



Sen. Rachel Ventura

**Filed: 4/17/2024**

10300SB3695sam001

LRB103 39207 CES 71631 a

1 AMENDMENT TO SENATE BILL 3695

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3695 by replacing  
3 everything after the enacting clause with the following:

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,

1 such as fentanyl, are common.

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

6 (4) Harm reduction tools, including drug-checking  
7 kits, scales, and capsules, allow users to make safe and  
8 more accurate, evidence-based decisions about their  
9 personal use of these substances, and allowing the use of  
10 such tools can increase public health and safety.

11 (5) Research is advancing to support the use of  
12 psychedelic compounds, along with psychotherapy, to treat  
13 mental health disorders, such as anxiety, depression,  
14 post-traumatic stress disorder, and substance use  
15 disorder.

16 (6) Voters of the city and county of Denver, Colorado  
17 approved Ordinance 301 in May of 2019, making the personal  
18 possession and use of the natural medicine psilocybin by  
19 adults the lowest level of law enforcement priority in  
20 Denver and to prohibit the city and county from spending  
21 resources enforcing related penalties.

22 (7) Measures 109 and 110 in Oregon, which both passed  
23 in November 2020, established a regulated psilocybin  
24 therapy system in Oregon to provide people therapeutic  
25 access to psilocybin and decriminalized the personal  
26 possession of all drugs.

1           (8) Almost 20 countries around the world, including  
2 Portugal, the Czech Republic, and Spain, have expressly or  
3 effectively decriminalized the personal use of all  
4 substances.

5           (9) The City of Oakland, California, and the City of  
6 Santa Cruz, California have passed resolutions  
7 decriminalizing or deprioritizing the enforcement of laws  
8 regulating the possession, use, and propagation of  
9 psychedelic plants and fungi. Since June 2019, the  
10 following cities have also decriminalized the possession,  
11 use, and propagation of psychedelic plants and fungi at  
12 the local level: Ann Arbor, Michigan; Somerville,  
13 Massachusetts; and Cambridge, Massachusetts. In 2020,  
14 Washington, D.C., passed Initiative 81 to decriminalize  
15 and deprioritize the enforcement of laws regulating the  
16 possession and use of psychedelic plants and fungi with  
17 76% voter approval.

18           (10) The State of Colorado passed Proposition 122 in  
19 November of 2022, decriminalizing the possession of  
20 psychedelic plants and fungi and eventually allowing  
21 state-licensed treatment centers to administer the  
22 compounds of psychedelic plants and fungi under the  
23 supervision of trained staff.

24           (11) To transition away from criminalization models  
25 while protecting people who use or may use drugs and  
26 reduce negative environmental or cultural impacts, it is

1 necessary to review the full legal context in which these  
2 changes to the law are made. It is also necessary to  
3 incorporate evidence-based policy, consult with experts,  
4 and maintain open discourse based in harm reduction,  
5 reciprocity, and human rights during the process of  
6 developing alternative regulatory systems.

7 (12) Criminalizing psychedelic plants and fungi has  
8 denied people access to accurate education and harm  
9 reduction information related to the use of psychedelic  
10 compounds and limited the development of appropriate  
11 training for first responders and multi-responders,  
12 including law enforcement, emergency medical services, and  
13 fire services.

14 (13) Illinoisans deserve more tools to address mental  
15 health issues, including approaches using psychedelic  
16 plants and fungi that are grounded in treatment, recovery,  
17 cultural competency, and wellness rather than  
18 criminalization, suffering, and punishment.

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

23 (15) These changes in law will not displace any  
24 restrictions on driving or operating a vehicle while  
25 impaired, an employer's ability to restrict the use of  
26 controlled substances by its employees, or the legal

1 standard for negligence.

2 (16) Peyote is specifically excluded from the list of  
3 substances to be decriminalized, including any  
4 cultivation, harvest, extraction, tincture, or other  
5 product manufactured or derived from it, because of the  
6 nearly endangered status of the peyote plant and the  
7 special significance peyote holds in Native American  
8 spirituality. Furthermore, this Act does not amend or  
9 repeal paragraph (12) of subsection (d) of Section 204 of  
10 the Illinois Controlled Substances Act, which identifies  
11 peyote and its derivatives as a Schedule I drug.

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

22 (18) Research conducted by domestic and international  
23 medical institutions indicates that psilocybin is  
24 efficacious and safe for the treatment of a variety of  
25 mental health conditions, including, but not limited to,  
26 addiction, depression, anxiety disorders, headache

1 disorders, and end-of-life psychological distress.

2 (19) The United States Food and Drug Administration  
3 has:

4 (A) determined that preliminary clinical evidence  
5 indicates that psilocybin may demonstrate substantial  
6 improvement over available therapies for  
7 treatment-resistant depression; and

8 (B) granted a "Breakthrough Therapy" designation  
9 for a treatment that uses psilocybin as a therapy for  
10 such depression.

11 (20) During the program development period, the  
12 Department of Public Health, Department of Agriculture,  
13 Department of Financial and Professional Regulation,  
14 Illinois State Police, and Department of Revenue shall:

15 (A) examine, publish, and distribute to the public  
16 available medical, psychological, and scientific  
17 studies, research, and other information relating to  
18 the safety and efficacy of psilocybin in treating  
19 mental health conditions; and

20 (B) adopt rules and regulations for the eventual  
21 implementation of a comprehensive regulatory framework  
22 that will allow persons 21 years of age and older in  
23 this State to be provided psilocybin services.

24 (21) An advisory board shall be established for the  
25 purpose of advising and making recommendations for program  
26 development.

1 Section 10. Purposes.

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

4 (1) adopting a public health and harm reduction  
5 approach to natural medicines by removing criminal  
6 penalties for the possession of some entheogens for  
7 personal use by adults who are 21 years of age or older;

8 (2) developing and promoting public education related  
9 to the use of entheogens and appropriate training for  
10 first responders;

11 (3) reducing the prevalence of behavioral health  
12 disorders among adults in this State to improve the  
13 physical, mental, and social well-being of all people in  
14 this State;

15 (4) promoting health and healing by reducing focus on  
16 criminal punishments for persons who suffer from mental  
17 health issues by establishing regulated access to natural  
18 medicines through a humane, cost-effective, and  
19 responsible approach;

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

25 (6) protecting the safety, welfare, health, and peace

1 of the people of this State by prioritizing this State's  
2 limited law enforcement resources in the most effective,  
3 consistent, and rational way; and

4 (7) after the program development period:

5 (A) permitting persons licensed, controlled, and  
6 regulated by this State to legally manufacture  
7 psilocybin products and provide psilocybin services to  
8 persons 21 years of age and older, subject to the  
9 provisions of this Act;

10 (B) establishing a comprehensive regulatory  
11 framework concerning psilocybin products and  
12 psilocybin services under State law; and

13 (C) preparing proposed rules for the addition of  
14 botanical forms of dimethyltryptamine,  
15 methylenedioxymethamphetamine, ibogaine (except  
16 ibogaine from iboga), and mescaline (except mescaline  
17 from peyote) to substances regulated under this Act on  
18 or before June 1, 2027.

19 (b) The People of the State of Illinois intend that the  
20 provisions of this Act, together with other provisions of  
21 State law, will prevent:

22 (1) the distribution of psilocybin products to other  
23 persons who are not permitted to possess psilocybin  
24 products under the provisions of this Act and rules  
25 adopted under this Act, including, but not limited to,  
26 persons under 21 years of age; and



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

3           Section 15. Construction. This Act may not be construed  
4           to:

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

8           (2) Amend or affect State or federal law pertaining to  
9           employment matters.

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

12          (4) Prohibit a recipient of a federal grant or an  
13          applicant for a federal grant from prohibiting the  
14          manufacture, delivery, possession, or use of psilocybin  
15          products to the extent necessary to satisfy federal  
16          requirements for the grant.

17          (5) Prohibit a party to a federal contract or a person  
18          applying to be a party to a federal contract from prohibiting  
19          the manufacture, delivery, possession, or use of psilocybin  
20          products to the extent necessary to comply with the terms and  
21          conditions of the contract or to satisfy federal requirements  
22          for the contract.

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

24          (7) Exempt a person from a federal law or obstruct the  
25          enforcement of a federal law.

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

5           Section 20. Definitions. In this Act:

6           "Administration session" means a session held under the  
7 supervision of a facilitator at which a client consumes and  
8 experiences the effects of a psilocybin product under the  
9 supervision of a facilitator.

10          "Advisory Board" or "Board" means the Illinois Psilocybin  
11 Advisory Board established under Section 25.

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

14          "Entheogen" means the following substances in any form,  
15 regardless of whether the substance is regulated under the  
16 federal Controlled Substances Act or the Illinois Controlled  
17 Substances Act:

- 18           (1) Dimethyltryptamine;
- 19           (2) Ibogaine, except ibogaine from iboga;
- 20           (3) Mescaline, except mescaline from peyote;
- 21           (4) Psilocybin; and
- 22           (5) Psilocin.

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

25          "Integration session" means a meeting between a client and

1 a facilitator that may occur after the client completes an  
2 administration session.

3 "Legal entity" means a corporation, limited liability  
4 company, limited partnership, or other legal entity that is  
5 registered with the office of the Secretary of State or with a  
6 comparable office of another jurisdiction.

7 "Licensee" means a person who holds a license issued under  
8 Section 80, 95, 105, or 275.

9 "Licensee representative" means an owner, director,  
10 officer, manager, employee, agent, or other representative of  
11 a licensee, to the extent that the person acts in a  
12 representative capacity.

13 "Manufacture" means the manufacture, planting,  
14 cultivation, growing, harvesting, production, preparation,  
15 propagation, compounding, conversion, or processing of a  
16 psilocybin product, directly or indirectly, by extraction from  
17 substances of natural origin, independently by means of  
18 chemical synthesis or by a combination of extraction and  
19 chemical synthesis. "Manufacture" includes any packaging or  
20 repackaging of the psilocybin product or labeling or  
21 relabeling of its container.

22 "Premises" includes the following areas of a location  
23 licensed under this Act:

24 (1) All public and private enclosed areas at the  
25 location that are used in the business operated at the  
26 location, including offices, kitchens, restrooms, and

1 storerooms.

2 (2) All areas outside of a building that the  
3 Department has specifically licensed for the manufacturing  
4 of psilocybin products or the operation of a service  
5 center.

6 (3) For a location that the Department has  
7 specifically licensed for the operation of a service  
8 center outside of a building, that portion of the location  
9 used to operate the service center and provide a  
10 psilocybin service to a client.

11 "Premises" does not include a primary residence, unless a  
12 primary residence is necessary for the provision of a  
13 psilocybin service to a recipient who is a hospice patient or  
14 who is unable to travel to a service center due to a chronic,  
15 life-threatening illness.

16 "Preparation session" means a meeting between a client and  
17 a facilitator that must occur before the client participates  
18 in an administration session.

19 "Program development period" means the period beginning on  
20 January 1 of the year following the year of enactment of this  
21 Act and ending no later than 24 months after the beginning  
22 date.

23 "Psilocybin" means psilocybin or psilocin.

24 "Psilocybin product" means:

25 (1) psilocybin-producing fungi; or

26 (2) mixtures or substances containing a detectable

1 amount of psilocybin naturally produced from  
2 psilocybin-producing fungi.

3 "Psilocybin product" does not include a psilocybin  
4 service.

5 "Psilocybin product manufacturer" means a person who  
6 manufactures a psilocybin product in this State.

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

- 10 (1) a preparation session;  
11 (2) an administration session; or  
12 (3) an integration session.

13 "Service center" means an establishment at which:

- 14 (1) an administration session is held;  
15 (2) a psilocybin product is purchased; or  
16 (3) other psilocybin services may be provided.

17 "Service center operator" means a person who operates a  
18 service center in this State.

