether or not further substituted  
5 in the indene ring to any extent, whether or not  
6 substituted in the naphthyl ring to any extent. Examples  
7 of this structural class include, but are not limited to,  
8 JWH-176;

9 (45) Any compound structurally derived from  
10 3-phenylacetylindole by substitution at the nitrogen atom  
11 of the indole ring with 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 in the indole ring to any extent, whether or not  
16 substituted in the phenyl ring to any extent. Examples of  
17 this structural class include, but are not limited to,  
18 JWH-167, JWH-250, JWH-251, and RCS-8;

19 (46) Any compound structurally derived from  
20 2-(3-hydroxycyclohexyl)phenol by substitution at the  
21 5-position of the phenolic ring by alkyl, haloalkyl,  
22 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
23 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
24 2-(4-morpholinyl)ethyl, whether or not substituted in the  
25 cyclohexyl ring to any extent. Examples of this structural  
26 class include, but are not limited to, CP 47, 497 and its

1 C8 homologue (cannabicyclohexanol);  
2 (46.1) Any compound structurally derived from  
3 3-(benzoyl) indole with substitution at the nitrogen atom  
4 of the indole ring by an alkyl, haloalkyl, alkenyl,  
5 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
6 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
7 2-(4-morpholinyl)ethyl group whether or not further  
8 substituted in the indole ring to any extent and whether  
9 or not substituted in the phenyl ring to any extent.  
10 Examples of this structural class include, but are not  
11 limited to, AM-630, AM-2233, AM-694, Pravadoline (WIN  
12 48,098), and RCS-4;

13 (47) (Blank);

14 (48) (Blank);

15 (49) (Blank);

16 (50) (Blank);

17 (51) (Blank);

18 (52) (Blank);

19 (53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine.

20 Some trade or other names: 2C-T-7;

21 (53.1) 4-ethyl-2,5-dimethoxyphenethylamine. Some  
22 trade or other names: 2C-E;

23 (53.2) 2,5-dimethoxy-4-methylphenethylamine. Some  
24 trade or other names: 2C-D;

25 (53.3) 4-chloro-2,5-dimethoxyphenethylamine. Some  
26 trade or other names: 2C-C;

1 (53.4) 4-iodo-2,5-dimethoxyphenethylamine. Some trade  
2 or other names: 2C-I;

3 (53.5) 4-ethylthio-2,5-dimethoxyphenethylamine. Some  
4 trade or other names: 2C-T-2;

5 (53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine.  
6 Some trade or other names: 2C-T-4;

7 (53.7) 2,5-dimethoxyphenethylamine. Some trade or  
8 other names: 2C-H;

9 (53.8) 2,5-dimethoxy-4-nitrophenethylamine. Some  
10 trade or other names: 2C-N;

11 (53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine. Some  
12 trade or other names: 2C-P;

13 (53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine.  
14 Some trade or other names: 2C-G;

15 (53.11) The N-(2-methoxybenzyl) derivative of any 2C  
16 phenethylamine referred to in subparagraphs (20.1), (53),  
17 (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7),  
18 (53.8), (53.9), and (53.10) including, but not limited to,  
19 25I-NBOMe and 25C-NBOMe;

20 (54) 5-Methoxy-N,N-diisopropyltryptamine;

21 (55) (Blank);

22 (56) (Blank);

23 (57) (Blank);

24 (58) (Blank);

25 (59) 3-cyclopropoylindole with substitution at the  
26 nitrogen atom of the indole ring by alkyl, haloalkyl,

1        alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
2        alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
3        2-(4-morpholinyl)ethyl, whether or not further substituted  
4        on the indole ring to any extent, whether or not  
5        substituted on the cyclopropyl ring to any extent:  
6        including, but not limited to, XLR11, UR144, FUB-144;

7            (60) 3-adamantoylindole with substitution at the  
8        nitrogen atom of the indole ring by alkyl, haloalkyl,  
9        alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
10       alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
11       2-(4-morpholinyl)ethyl, whether or not further substituted  
12       on the indole ring to any extent, whether or not  
13       substituted on the adamantyl ring to any extent:  
14       including, but not limited to, AB-001;

15            (61) N-(adamantyl)-indole-3-carboxamide with  
16        substitution at the nitrogen atom of the indole ring by  
17        alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
18        cycloalkylethyl, aryl halide, alkyl aryl halide,  
19        1-(N-methyl-2-piperidinyl)methyl, or  
20        2-(4-morpholinyl)ethyl, whether or not further substituted  
21        on the indole ring to any extent, whether or not  
22        substituted on the adamantyl ring to any extent:  
23        including, but not limited to, APICA/2NE-1, STS-135;

