



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB0445**

Introduced 2/4/2009, by Rep. Greg Harris - Careen M Gordon -  
Dennis M. Reboletti - James D. Brosnahan - Kevin Joyce

#### SYNOPSIS AS INTRODUCED:

720 ILCS 570/204	from Ch. 56 1/2, par. 1204
720 ILCS 570/401	from Ch. 56 1/2, par. 1401
720 ILCS 570/402	from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act. Adds N-Benzylpiperazine (BZP) to the list of Schedule I controlled substances. Establishes penalties for the unlawful manufacture, delivery, or possession of that substance.

LRB096 04780 RLC 14844 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 204, 401, and 402 as follows:

6 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

7 Sec. 204. (a) The controlled substances listed in this  
8 Section are included in Schedule I.

9 (b) Unless specifically excepted or unless listed in  
10 another schedule, any of the following opiates, including their  
11 isomers, esters, ethers, salts, and salts of isomers, esters,  
12 and ethers, whenever the existence of such isomers, esters,  
13 ethers and salts is possible within the specific chemical  
14 designation:

15 (1) Acetylmethadol;

16 (1.1) Acetyl-alpha-methylfentanyl

17 (N-[1-(1-methyl-2-phenethyl)-  
18 4-piperidinyl]-N-phenylacetamide);

19 (2) Allylprodine;

20 (3) Alphacetylmethadol, except  
21 levo-alphacetylmethadol (also known as levo-alpha-  
22 acetylmethadol, levomethadyl acetate, or LAAM);

23 (4) Alphameprodine;

- 1 (5) Alphamethadol;
- 2 (6) Alpha-methylfentanyl
- 3 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)
- 4 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
- 5 propanilido) piperidine;
- 6 (6.1) Alpha-methylthiofentanyl
- 7 (N-[ 1-methyl-2-(2-thienyl)ethyl-
- 8 4-piperidinyl] -N-phenylpropanamide);
- 9 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 10 (7.1) PEPAP
- 11 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 12 (8) Benzethidine;
- 13 (9) Betacetylmethadol;
- 14 (9.1) Beta-hydroxyfentanyl
- 15 (N-[ 1-(2-hydroxy-2-phenethyl)-
- 16 4-piperidinyl] -N-phenylpropanamide);
- 17 (10) Betameprodine;
- 18 (11) Betamethadol;
- 19 (12) Betaprodine;
- 20 (13) Clonitazene;
- 21 (14) Dextromoramide;
- 22 (15) Diampromide;
- 23 (16) Diethylthiambutene;
- 24 (17) Difenoxyin;
- 25 (18) Dimenoxadol;
- 26 (19) Dimepheptanol;

- 1 (20) Dimethylthiambutene;
- 2 (21) Dioxaphetylbutyrate;
- 3 (22) Dipipanone;
- 4 (23) Ethylmethylthiambutene;
- 5 (24) Etonitazene;
- 6 (25) Etoxeridine;
- 7 (26) Furethidine;
- 8 (27) Hydroxpethidine;
- 9 (28) Ketobemidone;
- 10 (29) Levomoramide;
- 11 (30) Levophenacylmorphane;
- 12 (31) 3-Methylfentanyl  
13 (N-[ 3-methyl-1-(2-phenylethyl) -  
14 4-piperidyl] -N-phenylpropanamide);
- 15 (31.1) 3-Methylthiofentanyl  
16 (N-[ (3-methyl-1-(2-thienyl)ethyl-  
17 4-piperidinyl] -N-phenylpropanamide);
- 18 (32) Morpheridine;
- 19 (33) Noracymethadol;
- 20 (34) Norlevorphanol;
- 21 (35) Normethadone;
- 22 (36) Norpipanone;
- 23 (36.1) Para-fluorofentanyl  
24 (N-(4-fluorophenyl)-N-[ 1-(2-phenethyl) -  
25 4-piperidinyl] propanamide);
- 26 (37) Phenadoxone;

- 1 (38) Phenampromide;  
2 (39) Phenomorphan;  
3 (40) Phenoperidine;  
4 (41) Piritramide;  
5 (42) Proheptazine;  
6 (43) Properidine;  
7 (44) Propiram;  
8 (45) Racemoramide;  
9 (45.1) Thiofentanyl  
10 (N-phenyl-N-[ 1-(2-thienyl)ethyl-  
11 4-piperidinyl] -propanamide);  
12 (46) Tilidine;  
13 (47) Trimeperidine;  
14 (48) Beta-hydroxy-3-methylfentanyl (other name:  
15 N-[ 1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl] -  
16 N-phenylpropanamide).

