



Rep. Jil Tracy

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1 AMENDMENT TO HOUSE BILL 5901

2 AMENDMENT NO. _____. Amend House Bill 5901 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Methamphetamine Precursor Control Act is
5 amended by changing Sections 10, 25, 40, 45, and 55 and by
6 adding Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 as follows:

7 (720 ILCS 648/10)

8 (Text of Section after amendment by P.A. 95-640)

9 Sec. 10. Definitions. In this Act:

10 "Administer" or "administration" has the meaning provided
11 in Section 102 of the Illinois Controlled Substances Act.

12 "Agent" has the meaning provided in Section 102 of the
13 Illinois Controlled Substances Act.

14 "Authorized representative" means an employee or agent of a
15 qualified outside entity who has been authorized in writing by
16 his or her agency or office to receive confidential information

1 from the database associated with the Williamson County Pilot
2 Program or the Illinois State Police Precursor Tracking
3 Program.

4 "Central Repository" means the entity chosen by the
5 Williamson County Pilot Program Authority to handle electronic
6 transaction records as described in Sections 36, 37, 38, 39,
7 and 39.5 of this Act or the entity chosen by the Illinois State
8 Police Precursor Tracking Program to handle electronic
9 transaction records as described in Sections 39.6, 39.7, 39.8,
10 39.9, and 39.9-5.

11 "Convenience package" means any package that contains 360
12 milligrams or less of ephedrine or pseudoephedrine, their salts
13 or optical isomers, or salts of optical isomers in liquid or
14 liquid-filled capsule form.

15 "Covered pharmacy under the Franklin, Jackson, Johnson,
16 Saline, Union, or Williamson County Program" or "covered
17 pharmacy" means any pharmacy that distributes any amount of
18 targeted methamphetamine precursor and that is physically
19 located in any of the following Illinois counties: Franklin,
20 Jackson, Johnson, Saline, Union, or Williamson.

21 "Covered pharmacy under the Illinois State Police
22 Precursor Tracking Program" or "covered pharmacy" means any
23 pharmacy that distributes any amount of targeted
24 methamphetamine precursor and that is physically located in any
25 of the following Illinois counties: Adams, Madison, or
26 Vermilion.

1 "Deliver" has the meaning provided in Section 102 of the
2 Illinois Controlled Substances Act.

3 "Dispense" has the meaning provided in Section 102 of the
4 Illinois Controlled Substances Act.

5 "Distribute" has the meaning provided in Section 102 of the
6 Illinois Controlled Substances Act.

7 "Electronic transaction record" means, with respect to the
8 distribution of a targeted methamphetamine precursor by a
9 pharmacy to a recipient under Section 25 of this Act, an
10 electronic record that includes: the name and address of the
11 recipient; date and time of the transaction; brand and product
12 name and total quantity distributed of ephedrine or
13 pseudoephedrine, their salts, or optical isomers, or salts of
14 optical isomers; identification type and identification number
15 of the identification presented by the recipient; and the name
16 and address of the pharmacy.

17 "Identification information" means identification type and
18 identification number.

19 "Identification number" means the number that appears on
20 the identification furnished by the recipient of a targeted
21 methamphetamine precursor.

22 "Identification type" means the type of identification
23 furnished by the recipient of a targeted methamphetamine
24 precursor such as, by way of example only, an Illinois driver's
25 license or United States passport.

26 "Illinois State Police Precursor Tracking Program" or

1 "Pilot Program Authority" means the program described in
2 Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act.

3 "List I chemical" has the meaning provided in 21 U.S.C.
4 Section 802.

5 "Methamphetamine precursor" has the meaning provided in
6 Section 10 of the Methamphetamine Control and Community
7 Protection Act.

8 "Methamphetamine Precursor Violation Alert" means a notice
9 sent by the Pilot Program Authority to pharmacies, retail
10 distributors, or law enforcement authorities as described in
11 subsection (h) of Section 39.5 of this Act.

12 "Non-covered pharmacy" means any pharmacy that is not a
13 covered pharmacy.

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

17 "Pharmacist" has the meaning provided in Section 102 of the
18 Illinois Controlled Substances Act.

19 "Pharmacy" has the meaning provided in Section 102 of the
20 Illinois Controlled Substances Act.

21 "Practitioner" has the meaning provided in Section 102 of
22 the Illinois Controlled Substances Act.

23 "Prescriber" has the meaning provided in Section 102 of the
24 Illinois Controlled Substances Act.

25 "Prescription" has the meaning provided in Section 102 of
26 the Illinois Controlled Substances Act.

1 "Qualified outside entity" means a law enforcement agency
2 or prosecutor's office with authority to identify,
3 investigate, or prosecute violations of this Act or any other
4 State or federal law or rule involving a methamphetamine
5 precursor, methamphetamine, or any other controlled substance,
6 or a public entity that operates a methamphetamine precursor
7 tracking program similar in purpose to the Williamson County
8 Pilot Program or the Illinois State Police Precursor Tracking
9 Program.