24            (62) N-(adamantyl)-indazole-3-carboxamide with  
25        substitution at a nitrogen atom of the indazole ring by  
26        alkyl, haloalkyl, alkenyl, cycloalkylmethyl,

1 cycloalkylethyl, aryl halide, alkyl aryl halide,  
2 1-(N-methyl-2-piperidinyl)methyl, or  
3 2-(4-morpholinyl)ethyl, whether or not further substituted  
4 on the indazole ring to any extent, whether or not  
5 substituted on the adamantyl ring to any extent:  
6 including, but not limited to, AKB48, 5F-AKB48;

7 (63) 1H-indole-3-carboxylic acid 8-quinolinyl ester  
8 with substitution at the nitrogen atom of the indole ring  
9 by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
10 cycloalkylethyl, aryl halide, alkyl aryl halide,  
11 1-(N-methyl-2-piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl, whether or not further substituted  
13 on the indole ring to any extent, whether or not  
14 substituted on the quinoline ring to any extent:  
15 including, but not limited to, PB22, 5F-PB22, FUB-PB-22;

16 (64) 3-(1-naphthoyl)indazole with substitution at the  
17 nitrogen atom of the indazole ring by alkyl, haloalkyl,  
18 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
19 alkyl aryl 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, whether or not  
22 substituted on the naphthyl ring to any extent: including,  
23 but not limited to, THJ-018, THJ-2201;

24 (65) 2-(1-naphthoyl)benzimidazole with substitution  
25 at the nitrogen atom of the benzimidazole ring by alkyl,  
26 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,



1 aryl halide, alkyl aryl halide,  
2 1-(N-methyl-2-piperidinyl)methyl, or  
3 2-(4-morpholinyl)ethyl, whether or not further substituted  
4 on the benzimidazole ring to any extent, whether or not  
5 substituted on the naphthyl ring to any extent: including,  
6 but not limited to, FUBIMINA;

7 (66)

8 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-  
9 3-carboxamide with substitution on the nitrogen atom of  
10 the indazole ring by alkyl, haloalkyl, alkenyl,  
11 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
12 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
13 2-(4-morpholinyl)ethyl, whether or not further substituted  
14 on the indazole ring to any extent: including, but not  
15 limited to, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

16 (67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
17 indazole-3-carboxamide with substitution on the nitrogen  
18 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
19 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
20 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
21 2-(4-morpholinyl)ethyl, whether or not further substituted  
22 on the indazole ring to any extent: including, but not  
23 limited to, ADB-PINACA, ADB-FUBINACA;

24 (68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
25 indole-3-carboxamide with substitution on the nitrogen  
26 atom of the indole ring by alkyl, haloalkyl, alkenyl,

1           cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
2           halide,           1-(N-methyl-2-piperidinyl)methyl,           or  
3           2-(4-morpholinyl)ethyl, whether or not further substituted  
4           on the indole ring to any extent: including, but not  
5           limited to, ADBICA, 5F-ADBICA;

6           (69)    N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-  
7           3-carboxamide with substitution on the nitrogen atom of  
8           the indole ring by alkyl, haloalkyl, alkenyl,  
9           cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
10          halide,           1-(N-methyl-2-piperidinyl)methyl,           or  
11          2-(4-morpholinyl)ethyl, whether or not further substituted  
12          on the indole ring to any extent: including, but not  
13          limited to, ABICA, 5F-ABICA;

14          (70)    Methyl           2-(1H-indazole-3-carboxamido)-3-  
15          methylbutanoate with substitution on the nitrogen atom of  
16          the indazole ring by alkyl, haloalkyl, alkenyl,  
17          cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
18          halide,           1-(N-methyl-2-piperidinyl)methyl,           or  
19          2-(4-morpholinyl)ethyl, whether or not further substituted  
20          on the indazole ring to any extent: including, but not  
21          limited to, AMB, 5F-AMB;

22          (71)    Methyl           2-(1H-indazole-3-carboxamido)-3,3-  
23          dimethylbutanoate with substitution on the nitrogen atom  
24          of the indazole ring by alkyl, haloalkyl, alkenyl,  
25          cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
26          halide,           1-(N-methyl-2-piperidinyl)methyl,           or

1 2-(4-morpholinyl)ethyl, whether or not further substituted  
2 on the indazole ring to any extent: including, but not  
3 limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