17 (c) Unless specifically excepted or unless listed in  
18 another schedule, any of the following opium derivatives, its  
19 salts, isomers and salts of isomers, whenever the existence of  
20 such salts, isomers and salts of isomers is possible within the  
21 specific chemical designation:

- 22 (1) Acetorphine;  
23 (2) Acetyldihydrocodeine;  
24 (3) Benzylmorphine;  
25 (4) Codeine methylbromide;  
26 (5) Codeine-N-Oxide;

- 1 (6) Cyprenorphine;
- 2 (7) Desomorphine;
- 3 (8) Diacetyldihydromorphine (Dihydroheroin);
- 4 (9) Dihydromorphine;
- 5 (10) Drotebanol;
- 6 (11) Etorphine (except hydrochloride salt);
- 7 (12) Heroin;
- 8 (13) Hydromorphenol;
- 9 (14) Methyldesorphine;
- 10 (15) Methyldihydromorphine;
- 11 (16) Morphine methylbromide;
- 12 (17) Morphine methylsulfonate;
- 13 (18) Morphine-N-Oxide;
- 14 (19) Myrophine;
- 15 (20) Nicocodeine;
- 16 (21) Nicomorphine;
- 17 (22) Normorphine;
- 18 (23) Pholcodine;
- 19 (24) Thebacon.

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 hallucinogenic substances, or which contains any of its salts,  
24 isomers and salts of isomers, whenever the existence of such  
25 salts, isomers, and salts of isomers is possible within the  
26 specific chemical designation (for the purposes of this

1 paragraph only, the term "isomer" includes the optical,  
2 position and geometric isomers):

3 (1) 3,4-methylenedioxyamphetamine

4 (alpha-methyl,3,4-methylenedioxyphenethylamine,  
5 methylenedioxyamphetamine, MDA);

6 (1.1) Alpha-ethyltryptamine

7 (some trade or other names: etryptamine;  
8 MONASE; alpha-ethyl-1H-indole-3-ethanamine;  
9 3-(2-aminobutyl)indole; a-ET; and AET);

10 (2) 3,4-methylenedioxymethamphetamine (MDMA);

11 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

12 (also known as: N-ethyl-alpha-methyl-  
13 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,  
14 and MDEA);

15 (2.2) N-Benzylpiperazine (BZP);

16 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

17 (4) 3,4,5-trimethoxyamphetamine (TMA);

18 (5) (Blank);

19 (6) Diethyltryptamine (DET);

20 (7) Dimethyltryptamine (DMT);

21 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);

22 (9) Ibogaine (some trade and other names:

23 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-  
24 6,9-methano-5H-pyrido [ 1',2':1,2] azepino [ 5,4-b]  
25 indole; Tabernanthe iboga);

26 (10) Lysergic acid diethylamide;

1 (10.5) *Salvia divinorum* (meaning all parts of the plant  
2 presently classified botanically as *Salvia divinorum*,  
3 whether growing or not, the seeds thereof, any extract from  
4 any part of that plant, and every compound, manufacture,  
5 salts, isomers, and salts of isomers whenever the existence  
6 of such salts, isomers, and salts of isomers is possible  
7 within the specific chemical designation, derivative,  
8 mixture, or preparation of that plant, its seeds or  
9 extracts);

10 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);

11 (12) Peyote (meaning all parts of the plant presently  
12 classified botanically as *Lophophora williamsii* Lemaire,  
13 whether growing or not, the seeds thereof, any extract from  
14 any part of that plant, and every compound, manufacture,  
15 salts, derivative, mixture, or preparation of that plant,  
16 its seeds or extracts);

17 (13) N-ethyl-3-piperidyl benzilate (JB 318);

18 (14) N-methyl-3-piperidyl benzilate;

19 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine  
20 (also known as N-hydroxy-alpha-methyl-  
21 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

22 (15) Parahexyl; some trade or other names:  
23 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-  
24 dibenzo (b,d) pyran; Synhexyl;

25 (16) Psilocybin;

26 (17) Psilocyn;



1 (18) Alpha-methyltryptamine (AMT);

2 (19) 2,5-dimethoxyamphetamine

3 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

4 (20) 4-bromo-2,5-dimethoxyamphetamine

5 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;

6 4-bromo-2,5-DMA);

7 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.

8 Some trade or other names: 2-(4-bromo-

9 2,5-dimethoxyphenyl)-1-aminoethane;

10 alpha-desmethyl DOB, 2CB, Nexus;

11 (21) 4-methoxyamphetamine

12 (4-methoxy-alpha-methylphenethylamine;

13 paramethoxyamphetamine; PMA);

14 (22) (Blank);

15 (23) Ethylamine analog of phencyclidine.

16 Some trade or other names:

17 N-ethyl-1-phenylcyclohexylamine,

18 (1-phenylcyclohexyl) ethylamine,

19 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

20 (24) Pyrrolidine analog of phencyclidine. Some trade

21 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,

22 PHP;

23 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;

24 (26) 2,5-dimethoxy-4-ethylamphetamine

25 (another name: DOET);

26 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine

1 (another name: TCPy);  
2 (28) (Blank);  
3 (29) Thiophene analog of phencyclidine (some trade  
4 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;  
5 2-thienyl analog of phencyclidine; TPCP; TCP);  
6 (30) Bufotenine (some trade or other names:  
7 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;  
8 3-(2-dimethylaminoethyl)-5-indolol;  
9 5-hydroxy-N,N-dimethyltryptamine;  
10 N,N-dimethylserotonin; mappine).