10 "Readily retrievable" has the meaning provided in 21 C.F.R.
11 part 1300.

12 "Recipient" means a person purchasing, receiving, or
13 otherwise acquiring a targeted methamphetamine precursor from
14 a pharmacy in Illinois, as described in Section 25 of this Act.

15 "Reporting start date" means the date on which covered
16 pharmacies begin transmitting electronic transaction records
17 and exempt pharmacies begin sending handwritten logs, as
18 described in subsection (b) of Section 39 of this Act.

19 "Retail distributor" means a grocery store, general
20 merchandise store, drug store, other merchandise store, or
21 other entity or person whose activities as a distributor
22 relating to drug products containing targeted methamphetamine
23 precursor are limited exclusively or almost exclusively to
24 sales for personal use by an ultimate user, both in number of
25 sales and volume of sales, either directly to walk-in customers
26 or in face-to-face transactions by direct sales.

1 "Sales employee" means any employee or agent, other than a
2 pharmacist or pharmacy technician who at any time (a) operates
3 a cash register at which convenience packages may be sold, (b)
4 stocks shelves containing convenience packages, or (c) trains
5 or supervises any other employee or agent who engages in any of
6 the preceding activities.

7 "Single retail transaction" means a sale by a retail
8 distributor to a recipient ~~specific customer~~ at a specific
9 time.

10 "Targeted methamphetamine precursor" means any compound,
11 mixture, or preparation that contains any detectable quantity
12 of ephedrine or pseudoephedrine, their salts or optical
13 isomers, or salts of optical isomers.

14 "Targeted package" means a package, including a
15 convenience package, containing any amount of targeted
16 methamphetamine precursor.

17 "Ultimate user" has the meaning provided in Section 102 of
18 the Illinois Controlled Substances Act.

19 "Williamson County Pilot Program" or "Pilot Program" means
20 the program described in Sections 36, 37, 38, 39, and 39.5 of
21 this Act.

22 "Williamson County Pilot Program Authority" or "Pilot
23 Program Authority" means the Williamson County Sheriff's
24 Office or its employees or agents.

25 "Voluntary participant" means any pharmacy that, although
26 not required by law to do so, participates in the Williamson

1 County Pilot Program.

2 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;
3 95-640, eff. 6-1-08.)

4 (720 ILCS 648/25)

5 (Text of Section after amendment by P.A. 95-640)

6 Sec. 25. Pharmacies.

7 (a) No targeted methamphetamine precursor may be knowingly
8 distributed through a pharmacy, including a pharmacy located
9 within, owned by, operated by, or associated with a retail
10 distributor unless all terms of this Section are satisfied.

11 (b) Any targeted methamphetamine precursor other than a
12 convenience package or a liquid, including but not limited to
13 any targeted methamphetamine precursor in liquid-filled
14 capsules, shall: be packaged in blister packs, with each
15 blister containing not more than 2 dosage units, or when the
16 use of blister packs is technically infeasible, in unit dose
17 packets. Each targeted package shall contain no more than 3,000
18 milligrams of ephedrine or pseudoephedrine, their salts or
19 optical isomers, or salts of optical isomers.

20 (c) The targeted methamphetamine precursor shall be stored
21 behind the pharmacy counter and distributed by a pharmacist or
22 pharmacy technician licensed under the Pharmacy Practice Act.

23 (d) Any retail distributor operating a pharmacy, and any
24 pharmacist or pharmacy technician involved in the transaction
25 or transactions, shall ensure that any person purchasing,

1 receiving, or otherwise acquiring the targeted methamphetamine
2 precursor complies with subsection (a) of Section 20 of this
3 Act.

4 (e) Any retail distributor operating a pharmacy, and any
5 pharmacist or pharmacy technician involved in the transaction
6 or transactions, shall verify that:

7 (1) The person purchasing, receiving, or otherwise
8 acquiring the targeted methamphetamine precursor is 18
9 years of age or older and resembles the photograph of the
10 person on the government-issued identification presented
11 by the person; and

12 (2) The name entered into the log referred to in
13 subsection (a) of Section 20 of this Act corresponds to the
14 name on the government-issued identification presented by
15 the person.

16 (f) The logs referred to in subsection (a) of Section 20 of
17 this Act shall be kept confidential, maintained for not less
18 than 2 years, and made available for inspection and copying by
19 any law enforcement officer upon request of that officer. These
20 logs may be kept in an electronic format if they include all
21 the information specified in subsection (a) of Section 20 of
22 this Act in a manner that is readily retrievable and
23 reproducible in hard-copy format. Pharmacies covered by the
24 Williamson County Pilot Program described in Sections 36, 37,
25 38, 39, and 39.5 of this Act and pharmacies covered by the
26 Illinois State Police Precursor Tracking Program described in

1 Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act are
2 required to transmit electronic transaction records or
3 handwritten logs to the Pilot Program Authority in the manner
4 described in those Sections.

