

1 AN ACT in relation to criminal law.

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

4 Section 5. The Illinois Controlled Substances Act is  
5 amended by changing Section 401 as follows:

6 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

7 Sec. 401. Except as authorized by this Act, it is  
8 unlawful for any person knowingly to: (i) manufacture or  
9 deliver, or possess with intent to manufacture or deliver, a  
10 controlled or counterfeit substance or controlled substance  
11 analog or (ii) possess any methamphetamine manufacturing  
12 chemical listed in paragraph (z-1) of Section 102 with--the  
13 intent--to--manufacture--methamphetamine--or--the--salt--of--an  
14 optical-isomer-of-methamphetamine-or-an--analog--thereof. A  
15 violation of this Act with respect to each of the controlled  
16 substances listed herein constitutes a single and separate  
17 violation of this Act. For purposes of this Section,  
18 "controlled substance analog" or "analog" means a substance  
19 which is intended for human consumption, other than a  
20 controlled substance, that has a chemical structure  
21 substantially similar to that of a controlled substance in  
22 Schedule I or II, or that was specifically designed to  
23 produce an effect substantially similar to that of a  
24 controlled substance in Schedule I or II. Examples of  
25 chemical classes in which controlled substance analogs are  
26 found include, but are not limited to, the following:  
27 phenethylamines, N-substituted piperidines, morphinans,  
28 ecgonines, quinazolinones, substituted indoles, and  
29 arylcycloalkylamines. For purposes of this Act, a controlled  
30 substance analog shall be treated in the same manner as the  
31 controlled substance to which it is substantially similar.

1 (a) Any person who violates this Section with respect to  
2 the following amounts of controlled or counterfeit substances  
3 or controlled substance analogs, notwithstanding any of the  
4 provisions of subsections (c), (c-5), (d), (d-5), (e), (f),  
5 (g) or (h) to the contrary, is guilty of a Class X felony and  
6 shall be sentenced to a term of imprisonment as provided in  
7 this subsection (a) and fined as provided in subsection (b):

8 (1) (A) not less than 6 years and not more than 30  
9 years with respect to 15 grams or more but less than  
10 100 grams of a substance containing heroin, or an  
11 analog thereof;

12 (B) not less than 9 years and not more than 40  
13 years with respect to 100 grams or more but less  
14 than 400 grams of a substance containing heroin, or  
15 an analog thereof;

16 (C) not less than 12 years and not more than  
17 50 years with respect to 400 grams or more but less  
18 than 900 grams of a substance containing heroin, or  
19 an analog thereof;

20 (D) not less than 15 years and not more than  
21 60 years with respect to 900 grams or more of any  
22 substance containing heroin, or an analog thereof;

23 (2) (A) not less than 6 years and not more than 30  
24 years with respect to 15 grams or more but less than  
25 100 grams of a substance containing cocaine, or an  
26 analog thereof;

27 (B) not less than 9 years and not more than 40  
28 years with respect to 100 grams or more but less  
29 than 400 grams of a substance containing cocaine, or  
30 an analog thereof;

31 (C) not less than 12 years and not more than  
32 50 years with respect to 400 grams or more but less  
33 than 900 grams of a substance containing cocaine, or  
34 an analog thereof;

1 (D) not less than 15 years and not more than  
2 60 years with respect to 900 grams or more of any  
3 substance containing cocaine, or an analog thereof;

4 (3) (A) not less than 6 years and not more than 30  
5 years with respect to 15 grams or more but less than  
6 100 grams of a substance containing morphine, or an  
7 analog thereof;

8 (B) not less than 9 years and not more than 40  
9 years with respect to 100 grams or more but less  
10 than 400 grams of a substance containing morphine,  
11 or an analog thereof;

12 (C) not less than 12 years and not more than  
13 50 years with respect to 400 grams or more but less  
14 than 900 grams of a substance containing morphine,  
15 or an analog thereof;

16 (D) not less than 15 years and not more than  
17 60 years with respect to 900 grams or more of a  
18 substance containing morphine, or an analog thereof;

