



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0865

Introduced 2/10/2009, by Rep. Jil Tracy

SYNOPSIS AS INTRODUCED:

See Index

Amends the Methamphetamine Precursor Control Act. Creates a pilot program coordinated by the Illinois State Police in Adams, Madison, St. Clair, and Vermilion Counties, known as the Illinois State Police Precursor Tracking Program or Pilot Program, to: (1) track purchases of targeted methamphetamine precursor across multiple locations; (2) identify persons obtaining or distributing targeted methamphetamine precursors for the likely purpose of manufacturing methamphetamine; (3) starve methamphetamine manufacturers of the methamphetamine precursors they need to make methamphetamine; (4) locate and shut down methamphetamine laboratories; and (5) ultimately reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois and beyond. Provides that the Program shall be 2 years in duration. Provides that the Illinois State Police shall prior to the end of this 2-year period report to the Governor and General Assembly on the implementation and efficacy of the Pilot Program and may recommend to them the continuation, modification, or termination of the Program. Provides that the Program shall be funded by the Illinois State Police through federal grant moneys and other available sources. Provides penalties for violations of the Program. Effective 90 days after becoming law.

LRB096 03433 RLC 17690 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 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, and 39.8-5 as follows:

7 (720 ILCS 648/10)

8 Sec. 10. Definitions. In this Act:

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

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

13 "Authorized representative" means an employee or agent of a
14 qualified outside entity who has been authorized in writing by
15 his or her agency or office to receive confidential information
16 from the database associated with the Williamson County Pilot
17 Program or the Illinois State Police Precursor Tracking
18 Program.

19 "Central Repository" means the entity chosen by the
20 Williamson County Pilot Program Authority to handle electronic
21 transaction records as described in Sections 36, 37, 38, 39,
22 and 39.5 of this Act or the entity chosen by the Illinois State
23 Police Precursor Tracking Program to handle electronic

1 transaction records as described in Sections 39.6, 39.7, 39.8,
2 and 39.8-5.

3 "Convenience package" means any package that contains 360
4 milligrams or less of ephedrine or pseudoephedrine, their salts
5 or optical isomers, or salts of optical isomers in liquid or
6 liquid-filled capsule form.

7 "Covered pharmacy under the Franklin, Jackson, Johnson,
8 Saline, Union, or Williamson County Program" or "covered
9 pharmacy" means any pharmacy that distributes any amount of
10 targeted methamphetamine precursor and that is physically
11 located in any of the following Illinois counties: Franklin,
12 Jackson, Johnson, Saline, Union, or Williamson.

13 "Covered pharmacy under the Illinois State Police
14 Precursor Tracking Program" or "covered pharmacy" means any
15 pharmacy that distributes any amount of targeted
16 methamphetamine precursor and that is physically located in any
17 of the following Illinois counties: Adams, Madison, St. Clair,
18 or Vermilion.

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

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

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

25 "Electronic transaction record" means, with respect to the
26 distribution of a targeted methamphetamine precursor by a

1 pharmacy to a recipient under Section 25 of this Act, an
2 electronic record that includes: the name and address of the
3 recipient; date and time of the transaction; brand and product
4 name and total quantity distributed of ephedrine or
5 pseudoephedrine, their salts, or optical isomers, or salts of
6 optical isomers; identification type and identification number
7 of the identification presented by the recipient; and the name
8 and address of the pharmacy.

9 "Identification information" means identification type and
10 identification number.

11 "Identification number" means the number that appears on
12 the identification furnished by the recipient of a targeted
13 methamphetamine precursor.

14 "Identification type" means the type of identification
15 furnished by the recipient of a targeted methamphetamine
16 precursor such as, by way of example only, an Illinois driver's
17 license or United States passport.

18 "Illinois State Police Precursor Tracking Program" or
19 "Pilot Program Authority" means the program described in
20 Sections 39.6, 39.7, 39.8, and 39.8-5 of this Act.