5 (g) No retail distributor operating a pharmacy, and no
6 pharmacist or pharmacy technician, shall knowingly distribute
7 any targeted methamphetamine precursor to any person under 18
8 years of age.

9 (h) No retail distributor operating a pharmacy, and no
10 pharmacist or pharmacy technician, shall knowingly distribute
11 to a single person more than 2 targeted packages in a single
12 retail transaction.

13 (i) No retail distributor operating a pharmacy, and no
14 pharmacist or pharmacy technician, shall knowingly distribute
15 to a single person in any 30-day period products containing
16 more than a total of 7,500 milligrams of ephedrine or
17 pseudoephedrine, their salts or optical isomers, or salts of
18 optical isomers.

19 (j) A pharmacist or pharmacy technician may distribute a
20 targeted methamphetamine precursor to a person who is without a
21 form of identification specified in paragraph (1) of subsection
22 (a) of Section 20 of this Act only if all other provisions of
23 this Act are followed and either:

24 (1) the person presents a driver's license issued
25 without a photograph by the State of Illinois pursuant to
26 the Illinois Administrative Code, Title 92, Section

1 1030.90 (b) (1) or 1030.90 (b) (2); or

2 (2) the person is known to the pharmacist or pharmacy
3 technician, the person presents some form of
4 identification, and the pharmacist or pharmacy technician
5 reasonably believes that the targeted methamphetamine
6 precursor will be used for a legitimate medical purpose and
7 not to manufacture methamphetamine.

8 (k) When a pharmacist or pharmacy technician distributes a
9 targeted methamphetamine precursor to a person according to the
10 procedures set forth in this Act, and the pharmacist or
11 pharmacy technician does not have access to a working cash
12 register at the pharmacy counter, the pharmacist or pharmacy
13 technician may instruct the person to pay for the targeted
14 methamphetamine precursor at a cash register located elsewhere
15 in the retail establishment, whether that register is operated
16 by a pharmacist, pharmacy technician, or other employee or
17 agent of the retail establishment.

18 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;
19 95-640, eff. 6-1-08; 95-689, eff. 10-29-07; revised 11-19-07.)

20 (720 ILCS 648/39.6 new)

21 Sec. 39.6. Illinois State Police Precursor Tracking
22 Program; general provisions.

23 (a) Purposes. The purposes of this Section are: to
24 establish a pilot program based in Adams, Madison, and
25 Vermilion Counties to track purchases of targeted

1 methamphetamine precursors at multiple locations; to identify
2 persons obtaining or distributing targeted methamphetamine
3 precursors for the likely purpose of manufacturing
4 methamphetamine; to starve methamphetamine manufacturers of
5 the methamphetamine precursors they need to make
6 methamphetamine; to locate and shut down methamphetamine
7 laboratories; and ultimately to reduce the harm that
8 methamphetamine manufacturing and manufacturers are inflicting
9 on individuals, families, communities, first responders, the
10 economy, and the environment in Illinois and beyond. In
11 authorizing this pilot program, the General Assembly
12 recognizes that, although this Act has significantly reduced
13 the number of methamphetamine laboratories in Illinois, some
14 persons continue to violate the Act, evade detection, and
15 support the manufacture of methamphetamine by obtaining
16 targeted methamphetamine precursor at multiple locations. The
17 General Assembly further recognizes that putting an end to this
18 practice and others like it will require an effort to track
19 purchases of targeted methamphetamine precursor across
20 multiple locations, and that a pilot program coordinated by the
21 Illinois State Police in Adams, Madison, and Vermilion Counties
22 will advance this important goal.

23 (b) Structure.

24 (1) There is established a pilot program coordinated by
25 the Illinois State Police in Adams, Madison, and Vermilion
26 Counties, known as the Illinois State Police Precursor

1 Tracking Program or Pilot Program, to track purchases of
2 targeted methamphetamine precursor across multiple
3 locations for the purposes stated in subsection (a) of this
4 Section.

5 (2) The Pilot Program known as the Illinois State
6 Police Precursor Tracking Program or the Pilot Program
7 Authority shall be operated by the Illinois State Police in
8 accordance with the provisions of Sections 39.6, 39.7,
9 39.8, 39.9, and 39.9-5 of this Act.

10 (3) The Pilot Program Authority shall designate a
11 Central Repository for the collection of required
12 information, and the Central Repository shall operate
13 according to the provisions of Sections 39.6, 39.7, 39.8,
14 39.9, and 39.9-5 of this Act.

15 (4) Every covered pharmacy shall participate in the
16 Pilot Program, and any non-covered pharmacy may
17 participate on a voluntary basis and be known as a
18 voluntary participant.

19 (c) Transmission of electronic transaction records. Except
20 as provided in Section 39.9:

21 (1) Each time a covered pharmacy distributes a targeted
22 methamphetamine precursor to a recipient under Section 25
23 of this Act, the covered pharmacy shall transmit an
24 electronic transaction record to the Central Repository.