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

21 (a) The Illinois Psilocybin Advisory Board is established  
22 within the Department of Financial and Professional Regulation  
23 for the purpose of advising and making recommendations for the  
24 administration of this Act. The Illinois Psilocybin Advisory  
25 Board shall consist of the following members:

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

3           (2) the Director of Agriculture or the Director's  
4 designee;

5           (3) the Director of Public Health or the Director's  
6 designee;

7           (4) the Director of the Illinois State Police or the  
8 Director's designee;

9           (5) the Director of Revenue or the Director's  
10 designee;

11           (6) the Secretary of Human Services or the Secretary's  
12 designee;

13           (7) the Secretary of Veterans Affairs or the  
14 Secretary's designee;

15           (8) the Illinois Chief Behavioral Health Officer;

16           (9) an expert in the field of public health, appointed  
17 by the Governor with the advice and consent of the Senate;

18           (10) a local health official, appointed by the  
19 Governor with the advice and consent of the Senate;

20           (11) an individual who is a member of or represents a  
21 group that provides public health services directly to  
22 members of the public, appointed by the Governor with the  
23 advice and consent of the Senate;

24           (12) a psychologist who has experience engaging in the  
25 diagnosis or treatment of mental, emotional, and  
26 behavioral conditions, appointed by the Governor with the

1 advice and consent of the Senate;

2 (13) a psychiatrist licensed to practice in Illinois  
3 who has experience engaging in the diagnosis or treatment  
4 of mental, emotional, and behavioral conditions, appointed  
5 by the Governor with the advice and consent of the Senate;

6 (14) a counselor licensed to practice in Illinois who  
7 has experience engaging in the diagnosis or treatment of  
8 mental, emotional, and behavioral conditions, appointed by  
9 the Governor with the advice and consent of the Senate;

10 (15) a physician licensed to practice medicine in all  
11 its branches appointed by the Governor with the advice and  
12 consent of the Senate;

13 (16) a doctor of osteopathic medicine licensed to  
14 practice in Illinois, appointed by the Governor with the  
15 advice and consent of the Senate;

16 (17) a naturopathic physician or a member of an  
17 organization representing Naturopathic Physicians in  
18 Illinois, appointed by the Governor with the advice and  
19 consent of the Senate;

20 (18) an expert in the field of public health who has  
21 obtained a doctorate degree in the field of public health,  
22 community sciences, or a related health field, appointed  
23 by the Governor with the advice and consent of the Senate;

24 (19) a licensed social worker or a licensed clinical  
25 social worker, appointed by the Governor with the advice  
26 and consent of the Senate;

1           (20) a representative of the Behavioral Health  
2 Workforce Education Center of Illinois, appointed by the  
3 Governor with the advice and consent of the Senate;

4           (21) at least 3 individuals who meet at least one of  
5 the following qualifications, appointed by the Governor  
6 with the advice and consent of the Senate:

7           (a) professional experience conducting scientific  
8 research regarding the use of psychedelic compounds in  
9 clinical therapy;

10           (b) experience in the field of mycology;

11           (c) experience in the field of ethnobotany;

12           (d) experience in the field of psychopharmacology;

13           or

14           (e) experience in the field of psilocybin harm  
15 reduction;

16           (22) a current or former member of the Senate,  
17 appointed by the President of the Senate;

18           (23) a current or former member of the Senate,  
19 appointed by the Minority Leader of the Senate;

20           (24) a current or former member of the House,  
21 appointed by the Speaker of the House; and

22           (25) a current or former member of the House,  
23 appointed by the Minority Leader of the House.

24           (c) The term of office for an Advisory Board member  
25 appointed under this Section is 4 years, but a member serves at  
26 the pleasure of the Governor. Before the expiration of the



1 term of a member, the Governor shall appoint a successor whose  
2 term begins on January 1 of the following calendar year.  
3 Members may be eligible for reappointment. If there is a  
4 vacancy for any reason, the Governor shall make an appointment  
5 to serve in an acting capacity until approved by the Senate for  
6 the remainder of the unexpired term.

7 (d) A majority of the voting members of the Advisory Board  
8 constitutes a quorum for the transaction of business.

9 (e) Official action by the Advisory Board requires the  
10 approval of a majority of the voting members of the board.

11 (f) The Advisory Board shall elect one of its voting  
12 members to serve as chairperson.

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

23 (h) The Advisory Board may adopt policies and procedures  
24 necessary for the operation of the board.

25 (i) The Advisory Board may establish committees or  
26 subcommittees necessary for the operation of the board.

1           (j) Members of the Advisory Board shall not be paid a  
2 salary but shall be reimbursed for travel and other reasonable  
3 expenses incurred while fulfilling the responsibilities of the  
4 Advisory Board.

5           Section 30. Duties of the Illinois Psilocybin Advisory  
6 Board.

7           (a) The Illinois Psilocybin Advisory Board shall perform  
8 the following duties:

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

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

24                 (3) Study and review the Oregon Psilocybin Services  
25 Act (Measure 109), the Colorado Natural Medicine Health

1 Act of 2022 (Proposition 122), and relevant initiatives to  
2 legalize or decriminalize entheogen use in other states  
3 and units of local government in an effort to determine  
4 successes and pitfalls that may be applied to the  
5 rulemaking process in Illinois.

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

16 (5) Make recommendations on the requirements,  
17 specifications, and guidelines for providing psilocybin  
18 services to a client, including the following:

19 (A) The requirements, specifications, and  
20 guidelines for holding and verifying the completion of  
21 a preparation session, an administration session, and  
22 an integration session.

23 (B) The contents of the client information form  
24 that a client must complete and sign before the client  
25 participates in an administration session, giving  
26 particular consideration to the following:

1           (i) The information that should be solicited  
2           from the client to determine whether the client  
3           should participate in the administration session,  
4           including information that may identify risk  
5           factors and contraindications.

6           (ii) The information that should be solicited  
7           from the client to assist the service center  
8           operator and the facilitator in meeting any public  
9           health and safety standards and industry best  
10          practices during the administration session.

11          (iii) The health and safety warnings and other  
12          disclosures that should be made to the client  
13          before the client participates in the  
14          administration session.

15          (6) Make recommendations on public health and safety  
16          standards and industry best practices for each type of  
17          licensee under this Act.

18          (7) Make recommendations on the formulation of a code  
19          of professional conduct for facilitators, giving  
20          particular consideration to a code of ethics, cultural  
21          responsibility, and outlining a clear process for  
22          reporting complaints of unethical conduct by facilitators  
23          or service center employees.

24          (8) Make recommendations on the education, experience,  
25          and training that facilitators must achieve, giving  
26          particular consideration to the following and including

1           whether such education, experience, and training should be  
2           available through online resources:

3                   (A) Facilitation skills that are affirming,  
4                   nonjudgmental, nondirective, trauma-informed, and  
5                   rooted in informed consent.

6                   (B) Support skills for clients during an  
7                   administration session, including specialized skills  
8                   for the following:

9                           (i) client safety;

10                           (ii) clients who may have a mental health  
11                           condition;

12                           (iii) appropriate boundaries, heightened  
13                           transference in expanded states of consciousness,  
14                           and special precautions related to the use of  
15                           touch in psilocybin sessions;

16                           (iv) crisis assessment and appropriate  
17                           referral for those who need ongoing support if  
18                           challenging mental health issues emerge in  
19                           psilocybin sessions;

20                   (C) the environment in which psilocybin services  
21                   should occur;

22                   (D) social and cultural considerations; and

23                   (E) affordable, equitable, ethical, and culturally  
24                   responsible access to entheogens and requirements to  
25                   ensure that the regulated entheogen access program is  
26                   equitable and inclusive.

1           (9) Make recommendations on the examinations that  
2 facilitators must pass.

3           (10) Make recommendations on public health and safety  
4 standards and industry best practices for holding and  
5 completing an administration session, including the  
6 following:

7                 (A) best practices surrounding group  
8 administration;

9                 (B) how clients can safely access common or  
10 outside areas on the premises at which the  
11 administration session is held;

12                (C) the circumstances under which an  
13 administration session is considered complete; and

14                (D) the transportation needs of the client after  
15 the completion of the administration session.

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

21           (12) Monitor and study federal laws, regulations, and  
22 policies regarding psilocybin.

23           (13) On an ongoing basis, review and evaluate existing  
24 research studies and real-world data related to entheogens  
25 and make recommendations to the General Assembly and  
26 relevant State agencies as to whether entheogens and

1 associated services should be covered under any Illinois  
2 State health insurance or other insurance program as a  
3 cost-effective intervention for various mental health  
4 conditions, including, but not limited to, end-of-life  
5 anxiety, substance use disorder, alcoholism, depressive  
6 disorders, neurological disorders, post-traumatic stress  
7 disorder, and other painful conditions, including, but not  
8 limited to, cluster headaches, migraines, cancer, and  
9 phantom limbs.

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

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

22 (b) The Department of Financial and Professional  
23 Regulation shall provide technical, logistical, and other  
24 support to the Advisory Board, as requested by the Advisory  
25 Board, to assist the Advisory Board with its duties and  
26 obligations.

1 Section 35. General powers and duties; rules.

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

17 (b) The Department of Public Health, Department of  
18 Agriculture, Department of Financial and Professional  
19 Regulation, Illinois State Police, and Department of Revenue  
20 shall enter into intergovernmental agreements, as necessary,  
21 to carry out the provisions of this Act, including, but not  
22 limited to, the provisions relating to the registration and  
23 oversight of any person who produces, possesses, transports,  
24 delivers, sells, or purchases a psilocybin product in this  
25 State or who provides a psilocybin service in this State.



1 There shall be no requirement that a client be diagnosed with  
2 or have any particular medical condition as a prerequisite to  
3 being provided psilocybin services.

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

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

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

1           (f) The Department of Financial and Professional  
2 Regulation shall issue, renew, suspend, revoke, or refuse to  
3 issue or renew licenses for the sale of psilocybin products,  
4 the provision of psilocybin services, or other licenses  
5 related to the consumption of psilocybin products, and to  
6 permit, at the Department's discretion, the transfer of a  
7 license between persons.

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

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

19          Section 45. Program development period; dates.

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

23           (b) On or before February 28 of the year following the  
24 effective date of this Act, the Governor, the Senate

1 President, and the Speaker of the House shall appoint the  
2 individuals specified in subsection (b) of Section 25 to the  
3 Advisory Board.

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

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

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

22 (1) rules and regulations for the implementation of  
23 this Act;

24 (2) a long-term strategic plan for ensuring that  
25 psilocybin services will become and remain a safe,  
26 accessible, and affordable therapeutic option for all

1 persons 21 years of age and older in this State for whom  
2 psilocybin may be appropriate; and

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

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

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

1 Section 50. Licensing.

2 (a) On or before July 1 of the year 3 years after the  
3 effective date of this Act:

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

7 (A) operate a service center; and

8 (B) facilitate psilocybin services.

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

11 (A) manufacture psilocybin products; and

12 (B) test psilocybin products.

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

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

1 (c) A Department may reject any application that is not  
2 submitted in the form required by the Department by rule. The  
3 approval or denial of any application is a final decision of  
4 the Department subject to judicial review. Jurisdiction and  
5 venue are vested in the circuit court.

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

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

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

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

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

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

1 under this Act;

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

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

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

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

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

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

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

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

25 (11) is unable to understand the laws of this State  
26 relating to psilocybin products, psilocybin services, or

1 the rules adopted under this Act.

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

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

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

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

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

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

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

24 (i) The Department of Financial and Professional  
25 Regulation and the Department of Agriculture shall not issue a  
26 license pursuant to this Act if the licensee, principal



1 officer, board member, or person having a financial or voting  
2 interest of 5% or greater in the licensee or applicant, or the  
3 agent thereof is delinquent in filing any required tax returns  
4 or paying any amounts owed to the State of Illinois.

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

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

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

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

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

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

19 (5) Any individual who holds a financial interest of  
20 10% or more in the person applying for the license.

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

23 (1) a personal privilege;

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

1 issue the license under Section 50;

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

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

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

12 (6) not considered property;

13 (7) not alienable;

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

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

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

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

1           (b) The licenses described in this Act must be issued by  
2 the Department of Financial and Professional Regulation or the  
3 Department of Agriculture subject to the provisions of this  
4 Act and rules adopted under this Act.

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

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

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

24           (a) An individual may not have a financial interest in

1 either of the following:

2 (1) More than one psilocybin product manufacturer.

3 (2) More than 5 service center operators.

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

9 Section 80. License to manufacture psilocybin products.

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

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

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

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

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

1 psilocybin at the premises. The Department of Agriculture may  
2 adopt rules regarding the informed consent described in this  
3 subsection.

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

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

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

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

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

17 Section 85. Psilocybin product manufacturers;  
18 endorsements.

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

25 (b) An applicant must request an endorsement upon

1 submission of an initial application but may also request an  
2 endorsement at any time following licensure.