19 (4) 200 grams or more of any substance containing  
20 peyote, or an analog thereof;

21 (5) 200 grams or more of any substance containing a  
22 derivative of barbituric acid or any of the salts of a  
23 derivative of barbituric acid, or an analog thereof;

24 (6) 200 grams or more of any substance containing  
25 amphetamine or any salt of an optical isomer of  
26 amphetamine, or an analog thereof;

27 (6.5) (A) not less than 6 years and not more than  
28 30 years with respect to 15 grams or more but less  
29 than 100 grams of a substance containing  
30 methamphetamine or any salt of an optical isomer of  
31 methamphetamine, or an analog thereof;

32 (B) not less than 9 years and not more than 40  
33 years with respect to 100 grams or more but less  
34 than 400 grams of a substance containing

1 methamphetamine or any salt of an optical isomer of  
2 methamphetamine, or an analog thereof;

3 (C) not less than 12 years and not more than  
4 50 years with respect to 400 grams or more but less  
5 than 900 grams of a substance containing  
6 methamphetamine or any salt of an optical isomer of  
7 methamphetamine, or an analog thereof;

8 (D) not less than 15 years and not more than  
9 60 years with respect to 900 grams or more of any  
10 substance containing methamphetamine or any salt of  
11 an optical isomer of methamphetamine, or an analog  
12 thereof.

13 (6.6) (A) not less than 6 years and not more than  
14 30 years for the possession of 30 grams or more but  
15 less than 150 grams of any methamphetamine  
16 manufacturing chemical set forth in paragraph (z-1)  
17 of Section 102 ~~with-intent-to-manufacture--30--grams~~  
18 ~~or--more--but--less--than--150--grams--of--any--substance~~  
19 ~~containing-methamphetamine,-or-salt-of--any--optical~~  
20 ~~isomer-of-methamphetamine,-or-an-analog-thereof;~~

21 (B) not less than 6 years and not more than 40  
22 years for the possession of 150 grams or more but  
23 less than 500 grams of any methamphetamine  
24 manufacturing chemical set forth in paragraph (z-1)  
25 of Section 102 ~~with-intent-to-manufacture-150--grams~~  
26 ~~or--more--but--less--than--500--grams--of--any--substance~~  
27 ~~containing-methamphetamine,-or-salt--of--an--optical~~  
28 ~~isomer-of-methamphetamine,-or-an-analog-thereof;~~

29 (C) not less than 6 years and not more than 50  
30 years for the possession of 500 grams or more but  
31 less than 1200 grams of any methamphetamine  
32 manufacturing chemical set forth in paragraph (z-1)  
33 of Section 102 ~~with-intent-to-manufacture-500--grams~~  
34 ~~or--more--but--less--than--1200--grams--of--any--substance~~

1 containing-methamphetamine, or salt of an optical  
2 isomer of methamphetamine, or an analog thereof;

3 (D) not less than 6 years and not more than 60  
4 years for the possession of 1200 grams or more of  
5 any methamphetamine manufacturing chemical set forth  
6 in paragraph (z-1) of Section 102 with intent to  
7 manufacture 1200 grams or more of any substance  
8 containing-methamphetamine, or salt of an optical  
9 isomer of methamphetamine, or an analog thereof;

10 (7) (A) not less than 6 years and not more than 30  
11 years with respect to: (i) 15 grams or more but less  
12 than 100 grams of a substance containing lysergic  
13 acid diethylamide (LSD), or an analog thereof, or  
14 (ii) 15 or more objects or 15 or more segregated  
15 parts of an object or objects but less than 200  
16 objects or 200 segregated parts of an object or  
17 objects containing in them or having upon them any  
18 amounts of any substance containing lysergic acid  
19 diethylamide (LSD), or an analog thereof;