25 (2) Each covered pharmacy shall elect to transmit
26 electronic transaction records either through the secure

1 website described in Section 39.7 of this Act or through
2 weekly electronic transfers as described in Section 39.8 of
3 this Act.

4 (d) Operation and Timeline for implementation.

5 (1) Except as stated in this subsection, this
6 amendatory Act of the 95th General Assembly shall be
7 operational upon the effective date of this amendatory Act.

8 (2) Covered pharmacies are not required to transmit any
9 electronic transaction records and exempt pharmacies are
10 not required to send any handwritten logs to the Central
11 Repository until the reporting start date set by the Pilot
12 Program Authority.

13 (3) The Pilot Program Authority shall announce the
14 "reporting start date" within 90 days after the date this
15 legislation becomes law.

16 (4) The reporting start date shall be no sooner than 90
17 days after the date on which the Pilot Program Authority
18 announces the reporting start date.

19 (5) Starting on the reporting start date, and
20 continuing for a period of one year thereafter, covered
21 pharmacies shall transmit electronic transaction records
22 as described in Sections 39.7 and 39.8 of this Act, and
23 exempt pharmacies shall send handwritten logs as described
24 in Section 39.9 of this Act.

25 (6) Nothing in this Act shall preclude covered
26 pharmacies and exempt pharmacies from voluntarily

1 participating in the Pilot Program before the start date or
2 continuing to participate in the Pilot Program after one
3 year after the reporting start date.

4 (e) Funding. Funding for the Pilot Program shall be
5 provided by the Illinois State Police, drawing upon federal
6 grant money and other available sources. If funding is delayed,
7 curtailed, or otherwise unavailable, the Pilot Program
8 Authority may delay implementation of the Pilot Program, reduce
9 the number of counties covered by the Pilot Program, or end the
10 Pilot Program early. If any such change becomes necessary, the
11 Illinois State Police shall inform every covered pharmacy in
12 writing.

13 (f) Training. The Illinois State Police shall provide, free
14 of charge, training and assistance to any pharmacy playing any
15 role in the Pilot Program.

16 (g) Relationship between the Illinois State Police
17 Precursor Tracking Program and other laws and rules. Nothing in
18 Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act shall
19 supersede, nullify, or diminish the force of any requirement
20 stated in any other Section of this Act or in any other State
21 or federal law or rule.

22 (h) Duration and report to the Governor and General
23 Assembly. The duration of the Illinois State Police Precursor
24 Tracking Program shall be 2 years. The Illinois State Police
25 shall prior to the end of this 2-year period report to the
26 Governor and General Assembly on the implementation and

1 efficacy of the Pilot Program and may recommend to them the
2 continuation, modification, or termination of the Program.

3 (720 ILCS 648/39.7 new)

4 Sec. 39.7. Illinois State Police Precursor Tracking
5 Program; secure website.

6 (a) Transmission of electronic transaction records through
7 a secure website; in general.

8 (1) The Illinois State Police shall establish a secure
9 website for the transmission of electronic transaction
10 records and electronic signatures and make it available
11 free of charge to any covered pharmacy that elects to use
12 it.

13 (2) The secure website shall enable any covered
14 pharmacy to transmit to the Central Repository an
15 electronic transaction record and an electronic signature
16 each time the pharmacy distributes a targeted
17 methamphetamine precursor to a recipient under Section 25
18 of this Act.

19 (3) If the secure website becomes unavailable to a
20 covered pharmacy, the covered pharmacy may, during the
21 period in which the secure website is not available,
22 continue to distribute targeted methamphetamine precursor
23 without using the secure website if, during this period,
24 the covered pharmacy maintains and transmits handwritten
25 logs as described in subsection (b) of Section 39.9 of this

1 Act.

2 (b) Assistance to covered pharmacies using the secure
3 website.

4 (1) The purpose of this subsection is to ensure that
5 participation in the Pilot Program does not impose
6 substantial costs on covered pharmacies that elect to
7 transmit electronic transaction records to the Central
8 Repository by means of the secure website.

9 (2) If a covered pharmacy that elects to transmit
10 electronic transaction records by means of the secure
11 website does not have computer hardware or software or
12 related equipment sufficient to make use of the secure
13 website, then the covered pharmacy may obtain and install
14 such hardware or software or related equipment at its own
15 cost, or it may request assistance from the Illinois State
16 Police, or some combination of the two.

17 (3) If a covered pharmacy requests such assistance,
18 then the Illinois State Police shall, free of charge,
19 provide and install any computer hardware or software or
20 related equipment needed.

21 (4) Nothing in this subsection shall preclude the
22 Illinois State Police from providing additional or other
23 assistance to any pharmacy or retail distributor.

24 (c) Any covered pharmacy that elects to transmit electronic
25 transaction records by means of the secure website described in
26 this Section may use the secure website as its exclusive means

1 of complying with subsections (d) and (f) of Section 25 of this
2 Act, provided that, along with each electronic transaction
3 record, the pharmacy also transmits an electronically-captured
4 signature of the recipient of the targeted methamphetamine
5 precursor. To facilitate this option, the Pilot Program shall
6 do the following:

7 (1) The Illinois State Police shall provide to any
8 covered pharmacy that requests it an electronic signature
9 pad or other means of electronic signature capture.

