

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, 20, and 40 as follows:

6 (720 ILCS 648/10)

7 Sec. 10. Definitions. In this Act:

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

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

12 "Authorized representative" means an employee or agent of a
13 qualified outside entity who has been authorized in writing by
14 his or her agency or office to receive confidential information
15 from the Central Repository.

16 "Central Repository" means the entity chosen by the
17 Illinois State Police to handle electronic transaction records
18 as described in this Act.

19 "Convenience package" means any package that contains 360
20 milligrams or less of ephedrine or pseudoephedrine, their salts
21 or optical isomers, or salts of optical isomers in liquid or
22 liquid-filled capsule form.

23 "Covered pharmacy" means any pharmacy that distributes any

1 amount of targeted methamphetamine precursor that is
2 physically located in Illinois.

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

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

7 "Distribute" has the meaning provided in Section 102 of the
8 Illinois Controlled Substances Act.

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

19 "Identification information" means identification type and
20 identification number.

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

24 "Identification type" means the type of identification
25 furnished by the recipient of a targeted methamphetamine
26 precursor such as, by way of example only, an Illinois driver's

1 license or United States passport.

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

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

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

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

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

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

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

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

20 "Procure" means to purchase, steal, gather, or otherwise
21 obtain, for oneself or another person, by legal or illegal
22 means, or to cause another to take that action.

23 "Qualified outside entity" means a law enforcement agency
24 or prosecutor's office with authority to identify,
25 investigate, or prosecute violations of this Act or any other
26 State or federal law or rule involving a methamphetamine

1 precursor, methamphetamine, or any other controlled substance.

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

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

21 "Single retail transaction" means a sale by a retail
22 distributor to a recipient at a specific time.

23 "Targeted methamphetamine precursor" means any compound,
24 mixture, or preparation that contains any detectable quantity
25 of ephedrine or pseudoephedrine, their salts or optical
26 isomers, or salts of optical isomers.

1 "Targeted package" means a package, including a
2 convenience package, containing any amount of targeted
3 methamphetamine precursor.

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

6 (Source: P.A. 96-50, eff. 10-21-09; 97-670, eff. 1-19-12.)

7 (720 ILCS 648/20)

8 Sec. 20. Restrictions on purchase, receipt, or
9 acquisition.

10 (a) Except as provided in subsection (e) of this Section,
11 any person 18 years of age or older wishing to purchase,
12 receive, or otherwise acquire a targeted methamphetamine
13 precursor shall, prior to taking possession of the targeted
14 methamphetamine precursor:

15 (1) provide a driver's license or other
16 government-issued identification showing the person's
17 name, date of birth, and photograph; and

18 (2) sign a log documenting the name and address of the
19 person, date and time of the transaction, and brand and
20 product name and total quantity distributed of ephedrine or
21 pseudoephedrine, their salts, or optical isomers, or salts
22 of optical isomers.

23 (b) Except as provided in subsection (e) of this Section,
24 no person shall knowingly purchase, receive, or otherwise
25 acquire, within any 30-day period products containing more than

1 a total of 7,500 milligrams of ephedrine or pseudoephedrine,
2 their salts or optical isomers, or salts of optical isomers.

3 (c) Except as provided in subsections (d) and (e) of this
4 Section, no person shall knowingly purchase, receive, or
5 otherwise acquire more than 2 targeted packages in a single
6 retail transaction.

7 (d) Except as provided in subsection (e) of this Section,
8 no person shall knowingly purchase, receive, or otherwise
9 acquire more than one convenience package from a retail
10 location other than a pharmacy counter in a 24-hour period.

11 (e) This Section shall not apply to any person who
12 purchases, receives, or otherwise acquires a targeted
13 methamphetamine precursor for the purpose of dispensing,
14 distributing, or administering it in a lawful manner described
15 in subsection (e) of Section 15 of this Act.

16 (f) A person shall not knowingly procure a targeted
17 methamphetamine precursor for a third party for the purpose of
18 evading this Act, the Illinois Controlled Substances Act, or
19 the Methamphetamine Control and Community Protection Act.

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

21 (720 ILCS 648/40)

22 Sec. 40. Penalties.

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

24 (1) Any person who knowingly purchases, receives, or
25 otherwise acquires, within any 30-day period, products

1 containing more than a total of 7,500 milligrams of
2 ephedrine or pseudoephedrine, their salts or optical
3 isomers, or salts of optical isomers in violation of
4 subsection (b) of Section 20 of this Act is subject to the
5 following penalties:

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

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

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

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

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

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

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

26 (A) More than 7,500 milligrams but less than 15,000

1 milligrams, Class A misdemeanor;

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

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

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

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

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

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

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

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

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

25 (b) Violations of Section 15, 20, 25, 30, or 35 of this
26 Act, other than violations of subsection (b) or (f) of Section

1 20 of this Act.

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

13 (2) An employee or agent of a pharmacy or retail
14 distributor who violates Section 15, 20, 25, 30, or 35 of
15 this Act, other than subsection (b) or (f) of Section 20 of
16 this Act, is guilty of a Class A misdemeanor for a first
17 offense, a Class 4 felony for a second offense, and a Class
18 1 felony for a third or subsequent offense.

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

25 (c) (Blank).

26 (d) (Blank).

1 (e) Any person who, in order to acquire a targeted
2 methamphetamine precursor, knowingly uses or provides the
3 driver's license or government-issued identification of
4 another person, or who knowingly uses or provides a fictitious
5 or unlawfully altered driver's license or government-issued
6 identification, or who otherwise knowingly provides false
7 information, is guilty of a Class 4 felony for a first offense,
8 a Class 3 felony for a second offense, and a Class 2 felony for
9 a third or subsequent offense.

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

14 (f) Any person who violates subsection (f) of Section 20 of
15 this Act is guilty of a Class A misdemeanor for the first
16 conviction, and a Class 4 felony for a second or subsequent
17 conviction.

18 (Source: P.A. 96-50, eff. 10-21-09; 97-670, eff. 1-19-12.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.