20 (B) not less than 9 years and not more than 40  
21 years with respect to: (i) 100 grams or more but  
22 less than 400 grams of a substance containing  
23 lysergic acid diethylamide (LSD), or an analog  
24 thereof, or (ii) 200 or more objects or 200 or more  
25 segregated parts of an object or objects but less  
26 than 600 objects or less than 600 segregated parts  
27 of an object or objects containing in them or having  
28 upon them any amount of any substance containing  
29 lysergic acid diethylamide (LSD), or an analog  
30 thereof;

31 (C) not less than 12 years and not more than  
32 50 years with respect to: (i) 400 grams or more but  
33 less than 900 grams of a substance containing  
34 lysergic acid diethylamide (LSD), or an analog

1           thereof, or (ii) 600 or more objects or 600 or more  
2           segregated parts of an object or objects but less  
3           than 1500 objects or 1500 segregated parts of an  
4           object or objects containing in them or having upon  
5           them any amount of any substance containing lysergic  
6           acid diethylamide (LSD), or an analog thereof;

7           (D) not less than 15 years and not more than  
8           60 years with respect to: (i) 900 grams or more of  
9           any substance containing lysergic acid diethylamide  
10          (LSD), or an analog thereof, or (ii) 1500 or more  
11          objects or 1500 or more segregated parts of an  
12          object or objects containing in them or having upon  
13          them any amount of a substance containing lysergic  
14          acid diethylamide (LSD), or an analog thereof;

15          (7.5) (A) not less than 6 years and not more than 30  
16          years with respect to: (i) 15 grams or more but less  
17          than 100 grams of a substance listed in paragraph  
18          (1), (2), (2.1), (3), (14.1), (19), (20), (20.1),  
19          (21), (25), or (26) of subsection (d) of Section  
20          204, or an analog or derivative thereof, or (ii) 15  
21          or more pills, tablets, caplets, capsules, or  
22          objects but less than 200 pills, tablets, caplets,  
23          capsules, or objects containing in them or having  
24          upon them any amounts of any substance listed in  
25          paragraph (1), (2), (2.1), (3), (14.1), (19), (20),  
26          (20.1), (21), (25), or (26) of subsection (d) of  
27          Section 204, or an analog or derivative thereof;

28          (B) not less than 9 years and not more than 40  
29          years with respect to: (i) 100 grams or more but  
30          less than 400 grams of a substance listed in  
31          paragraph (1), (2), (2.1), (3), (14.1), (19), (20),  
32          (20.1), (21), (25), or (26) of subsection (d) of  
33          Section 204, or an analog or derivative thereof, or  
34          (ii) 200 or more pills, tablets, caplets, capsules,

1 or objects but less than 600 pills, tablets,  
2 caplets, capsules, or objects containing in them or  
3 having upon them any amount of any substance listed  
4 in paragraph (1), (2), (2.1), (3), (14.1), (19),  
5 (20), (20.1), (21), (25), or (26) of subsection (d)  
6 of Section 204, or an analog or derivative thereof;

7 (C) not less than 12 years and not more than 50  
8 years with respect to: (i) 400 grams or more but  
9 less than 900 grams of a substance listed in  
10 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),  
11 (20.1), (21), (25), or (26) of subsection (d) of  
12 Section 204, or an analog or derivative thereof, or  
13 (ii) 600 or more pills, tablets, caplets, capsules,  
14 or objects but less than 1,500 pills, tablets,  
15 caplets, capsules, or objects containing in them or  
16 having upon them any amount of any substance listed  
17 in paragraph (1), (2), (2.1), (3), (14.1), (19),  
18 (20), (20.1), (21), (25), or (26) of subsection (d)  
19 of Section 204, or an analog or derivative thereof;

20 (D) not less than 15 years and not more than 60  
21 years with respect to: (i) 900 grams or more of any  
22 substance listed in paragraph (1), (2), (2.1), (3),  
23 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
24 subsection (d) of Section 204, or an analog or  
25 derivative thereof, or (ii) 1,500 or more pills,  
26 tablets, caplets, capsules, or objects containing in  
27 them or having upon them any amount of a substance  
28 listed in paragraph (1), (2), (2.1), (3), (14.1),  
29 (19), (20), (20.1), (21), (25), or (26) of  
30 subsection (d) of Section 204, or an analog or  
31 derivative thereof;