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

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

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

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

1 Section 95. License to operate a service center.

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

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

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

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

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

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

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

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

26 (1) require a service center operator to annually



1 renew a license issued under this Section;

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

4 (3) require psilocybin products sold by a service  
5 center operator to be tested in accordance with Section  
6 270; and

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

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

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

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

25 (b) The Department of Financial and Professional

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

11 Section 105. License to facilitate psilocybin services.

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

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

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

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

23 (3) have either:

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

1           (ii) a high school diploma or its equivalent and  
2 demonstrable experience administering psilocybin in a  
3 manner of cultural significance as part of a  
4 tradition, ceremony, or rite that is more than merely  
5 recreational use; or

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

9           (A) licensed behavior analyst or an assistant  
10 behavior analyst as defined under the Behavior  
11 Analyst Licensing Act;

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

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

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

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

24           (F) physician as defined under the Medical  
25 Practice Act of 1987;

26           (G) certified nurse midwife or licensed

1 certified professional midwife as defined under  
2 the Licensed Certified Professional Midwife  
3 Practice Act;

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

8 (I) occupational therapist as defined under  
9 the Illinois Occupational Therapy Practice Act;

10 (J) licensed pharmacist, licensed pharmacy  
11 technician, or student pharmacist under the  
12 Pharmacy Practice Act;

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

15 (L) licensed professional counselor or  
16 licensed clinical professional counselor as  
17 defined under the Professional Counselor and  
18 Clinical Professional Counselor Licensing and  
19 Practice Act;

20 (M) community health worker as defined under  
21 the Community Health Worker Certification and  
22 Reimbursement Act;

23 (N) naprapath as defined under the Naprapathic  
24 Practice Act;

25 (O) licensed orthoptist, licensed podiatrist,  
26 a licensed podiatric physician, or a licensed

1           prosthetist as defined under the Orthotics,  
2           Prosthetics, and Pedorthics Practice Act;

3           (P) certified Recovery Support Specialist  
4           certified by the Illinois Certification Board;

5           (Q) certified Peer Recovery Specialist;

6           (R) certified alcohol and drug counselor; or

7           (S) certified trainer as defined under the  
8           Illinois Mental Health First Aid Training Act;

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

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

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

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

17               (1) require a facilitator to annually renew a license  
18               issued under this Section;

19               (2) establish application, licensure, and renewal of  
20               licensure fees for facilitators;

21               (3) require a facilitator to meet any public health  
22               and safety standards and industry best practices  
23               established by the Department by rule.

24          (d) Fees adopted under paragraph (2) of subsection (d) may  
25          not exceed, together with other fees collected under this Act,  
26          the cost of administering this Act and shall be deposited into

1 the Psilocybin Control and Regulation Fund.

2 (e) A facilitator may be, but need not be, an employee,  
3 manager, director, officer, partner, member, shareholder, or  
4 direct or indirect owner of one or more service center  
5 operators.

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

8 Section 110. License examinations; rules. The Department  
9 of Financial and Professional Regulation shall offer an  
10 examination for applicants for licenses to facilitate  
11 psilocybin services at least twice a year. An applicant who  
12 fails any part of the examination may retake the failed  
13 section in accordance with rules adopted by the Department.

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

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

5           (1) providing psilocybin services to a client;

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

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

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

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

15           Section 125. Preparation session.

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

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

23           (c) If a preparation session is completed in accordance  
24 with all applicable requirements, specifications, and

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

15 Section 130. Client information form.

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

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

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



1 session.

2 (b) The client information form must comply with the  
3 following:

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

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

15 (c) The service center operator shall maintain the client  
16 information form in a manner that ensures confidentiality and  
17 shall not sell, disclose, or otherwise transfer any personally  
18 identifiable information of the client without the client's  
19 express written consent.

20 Section 135. Administration session.

21 (a) After a client completes a preparation session and  
22 completes and signs a client information form, the client may  
23 participate in an administration session.

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

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

17 Section 140. Integration session.

18 (a) After a client completes an administration session,  
19 the facilitator who supervised the administration session must  
20 offer the client an opportunity to participate in an  
21 integration session. The client may, but need not, participate  
22 in an integration session. Integration sessions are intended  
23 to promote psychological well-being and reduce the risk of  
24 adverse reactions by ensuring individuals are not left to  
25 process potentially overwhelming experiences alone.

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

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

19 Section 145. Reliance on client information form.

20 (a) If a client information form is offered as evidence in  
21 any administrative or criminal prosecution of a licensee or  
22 licensee representative for sale or service of a psilocybin  
23 product to a client, the licensee or licensee representative  
24 is not guilty of any offense prohibiting a person from selling  
25 or serving a psilocybin product to a client unless it is

1 demonstrated that a reasonable person would have determined  
2 that the responses provided by the client on the client  
3 information form were incorrect or altered.

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

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

12 (2) the licensee or licensee representative violated a  
13 provision of this Act or a rule adopted under this Act  
14 relative to the client information form.

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

20 (d) The Department of Financial and Professional  
21 Regulation shall adopt rules for recordkeeping, privacy, and  
22 confidentiality requirements of service centers. However, the  
23 recordkeeping shall not result in disclosure to the public or  
24 any governmental agency of any participant's personally  
25 identifiable information.

1           Section 150. Refusal to provide psilocybin services to a  
2 client.

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

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

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

16          Section 155. Department powers and duties relating to  
17 facilitators.

18          (a) The Department of Financial and Professional  
19 Regulation shall perform the following:

20               (1) Determine the qualifications, training, education,  
21 and fitness of applicants for licenses to facilitate  
22 psilocybin services, giving particular consideration to  
23 the following:

24                       (A) facilitation skills that are affirming,  
25 nonjudgmental, culturally competent, trauma informed,

1 rooted in informed consent, and nondirective;

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

5 (i) client safety; and

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

8 (C) the environment in which psilocybin services  
9 should occur; and

10 (D) social and cultural considerations.

11 (2) Formulate a code of professional conduct for  
12 facilitators, giving particular consideration to a code of  
13 ethics.

14 (3) Establish standards of practice and professional  
15 responsibility for individuals licensed by the Department  
16 to facilitate psilocybin services.

17 (4) Select licensing examinations for licenses to  
18 facilitate psilocybin services.

19 (5) Provide for waivers of examinations, as  
20 appropriate.

21 (6) Appoint representatives to conduct or supervise  
22 examinations of applicants for licenses to facilitate  
23 psilocybin services.

24 (b) The Department of Financial and Professional  
25 Regulation shall adopt by rule minimum standards of education  
26 and training requirements for facilitators.

1           (c) The Department of Financial and Professional  
2 Regulation shall approve courses for facilitators. To obtain  
3 approval of a course, the provider of a course must submit an  
4 outline of instruction to the Department. The outline must  
5 include the proposed courses, total hours of instruction,  
6 hours of lectures in theory, and the hours of instruction in  
7 application of practical skills.

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

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

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

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

26           (h) As is necessary to protect the public health and

1 safety, the Department of Financial and Professional  
2 Regulation or the Department of Agriculture may require a  
3 licensee to maintain general liability insurance in an amount  
4 that the Department determines is reasonably affordable and  
5 available for the purpose of protecting the licensee against  
6 damages resulting from a cause of action related to activities  
7 undertaken pursuant to the license held by the licensee.

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

14 (1) preventing the diversion of psilocybin products to  
15 other states;

16 (2) preventing persons from substituting or tampering  
17 with psilocybin products;

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

20 (4) ensuring that laboratory testing results are  
21 accurately reported; and

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

26 (j) The system developed under subsection (i) must be



1 capable of tracking, at a minimum, the following:

2 (1) the manufacturing of psilocybin products;

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

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

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

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

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

20 (l) In addition to any other disciplinary action available  
21 to the Department of Financial and Professional Regulation and  
22 the Department of Agriculture under this Act, either  
23 Department may immediately restrict, suspend, or refuse to  
24 renew a license issued under this Act if circumstances create  
25 probable cause for the Department to conclude that a licensee  
26 has purchased or received a psilocybin product from an

1 unlicensed source or that a licensee has sold, stored, or  
2 transferred a psilocybin product in a manner that is not  
3 permitted by the licensee's license.

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

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

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

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

25 (n) Notwithstanding the lapse, suspension, or revocation  
26 of a license issued under this Act, the Department of

1 Financial and Professional Regulation and the Department of  
2 Agriculture may perform the following:

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

6 (2) revise or render void an order suspending or  
7 revoking the license; and

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

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

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

18 (2) revise or render void an order suspending or  
19 revoking the permit; and

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

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

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

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

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

12          Section 160. Conduct of licensees; prohibitions.

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

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

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

1 product manufacturer that holds a license under Section 80 or  
2 a service center operator that holds a license under Section  
3 95.

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

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

15 (f) A licensee or licensee representative may not sell or  
16 deliver a psilocybin product to a person under 21 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 21 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 of Financial  
14          and Professional Regulation or the Department of Agriculture  
15          may require proof that a person performing work at the  
16          premises is 21 years of age or older. If the person does not  
17          provide the Department with acceptable proof of age upon  
18          request, the Department may require the person to immediately  
19          cease any activity and leave the premises until the Department  
20          receives acceptable proof of age. This subsection does not  
21          apply to a person temporarily at the premises to make a  
22          service, maintenance, or repair call or for other purposes  
23          independent of the premises operations.

24          (n) If a person performing work has not provided proof of  
25          age requested by the Department of Financial and Professional  
26          Regulation or the Department of Agriculture under subsection

1 (m), the Department may request that the licensee provide  
2 proof that the person is 21 years of age or older. Failure of  
3 the licensee to respond to a request made under this  
4 subsection by providing acceptable proof of age for a person  
5 is prima facie evidence that the licensee has allowed the  
6 person to perform work at the premises for which a license has  
7 been issued under this Act in violation of the minimum age  
8 requirement.

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

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

21 Section 165. Psilocybin product prohibitions.

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

25 (b) The Department of Financial and Professional



1 Regulation or the Department of Agriculture may prohibit the  
2 sale of a psilocybin product by a service center operator for a  
3 reasonable period of time, not exceeding 90 days, for the  
4 purpose of determining whether the psilocybin product complies  
5 with the minimum standards prescribed by the laws of this  
6 State.

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

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

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

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

22 Section 171. Investigations.

23 (a) Manufacturers, service centers, and laboratories that  
24 conduct testing of psilocybin products are subject to random

1 and unannounced dispensary inspections and psilocybin testing  
2 by the Department of Financial and Professional Regulation,  
3 Department of Agriculture, the Illinois State Police, local  
4 law enforcement, or as provided by rule.

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

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

1 determine qualifications to be granted a registration by the  
2 Department of Financial and Professional Regulation or  
3 Department of Agriculture.

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

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

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

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

13 Section 173. Grounds for discipline.

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

20 (1) material misstatement in furnishing information to  
21 the Department;

22 (2) violations of this Act or rules;

23 (3) obtaining an authorization or license by fraud or  
24 misrepresentation;

25 (4) a pattern of conduct that demonstrates

1 incompetence or that the applicant has engaged in conduct  
2 or actions that would constitute grounds for discipline  
3 under this Act;

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

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

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

11 (8) adverse action by another United States  
12 jurisdiction or foreign nation;

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

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

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

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

1 Department audit of psilocybin;

2 (13) a finding by the Department of a discrepancy in a  
3 Department audit of capital or funds;

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

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

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

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

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

1           (19) disclosing customer names, personal information,  
2           or protected health information in violation of any State  
3           or federal law;

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

7           (21) performing duties authorized by this Act prior to  
8           receiving a license to perform such duties;

9           (22) dispensing psilocybin when prohibited by this Act  
10          or rules;

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

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

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

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

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

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

25          (29) failing to prevent diversion, theft, or loss of  
26          psilocybin.

1           (b) All fines and fees imposed under this Section shall be  
2 paid no later than 60 days after the effective date of the  
3 order imposing the fine or as otherwise specified in the  
4 order.

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

12           Section 174. Temporary suspension, service center and  
13 facilitators.

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

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



1 (c) If the Department does not hold a hearing within 45  
2 days after the date the suspension notice was issued, then the  
3 suspended license shall be automatically reinstated and the  
4 suspension vacated.

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

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

14 Section 175. Temporary suspension; manufacturer or  
15 laboratory.

16 (a) The Director of Agriculture may temporarily suspend a  
17 manufacturing or laboratory testing license without a hearing  
18 if the Secretary finds that public safety or welfare requires  
19 emergency action. The Secretary shall cause the temporary  
20 suspension by issuing a suspension notice in connection with  
21 the institution of proceedings for a hearing.

22 (b) If the Secretary temporarily suspends a license  
23 without a hearing, the licensee or its agent is entitled to a  
24 hearing within 45 days after the suspension notice has been  
25 issued. The hearing shall be limited to the issues cited in the

1 suspension notice, unless all parties agree otherwise.

2 (c) If the Department does not hold a hearing within 45  
3 days after the date the suspension notice was issued, then the  
4 suspended license shall be automatically reinstated and the  
5 suspension vacated.

