



Sen. Dale A. Righter

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09400SB0107sam003

LRB094 07179 RLC 43621 a

1 AMENDMENT TO SENATE BILL 107

2 AMENDMENT NO. _____. Amend Senate Bill 107 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. 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 (720 ILCS 647/35)

26 Sec. 35. Violations.

27 (a) An individual who violates any provision of this Act,
28 other than Section 26, is guilty of a Class A misdemeanor for a
29 first offense and a Class 4 felony for a second or subsequent
30 offense. An individual who violates Section 26 of this Act is
31 guilty of a Class 4 felony.

32 (b) Except as provided in subsections (c) and (d) of this
33 Section, the owner and the operator of a retail distributor

1 that violates any provision of this Act are guilty of a
2 business offense and subject to a fine of:

3 (1) \$500 for a first offense;

4 (2) \$1,000 for a second offense occurring at the same
5 retail location as and within 3 years of the prior offense;
6 and

7 (3) \$5,000 for a third or subsequent offense occurring
8 at the same retail location as and within 3 years of the
9 prior offenses.

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

20 (1) \$100 for a first offense;

21 (2) \$200 for a second offense occurring at the same
22 retail location as and within 3 years of the prior offense;

23 (3) \$500 for a third or subsequent offense occurring at
24 the same retail location as and within 3 years of the prior
25 offenses;

26 (4) \$1,000 for a fourth offense occurring at the same
27 retail location as and within 3 years of the prior
28 offenses; and

29 (5) \$5,000 for a fifth offense occurring at the same
30 retail location as and within 3 years of the prior
31 offenses.

32 (d) The owner and the operator of a retail distributor are
33 not liable for any violation of subsection (c) or subsection
34 (e) of Section 15 of this Act if and only if the owner and the

1 operator:

2 (1) strictly complied with subsections (a), (b), and
3 (d) of Section 15 of this Act, Sections 20 and 25 of this
4 Act, and subsection (a) of Section 30 of this Act;

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

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

9 (4) had no advance knowledge of the violation or
10 violations in question and did not act in reckless
11 disregard of the likelihood of such violation or
12 violations.

13 (Source: P.A. 93-1008, eff. 1-1-05.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."