11 (e) Unless specifically excepted or unless listed in  
12 another schedule, any material, compound, mixture, or  
13 preparation which contains any quantity of the following  
14 substances having a depressant effect on the central nervous  
15 system, including its salts, isomers, and salts of isomers  
16 whenever the existence of such salts, isomers, and salts of  
17 isomers is possible within the specific chemical designation:

18 (1) mecloqualone;  
19 (2) methaqualone; and  
20 (3) gamma hydroxybutyric acid.

21 (f) Unless specifically excepted or unless listed in  
22 another schedule, any material, compound, mixture, or  
23 preparation which contains any quantity of the following  
24 substances having a stimulant effect on the central nervous  
25 system, including its salts, isomers, and salts of isomers:

26 (1) Fenethylamine;

1 (2) N-ethylamphetamine;

2 (3) Aminorex (some other names:

3 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

4 4-5-dihydro-5-phenyl-2-oxazolamine) and its

5 salts, optical isomers, and salts of optical isomers;

6 (4) Methcathinone (some other names:

7 2-methylamino-1-phenylpropan-1-one;

8 Ephedrone; 2-(methylamino)-propiophenone;

9 alpha-(methylamino)propiophenone; N-methylcathinone;

10 methcathinone; Monomethylpropion; UR 1431) and its

11 salts, optical isomers, and salts of optical isomers;

12 (5) Cathinone (some trade or other names:

13 2-aminopropiophenone; alpha-aminopropiophenone;

14 2-amino-1-phenyl-propanone; norephedrone);

15 (6) N,N-dimethylamphetamine (also known as:

16 N,N-alpha-trimethyl-benzeneethanamine;

17 N,N-alpha-trimethylphenethylamine);

18 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-

19 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine).

20 (g) Temporary listing of substances subject to emergency

21 scheduling. Any material, compound, mixture, or preparation

22 that contains any quantity of the following substances:

23 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide

24 (benzylfentanyl), its optical isomers, isomers, salts,

25 and salts of isomers;

26 (2) N-[1(2-thienyl)

1 methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl),  
2 its optical isomers, salts, and salts of isomers.

3 (Source: P.A. 95-239, eff. 1-1-08; 95-331, eff. 8-21-07.)

4 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

5 Sec. 401. Except as authorized by this Act, it is unlawful  
6 for any person knowingly to manufacture or deliver, or possess  
7 with intent to manufacture or deliver, a controlled substance  
8 other than methamphetamine, a counterfeit substance, or a  
9 controlled substance analog. A violation of this Act with  
10 respect to each of the controlled substances listed herein  
11 constitutes a single and separate violation of this Act. For  
12 purposes of this Section, "controlled substance analog" or  
13 "analog" means a substance which is intended for human  
14 consumption, other than a controlled substance, that has a  
15 chemical structure substantially similar to that of a  
16 controlled substance in Schedule I or II, or that was  
17 specifically designed to produce an effect substantially  
18 similar to that of a controlled substance in Schedule I or II.  
19 Examples of chemical classes in which controlled substance  
20 analogs are found include, but are not limited to, the  
21 following: phenethylamines, N-substituted piperidines,  
22 morphinans, ecgonines, quinazolinones, substituted indoles,  
23 and arylcycloalkylamines. For purposes of this Act, a  
24 controlled substance analog shall be treated in the same manner  
25 as the controlled substance to which it is substantially

1 similar.

2 (a) Any person who violates this Section with respect to  
3 the following amounts of controlled or counterfeit substances  
4 or controlled substance analogs, notwithstanding any of the  
5 provisions of subsections (c), (d), (e), (f), (g) or (h) to the  
6 contrary, is guilty of a Class X felony and shall be sentenced  
7 to a term of imprisonment as provided in this subsection (a)  
8 and fined as provided in subsection (b):

9 (1) (A) not less than 6 years and not more than 30  
10 years with respect to 15 grams or more but less than  
11 100 grams of a substance containing heroin, or an  
12 analog thereof;

13 (B) not less than 9 years and not more than 40  
14 years with respect to 100 grams or more but less than  
15 400 grams of a substance containing heroin, or an  
16 analog thereof;

17 (C) not less than 12 years and not more than 50  
18 years with respect to 400 grams or more but less than  
19 900 grams of a substance containing heroin, or an  
20 analog thereof;

21 (D) not less than 15 years and not more than 60  
22 years with respect to 900 grams or more of any  
23 substance containing heroin, or an analog thereof;