32 (8) 30 grams or more of any substance containing  
33 pentazocine or any of the salts, isomers and salts of  
34 isomers of pentazocine, or an analog thereof;

1           (9) 30 grams or more of any substance containing  
2 methaqualone or any of the salts, isomers and salts of  
3 isomers of methaqualone, or an analog thereof;

4           (10) 30 grams or more of any substance  
5 containing phencyclidine or any of the salts, isomers  
6 and salts of isomers of phencyclidine (PCP), or an  
7 analog thereof;

8           (10.5) 30 grams or more of any substance containing  
9 ketamine or any of the salts, isomers and salts of  
10 isomers of ketamine, or an analog thereof;

11           (11) 200 grams or more of any substance containing  
12 any other controlled substance classified in Schedules I  
13 or II, or an analog thereof, which is not otherwise  
14 included in this subsection.

15           (b) Any person sentenced with respect to violations of  
16 paragraph (1), (2), (3), (6.5), (6.6), (7), or (7.5) of  
17 subsection (a) involving 100 grams or more of the controlled  
18 substance named therein, may in addition to the penalties  
19 provided therein, be fined an amount not more than \$500,000  
20 or the full street value of the controlled or counterfeit  
21 substance or controlled substance analog, whichever is  
22 greater. The term "street value" shall have the meaning  
23 ascribed in Section 110-5 of the Code of Criminal Procedure  
24 of 1963. Any person sentenced with respect to any other  
25 provision of subsection (a), may in addition to the penalties  
26 provided therein, be fined an amount not to exceed \$500,000.

27           (c) Any person who violates this Section with regard to  
28 the following amounts of controlled or counterfeit substances  
29 or controlled substance analogs, notwithstanding any of the  
30 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)  
31 to the contrary, is guilty of a Class 1 felony. The fine for  
32 violation of this subsection (c) shall not be more than  
33 \$250,000:

34           (1) 1 gram or more but less than 15 grams of any



1 substance containing heroin, or an analog thereof;

2 (2) 1 gram or more but less than 15 grams of any  
3 substance containing cocaine, or an analog thereof;

4 (3) 10 grams or more but less than 15 grams of any  
5 substance containing morphine, or an analog thereof;

6 (4) 50 grams or more but less than 200 grams of any  
7 substance containing peyote, or an analog thereof;

8 (5) 50 grams or more but less than 200 grams of any  
9 substance containing a derivative of barbituric acid or  
10 any of the salts of a derivative of barbituric acid, or  
11 an analog thereof;

12 (6) 50 grams or more but less than 200 grams of any  
13 substance containing amphetamine or any salt of an  
14 optical isomer of amphetamine, or an analog thereof;

15 (6.5) 5 grams or more but less than 15 grams of any  
16 substance containing methamphetamine or any salt or  
17 optical isomer of methamphetamine, or an analog thereof;

18 (7) (i) 5 grams or more but less than 15 grams of  
19 any substance containing lysergic acid diethylamide  
20 (LSD), or an analog thereof, or (ii) more than 10 objects  
21 or more than 10 segregated parts of an object or objects  
22 but less than 15 objects or less than 15 segregated parts  
23 of an object containing in them or having upon them any  
24 amount of any substance containing lysergic acid  
25 diethylamide (LSD), or an analog thereof;

26 (7.5) (i) 5 grams or more but less than 15 grams of  
27 any substance listed in paragraph (1), (2), (2.1), (3),  
28 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
29 subsection (d) of Section 204, or an analog or derivative  
30 thereof, or (ii) more than 10 pills, tablets, caplets,  
31 capsules, or objects but less than 15 pills, tablets,  
32 caplets, capsules, or objects containing in them or  
33 having upon them any amount of any substance listed in  
34 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),

1 (20.1), (21), (25), or (26) of subsection (d) of Section  
2 204, or an analog or derivative thereof;