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

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

15 Section 176. Unlicensed practice; violation; civil  
16 penalty.

17 (a) In addition to any other penalty provided by law, any  
18 person who practices, offers to practice, attempts to  
19 practice, or holds oneself out to practice as a licensed  
20 service center, facilitator, manufacturer, or laboratory  
21 licensed to test psilocybin without being licensed under this  
22 Act shall, in addition to any other penalty provided by law,  
23 pay a civil penalty to the appropriate Department authorized  
24 to issue such license in an amount not to exceed \$10,000 for  
25 each offense as determined by that Department. The civil

1 penalty shall be assessed by the appropriate Department after  
2 a hearing is held in accordance with the provisions set forth  
3 in this Act regarding the provision of a hearing for the  
4 discipline of a licensee.

5 (b) The Department of Financial and Professional  
6 Regulation and the Department of Agriculture have the  
7 authority and power to investigate any and all unlicensed  
8 activity.

9 (c) The civil penalty shall be paid within 60 days after  
10 the effective date of the order imposing the civil penalty or  
11 in accordance with the order imposing the civil penalty. The  
12 order shall constitute a judgment and may be filed and  
13 execution had thereon in the same manner as any judgment from  
14 any court of this State.

15 Section 177. Notice; hearing.

16 (a) The Department conducting the disciplinary action  
17 shall, before disciplining an applicant or licensee, at least  
18 30 days before the date set for the hearing: (i) notify the  
19 accused in writing of the charges made and the time and place  
20 for the hearing on the charges; (ii) direct him or her to file  
21 a written answer to the charges under oath no later than 20  
22 days after service; and (iii) inform the applicant or licensee  
23 that failure to answer will result in a default being entered  
24 against the applicant or licensee.

25 (b) At the time and place fixed in the notice, the hearing

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

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

17 Section 178. Subpoenas; oaths. The Department of Financial  
18 and Professional Regulation and the Department of Agriculture  
19 shall have the power to subpoena and bring before it any person  
20 and to take testimony either orally or by deposition, or both,  
21 with the same fees and mileage and in the same manner as  
22 prescribed by law in judicial proceedings in civil cases in  
23 courts in this State. The Secretary, Director, or the hearing  
24 officer shall each have the power to administer oaths to  
25 witnesses at any hearings that the Departments are authorized

1 to conduct.

2 Section 179. Hearing; motion for rehearing.

3 (a) The hearing officer shall hear evidence in support of  
4 the formal charges and evidence produced by the licensee. At  
5 the conclusion of the hearing, the hearing officer shall  
6 present to the Secretary a written report of the hearing  
7 officer's findings of fact, conclusions of law, and  
8 recommendations.

9 (b) At the conclusion of the hearing, a copy of the hearing  
10 officer's report shall be served upon the applicant or  
11 licensee by the Department of Financial and Professional  
12 Regulation or the Department of Agriculture, either personally  
13 or as provided in this Act for the service of a notice of  
14 hearing. No later than 20 calendar days after service, the  
15 applicant or licensee may present to the applicable Department  
16 a motion in writing for rehearing, which shall specify the  
17 particular grounds for rehearing. The applicable Department  
18 may respond to the motion for rehearing within 20 calendar  
19 days after its service on such Department. If no motion for  
20 rehearing is filed, then, upon the expiration of the time  
21 specified for filing such motion or upon denial of a motion for  
22 rehearing, the Secretary or Director may enter an order in  
23 accordance with the recommendation of the hearing officer. If  
24 the applicant or licensee orders from the reporting service  
25 and pays for a transcript of the record within the time for

1 filing a motion for rehearing, the 20-day period within which  
2 a motion may be filed shall commence upon the delivery of the  
3 transcript to the applicant or licensee.

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

7 (d) Whenever the Secretary or Director is not satisfied  
8 that substantial justice has been done, the Secretary or  
9 Director may order a rehearing by the same or another hearing  
10 officer.

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

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

16 (a) The Department shall issue permits to qualified  
17 applicants to perform work described in Section 175. The  
18 Department shall adopt rules establishing the following:

19 (1) The qualifications for performing work described  
20 in Section 175.

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

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

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

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

7           (1) checking identification;

8           (2) detecting intoxication;

9           (3) handling psilocybin products;

10           (4) if applicable, the manufacturing of psilocybin  
11 products;

12           (5) the content of this Act and rules adopted under  
13 this Act; and

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

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

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

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

26           (2) As part of a final order revoking a permit issued

1 under this Section, the Department shall require an  
2 individual to successfully complete the course prior to  
3 applying for a new permit.

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

6 (f) Subject to applicable provisions of Illinois law, the  
7 Department of Financial and Professional Regulation or the  
8 Department of Agriculture may suspend, revoke, or refuse to  
9 issue or renew a permit if the individual who is applying for  
10 or who holds the permit meets any of the following:

11 (1) Is convicted of a felony, or is convicted of an  
12 offense under this Act, except that the Department may not  
13 consider a conviction for an offense under this Act if the  
14 date of the conviction is 2 or more years before the date  
15 of the application or renewal.

16 (2) Violates any provision of this Act or any rule  
17 adopted under this Act.

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

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

22 Section 185. Authority to require fingerprints. The  
23 Department of Agriculture or the Department of Financial and  
24 Professional Regulation, through the Illinois State Police,  
25 may require the fingerprints of any individual listed on an



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

21 Section 190. Psilocybin Control and Regulation Fund. The  
22 Psilocybin Control and Regulation Fund is established as a  
23 special fund in the State treasury. Interest earned by the  
24 Psilocybin Control and Regulation Fund shall be credited to  
25 the Fund.

1 Section 195. Prohibited conduct.

2 (a) Except as authorized by rule, or as necessary in an  
3 emergency, a person under 21 years of age may not enter or  
4 attempt to enter any portion of premises posted or otherwise  
5 identified as being prohibited to the use of persons under 21  
6 years of age.

7 (b) A person who violates subsection (a) commits a Class B  
8 misdemeanor.

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

17 (d) The prohibitions of this Section do not apply to a  
18 person under 21 years of age who is acting under the direction  
19 of a licensee for the purpose of investigating possible  
20 violations by employees of the licensee of laws prohibiting  
21 sales of psilocybin products to persons who are under 18 years  
22 of age.

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

1           (1) The person contacted emergency medical services or  
2           a law enforcement agency in order to obtain medical  
3           assistance for another person who was in need of medical  
4           assistance because that person consumed a psilocybin  
5           product and the evidence of the violation was obtained as  
6           a result of the person having contacted emergency medical  
7           services or a law enforcement agency.

8           (2) The person was in need of medical assistance  
9           because the person consumed a psilocybin product and the  
10          evidence of the violation was obtained as a result of the  
11          person having sought or obtained the medical assistance.

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

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

18          (a) A person may not sell, give, or otherwise make  
19          available a psilocybin product to a person who is visibly  
20          intoxicated.

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

22          Section 205. Prohibition against giving psilocybin product  
23          as prize; penalty.

24          (a) A psilocybin product may not be given as a prize,

1 premium, or consideration for a lottery, contest, game of  
2 chance, game of skill, or competition of any kind.

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

4 Section 210. Civil enforcement. In addition to any other  
5 liability or penalty provided by law, the Department of  
6 Financial and Professional Regulation or the Department of  
7 Agriculture may impose for each violation of a provision of  
8 this Act or a rule adopted under this Act a civil penalty that  
9 does not exceed \$5,000 for each violation. Moneys collected  
10 under this Section shall be deposited into the Psilocybin  
11 Control and Regulation Fund.

12 Section 215. Criminal enforcement.

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

24 (b) A county court, State's Attorney, or municipal

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

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

9 Section 220. Home rule; licensure. The authority to  
10 require a license for the manufacturing or sale of psilocybin  
11 products in this State or for the provision of psilocybin  
12 services in this State is an exclusive power and function of  
13 the State. A home rule unit may not license the manufacture,  
14 sale, or provision of psilocybin products. This Section is a  
15 denial and limitation of home rule powers and functions under  
16 subsection (h) of Section 6 of Article VII of the Illinois  
17 Constitution.

18 Section 225. Local tax or fee prohibited.

19 (a) The authority to impose a tax or fee on the  
20 manufacturing, sale, or provision of psilocybin products in  
21 this State or on the provision of psilocybin services in this  
22 State is an exclusive power and function of the State. A home  
23 rule unit may not impose a tax or fee on the manufacture, sale,  
24 or provision of psilocybin products. This Section is a denial

1 and limitation of home rule powers and functions under  
2 subsection (g) of Section 6 of Article VII of the Illinois  
3 Constitution.

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

8 Section 230. Prohibition against refusing to perform  
9 certain duties.

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

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

23 Section 235. Authority to purchase, possess, seize, or  
24 dispose of psilocybin products. Subject to any applicable

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

14 Section 240. Suspension of a license or permit without  
15 notice. In the case of an invasion, disaster, insurrection,  
16 riot, or imminent danger of invasion, disaster, insurrection,  
17 or riot, the Governor may, for the duration of the invasion,  
18 disaster, insurrection, riot, or imminent danger, immediately  
19 and without notice, suspend, in the area involved, any license  
20 or permit issued under this Act.

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

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

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

24 (2) a crop for purposes of a farm or agricultural

1 practice;

2 (3) a product of farm use; and

3 (4) the product of an agricultural activity.

4 (b) Notwithstanding the provisions of any law to the  
5 contrary, the following are not permitted uses on land  
6 designated for exclusive agriculture use:

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

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

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

13 (d) A county may allow the manufacture of psilocybin  
14 products as an agricultural use on land zoned for agricultural  
15 and rural land use in the same manner as the manufacture of  
16 psilocybin products is allowed in exclusive agricultural use  
17 zones under this Section or any other applicable State law.

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

20 Section 250. Regulation of psilocybin products as food or  
21 other commodity.

22 (a) Notwithstanding the authority granted to the  
23 Department of Agriculture under the provisions of any law to  
24 the contrary, the Department of Agriculture may not exercise  
25 authority over a psilocybin product or a licensee except as



1 provided in this Act.

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

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

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

9 Section 255. Enforceability of contracts. A contract is  
10 not unenforceable on the basis that manufacturing,  
11 distributing, dispensing, possessing, or using psilocybin  
12 products is prohibited by federal law.

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

20 Section 265. Information related to licensure that is  
21 exempt from disclosure.

22 (a) Subject to subsection (b), information is exempt from  
23 public disclosure under the Freedom of Information Act if the

1 information is any of the following:

2 (1) Personally identifiable information.

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

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

10 (4) Related to any record that the Department of  
11 Financial and Professional Regulation or the Department of  
12 Agriculture determines contains proprietary information of  
13 a licensee.

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

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

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

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

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

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

4           Section 270. Testing standards and processes; rules.

5           (a) As is necessary to protect the public health and  
6           safety, the Department of Agriculture shall adopt rules that  
7           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; and

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 80 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 275 and accredited by the Department  
24 under Section 290.

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 275. Laboratory licensure; qualifications; fees;  
5 rules.

6 (a) A laboratory that conducts testing of psilocybin  
7 products as required by Section 270 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 of  
11 Agriculture shall 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 290.

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; and

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 270 through  
4 310 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 and are  
15 continuously appropriated to the Department for the purpose of  
16 carrying out the duties, functions, and powers of the  
17 Department under this Act.

18 Section 280. Authority to require fingerprints. The  
19 Department of Agriculture, through the Illinois State Police,  
20 may require the fingerprints of any individual listed on an  
21 application submitted under Section 275 for purposes of  
22 conducting a background check. The Department of Agriculture  
23 may require fingerprints to be submitted for a background  
24 check prior to or after the submission of an application. The  
25 Illinois State Police shall charge a fee for conducting the

1 criminal history record check, which shall be deposited into  
2 the State Police Services Fund and shall not exceed the actual  
3 cost of the record check. In order to carry out this provision,  
4 an individual listed on an application submitted under Section  
5 275 may be required to submit a full set of fingerprints to the  
6 Illinois State Police for the purpose of obtaining a State and  
7 federal criminal records check. These fingerprints shall be  
8 checked against the fingerprint records now and hereafter, to  
9 the extent allowed by law, filed in the Illinois State Police  
10 and Federal Bureau of Investigation criminal history records  
11 databases. The Illinois State Police shall furnish, following  
12 positive identification, all Illinois conviction information  
13 to the Department of Agriculture. The powers conferred on the  
14 Department under this Section include the power to require the  
15 fingerprints of the following persons:

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

18 (2) If the applicant is a manager-managed limited  
19 liability company, each manager of the limited liability  
20 company.

21 (3) If the applicant is a member-managed limited  
22 liability company, each voting member of the limited  
23 liability company.

