



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5527

by Rep. Dennis M. Reboletti - John D. Anthony - John M. Cabello

SYNOPSIS AS INTRODUCED:

720 ILCS 570/406

from Ch. 56 1/2, par. 1406

Amends the Illinois Controlled Substances Act. Provides various penalties for knowingly withholding information from a practitioner from whom a person seeks to obtain a controlled substance or a prescription for a controlled substance. Provides that a health care practitioner with the intent to provide a controlled substance or combination of controlled substances that are not medically necessary to his or her patient or an amount of controlled substances that is not medically necessary for his or her patient, may not provide a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. Provides that a violation is a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than \$100,000. The fine for each subsequent offense shall not be more than \$200,000.

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CORRECTIONAL
BUDGET AND
IMPACT 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 Illinois Controlled Substances Act is
5 amended by changing Section 406 as follows:

6 (720 ILCS 570/406) (from Ch. 56 1/2, par. 1406)

7 Sec. 406. (a) It is unlawful for any person:

8 (1) who is subject to Article III knowingly to
9 distribute or dispense a controlled substance in violation
10 of Sections 308 through 314.5 of this Act; or

11 (2) who is a registrant, to manufacture a controlled
12 substance not authorized by his or her registration, or to
13 distribute or dispense a controlled substance not
14 authorized by his or her registration to another registrant
15 or other authorized person; or

16 (3) to refuse or fail to make, keep or furnish any
17 record, notification, order form, statement, invoice or
18 information required under this Act; or

19 (4) to refuse an entry into any premises for any
20 inspection authorized by this Act; or

21 (5) knowingly to keep or maintain any store, shop,
22 warehouse, dwelling, building, vehicle, boat, aircraft, or
23 other structure or place, which is resorted to by a person

1 unlawfully possessing controlled substances, or which is
2 used for possessing, manufacturing, dispensing or
3 distributing controlled substances in violation of this
4 Act.

5 Any person who violates this subsection (a) is guilty of a
6 Class A misdemeanor for the first offense and a Class 4 felony
7 for each subsequent offense. The fine for each subsequent
8 offense shall not be more than \$100,000. In addition, any
9 practitioner who is found guilty of violating this subsection
10 (a) is subject to suspension and revocation of his or her
11 professional license, in accordance with such procedures as are
12 provided by law for the taking of disciplinary action with
13 regard to the license of said practitioner's profession.

14 (b) It is unlawful for any person knowingly:

15 (1) to distribute, as a registrant, a controlled
16 substance classified in Schedule I or II, except pursuant
17 to an order form as required by Section 307 of this Act; or

18 (2) to use, in the course of the manufacture or
19 distribution of a controlled substance, a registration
20 number which is fictitious, revoked, suspended, or issued
21 to another person; or

22 (3) to acquire or obtain possession of a controlled
23 substance by misrepresentation, fraud, forgery, deception
24 or subterfuge; or

25 (3.1) to withhold information from a practitioner from
26 whom the person seeks to obtain a controlled substance or a

1 prescription for a controlled substance that the person
2 making the request has received a controlled substance or a
3 prescription for a controlled substance of like
4 therapeutic use from another practitioner within the
5 previous 30 days; or

6 (3.2) with the intent to obtain a controlled substance
7 or combination of controlled substances that are not
8 medically necessary for the person or an amount of a
9 controlled substance or substances that is not medically
10 necessary for the person, obtain or attempt to obtain from
11 a practitioner a controlled substance or a prescription for
12 a controlled substance by misrepresentation, fraud,
13 forgery, deception, subterfuge, or concealment of a
14 material fact. For purposes of this paragraph (3.2), a
15 material fact includes whether the person has an existing
16 prescription for a controlled substance issued for the same
17 period of time by another practitioner or as described in
18 paragraph (3.1) of this subsection (b); or

19 (4) to furnish false or fraudulent material
20 information in, or omit any material information from, any
21 application, report or other document required to be kept
22 or filed under this Act, or any record required to be kept
23 by this Act; or

24 (5) to make, distribute or possess any punch, die,
25 plate, stone or other thing designed to print, imprint or
26 reproduce the trademark, trade name or other identifying

1 mark, imprint or device of another, or any likeness of any
2 of the foregoing, upon any controlled substance or
3 container or labeling thereof so as to render the drug a
4 counterfeit substance; or

5 (6) (blank); or

6 (7) (blank).

7 Any person who violates this subsection (b) is guilty of a
8 Class 4 felony for the first offense and a Class 3 felony for
9 each subsequent offense. The fine for the first offense shall
10 be not more than \$100,000. The fine for each subsequent offense
11 shall not be more than \$200,000.

12 (b-5) A health care practitioner with the intent to provide
13 a controlled substance or combination of controlled substances
14 that are not medically necessary to his or her patient or an
15 amount of controlled substances that is not medically necessary
16 for his or her patient, may not provide a controlled substance
17 or a prescription for a controlled substance by
18 misrepresentation, fraud, forgery, deception, subterfuge, or
19 concealment of a material fact. For purposes of this subsection
20 (b-5), a material fact includes whether the patient has an
21 existing prescription for a controlled substance issued for the
22 same period of time by another practitioner or as described in
23 paragraph (3.1) of subsection (b).

24 Any person or practitioner who violates the provisions of
25 this subsection (b-5) is guilty of a Class 4 felony for the
26 first offense and a Class 3 felony for each subsequent offense.

1 The fine for the first offense shall be not more than \$100,000.

2 The fine for each subsequent offense shall not be more than

3 \$200,000.

4 (c) A person who knowingly or intentionally violates
5 Section 316, 317, 318, or 319 is guilty of a Class A
6 misdemeanor.

7 (Source: P.A. 97-334, eff. 1-1-12.)