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

23 "Methamphetamine precursor" has the meaning provided in
24 Section 10 of the Methamphetamine Control and Community
25 Protection Act.

26 "Methamphetamine Precursor Violation Alert" means a notice

1 sent by the Pilot Program Authority to pharmacies, retail
2 distributors, or law enforcement authorities as described in
3 subsection (h) of Section 39.5 of this Act.

4 "Non-covered pharmacy" means any pharmacy that is not a
5 covered pharmacy.

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

9 "Pharmacist" has the meaning provided in Section 102 of the
10 Illinois Controlled Substances Act.

11 "Pharmacy" has the meaning provided in Section 102 of the
12 Illinois Controlled Substances Act.

13 "Practitioner" has the meaning provided in Section 102 of
14 the Illinois Controlled Substances Act.

15 "Prescriber" has the meaning provided in Section 102 of the
16 Illinois Controlled Substances Act.

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

19 "Qualified outside entity" means a law enforcement agency
20 or prosecutor's office with authority to identify,
21 investigate, or prosecute violations of this Act or any other
22 State or federal law or rule involving a methamphetamine
23 precursor, methamphetamine, or any other controlled substance,
24 or a public entity that operates a methamphetamine precursor
25 tracking program similar in purpose to the Williamson County
26 Pilot Program or the Illinois State Police Precursor Tracking

1 Program.

2 "Readily retrievable" has the meaning provided in 21 C.F.R.
3 part 1300.

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

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

11 "Retail distributor" means a grocery store, general
12 merchandise store, drug store, other merchandise store, or
13 other entity or person whose activities as a distributor
14 relating to drug products containing targeted methamphetamine
15 precursor are limited exclusively or almost exclusively to
16 sales for personal use by an ultimate user, both in number of
17 sales and volume of sales, either directly to walk-in customers
18 or in face-to-face transactions by direct sales.

19 "Sales employee" means any employee or agent, other than a
20 pharmacist or pharmacy technician who at any time (a) operates
21 a cash register at which convenience packages may be sold, (b)
22 stocks shelves containing convenience packages, or (c) trains
23 or supervises any other employee or agent who engages in any of
24 the preceding activities.

25 "Single retail transaction" means a sale by a retail
26 distributor to a recipient ~~specific customer~~ at a specific

1 time.

2 "Targeted methamphetamine precursor" means any compound,
3 mixture, or preparation that contains any detectable quantity
4 of ephedrine or pseudoephedrine, their salts or optical
5 isomers, or salts of optical isomers.

6 "Targeted package" means a package, including a
7 convenience package, containing any amount of targeted
8 methamphetamine precursor.

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

11 "Williamson County Pilot Program" or "Pilot Program" means
12 the program described in Sections 36, 37, 38, 39, and 39.5 of
13 this Act.

14 "Williamson County Pilot Program Authority" or "Pilot
15 Program Authority" means the Williamson County Sheriff's
16 Office or its employees or agents.

17 "Voluntary participant" means any pharmacy that, although
18 not required by law to do so, participates in the Williamson
19 County Pilot Program.

20 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;
21 95-640, eff. 6-1-08.)

22 (720 ILCS 648/25)

23 Sec. 25. Pharmacies.

24 (a) No targeted methamphetamine precursor may be knowingly
25 distributed through a pharmacy, including a pharmacy located

1 within, owned by, operated by, or associated with a retail
2 distributor unless all terms of this Section are satisfied.

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

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

15 (d) Any retail distributor operating a pharmacy, and any
16 pharmacist or pharmacy technician involved in the transaction
17 or transactions, shall ensure that any person purchasing,
18 receiving, or otherwise acquiring the targeted methamphetamine
19 precursor complies with subsection (a) of Section 20 of this
20 Act.