4 (72) Methyl 2-(1H-indole-3-carboxamido)-3-  
5 methylbutanoate with substitution on the nitrogen atom of  
6 the indole ring by alkyl, haloalkyl, alkenyl,  
7 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
8 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
9 2-(4-morpholinyl)ethyl, whether or not further substituted  
10 on the indazole ring to any extent: including, but not  
11 limited to, MMB018, MMB2201, and AMB-CHMICA;

12 (73) Methyl 2-(1H-indole-3-carboxamido)-3,3-  
13 dimethylbutanoate with substitution on the nitrogen atom  
14 of the indole ring by 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 on the indazole ring to any extent: including, but not  
19 limited to, MDMB-CHMICA;

20 (74) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-  
21 indazole-3-carboxamide with substitution on the nitrogen  
22 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
23 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
24 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
25 2-(4-morpholinyl)ethyl, whether or not further substituted  
26 on the indazole ring to any extent: including, but not

1 limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

2 (75) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-  
3 3-carboxamide with substitution on the nitrogen atom of  
4 the indole ring by alkyl, haloalkyl, alkenyl,  
5 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
6 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
7 2-(4-morpholinyl)ethyl, whether or not further substituted  
8 on the indazole ring to any extent: including, but not  
9 limited to, APP-PICA and 5-fluoro-APP-PICA;

10 (76) 4-Acetoxy-N,N-dimethyltryptamine: trade name  
11 4-AcO-DMT;

12 (77) 5-Methoxy-N-methyl-N-isopropyltryptamine: trade  
13 name 5-MeO-MIPT;

14 (78) 4-hydroxy Diethyltryptamine (4-HO-DET);

15 (79) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);

16 (80) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

17 (81) 4-hydroxy-N-methyl-N-isopropyltryptamine  
18 (4-HO-MiPT);

19 (82) Fluorophenylpiperazine;

20 (83) Methoxetamine;

21 (84) 1-(Ethylamino)-2-phenylpropan-2-one (iso-  
22 ethcathinone).

23 (e) Unless specifically excepted or unless listed in  
24 another schedule, any material, compound, mixture, or  
25 preparation which contains any quantity of the following  
26 substances having a depressant effect on the central nervous

1 system, including its salts, isomers, and salts of isomers  
2 whenever the existence of such salts, isomers, and salts of  
3 isomers is possible within the specific chemical designation:

4 (1) mecloqualone;

5 (2) methaqualone; and

6 (3) gamma hydroxybutyric acid.

7 (f) Unless specifically excepted or unless listed in  
8 another schedule, any material, compound, mixture, or  
9 preparation which contains any quantity of the following  
10 substances having a stimulant effect on the central nervous  
11 system, including its salts, isomers, and salts of isomers:

12 (1) Fenethylline;

13 (2) N-ethylamphetamine;

14 (3) Aminorex (some other names:

15 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

16 4-5-dihydro-5-phenyl-2-oxazolamine) and its

17 salts, optical isomers, and salts of optical isomers;

18 (4) Methcathinone (some other names:

19 2-methylamino-1-phenylpropan-1-one;

20 Ephedrone; 2-(methylamino)-propiofenone;

21 alpha-(methylamino)propiofenone; N-methylcathinone;

22 methycathinone; Monomethylpropion; UR 1431) and its

23 salts, optical isomers, and salts of optical isomers;

24 (5) Cathinone (some trade or other names:

25 2-aminopropiofenone; alpha-aminopropiofenone;

26 2-amino-1-phenyl-propanone; norephedrone);

- 1 (6) N,N-dimethylamphetamine (also known as:  
2 N,N-alpha-trimethyl-benzeneethanamine;  
3 N,N-alpha-trimethylphenethylamine);
- 4 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-  
5 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);
- 6 (8) 3,4-Methylenedioxypropylamphetamine (MDPV);
- 7 (9) Halogenated amphetamines and  
8 methamphetamines - any compound derived from either  
9 amphetamine or methamphetamine through the substitution  
10 of a halogen on the phenyl ring, including, but not  
11 limited to, 2-fluoroamphetamine, 3-  
12 fluoroamphetamine and 4-fluoroamphetamine;
- 13 (10) Aminopropylbenzofuran (APB):  
14 including 4-(2-Aminopropyl) benzofuran, 5-  
15 (2-Aminopropyl)benzofuran, 6-(2-Aminopropyl)  
16 benzofuran, and 7-(2-Aminopropyl) benzofuran;
- 17 (11) Aminopropyl-dihydrobenzofuran (APDB):  
18 including 4-(2-Aminopropyl)-2,3-dihydrobenzofuran,  
19 5-(2-Aminopropyl)-2,3-dihydrobenzofuran,  
20 6-(2-Aminopropyl)-2,3-dihydrobenzofuran,  
21 and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;
- 22 (12) Methylaminopropylbenzofuran  
23 (MAPB): including 4-(2-methylaminopropyl)  
24 benzofuran, 5-(2-methylaminopropyl)benzofuran,  
25 6-(2-methylaminopropyl)benzofuran  
26 and 7-(2-methylaminopropyl)benzofuran.