24 (1.5) (A) not less than 6 years and not more than 30  
25 years with respect to 15 grams or more but less than  
26 100 grams of a substance containing fentanyl, or an

1 analog thereof;

2 (B) not less than 9 years and not more than 40  
3 years with respect to 100 grams or more but less than  
4 400 grams of a substance containing fentanyl, or an  
5 analog thereof;

6 (C) not less than 12 years and not more than 50  
7 years with respect to 400 grams or more but less than  
8 900 grams of a substance containing fentanyl, or an  
9 analog thereof;

10 (D) not less than 15 years and not more than 60  
11 years with respect to 900 grams or more of a substance  
12 containing fentanyl, or an analog thereof;

13 (2) (A) not less than 6 years and not more than 30  
14 years with respect to 15 grams or more but less than  
15 100 grams of a substance containing cocaine, or an  
16 analog thereof;

17 (B) not less than 9 years and not more than 40  
18 years with respect to 100 grams or more but less than  
19 400 grams of a substance containing cocaine, or an  
20 analog thereof;

21 (C) not less than 12 years and not more than 50  
22 years with respect to 400 grams or more but less than  
23 900 grams of a substance containing cocaine, or an  
24 analog thereof;

25 (D) not less than 15 years and not more than 60  
26 years with respect to 900 grams or more of any

1 substance containing cocaine, or an analog thereof;

2 (3) (A) not less than 6 years and not more than 30  
3 years with respect to 15 grams or more but less than  
4 100 grams of a substance containing morphine, or an  
5 analog thereof;

6 (B) not less than 9 years and not more than 40  
7 years with respect to 100 grams or more but less than  
8 400 grams of a substance containing morphine, or an  
9 analog thereof;

10 (C) not less than 12 years and not more than 50  
11 years with respect to 400 grams or more but less than  
12 900 grams of a substance containing morphine, or an  
13 analog thereof;

14 (D) not less than 15 years and not more than 60  
15 years with respect to 900 grams or more of a substance  
16 containing morphine, or an analog thereof;

17 (4) 200 grams or more of any substance containing  
18 peyote, or an analog thereof;

19 (5) 200 grams or more of any substance containing a  
20 derivative of barbituric acid or any of the salts of a  
21 derivative of barbituric acid, or an analog thereof;

22 (6) 200 grams or more of any substance containing  
23 amphetamine or any salt of an optical isomer of  
24 amphetamine, or an analog thereof;

25 (6.5) (blank);

26 (6.6) (blank);

1 (7) (A) not less than 6 years and not more than 30  
2 years with respect to: (i) 15 grams or more but less  
3 than 100 grams of a substance containing lysergic acid  
4 diethylamide (LSD), or an analog thereof, or (ii) 15 or  
5 more objects or 15 or more segregated parts of an  
6 object or objects but less than 200 objects or 200  
7 segregated parts of an object or objects containing in  
8 them or having upon them any amounts of any substance  
9 containing lysergic acid diethylamide (LSD), or an  
10 analog thereof;

11 (B) not less than 9 years and not more than 40  
12 years with respect to: (i) 100 grams or more but less  
13 than 400 grams of a substance containing lysergic acid  
14 diethylamide (LSD), or an analog thereof, or (ii) 200  
15 or more objects or 200 or more segregated parts of an  
16 object or objects but less than 600 objects or less  
17 than 600 segregated parts of an object or objects  
18 containing in them or having upon them any amount of  
19 any substance containing lysergic acid diethylamide  
20 (LSD), or an analog thereof;

21 (C) not less than 12 years and not more than 50  
22 years with respect to: (i) 400 grams or more but less  
23 than 900 grams of a substance containing lysergic acid  
24 diethylamide (LSD), or an analog thereof, or (ii) 600  
25 or more objects or 600 or more segregated parts of an  
26 object or objects but less than 1500 objects or 1500



1 segregated parts of an object or objects containing in  
2 them or having upon them any amount of any substance  
3 containing lysergic acid diethylamide (LSD), or an  
4 analog thereof;

5 (D) not less than 15 years and not more than 60  
6 years with respect to: (i) 900 grams or more of any  
7 substance containing lysergic acid diethylamide (LSD),  
8 or an analog thereof, or (ii) 1500 or more objects or  
9 1500 or more segregated parts of an object or objects  
10 containing in them or having upon them any amount of a  
11 substance containing lysergic acid diethylamide (LSD),  
12 or an analog thereof;

13 (7.5) (A) not less than 6 years and not more than 30  
14 years with respect to: (i) 15 grams or more but less  
15 than 100 grams of a substance listed in paragraph (1),  
16 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
17 (21), (25), or (26) of subsection (d) of Section 204,  
18 or an analog or derivative thereof, or (ii) 15 or more  
19 pills, tablets, caplets, capsules, or objects but less  
20 than 200 pills, tablets, caplets, capsules, or objects  
21 containing in them or having upon them any amounts of  
22 any substance listed in paragraph (1), (2), (2.1),  
23 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or  
24 (26) of subsection (d) of Section 204, or an analog or  
25 derivative thereof;

