



Sen. Dale A. Righter

Filed: 5/13/2005

09400HB3504sam002

LRB094 08206 RLC 46584 a

1 AMENDMENT TO HOUSE BILL 3504

2 AMENDMENT NO. _____. Amend House Bill 3504 on page 1, by
3 inserting immediately below line 7 the following:

4 "Section 6. The Methamphetamine Manufacturing Chemical
5 Retail Sale Control Act is amended by changing Section 35 and
6 by adding Section 26 as follows:

7 (720 ILCS 647/26 new)

8 Sec. 26. Pseudoephedrine sales and distribution.

9 (a) If any compound, mixture, or preparation containing any
10 detectable quantity of pseudoephedrine, its salts or optical
11 isomers, or salts of optical isomers is dispensed, sold, or
12 distributed, any person purchasing, receiving, or otherwise
13 acquiring the compound, mixture, or preparation shall produce a
14 photo identification showing the date of birth of the person
15 and shall sign a written log or receipt showing the date of the
16 transaction, name of the person, and the amount of the
17 compound, mixture, or preparation.

18 (b) Subsection (a) of this Section does not apply to any
19 compound, mixture, or preparation containing any detectable
20 quantity of pseudoephedrine, its salts or optical isomers, or
21 salts of optical isomers that are in liquid, liquid capsule, or
22 gel capsule form if pseudoephedrine is not the only active
23 ingredient.

24 (c) Subsection (a) of this Section does not apply to the

1 dispensing of any compound, mixture, or preparation containing
2 any detectable quantity of pseudoephedrine to a resident
3 receiving personal care in a long-term care facility as defined
4 in the Nursing Home Care Act.

5 (d) Subsection (a) does not apply to the sale and
6 distribution of any compound, mixture, or preparation
7 containing any detectable quantity of pseudoephedrine, its
8 salts or optical isomers, or salts of optical isomers by a
9 wholesale drug distributor licensed under the Wholesale Drug
10 Distribution Licensing Act.

11 (e) The Secretary of Human Services, after consultation
12 with the Director of State Police, may exempt by rule other
13 compounds, mixtures, or preparations containing any detectable
14 quantity of pseudoephedrine, its salts or optical isomers, or
15 salts of optical isomers from the requirements of this Section
16 which the Secretary finds are not used in the illegal
17 manufacture of methamphetamine or other controlled substances.
18 A manufacturer of a drug product containing any detectable
19 quantity of pseudoephedrine, its salts or optical isomers, or
20 salts of optical isomers may apply for removal of the product
21 from the requirements of this Section if the product is
22 determined by the Secretary to have been formulated in such a
23 way as to effectively prevent the conversion of the active
24 ingredient into methamphetamine.

25 (f) This Section does not apply to the dispensing, sale,
26 distribution, purchase, receipt, or acquisition of any
27 compound, mixture, or preparation containing any detectable
28 quantity of pseudoephedrine, its salts or optical isomers, or
29 salts of optical isomers in any county of over 3,000,000
30 inhabitants.

31 (720 ILCS 647/35)

32 Sec. 35. Violations.

33 (a) An individual who violates any provision of this Act,

1 other than Section 26, is guilty of a Class A misdemeanor for a
2 first offense and a Class 4 felony for a second or subsequent
3 offense. An individual who violates Section 26 of this Act is
4 guilty of a Class 4 felony.

5 (b) Except as provided in subsections (c) and (d) of this
6 Section, the owner and the operator of a retail distributor
7 that violates any provision of this Act are guilty of a
8 business offense and subject to a fine of:

9 (1) \$500 for a first offense;

10 (2) \$1,000 for a second offense occurring at the same
11 retail location as and within 3 years of the prior offense;
12 and

13 (3) \$5,000 for a third or subsequent offense occurring
14 at the same retail location as and within 3 years of the
15 prior offenses.

16 (c) Any retail distributor that seeks to comply with
17 subsection (c) of Section 15 of this Act by installing
18 automated cash register prompts informing sales employees when
19 the two-package limit described in subsection (c) of Section 15
20 of this Act has been exceeded shall be subject to all of the
21 penalties described in subsection (b) of this Section except as
22 follows: The owner and the operator of a retail distributor
23 that violates subsection (b) or subsection (c) of Section 30 of
24 this Act are guilty of a business offense and subject to a fine
25 of:

26 (1) \$100 for a first offense;

27 (2) \$200 for a second offense occurring at the same
28 retail location as and within 3 years of the prior offense;

29 (3) \$500 for a third or subsequent offense occurring at
30 the same retail location as and within 3 years of the prior
31 offenses;

32 (4) \$1,000 for a fourth offense occurring at the same
33 retail location as and within 3 years of the prior
34 offenses; and

1 (5) \$5,000 for a fifth offense occurring at the same
2 retail location as and within 3 years of the prior
3 offenses.

4 (d) The owner and the operator of a retail distributor are
5 not liable for any violation of subsection (c) or subsection
6 (e) of Section 15 of this Act if and only if the owner and the
7 operator:

8 (1) strictly complied with subsections (a), (b), and
9 (d) of Section 15 of this Act, Sections 20 and 25 of this
10 Act, and subsection (a) of Section 30 of this Act;

11 (2) made a good-faith effort to ensure compliance with
12 subsections (c) and (e) of Section 15 of this Act;

13 (3) made a good-faith effort to comply with subsection
14 (b) and subsection (c) of Section 30 of this Act; and

15 (4) had no advance knowledge of the violation or
16 violations in question and did not act in reckless
17 disregard of the likelihood of such violation or
18 violations.

19 (Source: P.A. 93-1008, eff. 1-1-05.)"; and

20 on page 5, by inserting immediately below line 10 the
21 following:

22 "Section 99. Effective date. This Act takes effect upon
23 becoming law.".