3 (8) 10 grams or more but less than 30 grams of any  
4 substance containing pentazocine or any of the salts,  
5 isomers and salts of isomers of pentazocine, or an analog  
6 thereof;

7 (9) 10 grams or more but less than 30 grams of any  
8 substance containing methaqualone or any of the salts,  
9 isomers and salts of isomers of methaqualone, or an  
10 analog thereof;

11 (10) 10 grams or more but less than 30 grams of any  
12 substance containing phencyclidine or any of the salts,  
13 isomers and salts of isomers of phencyclidine (PCP), or  
14 an analog thereof;

15 (10.5) 10 grams or more but less than 30 grams of  
16 any substance containing ketamine or any of the salts,  
17 isomers and salts of isomers of ketamine, or an analog  
18 thereof;

19 (11) 50 grams or more but less than 200 grams of  
20 any substance containing a substance classified in  
21 Schedules I or II, or an analog thereof, which is not  
22 otherwise included in this subsection.

23 (c-5) Any person who violates this Section with regard  
24 to possession of any methamphetamine manufacturing chemical  
25 set forth in paragraph (z-1) of Section 102 with intent to  
26 manufacture 15 grams or more but less than 30 grams of  
27 methamphetamine, or salt of an optical isomer of  
28 methamphetamine or any analog thereof, is guilty of a Class 1  
29 felony. The fine for violation of this subsection (c-5)  
30 shall not be more than \$250,000.

31 (d) Any person who violates this Section with regard to  
32 any other amount of a controlled or counterfeit substance  
33 classified in Schedules I or II, or an analog thereof, which  
34 is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD)

1 or an analog thereof, or (iii) any substance containing  
2 amphetamine or methamphetamine or any salt or optical isomer  
3 of amphetamine or methamphetamine, or an analog thereof, is  
4 guilty of a Class 2 felony. The fine for violation of this  
5 subsection (d) shall not be more than \$200,000.

6 (d-5) Any person who violates this Section with regard  
7 to possession of more than 3 grams of any methamphetamine  
8 manufacturing chemical set forth in paragraph (z-1) of  
9 Section 102 ~~with intent to manufacture less than 15 grams of~~  
10 ~~methamphetamine, or salt of an optical isomer of~~  
11 ~~methamphetamine or any analog thereof,~~ is guilty of a Class 2  
12 felony. The fine for violation of this subsection (d-5)  
13 shall not be more than \$200,000.

14 (e) Any person who violates this Section with regard to  
15 any other amount of a controlled or counterfeit substance  
16 classified in Schedule I or II, or an analog thereof, which  
17 substance is not included under subsection (d) of this  
18 Section, is guilty of a Class 3 felony. The fine for  
19 violation of this subsection (e) shall not be more than  
20 \$150,000.

21 (f) Any person who violates this Section with regard to  
22 any other amount of a controlled or counterfeit substance  
23 classified in Schedule III is guilty of a Class 3 felony. The  
24 fine for violation of this subsection (f) shall not be more  
25 than \$125,000.

26 (g) Any person who violates this Section with regard to  
27 any other amount of a controlled or counterfeit substance  
28 classified in Schedule IV is guilty of a Class 3 felony. The  
29 fine for violation of this subsection (g) shall not be more  
30 than \$100,000.

31 (h) Any person who violates this Section with regard to  
32 any other amount of a controlled or counterfeit substance  
33 classified in Schedule V is guilty of a Class 3 felony. The  
34 fine for violation of this subsection (h) shall not be more

1 than \$75,000.

2 (i) This Section does not apply to the manufacture,  
3 possession or distribution of a substance in conformance with  
4 the provisions of an approved new drug application or an  
5 exemption for investigational use within the meaning of  
6 Section 505 of the Federal Food, Drug and Cosmetic Act.

7 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;  
8 91-403, eff. 1-1-00; 92-16, eff. 6-28-01; 92-256, eff.  
9 1-1-02; 92-698, eff. 7-19-02.)

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