26 (B) not less than 9 years and not more than 40

1 years with respect to: (i) 100 grams or more but less  
2 than 400 grams of a substance listed in paragraph (1),  
3 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
4 (21), (25), or (26) of subsection (d) of Section 204,  
5 or an analog or derivative thereof, or (ii) 200 or more  
6 pills, tablets, caplets, capsules, or objects but less  
7 than 600 pills, tablets, caplets, capsules, or objects  
8 containing in them or having upon them any amount of  
9 any substance listed in paragraph (1), (2), (2.1),  
10 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or  
11 (26) of subsection (d) of Section 204, or an analog or  
12 derivative thereof;

13 (C) not less than 12 years and not more than 50  
14 years with respect to: (i) 400 grams or more but less  
15 than 900 grams of a substance listed in paragraph (1),  
16 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
17 (21), (25), or (26) of subsection (d) of Section 204,  
18 or an analog or derivative thereof, or (ii) 600 or more  
19 pills, tablets, caplets, capsules, or objects but less  
20 than 1,500 pills, tablets, caplets, capsules, or  
21 objects containing in them or having upon them any  
22 amount of any substance listed in paragraph (1), (2),  
23 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),  
24 (25), or (26) of subsection (d) of Section 204, or an  
25 analog or derivative thereof;

26 (D) not less than 15 years and not more than 60

1 years with respect to: (i) 900 grams or more of any  
2 substance listed in paragraph (1), (2), (2.1), (2.2),  
3 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of  
4 subsection (d) of Section 204, or an analog or  
5 derivative thereof, or (ii) 1,500 or more pills,  
6 tablets, caplets, capsules, or objects containing in  
7 them or having upon them any amount of a substance  
8 listed in paragraph (1), (2), (2.1), (2.2), (3),  
9 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
10 subsection (d) of Section 204, or an analog or  
11 derivative thereof;

12 (8) 30 grams or more of any substance containing  
13 pentazocine or any of the salts, isomers and salts of  
14 isomers of pentazocine, or an analog thereof;

15 (9) 30 grams or more of any substance containing  
16 methaqualone or any of the salts, isomers and salts of  
17 isomers of methaqualone, or an analog thereof;

18 (10) 30 grams or more of any substance containing  
19 phencyclidine or any of the salts, isomers and salts of  
20 isomers of phencyclidine (PCP), or an analog thereof;

21 (10.5) 30 grams or more of any substance containing  
22 ketamine or any of the salts, isomers and salts of isomers  
23 of ketamine, or an analog thereof;

24 (11) 200 grams or more of any substance containing any  
25 other controlled substance classified in Schedules I or II,  
26 or an analog thereof, which is not otherwise included in

1           this subsection.

2           (b) Any person sentenced with respect to violations of  
3 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
4 involving 100 grams or more of the controlled substance named  
5 therein, may in addition to the penalties provided therein, be  
6 fined an amount not more than \$500,000 or the full street value  
7 of the controlled or counterfeit substance or controlled  
8 substance analog, whichever is greater. The term "street value"  
9 shall have the meaning ascribed in Section 110-5 of the Code of  
10 Criminal Procedure of 1963. Any person sentenced with respect  
11 to any other provision of subsection (a), may in addition to  
12 the penalties provided therein, be fined an amount not to  
13 exceed \$500,000.

14           (b-1) Excluding violations of this Act when the controlled  
15 substance is fentanyl, any person sentenced to a term of  
16 imprisonment with respect to violations of Section 401, 401.1,  
17 405, 405.1, 405.2, or 407, when the substance containing the  
18 controlled substance contains any amount of fentanyl, 3 years  
19 shall be added to the term of imprisonment imposed by the  
20 court, and the maximum sentence for the offense shall be  
21 increased by 3 years.

22           (c) Any person who violates this Section with regard to the  
23 following amounts of controlled or counterfeit substances or  
24 controlled substance analogs, notwithstanding any of the  
25 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)  
26 to the contrary, is guilty of a Class 1 felony. The fine for

1 violation of this subsection (c) shall not be more than  
2 \$250,000:

3 (1) 1 gram or more but less than 15 grams of any  
4 substance containing heroin, or an analog thereof;

5 (1.5) 1 gram or more but less than 15 grams of any  
6 substance containing fentanyl, or an analog thereof;

7 (2) 1 gram or more but less than 15 grams of any  
8 substance containing cocaine, or an analog thereof;

9 (3) 10 grams or more but less than 15 grams of any  
10 substance containing morphine, or an analog thereof;

11 (4) 50 grams or more but less than 200 grams of any  
12 substance containing peyote, or an analog thereof;