10 (2) The Illinois State Police shall provide the covered
11 pharmacy with an official letter indicating that:

12 (A) The covered pharmacy in question is
13 participating in the Illinois State Police Precursor
14 Tracking Program for a specified period of time.

15 (B) During the specified period of time, the
16 Illinois State Police has assumed responsibility for
17 maintaining the logs described in subsection (f) of
18 Section 25 of this Act.

19 (C) Any law enforcement officer seeking to inspect
20 or copy the covered pharmacy's logs should direct the
21 request to the Illinois State Police through means
22 described in the letter.

23 (720 ILCS 648/39.8 new)

24 Sec. 39.8. Illinois State Police Precursor Tracking
25 Program; weekly electronic transfer.

1 (a) Weekly electronic transfer; in general.

2 (1) Any covered pharmacy may elect not to use the
3 secure website but instead to transmit electronic
4 transaction records by means of weekly electronic
5 transfers as described in this Section.

6 (2) Any covered pharmacy electing to transmit
7 electronic transaction records by means of weekly
8 electronic transfers shall transmit the records by means of
9 a computer diskette, a magnetic tape, or an electronic
10 device compatible with the receiving device of the Central
11 Repository.

12 (b) Weekly electronic transfer; timing.

13 (1) Any covered pharmacy electing to transmit
14 electronic transaction records by means of weekly
15 electronic transfers shall select a standard weeklong
16 reporting period such as, by way of example only, the 7-day
17 period that begins immediately after midnight Monday
18 morning and lasts until immediately before midnight the
19 next Sunday night.

20 (2) Electronic transaction records for transactions
21 occurring during the standard weeklong reporting period
22 selected by the pharmacy shall be transmitted to the
23 Central Repository no later than 24 hours after each
24 standard weeklong reporting period ends.

25 (3) Electronic transaction records may be delivered to
26 the Central Repository in person, by messenger, through the

1 United States Postal Service, over the Internet, or by
2 other reasonably reliable and prompt means.

3 (4) Although electronic transaction records shall be
4 transmitted to the Central Repository no later than one day
5 after the end of a weeklong reporting period, it is not
6 required that the electronic transaction records be
7 received by that deadline.

8 (c) Weekly electronic transfer; form of data. Each
9 electronic transaction record transmitted shall contain the
10 following information in the form described:

11 (1) The recipient's (A) first name, (B) last name, (C)
12 street address, and (D) zip code, in the 4 separate data
13 fields listed (A) through (D).

14 (2) The (A) date, (B) time of the transaction, and (C)
15 recipient signature, in the 3 separate data fields listed
16 (A), (B), and (C).

17 (3) One of the following:

18 (A) The (1) brand and product name and (2) total
19 quantity in milligrams distributed of ephedrine or
20 pseudoephedrine, their salts, or optical isomers, or
21 salts of optical isomers, in the 2 separate data fields
22 listed (1) and (2);

23 (B) The National Drug Code (NDC) number
24 corresponding to the product distributed, from which
25 may be determined the brand and product name and total
26 quantity distributed of ephedrine or pseudoephedrine,

1 their salts, or optical isomers, or salts of optical
2 isomers; or

3 (C) A company-specific code, akin to the National
4 Drug Code, from which may be determined the brand and
5 product name and total quantity distributed of
6 ephedrine or pseudoephedrine, their salts, or optical
7 isomers, or salts of optical isomers, along with
8 information sufficient to translate any
9 company-specific codes into the brand and product name
10 and total quantity distributed of ephedrine or
11 pseudoephedrine, their salts, or optical isomers, or
12 salts of optical isomers.

13 (4) One of the following:

14 (A) The identification type presented by the
15 recipient; or

16 (B) A code for the identification type presented by
17 the recipient, along with information sufficient to
18 translate any such code into the actual identification
19 type presented by the recipient.

20 (5) The identification number presented by the
21 recipient.

22 (6) One of the following:

23 (A) The (1) name, (2) street address, and (3) zip
24 code of the covered pharmacy, in 3 separate data fields
25 (1) through (3);

26 (B) The Drug Enforcement Administration (DEA)

1 number of the individual covered pharmacy, from which
2 may be determined the name, street address, and zip
3 code of the covered pharmacy; or

4 (C) A company-specific code, akin to the Drug
5 Enforcement Administration number, from which may be
6 determined the name, street address, and zip code of
7 the covered pharmacy, along with information
8 sufficient to translate any company-specific codes
9 into the name, street address, and zip code of the
10 covered pharmacy.