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

24 (1) The person purchasing, receiving, or otherwise
25 acquiring the targeted methamphetamine precursor is 18
26 years of age or older and resembles the photograph of the

1 person on the government-issued identification presented
2 by the person; and

3 (2) The name entered into the log referred to in
4 subsection (a) of Section 20 of this Act corresponds to the
5 name on the government-issued identification presented by
6 the person.

7 (f) The logs referred to in subsection (a) of Section 20 of
8 this Act shall be kept confidential, maintained for not less
9 than 2 years, and made available for inspection and copying by
10 any law enforcement officer upon request of that officer. These
11 logs may be kept in an electronic format if they include all
12 the information specified in subsection (a) of Section 20 of
13 this Act in a manner that is readily retrievable and
14 reproducible in hard-copy format. Pharmacies covered by the
15 Williamson County Pilot Program described in Sections 36, 37,
16 38, 39, and 39.5 of this Act and pharmacies covered by the
17 Illinois State Police Precursor Tracking Program described in
18 Sections 39.6, 39.7, 39.8, and 39.8-5 of this Act are required
19 to transmit electronic transaction records ~~or handwritten logs~~
20 to the Pilot Program Authority in the manner described in those
21 Sections.

22 (g) No retail distributor operating a pharmacy, and no
23 pharmacist or pharmacy technician, shall knowingly distribute
24 any targeted methamphetamine precursor to any person under 18
25 years of age.

26 (h) No retail distributor operating a pharmacy, and no

1 pharmacist or pharmacy technician, shall knowingly distribute
2 to a single person more than 2 targeted packages in a single
3 retail transaction.

4 (i) No retail distributor operating a pharmacy, and no
5 pharmacist or pharmacy technician, shall knowingly distribute
6 to a single person in any 30-day period products containing
7 more than a total of 7,500 milligrams of ephedrine or
8 pseudoephedrine, their salts or optical isomers, or salts of
9 optical isomers.

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

15 (1) the person presents a driver's license issued
16 without a photograph by the State of Illinois pursuant to
17 the Illinois Administrative Code, Title 92, Section
18 1030.90(b)(1) or 1030.90(b)(2); or

19 (2) the person is known to the pharmacist or pharmacy
20 technician, the person presents some form of
21 identification, and the pharmacist or pharmacy technician
22 reasonably believes that the targeted methamphetamine
23 precursor will be used for a legitimate medical purpose and
24 not to manufacture methamphetamine.

25 (k) When a pharmacist or pharmacy technician distributes a
26 targeted methamphetamine precursor to a person according to the

1 procedures set forth in this Act, and the pharmacist or
2 pharmacy technician does not have access to a working cash
3 register at the pharmacy counter, the pharmacist or pharmacy
4 technician may instruct the person to pay for the targeted
5 methamphetamine precursor at a cash register located elsewhere
6 in the retail establishment, whether that register is operated
7 by a pharmacist, pharmacy technician, or other employee or
8 agent of the retail establishment.

9 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;
10 95-640, eff. 6-1-08; 95-689, eff. 10-29-07; 95-876, eff.
11 8-21-08.)

12 (720 ILCS 648/39.6 new)

13 Sec. 39.6. Illinois State Police Precursor Tracking
14 Program; general provisions.

15 (a) Purposes. The purposes of this Section are: to
16 establish a pilot program based in Adams, Madison, St. Clair,
17 and Vermilion Counties to track purchases of targeted
18 methamphetamine precursors at multiple locations; to identify
19 persons obtaining or distributing targeted methamphetamine
20 precursors for the likely purpose of manufacturing
21 methamphetamine; to starve methamphetamine manufacturers of
22 the methamphetamine precursors they need to make
23 methamphetamine; to locate and shut down methamphetamine
24 laboratories; and ultimately to reduce the harm that
25 methamphetamine manufacturing and manufacturers are inflicting

1 on individuals, families, communities, first responders, the
2 economy, and the environment in Illinois and beyond. In
3 authorizing this pilot program, the General Assembly
4 recognizes that, although this Act has significantly reduced
5 the number of methamphetamine laboratories in Illinois, some
6 persons continue to violate the Act, evade detection, and
7 support the manufacture of methamphetamine by obtaining
8 targeted methamphetamine precursor at multiple locations. The
9 General Assembly further recognizes that putting an end to this
10 practice and others like it will require an effort to track
11 purchases of targeted methamphetamine precursor across
12 multiple locations, and that a pilot program coordinated by the
13 Illinois State Police in Adams, Madison, St. Clair, and
14 Vermilion Counties will advance this important goal.