13 (5) 50 grams or more but less than 200 grams of any  
14 substance containing a derivative of barbituric acid or any  
15 of the salts of a derivative of barbituric acid, or an  
16 analog thereof;

17 (6) 50 grams or more but less than 200 grams of any  
18 substance containing amphetamine or any salt of an optical  
19 isomer of amphetamine, or an analog thereof;

20 (6.5) (blank);

21 (7) (i) 5 grams or more but less than 15 grams of any  
22 substance containing lysergic acid diethylamide (LSD), or  
23 an analog thereof, or (ii) more than 10 objects or more  
24 than 10 segregated parts of an object or objects but less  
25 than 15 objects or less than 15 segregated parts of an  
26 object containing in them or having upon them any amount of

1 any substance containing lysergic acid diethylamide (LSD),  
2 or an analog thereof;

3 (7.5) (i) 5 grams or more but less than 15 grams of any  
4 substance listed in paragraph (1), (2), (2.1), (2.2), (3),  
5 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
6 subsection (d) of Section 204, or an analog or derivative  
7 thereof, or (ii) more than 10 pills, tablets, caplets,  
8 capsules, or objects but less than 15 pills, tablets,  
9 caplets, capsules, or objects containing in them or having  
10 upon them any amount of any substance listed in paragraph  
11 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
12 (21), (25), or (26) of subsection (d) of Section 204, or an  
13 analog or derivative thereof;

14 (8) 10 grams or more but less than 30 grams of any  
15 substance containing pentazocine or any of the salts,  
16 isomers and salts of isomers of pentazocine, or an analog  
17 thereof;

18 (9) 10 grams or more but less than 30 grams of any  
19 substance containing methaqualone or any of the salts,  
20 isomers and salts of isomers of methaqualone, or an analog  
21 thereof;

22 (10) 10 grams or more but less than 30 grams of any  
23 substance containing phencyclidine or any of the salts,  
24 isomers and salts of isomers of phencyclidine (PCP), or an  
25 analog thereof;

26 (10.5) 10 grams or more but less than 30 grams of any

1 substance containing ketamine or any of the salts, isomers  
2 and salts of isomers of ketamine, or an analog thereof;

3 (11) 50 grams or more but less than 200 grams of any  
4 substance containing a substance classified in Schedules I  
5 or II, or an analog thereof, which is not otherwise  
6 included in this subsection.

7 (c-5) (Blank).

8 (d) Any person who violates this Section with regard to any  
9 other amount of a controlled or counterfeit substance  
10 classified in Schedules I or II, or an analog thereof, which is  
11 (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or  
12 an analog thereof, ~~or~~ (iii) any substance containing  
13 amphetamine or fentanyl or any salt or optical isomer of  
14 amphetamine or fentanyl, or an analog thereof, or (iv) any  
15 substance containing N-Benzylpiperazine (BZP) or any salt or  
16 optical isomer of N-Benzylpiperazine (BZP), or an analog  
17 thereof, is guilty of a Class 2 felony. The fine for violation  
18 of this subsection (d) shall not be more than \$200,000.

19 (d-5) (Blank).

20 (e) Any person who violates this Section with regard to any  
21 other amount of a controlled substance other than  
22 methamphetamine or counterfeit substance classified in  
23 Schedule I or II, or an analog thereof, which substance is not  
24 included under subsection (d) of this Section, is guilty of a  
25 Class 3 felony. The fine for violation of this subsection (e)  
26 shall not be more than \$150,000.

1 (f) Any person who violates this Section with regard to any  
2 other amount of a controlled or counterfeit substance  
3 classified in Schedule III is guilty of a Class 3 felony. The  
4 fine for violation of this subsection (f) shall not be more  
5 than \$125,000.

6 (g) Any person who violates this Section with regard to any  
7 other amount of a controlled or counterfeit substance  
8 classified in Schedule IV is guilty of a Class 3 felony. The  
9 fine for violation of this subsection (g) shall not be more  
10 than \$100,000.

11 (h) Any person who violates this Section with regard to any  
12 other amount of a controlled or counterfeit substance  
13 classified in Schedule V is guilty of a Class 3 felony. The  
14 fine for violation of this subsection (h) shall not be more  
15 than \$75,000.

16 (i) This Section does not apply to the manufacture,  
17 possession or distribution of a substance in conformance with  
18 the provisions of an approved new drug application or an  
19 exemption for investigational use within the meaning of Section  
20 505 of the Federal Food, Drug and Cosmetic Act.

21 (j) (Blank).

22 (Source: P.A. 94-556, eff. 9-11-05; 95-259, eff. 8-17-07.)