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

26 (5) Any individual who holds a financial interest of

1           10% or more in the person applying for the license.

2           Section 285. Statement of applicant for laboratory  
3 licensure. The Department of Agriculture may require a  
4 licensee or applicant for a license under Section 275 to  
5 submit, in a form and manner prescribed by the Department, to  
6 the Department a sworn statement showing the following:

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

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

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

22          Section 290. Laboratory accreditation.

23          (a) A laboratory that conducts testing of a psilocybin  
24 product as required by Section 275 must be accredited and meet



1 other qualifications as established by the Department of  
2 Agriculture under this Section.

3 (b) In addition to other qualifications required pursuant  
4 to applicable law, the Department shall require an applicant  
5 for accreditation for purposes related to the testing of  
6 psilocybin products to:

7 (1) complete an application;

8 (2) undergo an onsite inspection; and

9 (3) meet other applicable requirements,  
10 specifications, and guidelines for testing psilocybin  
11 products as determined to be appropriate by the Department  
12 by rule.

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

16 (d) Subject to applicable provisions of Illinois law, the  
17 Department may refuse to issue or renew, or may suspend or  
18 revoke, a laboratory's accreditation granted under this  
19 Section for violation of a provision of this Act or a rule  
20 adopted under this Act.

21 (e) In establishing fees under this Section for  
22 laboratories that test psilocybin products, the Department  
23 shall establish fees that are reasonably calculated to pay the  
24 expenses incurred by the Department under this Section in  
25 accrediting laboratories that test psilocybin products.

1           Section 295. Authority to discipline licensees. Subject to  
2 applicable provisions of Illinois law, if an applicant or  
3 licensee violates a provision of Sections 270 through 310 or a  
4 rule adopted under those Sections, the Department of  
5 Agriculture may refuse to issue or renew, or may suspend or  
6 revoke, a license issued under Section 80, 95, 105, or 275.

7           Section 300. Authority of the Department of Agriculture  
8 over certain persons; license actions.

9           (a) Notwithstanding the lapse, suspension, or revocation  
10 of a license issued under Section 275, the Department of  
11 Agriculture may do either of the following:

12                 (1) Proceed with any investigation of, or any action  
13 or disciplinary proceeding against, the person who held  
14 the license.

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

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

20           Section 305. Civil penalty for certain violations.

21           (a) In addition to any other liability or penalty provided  
22 by law, the Department of Agriculture may impose for each  
23 violation of a provision of Sections 270 through 310 or a rule  
24 adopted under those Sections a civil penalty that does not

1 exceed \$500 for each day that the violation occurs.

2 (b) The Department of Agriculture shall impose civil  
3 penalties under this Section in the manner provided by  
4 applicable Illinois law.

5 (c) Moneys collected under this Section shall be deposited  
6 into the Psilocybin Control and Regulation Fund and are  
7 continuously appropriated to the Department for the purpose of  
8 carrying out the duties, functions, and powers of the  
9 Department under this Act.

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

20 Section 315. Labeling requirements; rules.

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

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

3                   (A) Health and safety warnings.

4                   (B) If applicable, activation time.

5                   (C) Potency.

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

8                   (E) Content of the psilocybin product.

9           (2) Labeling that is in accordance with applicable  
10 State food labeling requirements for the same type of food  
11 product or potable liquid when the food product or potable  
12 liquid does not contain psilocybin.

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

18           (c) In adopting rules under subsection (a), the  
19 Department:

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

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

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

1 safety.

2 Section 320. Preapproval of labels.

3 (a) The Department of Agriculture may by rule require a  
4 licensee to submit a label intended for use on a psilocybin  
5 product for preapproval by the Department before the licensee  
6 may sell or transfer a psilocybin product bearing the label.  
7 The Department shall determine whether a label submitted under  
8 this Section complies with Section 315 and any rule adopted  
9 under Section 315.

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

14 Section 325. Packaging requirements; rules.

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

22 (b) In adopting rules under this Act, the Department shall  
23 require all psilocybin products sold or transferred by a  
24 service center that holds a license issued under Section 95 to

1 be packaged in accordance with subsection (a) and rules  
2 adopted under subsection (a).

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

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

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

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

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

15 Section 330. Preapproval of packaging.

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

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

1 administering this Section.

2 Section 335. Dosage requirements; rules.

3 (a) The Department of Agriculture shall adopt rules  
4 establishing the following:

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

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

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

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

19 Section 341. Violation of tax Acts; refusal, revocation,  
20 or suspension of license.

21 (a) In addition to other grounds specified in this Act,  
22 the Department of Agriculture and Department of Financial and  
23 Professional Regulation, upon notification by the Department

1 of Revenue, shall refuse the issuance or renewal of a license  
2 or suspend or revoke the license of any person, for any of the  
3 following violations of any tax Act administered by the  
4 Department of Revenue:

5 (1) failure to file a tax return;

6 (2) the filing of a fraudulent return;

7 (3) failure to pay all or part of any tax or penalty  
8 finally determined to be due;

9 (4) failure to keep books and records;

10 (5) failure to secure and display a certificate or  
11 sub-certificate of registration, if required; or

12 (6) willful violation of any rule or regulation of the  
13 Department relating to the administration and enforcement  
14 of tax liability.

15 (b) After all violations of any of items (1) through (6) of  
16 subsection (a) have been corrected or resolved, the Department  
17 shall, upon request of the applicant or, if not requested, may  
18 notify the entities listed in subsection (a) that the  
19 violations have been corrected or resolved. Upon receiving  
20 notice from the Department that a violation of any of items (1)  
21 through (6) of subsection (a) have been corrected or otherwise  
22 resolved to the Department of Revenue's satisfaction, the  
23 Department of Agriculture and the Department of Financial and  
24 Professional Regulation may issue or renew the license or  
25 vacate an order of suspension or revocation.



1           Section 345. Discipline of licensees. Subject to  
2 applicable provisions of law, if an applicant or licensee  
3 violates a provision of Sections 315 through 350 or a rule  
4 adopted under those Sections, the Department of Agriculture or  
5 the Department of Financial and Professional Regulation may  
6 refuse to issue or renew, or may suspend or revoke, a license  
7 issued under Section 80, 95, or 105.

8           Section 350. Civil penalties.

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

14           (b) The Department of Agriculture shall impose civil  
15 penalties under this Section in the manner provided under  
16 applicable Illinois law.

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

22           Section 355. Definitions. In this Section through Section  
23 425:

24           "Psilocybin retailer" means a service center operator that

1 sells psilocybin for use and not for resale.

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

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

7 Section 360. Tax imposed.

8 (a) Beginning January 1, 2025, a tax is imposed upon  
9 purchasers for the privilege of using psilocybin at a rate of  
10 15% of the purchase price.

11 (b) The purchase of any product that contains any amount  
12 of psilocybin or any derivative thereof is subject to the tax  
13 under subsection (a) of this Section on the full purchase  
14 price of the product.

15 (c) The tax imposed by this Section is not imposed with  
16 respect to any transaction in interstate commerce, to the  
17 extent the transaction may not, under the Constitution and  
18 statutes of the United States, be made the subject of taxation  
19 by this State.

20 (d) The tax imposed under this Article shall be in  
21 addition to all other occupation, privilege, or excise taxes  
22 imposed by the State of Illinois or by any municipal  
23 corporation or political subdivision thereof.

24 (e) The tax imposed under this Article shall not be  
25 imposed on any purchase by a purchaser if the psilocybin

1 retailer is prohibited by federal or State Constitution,  
2 treaty, convention, statute, or court decision from collecting  
3 the tax from the purchaser.

4 Section 365. Bundling of taxable and nontaxable items;  
5 prohibition; taxation. If a psilocybin retailer sells  
6 psilocybin or psilocybin-infused products in combination or  
7 bundled with items that are not subject to tax under this Act  
8 for one price, then the tax under this Act is imposed on the  
9 purchase price of the entire bundled product.

10 Section 370. Collection of tax.

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

22 (b) If a psilocybin retailer collects the tax imposed  
23 pursuant to Section 360 measured by a purchase price that is  
24 not subject to Section 360, or if a psilocybin retailer, in

1 collecting the tax pursuant to Section 360 measured by a  
2 purchase price that is subject to tax under this Act, collects  
3 more from the purchaser than the required amount on the  
4 transaction, the purchaser shall have a legal right to claim a  
5 refund of that amount from the psilocybin retailer. If,  
6 however, that amount is not refunded to the purchaser for any  
7 reason, the psilocybin retailer is liable to pay that amount  
8 to the Department.

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

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

1           Section 380. Tax collected as debt owed to the State. Any  
2 psilocybin retailer required to collect the tax imposed by  
3 this Article shall be liable to the Department for the tax,  
4 whether or not the tax has been collected by the psilocybin  
5 retailer, and any such tax shall constitute a debt owed by the  
6 psilocybin retailer to this State. To the extent that a  
7 psilocybin retailer required to collect the tax imposed by  
8 this Act has actually collected that tax, the tax is held in  
9 trust for the benefit of the Department.

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

16           (1) the psilocybin retailer's name;

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

22           (3) the total purchase price received by the  
23 psilocybin retailer for psilocybin subject to tax under  
24 this Article;

- 1           (4) the amount of tax due at each rate;
- 2           (5) the signature of the psilocybin retailer; and
- 3           (6) any other information as the Department may
- 4 reasonably require.

5           All returns required to be filed and payments required to

6 be made under this Article shall be by electronic means.

7 Psilocybin retailers who demonstrate hardship in paying

8 electronically may petition the Department to waive the

9 electronic payment requirement.

10           Any amount that is required to be shown or reported on any

11 return or other document under this Article shall, if the

12 amount is not a whole-dollar amount, be increased to the

13 nearest whole-dollar amount if the fractional part of a dollar

14 is \$0.50 or more and decreased to the nearest whole-dollar

15 amount if the fractional part of a dollar is less than \$0.50.

16 If a total amount of less than \$1 is payable, refundable, or

17 creditable, the amount shall be disregarded if it is less than

18 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.

19           The psilocybin retailer making the return provided for in

20 this Section shall also pay to the Department, in accordance

21 with this Section, the amount of tax imposed by this Article,

22 less a discount of 2% per return period, which is allowed to

23 reimburse the psilocybin retailer for the expenses incurred in

24 keeping records, collecting tax, preparing and filing returns,

25 remitting the tax, and supplying data to the Department upon

26 request. No discount may be claimed by a psilocybin retailer

1 on returns not timely filed and for taxes not timely remitted.  
2 No discount may be claimed by a taxpayer for any return that is  
3 not filed electronically. No discount may be claimed by a  
4 taxpayer for any payment that is not made electronically,  
5 unless a waiver has been granted under this Section.

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

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

1 the quarter-monthly payment actually and timely paid, except  
2 insofar as the psilocybin retailer has previously made  
3 payments for that month to the Department in excess of the  
4 minimum payments previously due as provided in this Section.

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



1           Section 390. Deposit of proceeds. All moneys received by  
2 the Department under this Article shall be paid into the  
3 Illinois Psilocybin Fund.

4           Section 395. Recordkeeping; books and records.

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

1 (b) Books, records, papers, and documents that are  
2 required by this Article to be kept shall, at all times during  
3 the usual business hours of the day, be subject to inspection  
4 by the Department or its duly authorized agents and employees.  
5 The books, records, papers, and documents for any period with  
6 respect to which the Department is authorized to issue a  
7 notice of tax liability shall be preserved until the  
8 expiration of that period.

9 Section 400. Violations and penalties.

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

20 (b) When the amount due is \$300 or more, any retailer of  
21 psilocybin who files, or causes to be filed, a fraudulent  
22 return, or any officer or agent of a corporation engaged in the  
23 business of selling psilocybin to purchasers located in this  
24 State who files or causes to be filed or signs or causes to be  
25 signed a fraudulent return filed on behalf of the corporation,

1 or any accountant or other agent who knowingly enters false  
2 information on the return of any taxpayer under this Article  
3 is guilty of a Class 3 felony.

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

18 (d) Any person who violates any provision of Sections 375,  
19 fails to keep books and records as required under this  
20 Article, or willfully violates a rule of the Department for  
21 the administration and enforcement of this Article, is guilty  
22 of a business offense and may be fined up to \$5,000. If a  
23 person fails to produce books and records for inspection by  
24 the Department upon request, a prima facie presumption shall  
25 arise that the person has failed to keep books and records as  
26 required under this Article. A person who is unable to rebut

1 this presumption is in violation of this Article and is  
2 subject to the penalties provided in this Section. A person  
3 commits a separate offense on each day that he or she engages  
4 in business in violation of Section 375.