15 (b) Structure.

16 (1) There is established a pilot program coordinated by
17 the Illinois State Police in Adams, Madison, St. Clair, and
18 Vermilion Counties, known as the Illinois State Police
19 Precursor Tracking Program or Pilot Program, to track
20 purchases of targeted methamphetamine precursor across
21 multiple locations for the purposes stated in subsection
22 (a) of this Section.

23 (2) The Pilot Program known as the Illinois State
24 Police Precursor Tracking Program or the Pilot Program
25 Authority shall be operated by the Illinois State Police in
26 accordance with the provisions of Sections 39.6, 39.7,

1 39.8, and 39.8-5 of this Act.

2 (3) The Pilot Program Authority shall designate a
3 Central Repository for the collection of required
4 information, and the Central Repository shall operate
5 according to the provisions of Sections 39.6, 39.7, 39.8,
6 and 39.8-5 of this Act.

7 (4) Every covered pharmacy shall participate in the
8 Pilot Program, and any non-covered pharmacy may
9 participate on a voluntary basis and be known as a
10 voluntary participant.

11 (c) Transmission of electronic transaction records. Except
12 as provided in Section 39.8:

13 (1) Each time a covered pharmacy distributes a targeted
14 methamphetamine precursor to a recipient under Section 25
15 of this Act, the covered pharmacy shall transmit an
16 electronic transaction record to the Central Repository.

17 (2) Each covered pharmacy shall transmit electronic
18 transaction records through the secure website described
19 in Section 39.7 of this Act.

20 (d) Operation and Timeline for implementation.

21 (1) Except as stated in this subsection, this
22 amendatory Act of the 96th General Assembly shall be
23 operational upon the effective date of this amendatory Act.

24 (2) Covered pharmacies are not required to transmit any
25 electronic transaction records and exempt pharmacies are
26 not required to send any handwritten logs to the Central

1 Repository until the reporting start date set by the Pilot
2 Program Authority.

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

6 (4) The reporting start date shall be no sooner than 90
7 days after the date on which the Pilot Program Authority
8 announces the reporting start date.

9 (5) Starting on the reporting start date, and
10 continuing for a period of one year thereafter, covered
11 pharmacies shall transmit electronic transaction records
12 as described in Section 39.7 of this Act.

13 (6) Nothing in this Act shall preclude covered
14 pharmacies and exempt pharmacies from voluntarily
15 participating in the Pilot Program before the start date or
16 continuing to participate in the Pilot Program after one
17 year after the reporting start date.

18 (e) Funding. Funding for the Pilot Program shall be
19 provided by the Illinois State Police, drawing upon federal
20 grant money and other available sources. If funding is delayed,
21 curtailed, or otherwise unavailable, the Pilot Program
22 Authority may delay implementation of the Pilot Program, reduce
23 the number of counties covered by the Pilot Program, or end the
24 Pilot Program early. If any such change becomes necessary, the
25 Illinois State Police shall inform every covered pharmacy in
26 writing.

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

4 (g) Relationship between the Illinois State Police
5 Precursor Tracking Program and other laws and rules. Nothing in
6 Sections 39.6, 39.7, 39.8, and 39.8-5 of this Act shall
7 supersede, nullify, or diminish the force of any requirement
8 stated in any other Section of this Act or in any other State
9 or federal law or rule.

