

1 AN ACT concerning 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 Sections 201 and 206 and by adding Section
6 218 as follows:

7 (720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

8 Sec. 201. (a) The Department shall carry out the provisions
9 of this Article. The Department or its successor agency may add
10 substances to or delete or reschedule all controlled substances
11 in the Schedules of Sections 204, 206, 208, 210 and 212 of this
12 Act. In making a determination regarding the addition,
13 deletion, or rescheduling of a substance, the Department shall
14 consider the following:

- 15 (1) the actual or relative potential for abuse;
- 16 (2) the scientific evidence of its pharmacological
17 effect, if known;
- 18 (3) the state of current scientific knowledge
19 regarding the substance;
- 20 (4) the history and current pattern of abuse;
- 21 (5) the scope, duration, and significance of abuse;
- 22 (6) the risk to the public health;
- 23 (7) the potential of the substance to produce
24 psychological or physiological dependence;
- 25 (8) whether the substance is an immediate precursor of
26 a substance already controlled under this Article;
- 27 (9) the immediate harmful effect in terms of
28 potentially fatal dosage; and
- 29 (10) the long-range effects in terms of permanent
30 health impairment.

31 (b) (Blank).

32 (c) (Blank).

1 (d) If any substance is scheduled, rescheduled, or deleted
2 as a controlled substance under Federal law and notice thereof
3 is given to the Department, the Department shall similarly
4 control the substance under this Act after the expiration of 30
5 days from publication in the Federal Register of a final order
6 scheduling a substance as a controlled substance or
7 rescheduling or deleting a substance, unless within that 30 day
8 period the Department objects, or a party adversely affected
9 files with the Department substantial written objections
10 objecting to inclusion, rescheduling, or deletion. In that
11 case, the Department shall publish the reasons for objection or
12 the substantial written objections and afford all interested
13 parties an opportunity to be heard. At the conclusion of the
14 hearing, the Department shall publish its decision, by means of
15 a rule, which shall be final unless altered by statute. Upon
16 publication of objections by the Department, similar control
17 under this Act whether by inclusion, rescheduling or deletion
18 is stayed until the Department publishes its ruling.

19 (e) The Department shall by rule exclude any non-narcotic
20 substances from a schedule if such substance may, under the
21 Federal Food, Drug, and Cosmetic Act, be lawfully sold over the
22 counter without a prescription.

23 (f) The sale, delivery, distribution, and possession of a
24 drug product containing dextromethorphan shall be in
25 accordance with Section 218 of this Act. ~~Dextromethorphan shall~~
26 ~~not be deemed to be included in any schedule by reason of~~
27 ~~enactment of this title unless controlled after the date of~~
28 ~~such enactment pursuant to the foregoing provisions of this~~
29 ~~section.~~

30 (g) Authority to control under this section does not extend
31 to distilled spirits, wine, malt beverages, or tobacco as those
32 terms are defined or used in the Liquor Control Act and the
33 Tobacco Products Tax Act.

34 (Source: P.A. 91-714, eff. 6-2-00.)

1 Sec. 206. (a) The controlled substances listed in this
2 Section are included in Schedule II.

3 (b) Unless specifically excepted or unless listed in
4 another schedule, any of the following substances whether
5 produced directly or indirectly by extraction from substances
6 of vegetable origin, or independently by means of chemical
7 synthesis, or by combination of extraction and chemical
8 synthesis:

9 (1) Opium and opiates, and any salt, compound,
10 derivative or preparation of opium or opiate, excluding
11 apomorphine, dextrorphan, levopropoxyphene, nalbuphine,
12 nalmeferene, naloxone, and naltrexone, and their respective
13 salts, but including the following:

- 14 (i) Raw Opium;
15 (ii) Opium extracts;
16 (iii) Opium fluid extracts;
17 (iv) Powdered opium;
18 (v) Granulated opium;
19 (vi) Tincture of opium;
20 (vii) Codeine;
21 (viii) Ethylmorphine;
22 (ix) Etorphine Hydrochloride;
23 (x) Hydrocodone;
24 (xi) Hydromorphone;
25 (xii) Metopon;
26 (xiii) Morphine;
27 (xiv) Oxycodone;
28 (xv) Oxymorphone;
29 (xvi) Thebaine;
30 (xvii) Thebaine-derived butorphanol.
31 (xviii) Dextromethorphan subject to Section 218 of
32 this Act.

33 (2) Any salt, compound, isomer, derivative or
34 preparation thereof which is chemically equivalent or
35 identical with any of the substances referred to in
36 subparagraph (1), but not including the isoquinoline

1 alkaloids of opium;

2 (3) Opium poppy and poppy straw;

3 (4) Coca leaves and any salt, compound, isomer, salt of
4 an isomer, derivative, or preparation of coca leaves
5 including cocaine or ecgonine, and any salt, compound,
6 isomer, derivative, or preparation thereof which is
7 chemically equivalent or identical with any of these
8 substances, but not including decocainized coca leaves or
9 extractions of coca leaves which do not contain cocaine or
10 ecgonine (for the purpose of this paragraph, the term
11 "isomer" includes optical, positional and geometric
12 isomers);

13 (5) Concentrate of poppy straw (the crude extract of
14 poppy straw in either liquid, solid or powder form which
15 contains the phenanthrine alkaloids of the opium poppy).