5 (e) Any taxpayer or agent of a taxpayer who with the intent  
6 to defraud purports to make a payment due to the Department by  
7 issuing or delivering a check or other order upon a real or  
8 fictitious depository for the payment of money, knowing that  
9 it will not be paid by the depository, is guilty of a deceptive  
10 practice in violation of Section 17-1 of the Criminal Code of  
11 2012.

12 (f) Any person who fails to keep books and records or fails  
13 to produce books and records for inspection, as required by  
14 Section 65-36, is liable to pay to the Department, for deposit  
15 in the Tax Compliance and Administration Fund, a penalty of  
16 \$1,000 for the first failure to keep books and records or  
17 failure to produce books and records for inspection, as  
18 required by Section 65-36, and \$3,000 for each subsequent  
19 failure to keep books and records or failure to produce books  
20 and records for inspection, as required by Section 395.

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

25 (h) A person commits the offense of tax evasion under this  
26 Article when the person knowingly attempts in any manner to

1 evade or defeat the tax imposed on the person or on any other  
2 person, or the payment thereof, and the person commits an  
3 affirmative act in furtherance of the evasion. As used in this  
4 Section, "affirmative act in furtherance of the evasion" means  
5 an act designed in whole or in part to (i) conceal,  
6 misrepresent, falsify, or manipulate any material fact or (ii)  
7 tamper with or destroy documents or materials related to a  
8 person's tax liability under this Article. 2 or more acts of  
9 sales tax evasion may be charged as a single count in any  
10 indictment, information, or complaint and the amount of tax  
11 deficiency may be aggregated for purposes of determining the  
12 amount of tax that is attempted to be or is evaded and the  
13 period between the first and last acts may be alleged as the  
14 date of the offense.

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

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

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

26 (4) When the amount of tax, the assessment or payment

1 of which is attempted to be or is evaded is \$100,000 or  
2 more, a person is guilty of a Class 1 felony.

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

7 As used in this Section:

8 "Automated sales suppression device" or "zapper" means a  
9 software program that falsifies the electronic records of an  
10 electronic cash register or other point-of-sale system,  
11 including, but not limited to, transaction data and  
12 transaction reports. The term includes the software program,  
13 any device that carries the software program, or an Internet  
14 link to the software program.

15 "Phantom-ware" means a hidden programming option embedded  
16 in the operating system of an electronic cash register or  
17 hardwired into an electronic cash register that can be used to  
18 create a second set of records or that can eliminate or  
19 manipulate transaction records in an electronic cash register.

20 "Electronic cash register" means a device that keeps a  
21 register or supporting documents through the use of an  
22 electronic device or computer system designed to record  
23 transaction data for the purpose of computing, compiling, or  
24 processing retail sales transaction data in any manner.

25 "Transaction data" includes: items purchased by a  
26 purchaser; the price of each item; a taxability determination

1 for each item; a segregated tax amount for each taxed item; the  
2 amount of cash or credit tendered; the net amount returned to  
3 the customer in change; the date and time of the purchase; the  
4 name, address, and identification number of the vendor; and  
5 the receipt or invoice number of the transaction.

6 "Transaction report" means a report that documents,  
7 without limitation, the sales, taxes, or fees collected, media  
8 totals, and discount voids at an electronic cash register and  
9 that is printed on a cash register tape at the end of a day or  
10 shift, or a report that documents every action at an  
11 electronic cash register and is stored electronically.

12 A prosecution for any act in violation of this Section may  
13 be commenced at any time within 5 years of the commission of  
14 that act.

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

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

22 (k) Except as otherwise provided in subsection (h), a  
23 prosecution for a violation described in this Section may be  
24 commenced within 3 years after the commission of the act  
25 constituting the violation.

1           Section 405. Arrest; search and seizure without warrant.  
2           Any duly authorized employee of the Department: (i) may arrest  
3           without warrant any person committing in the employee's  
4           presence a violation of any of the provisions of this Article;  
5           (ii) may without a search warrant inspect all psilocybin  
6           located in any place of business; (iii) may seize any  
7           psilocybin in the possession of the retailer in violation of  
8           this Act; and (iv) may seize any psilocybin on which the tax  
9           imposed by this Act has not been paid. The psilocybin seized is  
10          subject to confiscation and forfeiture as provided in Sections  
11          415 and 416.

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



1 hearing is to be held.

2 If, as the result of the hearing, the Department  
3 determines that the retailer was not properly registered at  
4 the time the psilocybin was seized, the Department must enter  
5 an order declaring the psilocybin confiscated and forfeited to  
6 the State, to be held by the Department for disposal by it as  
7 provided in Section 416. The Department must give notice of  
8 the order to the owner of the psilocybin, if the owner is  
9 known, and also to the person in whose possession the  
10 psilocybin was found, if that person is known and if the person  
11 in possession is not the owner of the psilocybin. If neither  
12 the owner nor the person in possession of the psilocybin is  
13 known, the Department must cause publication of the order to  
14 be made at least once in each week for 3 weeks successively in  
15 a newspaper of general circulation in the county where the  
16 hearing was held.

17 Section 415. Search warrant; issuance and return; process;  
18 confiscation of psilocybin; forfeitures.

19 (a) If a peace officer of this State or any duly authorized  
20 officer or employee of the Department has reason to believe  
21 that any violation of this Article or a rule of the Department  
22 for the administration and enforcement of this Article has  
23 occurred and that the person violating this Article or rule  
24 has in that person's possession any psilocybin in violation of  
25 this Article or a rule of the Department for the

1 administration and enforcement of this Article, that peace  
2 officer, or officer or employee of the Department, may file or  
3 cause to be filed his or her complaint in writing, verified by  
4 affidavit, with any court within whose jurisdiction the  
5 premises to be searched are situated, stating the facts upon  
6 which the belief is founded, the premises to be searched, and  
7 the property to be seized, and procure a search warrant and  
8 execute that warrant. Upon the execution of the search  
9 warrant, the peace officer, or officer or employee of the  
10 Department, executing the search warrant shall make due return  
11 of the warrant to the court issuing the warrant, together with  
12 an inventory of the property taken under the warrant. The  
13 court must then issue process against the owner of the  
14 property if the owner is known; otherwise, process must be  
15 issued against the person in whose possession the property is  
16 found, if that person is known. In case of inability to serve  
17 process upon the owner or the person in possession of the  
18 property at the time of its seizure, notice of the proceedings  
19 before the court must be given in the same manner as required  
20 by the law governing cases of attachment. Upon the return of  
21 the process duly served or upon the posting or publishing of  
22 notice made, as appropriate, the court or jury, if a jury is  
23 demanded, shall proceed to determine whether the property  
24 seized was held or possessed in violation of this Article or a  
25 rule of the Department for the administration and enforcement  
26 of this Article. If a violation is found, judgment shall be

1 entered confiscating the property and forfeiting it to the  
2 State and ordering its delivery to the Department. In  
3 addition, the court may tax and assess the costs of the  
4 proceedings.

5 (b) When any psilocybin has been declared forfeited to the  
6 State by the Department, as provided in Section III and this  
7 Section, and when all proceedings for the judicial review of  
8 the Department's decision have terminated, the Department  
9 shall, to the extent that its decision is sustained on review,  
10 destroy or maintain and use such psilocybin in an undercover  
11 capacity.

12 (c) The Department may, before any destruction of  
13 psilocybin, permit the true holder of trademark rights in the  
14 psilocybin to inspect such psilocybin in order to assist the  
15 Department in any investigation regarding such psilocybin.

16 Section 416. Psilocybin retailers; purchase and possession  
17 of psilocybin. Psilocybin retailers shall purchase psilocybin  
18 for resale only from manufacturers as authorized by this Act.

19 Section 417. Rulemaking. The Department may adopt rules in  
20 accordance with the Illinois Administrative Procedure Act and  
21 prescribe forms relating to the administration and enforcement  
22 of this Article as it deems appropriate.

23 Section 420. 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 425. 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 425. Illinois Psilocybin Fund; payment of  
9 expenses. All moneys received by the Department of Revenue  
10 under Sections 355 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 355 through this Section out of moneys received from  
14 the tax imposed under Section 360. 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 430. Incorporation by reference. All of the  
19 provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,  
20 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11, 11a, and 12 of the  
21 Retailers' Occupation Tax Act, and all applicable provisions  
22 of the Uniform Penalty and Interest Act that are not  
23 inconsistent with this Act, apply to clients, legal entities,  
24 licensees, licensee representatives, psilocybin product

1 manufacturers, service centers, service center operators, and  
2 facilitators to the same extent as if those provisions were  
3 included in this Act. References in the incorporated Sections  
4 of the Retailers' Occupation Tax Act to retailers, to sellers,  
5 or to persons engaged in the business of selling tangible  
6 personal property mean distributors when used in this Act.  
7 References in the incorporated Sections to sales of tangible  
8 personal property mean sales of tobacco products when used in  
9 this Act.

10 Section 435. Registration under the Retailers' Occupation  
11 Tax Act. A retailer maintaining a place of business in this  
12 State, if required to register under the Retailers' Occupation  
13 Tax Act, need not obtain an additional Certificate of  
14 Registration under this Act, but shall be deemed to be  
15 sufficiently registered by virtue of his being registered  
16 under the Retailers' Occupation Tax Act. Every retailer  
17 maintaining a place of business in this State, if not required  
18 to register under the Retailers' Occupation Tax Act, shall  
19 apply to the Department of Revenue (upon a form prescribed and  
20 furnished by the Department of Revenue) for a Certificate of  
21 Registration under this Act. In completing such application,  
22 the applicant shall furnish such information as the Department  
23 of Revenue may reasonably require. Upon approval of an  
24 application for Certificate of Registration, the Department of  
25 Revenue shall issue, without charge, a Certificate of

1 Registration to the applicant. Such Certificate of  
2 Registration shall be displayed at the address which the  
3 applicant states in his or her application to be the principal  
4 place of business or location from which he or she will act as  
5 a retailer in this State. If the applicant will act as a  
6 retailer in this State from other places of business or  
7 locations, he shall list the addresses of such additional  
8 places of business or locations in this application for  
9 Certificate of Registration, and the Department of Revenue  
10 shall issue a Sub-Certificate of Registration to the applicant  
11 for each such additional place of business or location. Each  
12 Sub-Certificate of Registration shall be conspicuously  
13 displayed at the place for which it is issued. Such  
14 Sub-Certificate of Registration shall bear the same  
15 registration number as that appearing upon the Certificate of  
16 Registration to which such Sub-Certificates relate. Where a  
17 retailer operates more than one place of business which is  
18 subject to registration under this Section and such businesses  
19 are substantially different in character or are engaged in  
20 under different trade names or are engaged in under other  
21 substantially dissimilar circumstances (so that it is more  
22 practicable, from an accounting, auditing, or bookkeeping  
23 standpoint, for such businesses to be separately registered),  
24 the Department of Revenue may require or permit such person to  
25 apply for and obtain a separate Certificate of Registration  
26 for each such business or for any of such businesses instead of

1 registering such person, as to all such businesses, under a  
2 single Certificate of Registration supplemented by related  
3 Sub-Certificates of Registration. No Certificate of  
4 Registration shall be issued to any person who is in default to  
5 the State of Illinois for moneys due hereunder.

6 The Department of Revenue may, in its discretion, upon  
7 application, authorize the collection of the tax herein  
8 imposed by any retailer not maintaining a place of business  
9 within this State, who, to the satisfaction of the Department  
10 of Revenue, furnishes adequate security to insure collection  
11 and payment of the tax. Such retailer shall be issued, without  
12 charge, a permit to collect such tax. When so authorized, it  
13 shall be the duty of such retailer to collect the tax upon all  
14 tangible personal property sold to his knowledge for use  
15 within this State, in the same manner and subject to the same  
16 requirements, including the furnishing of a receipt to the  
17 purchaser (if demanded by the purchaser), as a retailer  
18 maintaining a place of business within this State. The receipt  
19 given to the purchaser shall be sufficient to relieve him or  
20 her from further liability for the tax to which such receipt  
21 may refer. Such permit may be revoked by the Department as  
22 provided herein.

23 Section 440. Severability. The provisions of this Act are  
24 severable under Section 1.31 of the Statute on Statutes.

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

3           (5 ILCS 140/7)

4           Sec. 7. Exemptions.

5           (1) When a request is made to inspect or copy a public  
6 record that contains information that is exempt from  
7 disclosure under this Section, but also contains information  
8 that is not exempt from disclosure, the public body may elect  
9 to redact the information that is exempt. The public body  
10 shall make the remaining information available for inspection  
11 and copying. Subject to this requirement, the following shall  
12 be exempt from inspection and copying:

13           (a) Information specifically prohibited from  
14 disclosure by federal or State law or rules and  
15 regulations implementing federal or State law.