10 (h) Duration and report to the Governor and General
11 Assembly. The duration of the Illinois State Police Precursor
12 Tracking Program shall be 2 years. The Illinois State Police
13 shall prior to the end of this 2-year period report to the
14 Governor and General Assembly on the implementation and
15 efficacy of the Pilot Program and may recommend to them the
16 continuation, modification, or termination of the Program.

17 (720 ILCS 648/39.7 new)

18 Sec. 39.7. Illinois State Police Precursor Tracking
19 Program; secure website.

20 (a) Transmission of electronic transaction records through
21 a secure website; in general.

22 (1) The Illinois State Police shall establish a secure
23 website for the transmission of electronic transaction
24 records and make it available free of charge to any covered
25 pharmacy that elects to use it.

1 (2) The secure website shall enable any covered
2 pharmacy to transmit to the Central Repository an
3 electronic transaction record each time the pharmacy
4 distributes a targeted methamphetamine precursor to a
5 recipient under Section 25 of this Act.

6 (3) If the secure website becomes unavailable to a
7 covered pharmacy, the covered pharmacy may, during the
8 period in which the secure website is not available,
9 continue to distribute targeted methamphetamine precursor
10 without using the secure website if, during this period,
11 the covered pharmacy maintains and transmits handwritten
12 logs as described in subsection (b) of Section 39.8 of this
13 Act.

14 (b) Assistance to covered pharmacies using the secure
15 website.

16 (1) The purpose of this subsection is to ensure that
17 participation in the Pilot Program does not impose
18 substantial costs on covered pharmacies that elect to
19 transmit electronic transaction records to the Central
20 Repository by means of the secure website.

21 (2) If a covered pharmacy that elects to transmit
22 electronic transaction records by means of the secure
23 website does not have computer hardware or software or
24 related equipment sufficient to make use of the secure
25 website, then the covered pharmacy may obtain and install
26 such hardware or software or related equipment at its own

1 cost, or it may request assistance from the Illinois State
2 Police, or some combination of the two.

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

6 (c) Any covered pharmacy that elects to transmit electronic
7 transaction records by means of the secure website described in
8 this Section must use the secure website as its exclusive means
9 of complying with subsections (d) and (f) of Section 25 of this
10 Act. To facilitate this option, the Pilot Program shall do the
11 following:

12 (1) The Illinois State Police shall provide to any
13 covered pharmacy a means to capture a hand written
14 signature.

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

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

20 (B) During the specified period of time, the
21 Illinois State Police has assumed responsibility for
22 maintaining the logs described in subsection (f) of
23 Section 25 of this Act.

24 (C) Any law enforcement officer seeking to inspect
25 or copy the covered pharmacy's logs should direct the
26 request to the Illinois State Police through means

1 described in the letter.

2 (720 ILCS 648/39.8 new)

3 Sec. 39.8. Illinois State Police Precursor Tracking
4 Program; exempt pharmacies.

5 (a) When a covered pharmacy is exempt. A covered pharmacy
6 is exempt from the requirement that it transmit electronic
7 transaction records to the Central Repository through the
8 secure website described in Section 39.7 if all of the
9 following conditions are satisfied:

10 (1) The covered pharmacy:

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

13 (B) Has complied with Section 25 of this Act by
14 maintaining handwritten rather than electronic logs
15 during the 60-day period preceding the date the written
16 request is transmitted;

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

20 (D) Provides, along with the written request,
21 copies of handwritten logs covering the 60-day period
22 preceding the written request; and

23 (2) The Pilot Program Authority:

24 (A) Reviews the written request;

25 (B) Verifies that the covered pharmacy has

1 complied with Section 25 of this Act by maintaining
2 handwritten rather than electronic logs during the
3 60-day period preceding the date the written request is
4 transmitted;

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

9 (D) Sends the covered pharmacy a letter stating
10 that the covered pharmacy is exempt from the
11 requirement that it transmit electronic transaction
12 records to the Central Repository.