11 (720 ILCS 648/39.9 new)

12 Sec. 39.9. Illinois State Police Precursor Tracking
13 Program; exempt pharmacies.

14 (a) When a covered pharmacy is exempt. A covered pharmacy
15 is exempt from the requirement that it transmit electronic
16 transaction records to the Central Repository through the
17 secure website described in Section 39.7 or weekly electronic
18 transfers described in Section 39.8 of this Act if all of the
19 following conditions are satisfied:

20 (1) The covered pharmacy:

21 (A) Submits to the Pilot Program Authority a
22 written request for such an exemption;

23 (B) Has complied with Section 25 of this Act by
24 maintaining handwritten rather than electronic logs
25 during the 60-day period preceding the date the written

1 request is transmitted;

2 (C) Has not sold more than 20 targeted packages in
3 any 7-day period during the 60-day period preceding the
4 date the written request is transmitted; and

5 (D) Provides, along with the written request,
6 copies of handwritten logs covering the 60-day period
7 preceding the written request; and

8 (2) The Pilot Program Authority:

9 (A) Reviews the written request;

10 (B) Verifies that the covered pharmacy has
11 complied with Section 25 of this Act by maintaining
12 handwritten rather than electronic logs during the
13 60-day period preceding the date the written request is
14 transmitted;

15 (C) Verifies that the covered pharmacy has not sold
16 more than 20 targeted packages in any 7-day period
17 during the 60-day period preceding the date the written
18 request is transmitted; and

19 (D) Sends the covered pharmacy a letter stating
20 that the covered pharmacy is exempt from the
21 requirement that it transmit electronic transaction
22 records to the Central Repository.

23 (b) Obligations of an exempt pharmacy.

24 (1) A pharmacy that is exempt from the requirement that
25 it transmit electronic transaction records to the Central
26 Repository shall instead transmit copies, and retain the

1 originals, of handwritten logs.

2 (2) An exempt covered pharmacy shall transmit copies of
3 handwritten logs to the Central Repository in person, by
4 facsimile, through the United States Postal Service, or by
5 other reasonably reliable and prompt means.

6 (3) An exempt covered pharmacy shall transmit copies of
7 handwritten logs on a weekly basis as described in
8 subsection (b) of Section 39.8 of this Act.

9 (720 ILCS 648/39.9-5 new)

10 Sec. 39.9-5. Illinois State Police Precursor Tracking
11 Program; confidentiality of records.

12 (a) The Central Repository shall delete each electronic
13 transaction record and handwritten log entry 24 months after
14 the date of the transaction it describes.

15 (b) The Illinois State Police and Central Repository shall
16 carry out a program to protect the confidentiality of
17 electronic transaction records and handwritten log entries
18 transmitted pursuant to Sections 39.6, 39.7, 39.8, and 39.9 of
19 this Act. The Pilot Program Authority and Central Repository
20 shall ensure that this information remains completely
21 confidential except as specifically provided in subsections
22 (c) through (i) of this Section. Except as provided in
23 subsections (c) through (i) of this Section, this information
24 is strictly prohibited from disclosure.

25 (c) Any employee or agent of the Central Repository may

1 have access to electronic transaction records and handwritten
2 log entries solely for the purpose of receiving, processing,
3 storing or analyzing this information.

4 (d) Any employee or agent of the Illinois State Police may
5 have access to electronic transaction records or handwritten
6 log entries solely for the purpose of identifying,
7 investigating, or prosecuting violations of this Act or any
8 other State or federal law or rule involving a methamphetamine
9 precursor, methamphetamine, or any other controlled substance.

10 (e) The Illinois State Police may release electronic
11 transaction records or handwritten log entries to the
12 authorized representative of a qualified outside entity only if
13 all of the following conditions are satisfied:

14 (1) The Illinois State Police verifies that the entity
15 receiving electronic transaction records or handwritten
16 log entries is a qualified outside entity as defined in
17 this Act.

18 (2) The Illinois State Police verifies that the person
19 receiving electronic transaction records or handwritten
20 log entries is an authorized representative, as defined in
21 this Act, of the qualified outside entity.

22 (3) The qualified outside entity agrees in writing, or
23 has previously agreed in writing, that it will use
24 electronic transaction records and handwritten log entries
25 solely for the purpose of identifying, investigating, or
26 prosecuting violations of this Act or any other State or

1 federal law or rule involving a methamphetamine precursor,
2 methamphetamine, or any other controlled substance.

3 (4) The qualified outside entity does not have a
4 history known to the Illinois State Police of violating
5 this agreement or similar agreements or of breaching the
6 confidentiality of sensitive information.

7 (f) The Illinois State Police may release to a particular
8 covered pharmacy or voluntary participant any electronic
9 transaction records or handwritten log entries previously
10 submitted by that particular covered pharmacy or voluntary
11 participant.

12 (g) The Illinois State Police may release to a particular
13 recipient any electronic transaction records clearly relating
14 to that recipient, upon sufficient proof of identity.

15 (h) The Illinois State Police may distribute
16 Methamphetamine Precursor Violation Alerts only if all of the
17 following conditions are satisfied:

18 (1) The Illinois State Police has reason to believe
19 that one or more recipients have violated or are violating
20 this Act or any other State or federal law or rule
21 involving a methamphetamine precursor, methamphetamine, or
22 any other controlled substance.