23 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

24 Sec. 402. Except as otherwise authorized by this Act, it is  
25 unlawful for any person knowingly to possess a controlled or



1 counterfeit substance or controlled substance analog. A  
2 violation of this Act with respect to each of the controlled  
3 substances listed herein constitutes a single and separate  
4 violation of this Act. For purposes of this Section,  
5 "controlled substance analog" or "analog" means a substance  
6 which is intended for human consumption, other than a  
7 controlled substance, that has a chemical structure  
8 substantially similar to that of a controlled substance in  
9 Schedule I or II, or that was specifically designed to produce  
10 an effect substantially similar to that of a controlled  
11 substance in Schedule I or II. Examples of chemical classes in  
12 which controlled substance analogs are found include, but are  
13 not limited to, the following: phenethylamines, N-substituted  
14 piperidines, morphinans, ecgonines, quinazolinones,  
15 substituted indoles, and arylcycloalkylamines. For purposes of  
16 this Act, a controlled substance analog shall be treated in the  
17 same manner as the controlled substance to which it is  
18 substantially similar.

19 (a) Any person who violates this Section with respect to  
20 the following controlled or counterfeit substances and  
21 amounts, notwithstanding any of the provisions of subsections  
22 (c) and (d) to the contrary, is guilty of a Class 1 felony and  
23 shall, if sentenced to a term of imprisonment, be sentenced as  
24 provided in this subsection (a) and fined as provided in  
25 subsection (b):

26 (1) (A) not less than 4 years and not more than 15

1 years with respect to 15 grams or more but less than  
2 100 grams of a substance containing heroin;

3 (B) not less than 6 years and not more than 30  
4 years with respect to 100 grams or more but less than  
5 400 grams of a substance containing heroin;

6 (C) not less than 8 years and not more than 40  
7 years with respect to 400 grams or more but less than  
8 900 grams of any substance containing heroin;

9 (D) not less than 10 years and not more than 50  
10 years with respect to 900 grams or more of any  
11 substance containing heroin;

12 (2) (A) not less than 4 years and not more than 15  
13 years with respect to 15 grams or more but less than  
14 100 grams of any substance containing cocaine;

15 (B) not less than 6 years and not more than 30  
16 years with respect to 100 grams or more but less than  
17 400 grams of any substance containing cocaine;

18 (C) not less than 8 years and not more than 40  
19 years with respect to 400 grams or more but less than  
20 900 grams of any substance containing cocaine;

21 (D) not less than 10 years and not more than 50  
22 years with respect to 900 grams or more of any  
23 substance containing cocaine;

24 (3) (A) not less than 4 years and not more than 15  
25 years with respect to 15 grams or more but less than  
26 100 grams of any substance containing morphine;

1 (B) not less than 6 years and not more than 30  
2 years with respect to 100 grams or more but less than  
3 400 grams of any substance containing morphine;

4 (C) not less than 6 years and not more than 40  
5 years with respect to 400 grams or more but less than  
6 900 grams of any substance containing morphine;

7 (D) not less than 10 years and not more than 50  
8 years with respect to 900 grams or more of any  
9 substance containing morphine;

10 (4) 200 grams or more of any substance containing  
11 peyote;

12 (5) 200 grams or more of any substance containing a  
13 derivative of barbituric acid or any of the salts of a  
14 derivative of barbituric acid;

15 (6) 200 grams or more of any substance containing  
16 amphetamine or any salt of an optical isomer of  
17 amphetamine;

18 (6.5) (blank);

19 (7) (A) not less than 4 years and not more than 15  
20 years with respect to: (i) 15 grams or more but less  
21 than 100 grams of any substance containing lysergic  
22 acid diethylamide (LSD), or an analog thereof, or (ii)  
23 15 or more objects or 15 or more segregated parts of an  
24 object or objects but less than 200 objects or 200  
25 segregated parts of an object or objects containing in  
26 them or having upon them any amount of any substance

1 containing lysergic acid diethylamide (LSD), or an  
2 analog thereof;

3 (B) not less than 6 years and not more than 30  
4 years with respect to: (i) 100 grams or more but less  
5 than 400 grams of any substance containing lysergic  
6 acid diethylamide (LSD), or an analog thereof, or (ii)  
7 200 or more objects or 200 or more segregated parts of  
8 an object or objects but less than 600 objects or less  
9 than 600 segregated parts of an object or objects  
10 containing in them or having upon them any amount of  
11 any substance containing lysergic acid diethylamide  
12 (LSD), or an analog thereof;

13 (C) not less than 8 years and not more than 40  
14 years with respect to: (i) 400 grams or more but less  
15 than 900 grams of any substance containing lysergic  
16 acid diethylamide (LSD), or an analog thereof, or (ii)  
17 600 or more objects or 600 or more segregated parts of  
18 an object or objects but less than 1500 objects or 1500  
19 segregated parts of an object or objects containing in  
20 them or having upon them any amount of any substance  
21 containing lysergic acid diethylamide (LSD), or an  
22 analog thereof;

23 (D) not less than 10 years and not more than 50  
24 years with respect to: (i) 900 grams or more of any  
25 substance containing lysergic acid diethylamide (LSD),  
26 or an analog thereof, or (ii) 1500 or more objects or

