



Rep. John E. Bradley

Filed: 3/31/2004

09300HB5416ham002

LRB093 17142 RLC 49490 a

1 AMENDMENT TO HOUSE BILL 5416

2 AMENDMENT NO. _____. Amend House Bill 5416 by replacing
3 the title with the following:

4 "AN ACT concerning the retail sale of methamphetamine
5 manufacturing chemicals."; and

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 1. Short title. This Act may be cited as the
9 Methamphetamine Manufacturing Chemical Retail Sale Control
10 Act.

11 Section 5. Purpose. The purpose of this Act is to reduce
12 the harm that methamphetamine is inflicting on individuals,
13 families, communities, the economy, and the environment in
14 Illinois by making it more difficult for persons engaged in the
15 unlawful manufacture of methamphetamine to obtain
16 methamphetamine manufacturing chemicals.

17 Section 10. Definitions. In this Act:

18 "Methamphetamine manufacturing chemical" has the meaning
19 ascribed to it in subsection (z-1) of Section 102 of the
20 Illinois Controlled Substances Act.

21 "Targeted methamphetamine manufacturing chemical" means a
22 subset of "methamphetamine manufacturing chemicals". "Targeted

1 methamphetamine manufacturing chemical" means any medication
2 in the form of a tablet, capsule, caplet, or similar product
3 that contains either (A) more than 15 milligrams of ephedrine
4 or its salts, optical isomers, or salts of optical isomers or
5 (B) more than 15 milligrams of pseudoephedrine or its salts,
6 optical isomers, or salts of optical isomers. "Targeted
7 methamphetamine manufacturing chemical" does not include any
8 medication in the form of a liquid, liquid cap, gel cap, or
9 other similar substance.

10 "Package" means an item packaged and marked for retail sale
11 that is not designed to be further broken down or subdivided
12 for the purpose of retail sale.

13 "Targeted package" means a package containing any amount of
14 a targeted methamphetamine manufacturing chemical.

15 "Blister pack" means a unit dose package commonly
16 constructed from a formed cavity containing one or more
17 individual doses.

18 "Capsule" means a solid dosage form in which a medicinal
19 substance is enclosed and consisting of either a hard or soft
20 soluble outer shell.

21 "Customer" means a person who buys goods from a retail
22 distributor.

23 "Distribute" means to sell, give, provide or otherwise
24 transfer.

25 "Dosage unit" means an exact amount of a drug's treatment
26 pre-packaged by the manufacturer or pharmacist in standardized
27 amounts.

28 "Tablet" means a solid dosage form of varying weight, size,
29 and shape that may be molded or compressed and that contains a
30 medicinal substance in pure or diluted form.

31 "Single retail transaction" means a sale by a retail
32 distributor to a specific customer at a specific time.

33 "Retail distributor" means a grocery store, general
34 merchandise store, drug store, or other merchandise store, or

1 other entity or person whose activities as a distributor
2 relating to drug products containing targeted methamphetamine
3 manufacturing chemicals are limited exclusively or almost
4 exclusively to sales for personal use, both in number of sales
5 and volume of sales, either directly to walk-in customers or in
6 face-to-face transactions by direct sales.

7 Section 15. Package sale restrictions.

8 (a) Any targeted methamphetamine manufacturing chemical
9 shall be packaged in blister packs, with each blister
10 containing not more than 2 dosage units, or when the use of
11 blister packs is technically infeasible, in unit dose packets
12 or pouches.

13 (b) Any targeted package shall contain no more than 3 grams
14 of a targeted methamphetamine manufacturing chemical.

15 (c) A retail distributor may not distribute more than 2
16 targeted packages in a single retail transaction.

17 (d) A retail distributor may not permit the purchase of any
18 targeted package by means of a self-serve checkout lane.

19 (e) A retail distributor may not distribute any targeted
20 package or packages with knowledge that they will be used to
21 manufacture methamphetamine or with reckless disregard of the
22 likely use of such package or packages to manufacture
23 methamphetamine.

24 Section 20. Training and certification.

25 (a) Any retail distributor of any targeted methamphetamine
26 manufacturing chemical shall train every employee on the topics
27 listed on the certification form described in subsection (b).

28 (b) After training an employee on the subject matter listed
29 in this subsection (b), any retail distributor that distributes
30 any targeted methamphetamine manufacturing chemical shall have
31 each employee read and sign a certification form containing the
32 following language:

1 My name is (insert name) and I am an employee of (insert
2 name of employer) at (insert street address, city, state, zip).
3 My employer has provided me with methamphetamine awareness
4 training on the following subjects: (1) how methamphetamine
5 endangers individuals, families, communities, the economy, and
6 the environment in Illinois; (2) the ingredients commonly used
7 to make methamphetamine, especially ephedrine and
8 pseudoephedrine; (3) how the store can display such ingredients
9 in a manner that will decrease both theft and purchase of such
10 products for use in the manufacture of methamphetamine; (4) how
11 to record and report the appearance and actions of a customer
12 suspected of purchasing materials to make methamphetamine; (5)
13 how to deal with one or more customers suspected of purchasing
14 materials to make methamphetamine in a manner that will protect
15 my safety and the safety of others in the store; and (6) State
16 laws limiting the sale of ephedrine and pseudoephedrine.

17 NAME OF EMPLOYEE: (insert name) SIGNATURE: () DATE:
18 (insert date) NAME OF TRAINER: (insert name) SIGNATURE: ()
19 DATE: (insert date)

20 (c) A certification form of the type referred to in
21 subsection (a) and subsection (b) shall be retained by the
22 retail distributor for each employee for the duration of his or
23 her employment and any such form shall be made available for
24 inspection and copying by any law enforcement officer upon
25 request.

26 Section 25. Violations.

27 (a) An individual who violates any provision of this Act is
28 guilty of a Class A misdemeanor for a first offense and a Class
29 4 felony for a second or subsequent offense.

30 (b) Except as provided in subsection (c), the owner and
31 operator of a retail establishment that violates any provision
32 of this Act are guilty of a business offense and subject to a
33 fine of \$10,000 for a first offense and \$25,000 for a second or

1 subsequent offense.

2 (c) The owner and operator of a retail establishment are
3 not liable for any violation of subsection (c) or (e) of
4 Section 15, provided that: (1) the owner and operator strictly
5 complied with subsections (a), (b), and (d) of Section 15 and
6 Section 20 and (2) the owner and operator had no advance
7 knowledge of the violation or violations in question and did
8 not act in reckless disregard of the likelihood of such
9 violation or violations.

10 Section 30. Immunity from civil liability. In the event
11 that any agent or employee of a retail distributor reports
12 suspicious methamphetamine-related activity to any
13 law-enforcement agency, the agent or employee and the retail
14 distributor itself are immune from civil liability based on
15 allegations of defamation, libel, slander, false arrest, or
16 malicious prosecution, or similar allegations, except in cases
17 of willful or wanton misconduct.

18 Section 35. Special exclusion. The provisions of this Act
19 do not apply to the sale of any targeted methamphetamine
20 manufacturing chemical that has been produced in a manner that
21 effectively prevents the use of such chemical for the
22 manufacture of methamphetamine, provided that this fact is
23 formally certified by the United States Drug Enforcement
24 Administration.

25 Section 40. Relationship to other laws and rules. Nothing
26 in this Act shall be construed to conflict with, contradict,
27 restrict, or in any way limit the enforcement of any federal or
28 State law or rule, including but not limited to Section 216 of
29 the Illinois Controlled Substances Act."