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

19           (b-5) Files, documents, and other data or databases  
20 maintained by one or more law enforcement agencies and  
21 specifically designed to provide information to one or  
22 more law enforcement agencies regarding the physical or  
23 mental status of one or more individual subjects.

24           (c) Personal information contained within public  
25 records, the disclosure of which would constitute a



1 clearly unwarranted invasion of personal privacy, unless  
2 the disclosure is consented to in writing by the  
3 individual subjects of the information. "Unwarranted  
4 invasion of personal privacy" means the disclosure of  
5 information that is highly personal or objectionable to a  
6 reasonable person and in which the subject's right to  
7 privacy outweighs any legitimate public interest in  
8 obtaining the information. The disclosure of information  
9 that bears on the public duties of public employees and  
10 officials shall not be considered an invasion of personal  
11 privacy.

12 (d) Records in the possession of any public body  
13 created in the course of administrative enforcement  
14 proceedings, and any law enforcement or correctional  
15 agency for law enforcement purposes, but only to the  
16 extent that disclosure would:

17 (i) interfere with pending or actually and  
18 reasonably contemplated law enforcement proceedings  
19 conducted by any law enforcement or correctional  
20 agency that is the recipient of the request;

21 (ii) interfere with active administrative  
22 enforcement proceedings conducted by the public body  
23 that is the recipient of the request;

24 (iii) create a substantial likelihood that a  
25 person will be deprived of a fair trial or an impartial  
26 hearing;

1           (iv) unavoidably disclose the identity of a  
2 confidential source, confidential information  
3 furnished only by the confidential source, or persons  
4 who file complaints with or provide information to  
5 administrative, investigative, law enforcement, or  
6 penal agencies; except that the identities of  
7 witnesses to traffic crashes, traffic crash reports,  
8 and rescue reports shall be provided by agencies of  
9 local government, except when disclosure would  
10 interfere with an active criminal investigation  
11 conducted by the agency that is the recipient of the  
12 request;

13           (v) disclose unique or specialized investigative  
14 techniques other than those generally used and known  
15 or disclose internal documents of correctional  
16 agencies related to detection, observation, or  
17 investigation of incidents of crime or misconduct, and  
18 disclosure would result in demonstrable harm to the  
19 agency or public body that is the recipient of the  
20 request;

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

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

25           (d-5) A law enforcement record created for law  
26 enforcement purposes and contained in a shared electronic

1 record management system if the law enforcement agency  
2 that is the recipient of the request did not create the  
3 record, did not participate in or have a role in any of the  
4 events which are the subject of the record, and only has  
5 access to the record through the shared electronic record  
6 management system.

7 (d-6) Records contained in the Officer Professional  
8 Conduct Database under Section 9.2 of the Illinois Police  
9 Training Act, except to the extent authorized under that  
10 Section. This includes the documents supplied to the  
11 Illinois Law Enforcement Training Standards Board from the  
12 Illinois State Police and Illinois State Police Merit  
13 Board.

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

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

19 (e-5) Records requested by persons committed to the  
20 Department of Corrections, Department of Human Services  
21 Division of Mental Health, or a county jail if those  
22 materials are available in the library of the correctional  
23 institution or facility or jail where the inmate is  
24 confined.

25 (e-6) Records requested by persons committed to the  
26 Department of Corrections, Department of Human Services

1 Division of Mental Health, or a county jail if those  
2 materials include records from staff members' personnel  
3 files, staff rosters, or other staffing assignment  
4 information.

5 (e-7) Records requested by persons committed to the  
6 Department of Corrections or Department of Human Services  
7 Division of Mental Health if those materials are available  
8 through an administrative request to the Department of  
9 Corrections or Department of Human Services Division of  
10 Mental Health.

11 (e-8) Records requested by a person committed to the  
12 Department of Corrections, Department of Human Services  
13 Division of Mental Health, or a county jail, the  
14 disclosure of which would result in the risk of harm to any  
15 person or the risk of an escape from a jail or correctional  
16 institution or facility.

17 (e-9) Records requested by a person in a county jail  
18 or committed to the Department of Corrections or  
19 Department of Human Services Division of Mental Health,  
20 containing personal information pertaining to the person's  
21 victim or the victim's family, including, but not limited  
22 to, a victim's home address, home telephone number, work  
23 or school address, work telephone number, social security  
24 number, or any other identifying information, except as  
25 may be relevant to a requester's current or potential case  
26 or claim.

1           (e-10) Law enforcement records of other persons  
2 requested by a person committed to the Department of  
3 Corrections, Department of Human Services Division of  
4 Mental Health, or a county jail, including, but not  
5 limited to, arrest and booking records, mug shots, and  
6 crime scene photographs, except as these records may be  
7 relevant to the requester's current or potential case or  
8 claim.

9           (f) Preliminary drafts, notes, recommendations,  
10 memoranda, and other records in which opinions are  
11 expressed, or policies or actions are formulated, except  
12 that a specific record or relevant portion of a record  
13 shall not be exempt when the record is publicly cited and  
14 identified by the head of the public body. The exemption  
15 provided in this paragraph (f) extends to all those  
16 records of officers and agencies of the General Assembly  
17 that pertain to the preparation of legislative documents.

18           (g) Trade secrets and commercial or financial  
19 information obtained from a person or business where the  
20 trade secrets or commercial or financial information are  
21 furnished under a claim that they are proprietary,  
22 privileged, or confidential, and that disclosure of the  
23 trade secrets or commercial or financial information would  
24 cause competitive harm to the person or business, and only  
25 insofar as the claim directly applies to the records  
26 requested.

1           The information included under this exemption includes  
2 all trade secrets and commercial or financial information  
3 obtained by a public body, including a public pension  
4 fund, from a private equity fund or a privately held  
5 company within the investment portfolio of a private  
6 equity fund as a result of either investing or evaluating  
7 a potential investment of public funds in a private equity  
8 fund. The exemption contained in this item does not apply  
9 to the aggregate financial performance information of a  
10 private equity fund, nor to the identity of the fund's  
11 managers or general partners. The exemption contained in  
12 this item does not apply to the identity of a privately  
13 held company within the investment portfolio of a private  
14 equity fund, unless the disclosure of the identity of a  
15 privately held company may cause competitive harm.

16           Nothing contained in this paragraph (g) shall be  
17 construed to prevent a person or business from consenting  
18 to disclosure.

19           (h) Proposals and bids for any contract, grant, or  
20 agreement, including information which if it were  
21 disclosed would frustrate procurement or give an advantage  
22 to any person proposing to enter into a contractor  
23 agreement with the body, until an award or final selection  
24 is made. Information prepared by or for the body in  
25 preparation of a bid solicitation shall be exempt until an  
26 award or final selection is made.

1 (i) Valuable formulae, computer geographic systems,  
2 designs, drawings, and research data obtained or produced  
3 by any public body when disclosure could reasonably be  
4 expected to produce private gain or public loss. The  
5 exemption for "computer geographic systems" provided in  
6 this paragraph (i) does not extend to requests made by  
7 news media as defined in Section 2 of this Act when the  
8 requested information is not otherwise exempt and the only  
9 purpose of the request is to access and disseminate  
10 information regarding the health, safety, welfare, or  
11 legal rights of the general public.

12 (j) The following information pertaining to  
13 educational matters:

14 (i) test questions, scoring keys, and other  
15 examination data used to administer an academic  
16 examination;

17 (ii) information received by a primary or  
18 secondary school, college, or university under its  
19 procedures for the evaluation of faculty members by  
20 their academic peers;

21 (iii) information concerning a school or  
22 university's adjudication of student disciplinary  
23 cases, but only to the extent that disclosure would  
24 unavoidably reveal the identity of the student; and

25 (iv) course materials or research materials used  
26 by faculty members.

1           (k)     Architects'     plans,     engineers'     technical  
2     submissions,     and     other     construction     related     technical  
3     documents     for     projects     not     constructed     or     developed     in  
4     whole     or     in     part     with     public     funds     and     the     same     for  
5     projects     constructed     or     developed     with     public     funds,  
6     including,     but     not     limited     to,     power     generating     and  
7     distribution     stations     and     other     transmission     and  
8     distribution     facilities,     water     treatment     facilities,  
9     airport     facilities,     sport     stadiums,     convention     centers,  
10    and     all     government     owned,     operated,     or     occupied     buildings,  
11    but     only     to     the     extent     that     disclosure     would     compromise  
12    security.

13           (l)     Minutes     of     meetings     of     public     bodies     closed     to     the  
14    public     as     provided     in     the     Open     Meetings     Act     until     the  
15    public     body     makes     the     minutes     available     to     the     public  
16    under     Section     2.06     of     the     Open     Meetings     Act.

17           (m)     Communications     between     a     public     body     and     an  
18    attorney     or     auditor     representing     the     public     body     that  
19    would     not     be     subject     to     discovery     in     litigation,     and  
20    materials     prepared     or     compiled     by     or     for     a     public     body     in  
21    anticipation     of     a     criminal,     civil,     or     administrative  
22    proceeding     upon     the     request     of     an     attorney     advising     the  
23    public     body,     and     materials     prepared     or     compiled     with  
24    respect     to     internal     audits     of     public     bodies.

25           (n)     Records     relating     to     a     public     body's     adjudication  
26    of     employee     grievances     or     disciplinary     cases;     however,



1 this exemption shall not extend to the final outcome of  
2 cases in which discipline is imposed.

3 (o) Administrative or technical information associated  
4 with automated data processing operations, including, but  
5 not limited to, software, operating protocols, computer  
6 program abstracts, file layouts, source listings, object  
7 modules, load modules, user guides, documentation  
8 pertaining to all logical and physical design of  
9 computerized systems, employee manuals, and any other  
10 information that, if disclosed, would jeopardize the  
11 security of the system or its data or the security of  
12 materials exempt under this Section.

13 (p) Records relating to collective negotiating matters  
14 between public bodies and their employees or  
15 representatives, except that any final contract or  
16 agreement shall be subject to inspection and copying.

17 (q) Test questions, scoring keys, and other  
18 examination data used to determine the qualifications of  
19 an applicant for a license or employment.

20 (r) The records, documents, and information relating  
21 to real estate purchase negotiations until those  
22 negotiations have been completed or otherwise terminated.  
23 With regard to a parcel involved in a pending or actually  
24 and reasonably contemplated eminent domain proceeding  
25 under the Eminent Domain Act, records, documents, and  
26 information relating to that parcel shall be exempt except

1 as may be allowed under discovery rules adopted by the  
2 Illinois Supreme Court. The records, documents, and  
3 information relating to a real estate sale shall be exempt  
4 until a sale is consummated.

5 (s) Any and all proprietary information and records  
6 related to the operation of an intergovernmental risk  
7 management association or self-insurance pool or jointly  
8 self-administered health and accident cooperative or pool.  
9 Insurance or self-insurance (including any  
10 intergovernmental risk management association or  
11 self-insurance pool) claims, loss or risk management  
12 information, records, data, advice, or communications.

13 (t) Information contained in or related to  
14 examination, operating, or condition reports prepared by,  
15 on behalf of, or for the use of a public body responsible  
16 for the regulation or supervision of financial  
17 institutions, insurance companies, or pharmacy benefit  
18 managers, unless disclosure is otherwise required by State  
19 law.

20 (u) Information that would disclose or might lead to  
21 the disclosure of secret or confidential information,  
22 codes, algorithms, programs, or private keys intended to  
23 be used to create electronic signatures under the Uniform  
24 Electronic Transactions Act.

25 (v) Vulnerability assessments, security measures, and  
26 response policies or plans that are designed to identify,

1 prevent, or respond to potential attacks upon a  
2 community's population or systems, facilities, or  
3 installations, but only to the extent that disclosure  
4 could reasonably be expected to expose the vulnerability  
5 or jeopardize the effectiveness of the measures, policies,  
6 or plans, or the safety of the personnel who implement  
7 them or the public. Information exempt under this item may  
8 include such things as details pertaining to the  
9 mobilization or deployment of personnel or equipment, to  
10 the operation of communication systems or protocols, to  
11 cybersecurity vulnerabilities, or to tactical operations.

12 (w) (Blank).

13 (x) Maps and other records regarding the location or  
14 security of generation, transmission, distribution,  
15 storage, gathering, treatment, or switching facilities  
16 owned by a utility, by a power generator, or by the  
17 Illinois Power Agency.