23 (2) Based on this information, the Illinois State
24 Police distributes a Methamphetamine Precursor Violation
25 Alert that may contain any of the following confidential
26 information:

1 (A) With respect to any recipient whom it is
2 believed has violated, has attempted to violate, or is
3 violating this Act or any other State or federal law or
4 rule involving a methamphetamine precursor,
5 methamphetamine, or any other controlled substance:

6 (i) Any name he or she has used to purchase or attempt
7 to purchase methamphetamine precursor; (ii) Any
8 address he or she has listed when purchasing or
9 attempting to purchase any targeted methamphetamine
10 precursor; and (iii) Any identification information he
11 or she has used to purchase or attempt to purchase
12 methamphetamine precursor.

13 (B) With respect to any transaction in which the
14 recipient is believed to have purchased
15 methamphetamine precursor: (i) The date and time of the
16 transaction or attempt; (ii) The city or town and state
17 in which the transaction or attempt occurred; and (iii)
18 The total quantity received of ephedrine or
19 pseudoephedrine, their salts, or optical isomers, or
20 salts of optical isomers.

21 (3) Methamphetamine Precursor Violation Alerts shall
22 not include, with respect of any transaction in which the
23 recipient is believed to have purchased or attempted to
24 purchase methamphetamine precursor:

25 (A) The name or street address of the pharmacy
26 where the transaction or attempt took place, other than

1 the city or town and state where the pharmacy is
2 located; or

3 (B) The brand and product name of the item
4 received.

5 (4) Methamphetamine Precursor Violation Alerts may be
6 distributed to pharmacies, retail distributors, and law
7 enforcement agencies. When such alerts are distributed to
8 law enforcement agencies, it shall not be necessary to
9 follow the procedures described in subsection (d) of this
10 Section.

11 (5) When distributing Methamphetamine Precursor
12 Violation Alerts, the Pilot Program Authority shall
13 instruct those receiving the alerts that they are intended
14 only for pharmacies, retail distributors, and law
15 enforcement authorities, and that such alerts should
16 otherwise be kept confidential.

17 (i) The Illinois State Police may release general
18 statistical information to any person or entity provided that
19 the statistics do not include any information that identifies
20 any individual recipient or pharmacy by name, address,
21 identification number, Drug Enforcement Administration number,
22 or other means.

23 (720 ILCS 648/40)

24 (Text of Section after amendment by P.A. 95-640)

25 Sec. 40. Penalties.

1 (a) Violations of subsection (b) of Section 20 of this Act.

2 (1) Any person who knowingly purchases, receives, or
3 otherwise acquires, within any 30-day period, products
4 containing more than a total of 7,500 milligrams of
5 ephedrine or pseudoephedrine, their salts or optical
6 isomers, or salts of optical isomers in violation of
7 subsection (b) of Section 20 of this Act is subject to the
8 following penalties:

9 (A) More than 7,500 milligrams but less than 15,000
10 milligrams, Class B misdemeanor;

11 (B) 15,000 or more but less than 22,500 milligrams,
12 Class A misdemeanor;

13 (C) 22,500 or more but less than 30,000 milligrams,
14 Class 4 felony;

15 (D) 30,000 or more but less than 37,500 milligrams,
16 Class 3 felony;

17 (E) 37,500 or more but less than 45,000 milligrams,
18 Class 2 felony:

19 (F) 45,000 or more milligrams, Class 1 felony.

20 (2) Any person who knowingly purchases, receives, or
21 otherwise acquires, within any 30-day period, products
22 containing more than a total of 7,500 milligrams of
23 ephedrine or pseudoephedrine, their salts or optical
24 isomers, or salts of optical isomers in violation of
25 subsection (b) of Section 20 of this Act, and who has
26 previously been convicted of any methamphetamine-related

1 offense under any State or federal law, is subject to the
2 following penalties:

3 (A) More than 7,500 milligrams but less than 15,000
4 milligrams, Class A misdemeanor;

5 (B) 15,000 or more but less than 22,500 milligrams,
6 Class 4 felony;

7 (C) 22,500 or more but less than 30,000 milligrams,
8 Class 3 felony;

9 (D) 30,000 or more but less than 37,500 milligrams,
10 Class 2 felony;

11 (E) 37,500 or more milligrams, Class 1 felony.

12 (3) Any person who knowingly purchases, receives, or
13 otherwise acquires, within any 30-day period, products
14 containing more than a total of 7,500 milligrams of
15 ephedrine or pseudoephedrine, their salts or optical
16 isomers, or salts of optical isomers in violation of
17 subsection (b) of Section 20 of this Act, and who has
18 previously been convicted 2 or more times of any
19 methamphetamine-related offense under State or federal
20 law, is subject to the following penalties:

21 (A) More than 7,500 milligrams but less than 15,000
22 milligrams, Class 4 felony;

23 (B) 15,000 or more but less than 22,500 milligrams,
24 Class 3 felony;

25 (C) 22,500 or more but less than 30,000 milligrams,
26 Class 2 felony;

1 (D) 30,000 or more milligrams, Class 1 felony.