1 1500 or more segregated parts of an object or objects  
2 containing in them or having upon them any amount of a  
3 substance containing lysergic acid diethylamide (LSD),  
4 or an analog thereof;

5 (7.5) (A) not less than 4 years and not more than 15  
6 years with respect to: (i) 15 grams or more but less  
7 than 100 grams of any substance listed in paragraph  
8 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
9 (20.1), (21), (25), or (26) of subsection (d) of  
10 Section 204, or an analog or derivative thereof, or  
11 (ii) 15 or more pills, tablets, caplets, capsules, or  
12 objects but less than 200 pills, tablets, caplets,  
13 capsules, or objects containing in them or having upon  
14 them any amount of any substance listed in paragraph  
15 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
16 (20.1), (21), (25), or (26) of subsection (d) of  
17 Section 204, or an analog or derivative thereof;

18 (B) not less than 6 years and not more than 30  
19 years with respect to: (i) 100 grams or more but less  
20 than 400 grams of any substance listed in paragraph  
21 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
22 (20.1), (21), (25), or (26) of subsection (d) of  
23 Section 204, or an analog or derivative thereof, or  
24 (ii) 200 or more pills, tablets, caplets, capsules, or  
25 objects but less than 600 pills, tablets, caplets,  
26 capsules, or objects containing in them or having upon

1           them any amount of any substance listed in paragraph  
2           (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
3           (20.1), (21), (25), or (26) of subsection (d) of  
4           Section 204, or an analog or derivative thereof;

5           (C) not less than 8 years and not more than 40  
6           years with respect to: (i) 400 grams or more but less  
7           than 900 grams of any substance listed in paragraph  
8           (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
9           (20.1), (21), (25), or (26) of subsection (d) of  
10          Section 204, or an analog or derivative thereof, or  
11          (ii) 600 or more pills, tablets, caplets, capsules, or  
12          objects but less than 1,500 pills, tablets, caplets,  
13          capsules, or objects containing in them or having upon  
14          them any amount of any substance listed in paragraph  
15          (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
16          (20.1), (21), (25), or (26) of subsection (d) of  
17          Section 204, or an analog or derivative thereof;

18          (D) not less than 10 years and not more than 50  
19          years with respect to: (i) 900 grams or more of any  
20          substance listed in paragraph (1), (2), (2.1), (2.2),  
21          (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of  
22          subsection (d) of Section 204, or an analog or  
23          derivative thereof, or (ii) 1,500 or more pills,  
24          tablets, caplets, capsules, or objects containing in  
25          them or having upon them any amount of a substance  
26          listed in paragraph (1), (2), (2.1), (2.2), (3),

1 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
2 subsection (d) of Section 204, or an analog or  
3 derivative thereof;

4 (8) 30 grams or more of any substance containing  
5 pentazocine or any of the salts, isomers and salts of  
6 isomers of pentazocine, or an analog thereof;

7 (9) 30 grams or more of any substance containing  
8 methaqualone or any of the salts, isomers and salts of  
9 isomers of methaqualone;

10 (10) 30 grams or more of any substance containing  
11 phencyclidine or any of the salts, isomers and salts of  
12 isomers of phencyclidine (PCP);

13 (10.5) 30 grams or more of any substance containing  
14 ketamine or any of the salts, isomers and salts of isomers  
15 of ketamine;

16 (11) 200 grams or more of any substance containing any  
17 substance classified as a narcotic drug in Schedules I or  
18 II, or an analog thereof, which is not otherwise included  
19 in this subsection.

20 (b) Any person sentenced with respect to violations of  
21 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
22 involving 100 grams or more of the controlled substance named  
23 therein, may in addition to the penalties provided therein, be  
24 fined an amount not to exceed \$200,000 or the full street value  
25 of the controlled or counterfeit substances, whichever is  
26 greater. The term "street value" shall have the meaning

1 ascribed in Section 110-5 of the Code of Criminal Procedure of  
2 1963. Any person sentenced with respect to any other provision  
3 of subsection (a), may in addition to the penalties provided  
4 therein, be fined an amount not to exceed \$200,000.

5 (c) Any person who violates this Section with regard to an  
6 amount of a controlled substance other than methamphetamine or  
7 counterfeit substance not set forth in subsection (a) or (d) is  
8 guilty of a Class 4 felony. The fine for a violation punishable  
9 under this subsection (c) shall not be more than \$25,000.

10 (d) Any person who violates this Section with regard to any  
11 amount of anabolic steroid is guilty of a Class C misdemeanor  
12 for the first offense and a Class B misdemeanor for a  
13 subsequent offense committed within 2 years of a prior  
14 conviction.

15 (Source: P.A. 94-324, eff. 7-26-05; 94-556, eff. 9-11-05;  
16 95-331, eff. 8-21-07.)