18 (y) Information contained in or related to proposals,  
19 bids, or negotiations related to electric power  
20 procurement under Section 1-75 of the Illinois Power  
21 Agency Act and Section 16-111.5 of the Public Utilities  
22 Act that is determined to be confidential and proprietary  
23 by the Illinois Power Agency or by the Illinois Commerce  
24 Commission.

25 (z) Information about students exempted from  
26 disclosure under Section 10-20.38 or 34-18.29 of the

1 School Code, and information about undergraduate students  
2 enrolled at an institution of higher education exempted  
3 from disclosure under Section 25 of the Illinois Credit  
4 Card Marketing Act of 2009.

5 (aa) Information the disclosure of which is exempted  
6 under the Viatical Settlements Act of 2009.

7 (bb) Records and information provided to a mortality  
8 review team and records maintained by a mortality review  
9 team appointed under the Department of Juvenile Justice  
10 Mortality Review Team Act.

11 (cc) Information regarding interments, entombments, or  
12 inurnments of human remains that are submitted to the  
13 Cemetery Oversight Database under the Cemetery Care Act or  
14 the Cemetery Oversight Act, whichever is applicable.

15 (dd) Correspondence and records (i) that may not be  
16 disclosed under Section 11-9 of the Illinois Public Aid  
17 Code or (ii) that pertain to appeals under Section 11-8 of  
18 the Illinois Public Aid Code.

19 (ee) The names, addresses, or other personal  
20 information of persons who are minors and are also  
21 participants and registrants in programs of park  
22 districts, forest preserve districts, conservation  
23 districts, recreation agencies, and special recreation  
24 associations.

25 (ff) The names, addresses, or other personal  
26 information of participants and registrants in programs of

1 park districts, forest preserve districts, conservation  
2 districts, recreation agencies, and special recreation  
3 associations where such programs are targeted primarily to  
4 minors.

5 (gg) Confidential information described in Section  
6 1-100 of the Illinois Independent Tax Tribunal Act of  
7 2012.

8 (hh) The report submitted to the State Board of  
9 Education by the School Security and Standards Task Force  
10 under item (8) of subsection (d) of Section 2-3.160 of the  
11 School Code and any information contained in that report.

12 (ii) Records requested by persons committed to or  
13 detained by the Department of Human Services under the  
14 Sexually Violent Persons Commitment Act or committed to  
15 the Department of Corrections under the Sexually Dangerous  
16 Persons Act if those materials: (i) are available in the  
17 library of the facility where the individual is confined;  
18 (ii) include records from staff members' personnel files,  
19 staff rosters, or other staffing assignment information;  
20 or (iii) are available through an administrative request  
21 to the Department of Human Services or the Department of  
22 Corrections.

23 (jj) Confidential information described in Section  
24 5-535 of the Civil Administrative Code of Illinois.

25 (kk) The public body's credit card numbers, debit card  
26 numbers, bank account numbers, Federal Employer

1 Identification Number, security code numbers, passwords,  
2 and similar account information, the disclosure of which  
3 could result in identity theft or impression or defrauding  
4 of a governmental entity or a person.

5 (ll) Records concerning the work of the threat  
6 assessment team of a school district, including, but not  
7 limited to, any threat assessment procedure under the  
8 School Safety Drill Act and any information contained in  
9 the procedure.

10 (mm) Information prohibited from being disclosed under  
11 subsections (a) and (b) of Section 15 of the Student  
12 Confidential Reporting Act.

13 (nn) Proprietary information submitted to the  
14 Environmental Protection Agency under the Drug Take-Back  
15 Act.

16 (oo) Records described in subsection (f) of Section  
17 3-5-1 of the Unified Code of Corrections.

18 (pp) Any and all information regarding burials,  
19 interments, or entombments of human remains as required to  
20 be reported to the Department of Natural Resources  
21 pursuant either to the Archaeological and Paleontological  
22 Resources Protection Act or the Human Remains Protection  
23 Act.

24 (qq) ~~(pp)~~ Reports described in subsection (e) of  
25 Section 16-15 of the Abortion Care Clinical Training  
26 Program Act.

1            (rr) ~~(pp)~~ Information obtained by a certified local  
2 health department under the Access to Public Health Data  
3 Act.

4            (ss) ~~(pp)~~ For a request directed to a public body that  
5 is also a HIPAA-covered entity, all information that is  
6 protected health information, including demographic  
7 information, that may be contained within or extracted  
8 from any record held by the public body in compliance with  
9 State and federal medical privacy laws and regulations,  
10 including, but not limited to, the Health Insurance  
11 Portability and Accountability Act and its regulations, 45  
12 CFR Parts 160 and 164. As used in this paragraph,  
13 "HIPAA-covered entity" has the meaning given to the term  
14 "covered entity" in 45 CFR 160.103 and "protected health  
15 information" has the meaning given to that term in 45 CFR  
16 160.103.

17            (tt) Correspondence and records that may not be  
18 disclosed under Section 265 of the Compassionate Use and  
19 Research of Entheogens Act.

20            (1.5) Any information exempt from disclosure under the  
21 Judicial Privacy Act shall be redacted from public records  
22 prior to disclosure under this Act.

23            (2) A public record that is not in the possession of a  
24 public body but is in the possession of a party with whom the  
25 agency has contracted to perform a governmental function on  
26 behalf of the public body, and that directly relates to the

1 governmental function and is not otherwise exempt under this  
2 Act, shall be considered a public record of the public body,  
3 for purposes of this Act.

4 (3) This Section does not authorize withholding of  
5 information or limit the availability of records to the  
6 public, except as stated in this Section or otherwise provided  
7 in this Act.

8 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
9 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
10 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,  
11 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
12 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
13 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised  
14 9-7-23.)

15 Section 905. The State Finance Act is amended by adding  
16 Sections 5.1015 and 5.1016 as follows:

17 (30 ILCS 105/5.1015 new)

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

19 (30 ILCS 105/5.1016 new)

20 Sec. 5.1016. The Illinois Psilocybin Fund.

21 Section 910. The Illinois Independent Tax Tribunal Act of  
22 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,

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

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

20 (c) The Tax Tribunal may require the taxpayer to post a  
21 bond equal to 25% of the liability at issue (1) upon motion of  
22 the Department and a showing that (A) the taxpayer's action is  
23 frivolous or legally insufficient or (B) the taxpayer is  
24 acting primarily for the purpose of delaying the collection of  
25 tax or prejudicing the ability ultimately to collect the tax,  
26 or (2) if, at any time during the proceedings, it is determined

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

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

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

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

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

26 (3) a notice of proposed tax liability, notice of

1 proposed deficiency, or any other notice of proposed  
2 assessment or notice of intent to take some action;

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

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

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

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

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

1 Section 915. The Illinois Controlled Substances Act is  
2 amended by changing Sections 102 and 204 as follows:

3 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

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

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

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

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

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

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

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

1 common or contract carrier, public warehouseman or employee of  
2 the carrier or warehouseman.

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

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

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

9 (iii) 5[alpha]-androstane-3,17-dione,

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

11 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

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

13 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

14 (vi) 4-androstenediol

15 (3[beta],17[beta]-dihydroxy-androst-4-ene),

16 (vii) 5-androstenediol

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

18 (viii) 1-androstenedione

19 ([5alpha]-androst-1-en-3,17-dione),

20 (ix) 4-androstenedione

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

22 (x) 5-androstenedione

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

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

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

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

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

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



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

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

1 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
2 11-trien-3-one).

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

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

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

25 (d-10) "Compounding" means the preparation and mixing of  
26 components, excluding flavorings, (1) as the result of a

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

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

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

1 Compassionate Use and Research of Entheogens Act.

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

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

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

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

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

26 (h) "Deliver" or "delivery" means the actual, constructive

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

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

9 (j) (Blank).

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

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

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

24 (n) (Blank).

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

1 (p) "Dispense" means to deliver a controlled substance to  
2 an ultimate user or research subject by or pursuant to the  
3 lawful order of a prescriber, including the prescribing,  
4 administering, packaging, labeling, or compounding necessary  
5 to prepare the substance for that delivery.

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

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

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

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

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

25 (t-3.5) "Electronic health record system" or "EHR system"  
26 means any computer-based system or combination of federally

1 certified Health IT Modules (defined at 42 CFR 170.102 or its  
2 successor) used as a repository for electronic health records  
3 and accessed or updated by a prescriber or authorized  
4 surrogate in the ordinary course of his or her medical  
5 practice. For purposes of connecting to the Prescription  
6 Information Library maintained by the Bureau of Pharmacy and  
7 Clinical Support Systems or its successor, an EHR system may  
8 connect to the Prescription Information Library directly or  
9 through all or part of a computer program or system that is a  
10 federally certified Health IT Module maintained by a third  
11 party and used by the EHR system to secure access to the  
12 database.

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

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

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



1 euthanasia.

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

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

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

18 (3) quantities beyond those normally prescribed,

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

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

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

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

1 type.

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

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

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

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

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

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

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

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

26 (y) "Look-alike substance" means a substance, other than a

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

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

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

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

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

1 reasonable retail market value of the substance.

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

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

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

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

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

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

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

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

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

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

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

21 (z-1) (Blank).

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

24 (z-10) "Mid-level practitioner" means (i) a physician  
25 assistant who has been delegated authority to prescribe  
26 through a written delegation of authority by a physician

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

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

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

26 (2) (blank);

1 (3) opium poppy and poppy straw;

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

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

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

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

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

15 (cc) (Blank).

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

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

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

1 (ff) "Parole and Pardon Board" means the Parole and Pardon  
2 Board of the State of Illinois or its successor agency.

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

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

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

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

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

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

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



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

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

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

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

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

1 Section 65-35 of the Nurse Practice Act, of an advanced  
2 practice registered nurse certified as a nurse practitioner,  
3 nurse midwife, or clinical nurse specialist who has been  
4 granted authority to prescribe by a hospital affiliate in  
5 accordance with Section 65-45 of the Nurse Practice Act and in  
6 accordance with Section 303.05 when required by law, or of an  
7 advanced practice registered nurse certified as a nurse  
8 practitioner, nurse midwife, or clinical nurse specialist who  
9 has full practice authority pursuant to Section 65-43 of the  
10 Nurse Practice Act.

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

14 (nn-10) "Prescription Monitoring Program" (PMP) means the  
15 entity that collects, tracks, and stores reported data on  
16 controlled substances and select drugs pursuant to Section  
17 316.

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

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

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

26 (qq-5) "Secretary" means, as the context requires, either

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

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

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

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

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

23 (Source: P.A. 101-666, eff. 1-1-22; 102-389, eff. 1-1-22;  
24 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

25 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

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) Difenoxylin;
- 16 (18) Dimenoxadol;
- 17 (19) Dimepheptanol;
- 18 (20) Dimethylthiambutene;
- 19 (21) Dioxaphetylbutyrate;
- 20 (22) Dipipanone;
- 21 (23) Ethylmethylthiambutene;
- 22 (24) Etonitazene;
- 23 (25) Etoxadine;
- 24 (26) Furethidine;
- 25 (27) Hydroxypethidine;
- 26 (28) Ketobemidone;

- 1 (29) Levomoramide;
- 2 (30) Levophenacymorphan;
- 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-piperidinyl]-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-piperidinyl]-  
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-piperidinylidene]-  
18 benzenesulfonamide (W-18);
- 19 (56) 4-chloro-N-[1-(2-phenylethyl)  
20 -2-piperidinylidene]-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; TCP; 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, alkylenedioxy, 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-Methylenedioxcathinone (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 a-Pyrrolidinopropiophenone (a-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 (j) Unless specifically excepted or listed in another  
8 schedule, any chemical compound which is not approved by the  
9 United States Food and Drug Administration or, if approved, is  
10 not dispensed or possessed in accordance with State or federal  
11 law, and is derived from the following structural classes and  
12 their salts:

13 (1) Benzodiazepine class: A fused 1,4-diazepine and  
14 benzene ring structure with a phenyl connected to the  
15 1,4-diazepine ring, with any substitution(s) or  
16 replacement(s) on the 1,4-diazepine or benzene ring, any  
17 substitution(s) on the phenyl ring, or any combination  
18 thereof. Examples of this class include but are not  
19 limited to: Clonazolam, Flualprazolam; or

20 (2) Thienodiazepine class: A fused 1,4-diazepine and  
21 thiophene ring structure with a phenyl connected to the  
22 1,4-diazepine ring, with any substitution(s) or  
23 replacement(s) on the 1,4-diazepine or thiophene ring, any  
24 substitution(s) on the phenyl ring, or any combination  
25 thereof. Examples of this class include but are not  
26 limited to: Etizolam.

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

2 Section 999. Effective date. This Act takes effect upon  
3 becoming law.".