2 (b) Violations of Section 15, 20, 25, 30, or 35 of this
3 Act, other than violations of subsection (b) of Section 20 of
4 this Act.

5 (1) Any pharmacy or retail distributor that violates
6 Section 15, 20, 25, 30, or 35 of this Act, other than
7 subsection (b) of Section 20 of this Act, is guilty of a
8 petty offense and subject to a fine of \$500 for a first
9 offense; and \$1,000 for a second offense occurring at the
10 same retail location as and within 3 years of the prior
11 offense. A pharmacy or retail distributor that violates
12 this Act is guilty of a business offense and subject to a
13 fine of \$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 (2) An employee or agent of a pharmacy or retail
17 distributor who violates Section 15, 20, 25, 30, or 35 of
18 this Act, other than subsection (b) of Section 20 of this
19 Act, is guilty of a Class A misdemeanor for a first
20 offense, a Class 4 felony for a second offense, and a Class
21 1 felony for a third or subsequent offense.

22 (3) Any other person who violates Section 15, 20, 25,
23 30, or 35 of this Act, other than subsection (b) of Section
24 20 of this Act, is guilty of a Class B misdemeanor for a
25 first offense, a Class A misdemeanor for a second offense,
26 and a Class 4 felony for a third or subsequent offense.

1 (c) Any pharmacy or retail distributor that violates
2 Section 36, 37, 38, 39, ~~or~~ 39.5, 39.6, 39.7, 39.8, 39.9, or
3 39.9-5 of this Act is guilty of a petty offense and subject to
4 a fine of \$100 for a first offense, \$250 for a second offense,
5 or \$500 for a third or subsequent offense.

6 (d) Any person that violates Section 39.5 or 39.9-5 of this
7 Act is guilty of a Class B misdemeanor for a first offense, a
8 Class A misdemeanor for a second offense, and a Class 4 felony
9 for a third offense.

10 (e) ~~(d)~~ Any person who, in order to acquire a targeted
11 methamphetamine precursor, knowingly uses or provides the
12 driver's license or government-issued identification of
13 another person, or who knowingly uses or provides a fictitious
14 or unlawfully altered driver's license or government-issued
15 identification, or who otherwise knowingly provides false
16 information, is guilty of a Class 4 felony for a first offense,
17 a Class 3 felony for a second offense, and a Class 2 felony for
18 a third or subsequent offense.

19 For purposes of this subsection (e) ~~(d)~~, the terms
20 "fictitious driver's license", "unlawfully altered driver's
21 license", and "false information" have the meanings ascribed to
22 them in Section 6-301.1 of the Illinois Vehicle Code.

23 (Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08;
24 95-640, eff. 6-1-08; revised 12-12-07.)

1 (Text of Section after amendment by P.A. 95-640)

2 Sec. 45. Immunity from civil liability. In the event that
3 any agent or employee of a pharmacy or retail distributor
4 reports to any law enforcement officer or agency any suspicious
5 activity concerning a targeted methamphetamine precursor or
6 other methamphetamine ingredient or ingredients, or
7 participates in the Williamson County Pilot Program as provided
8 in Sections 36, 37, 38, 39, and 39.5 of this Act or the
9 Illinois State Police Precursor Tracking Program as provided in
10 Sections 39.6, 39.7, 39.8, 39.9, or 39.9-5 of this Act, the
11 agent or employee and the pharmacy or retail distributor itself
12 are immune from civil liability based on allegations of
13 defamation, libel, slander, false arrest, or malicious
14 prosecution, or similar allegations, except in cases of willful
15 or wanton misconduct.

16 (Source: P.A. 94-694, eff. 1-15-06; 95-640, eff. 6-1-08.)

17 (720 ILCS 648/55)

18 (Text of Section after amendment by P.A. 95-640)

19 Sec. 55. Preemption and home rule powers.

20 (a) Except as provided in subsection (b) of this Section
21 and in Sections 36, 37, 38, 39, ~~and~~ 39.5, 39.6, 39.7, 39.8,
22 39.9, and 39.9-5 of this Act, a county or municipality,
23 including a home rule unit, may regulate the sale of targeted
24 methamphetamine precursor and targeted packages in a manner
25 that is not more or less restrictive than the regulation by the

1 State under this Act. This Section is a limitation under
2 subsection (i) of Section 6 of Article VII of the Illinois
3 Constitution on the concurrent exercise by home rule units of
4 the powers and functions exercised by the State.

5 (b) Any regulation of the sale of targeted methamphetamine
6 precursor and targeted packages by a home rule unit that took
7 effect on or before May 1, 2004, is exempt from the provisions
8 of subsection (a) of this Section.

9 (Source: P.A. 94-694, eff. 1-15-06; 95-640, eff. 6-1-08.)

10 Section 99. Effective date. This Act takes effect 90 days
11 after becoming law."