1 (g) Temporary listing of substances subject to emergency  
2 scheduling. Any material, compound, mixture, or preparation  
3 that contains any quantity of the following substances:

4 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
5 (benzylfentanyl), its optical isomers, isomers, salts, and  
6 salts of isomers;

7 (2) N-[1(2-thienyl) methyl-4-piperidyl]-N-  
8 phenylpropanamide (thenylfentanyl), its optical isomers,  
9 salts, and salts of isomers.

10 (h) Synthetic cathinones. Unless specifically excepted,  
11 any chemical compound which is not approved by the United  
12 States Food and Drug Administration or, if approved, is not  
13 dispensed or possessed in accordance with State or federal  
14 law, not including bupropion, structurally derived from  
15 2-aminopropan-1-one by substitution at the 1-position with  
16 either phenyl, naphthyl, or thiophene ring systems, whether or  
17 not the compound is further modified in one or more of the  
18 following ways:

19 (1) by substitution in the ring system to any extent  
20 with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or  
21 halide substituents, whether or not further substituted in  
22 the ring system by one or more other univalent  
23 substituents. Examples of this class include, but are not  
24 limited to, 3,4-Methylenedioxycathinone (bk-MDA);

25 (2) by substitution at the 3-position with an acyclic  
26 alkyl substituent. Examples of this class include, but are

1 not limited to, 2-methylamino-1-phenylbutan-1-one  
2 (buphedrone); or

3 (3) by substitution at the 2-amino nitrogen atom with  
4 alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by  
5 inclusion of the 2-amino nitrogen atom in a cyclic  
6 structure. Examples of this class include, but are not  
7 limited to, Dimethylcathinone, Ethcathinone, and  
8  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP); or

9 Any other synthetic cathinone which is not approved by the  
10 United States Food and Drug Administration or, if approved, is  
11 not dispensed or possessed in accordance with State or federal  
12 law.

13 (i) Synthetic cannabinoids or piperazines. Any synthetic  
14 cannabinoid or piperazine which is not approved by the United  
15 States Food and Drug Administration or, if approved, which is  
16 not dispensed or possessed in accordance with State and  
17 federal law.

18 (j) Unless specifically excepted or listed in another  
19 schedule, any chemical compound which is not approved by the  
20 United States Food and Drug Administration or, if approved, is  
21 not dispensed or possessed in accordance with State or federal  
22 law, and is derived from the following structural classes and  
23 their salts:

24 (1) Benzodiazepine class: A fused 1,4-diazepine and  
25 benzene ring structure with a phenyl connected to the  
26 1,4-diazepine ring, with any substitution(s) or



1 replacement(s) on the 1,4-diazepine or benzene ring, any  
2 substitution(s) on the phenyl ring, or any combination  
3 thereof. Examples of this class include but are not  
4 limited to: Clonazolam, Flualprazolam; or

5 (2) Thienodiazepine class: A fused 1,4-diazepine and  
6 thiophene ring structure with a phenyl connected to the  
7 1,4-diazepine ring, with any substitution(s) or  
8 replacement(s) on the 1,4-diazepine or thiophene ring, any  
9 substitution(s) on the phenyl ring, or any combination  
10 thereof. Examples of this class include but are not  
11 limited to: Etizolam.

12 (Source: P.A. 103-245, eff. 1-1-24.)

13 Section 995. No acceleration or delay. Where this Act  
14 makes changes in a statute that is represented in this Act by  
15 text that is not yet or no longer in effect (for example, a  
16 Section represented by multiple versions), the use of that  
17 text does not accelerate or delay the taking effect of (i) the  
18 changes made by this Act or (ii) provisions derived from any  
19 other Public Act.

20 Section 999. Effective date. This Act takes effect upon  
21 becoming law.