13 (b) Obligations of an exempt pharmacy.

14 (1) A pharmacy that is exempt from the requirement that
15 it transmit electronic transaction records to the Central
16 Repository shall instead transmit copies, and retain the
17 originals, of handwritten logs on a weekly basis.

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

22 (720 ILCS 648/39.8-5 new)

23 Sec. 39.8-5. Illinois State Police Precursor Tracking
24 Program; confidentiality of records.

25 (a) The Central Repository shall delete each electronic

1 transaction record and handwritten log entry 24 months after
2 the date of the transaction it describes.

3 (b) The Illinois State Police and Central Repository shall
4 carry out a program to protect the confidentiality of
5 electronic transaction records and handwritten log entries
6 transmitted pursuant to Sections 39.6, 39.7, and 39.8 of this
7 Act. The Pilot Program Authority and Central Repository shall
8 ensure that this information remains completely confidential
9 except as specifically provided in subsections (c) through (i)
10 of this Section. Except as provided in subsections (c) through
11 (i) of this Section, this information is strictly prohibited
12 from disclosure.

13 (c) Any employee or agent of the Central Repository may
14 have access to electronic transaction records and handwritten
15 log entries solely for the purpose of receiving, processing,
16 storing or analyzing this information.

17 (d) Any employee or agent of the Illinois State Police may
18 have access to electronic transaction records or handwritten
19 log entries solely for the purpose of identifying,
20 investigating, or prosecuting violations of this Act or any
21 other State or federal law or rule involving a methamphetamine
22 precursor, methamphetamine, or any other controlled substance.

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

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

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

9 (3) The qualified outside entity agrees in writing, or
10 has previously agreed in writing, that it will use
11 electronic transaction records and handwritten log entries
12 solely for the purpose of identifying, investigating, or
13 prosecuting violations of this Act or any other State or
14 federal law or rule involving a methamphetamine precursor,
15 methamphetamine, or any other controlled substance.

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

20 (f) The Illinois State Police may release to a particular
21 covered pharmacy or voluntary participant any electronic
22 transaction records or handwritten log entries previously
23 submitted by that particular covered pharmacy or voluntary
24 participant.

25 (g) The Illinois State Police may release to a particular
26 recipient any electronic transaction records clearly relating

1 to that recipient, upon sufficient proof of identity.

2 (h) The Illinois State Police may release general
3 statistical information to any person or entity provided that
4 the statistics do not include any information that identifies
5 any individual recipient or pharmacy by name, address,
6 identification number, Drug Enforcement Administration number,
7 or other means.

8 (720 ILCS 648/40)

9 Sec. 40. Penalties.

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

11 (1) Any person who knowingly purchases, receives, or
12 otherwise acquires, within any 30-day period, products
13 containing more than a total of 7,500 milligrams of
14 ephedrine or pseudoephedrine, their salts or optical
15 isomers, or salts of optical isomers in violation of
16 subsection (b) of Section 20 of this Act is subject to the
17 following penalties:

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

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

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

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

1 (E) 37,500 or more but less than 45,000 milligrams,
2 Class 2 felony;

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

4 (2) Any person who knowingly purchases, receives, or
5 otherwise acquires, within any 30-day period, products
6 containing more than a total of 7,500 milligrams of
7 ephedrine or pseudoephedrine, their salts or optical
8 isomers, or salts of optical isomers in violation of
9 subsection (b) of Section 20 of this Act, and who has
10 previously been convicted of any methamphetamine-related
11 offense under any State or federal law, is subject to the
12 following penalties:

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

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

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

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

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

22 (3) Any person who knowingly purchases, receives, or
23 otherwise acquires, within any 30-day period, products
24 containing more than a total of 7,500 milligrams of
25 ephedrine or pseudoephedrine, their salts or optical
26 isomers, or salts of optical isomers in violation of

1 subsection (b) of Section 20 of this Act, and who has
2 previously been convicted 2 or more times of any
3 methamphetamine-related offense under State or federal
4 law, is subject to the following penalties:

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

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

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

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

12 (b) Violations of Section 15, 20, 25, 30, or 35 of this
13 Act, other than violations of subsection (b) of Section 20 of
14 this Act.