16 (c) Unless specifically excepted or unless listed in
17 another schedule any of the following opiates, including their
18 isomers, esters, ethers, salts, and salts of isomers, whenever
19 the existence of these isomers, esters, ethers and salts is
20 possible within the specific chemical designation, dextrorphan
21 excepted:

22 (1) Alfentanil;

23 (1.1) Carfentanil;

24 (2) Alphaprodine;

25 (3) Anileridine;

26 (4) Bezitramide;

27 (5) Bulk Dextropropoxyphene (non-dosage forms);

28 (6) Dihydrocodeine;

29 (7) Diphenoxylate;

30 (8) Fentanyl;

31 (9) Sufentanil;

32 (9.5) Remifentanil;

33 (10) Isomethadone;

34 (11) Levomethorphan;

35 (12) Levorphanol (Levorphan);

36 (13) Metazocine;

- 1 (14) Methadone;
- 2 (15) Methadone-Intermediate,
- 3 4-cyano-2-dimethylamino-4,4-diphenyl-1-butane;
- 4 (16) Moramide-Intermediate,
- 5 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic
- 6 acid;
- 7 (17) Pethidine (meperidine);
- 8 (18) Pethidine-Intermediate-A,
- 9 4-cyano-1-methyl-4-phenylpiperidine;
- 10 (19) Pethidine-Intermediate-B,
- 11 ethyl-4-phenylpiperidine-4-carboxylate;
- 12 (20) Pethidine-Intermediate-C,
- 13 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 14 (21) Phenazocine;
- 15 (22) Piminodine;
- 16 (23) Racemethorphan;
- 17 (24) Racemorphan;
- 18 (25) Levo-alpha-acetylmethadol (some other names:
- 19 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM).

20 (d) Unless specifically excepted or unless listed in

21 another schedule, any material, compound, mixture, or

22 preparation which contains any quantity of the following

23 substances having a stimulant effect on the central nervous

24 system:

- 25 (1) Amphetamine, its salts, optical isomers, and salts
- 26 of its optical isomers;
- 27 (2) Methamphetamine, its salts, isomers, and salts of
- 28 its isomers;
- 29 (3) Phenmetrazine and its salts;
- 30 (4) Methylphenidate.

31 (e) Unless specifically excepted or unless listed in

32 another schedule, any material, compound, mixture, or

33 preparation which contains any quantity of the following

34 substances having a depressant effect on the central nervous

35 system, including its salts, isomers, and salts of isomers

36 whenever the existence of such salts, isomers, and salts of

1 isomers is possible within the specific chemical designation:

- 2 (1) Amobarbital;
- 3 (2) Secobarbital;
- 4 (3) Pentobarbital;
- 5 (4) Pentazocine;
- 6 (5) Phencyclidine;
- 7 (6) Gluthethimide;
- 8 (7) (Blank).

9 (f) Unless specifically excepted or unless listed in
10 another schedule, any material, compound, mixture, or
11 preparation which contains any quantity of the following
12 substances:

13 (1) Immediate precursor to amphetamine and
14 methamphetamine:

15 (i) Phenylacetone

16 Some trade or other names: phenyl-2-propanone;
17 P2P; benzyl methyl ketone; methyl benzyl ketone.

18 (2) Immediate precursors to phencyclidine:

19 (i) 1-phenylcyclohexylamine;

20 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

21 (3) Nabilone.

22 (Source: P.A. 91-714, eff. 6-2-00.)

23 (720 ILCS 570/218 new)

24 Sec. 218. Dextromethorphan.

25 (a) A drug product containing dextromethorphan may not be
26 sold, delivered, distributed, or possessed except in
27 accordance with the prescription requirements of Sections 309,
28 312, and 313 of this Act.

29 (b) Possession of a drug product containing
30 dextromethorphan in violation of this Section is a Class 4
31 felony. The sale, delivery, distribution, or possession with
32 intent to sell, deliver, or distribute a drug product
33 containing dextromethorphan in violation of this Section is a
34 Class 2 felony.

35 (c) This Section does not apply to a drug product

1 containing dextromethorphan that is sold in solid, tablet,
2 liquid, capsule, powder, thin film, or gel form and which is
3 formulated, packaged, and sold in dosages and concentrations
4 for use as an over-the-counter drug product. For the purposes
5 of this Section, "over-the-counter drug product" means a drug
6 that is available to consumers without a prescription and sold
7 in compliance with the safety and labeling standards as set
8 forth by the United States Food and Drug Administration.