

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) Difenoazin;
- 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) Hydroxypethidine;
- 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)-propiofenone;

9 alpha-(methylamino)propiofenone; 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-aminopropiofenone; alpha-aminopropiofenone;

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.)