15 (1) Any pharmacy or retail distributor that violates
16 Section 15, 20, 25, 30, or 35 of this Act, other than
17 subsection (b) of Section 20 of this Act, is guilty of a
18 petty offense and subject to a fine of \$500 for a first
19 offense; and \$1,000 for a second offense occurring at the
20 same retail location as and within 3 years of the prior
21 offense. A pharmacy or retail distributor that violates
22 this Act is guilty of a business offense and subject to a
23 fine of \$5,000 for a third or subsequent offense occurring
24 at the same retail location as and within 3 years of the
25 prior offenses.

26 (2) An employee or agent of a pharmacy or retail

1 distributor who violates Section 15, 20, 25, 30, or 35 of
2 this Act, other than subsection (b) of Section 20 of this
3 Act, is guilty of a Class A misdemeanor for a first
4 offense, a Class 4 felony for a second offense, and a Class
5 1 felony for a third or subsequent offense.

6 (3) Any other person who violates Section 15, 20, 25,
7 30, or 35 of this Act, other than subsection (b) of Section
8 20 of this Act, is guilty of a Class B misdemeanor for a
9 first offense, a Class A misdemeanor for a second offense,
10 and a Class 4 felony for a third or subsequent offense.

11 (c) Any pharmacy or retail distributor that violates
12 Section 36, 37, 38, 39, ~~or~~ 39.5, 39.6, 39.7, 39.8, or 39.8-5 of
13 this Act is guilty of a petty offense and subject to a fine of
14 \$100 for a first offense, \$250 for a second offense, or \$500
15 for a third or subsequent offense.

16 (d) Any person that violates Section 39.5 or 39.8-5 of this
17 Act is guilty of a Class B misdemeanor for a first offense, a
18 Class A misdemeanor for a second offense, and a Class 4 felony
19 for a third offense.

20 (e) Any person who, in order to acquire a targeted
21 methamphetamine precursor, knowingly uses or provides the
22 driver's license or government-issued identification of
23 another person, or who knowingly uses or provides a fictitious
24 or unlawfully altered driver's license or government-issued
25 identification, or who otherwise knowingly provides false
26 information, is guilty of a Class 4 felony for a first offense,

1 a Class 3 felony for a second offense, and a Class 2 felony for
2 a third or subsequent offense.

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

7 (Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08;
8 95-640, eff. 6-1-08; 95-876, eff. 8-21-08.)

9 (720 ILCS 648/45)

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

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

1 (720 ILCS 648/55)

2 Sec. 55. Preemption and home rule powers.

3 (a) Except as provided in subsection (b) of this Section
4 and in Sections 36, 37, 38, 39, ~~and 39.5,~~ 39.6, 39.7, 39.8, and
5 39.8-5 of this Act, a county or municipality, including a home
6 rule unit, may regulate the sale of targeted methamphetamine
7 precursor and targeted packages in a manner that is not more or
8 less restrictive than the regulation by the State under this
9 Act. This Section is a limitation under subsection (i) of
10 Section 6 of Article VII of the Illinois Constitution on the
11 concurrent exercise by home rule units of the powers and
12 functions exercised by the State.

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

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

18 Section 99. Effective date. This Act takes effect 90 days
19 after becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 648/10

4 720 ILCS 648/25

5 720 ILCS 648/39.6 new

6 720 ILCS 648/39.7 new

7 720 ILCS 648/39.8 new

8 720 ILCS 648/39.8-5 new

9 720 ILCS 648/40

10 720 ILCS 648/45

11 720 ILCS 648/55