



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5964

by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

720 ILCS 690/1	from Ch. 38, par. 81-1
720 ILCS 690/2	from Ch. 38, par. 81-2
720 ILCS 690/4	from Ch. 38, par. 81-4

Amends the Use of Intoxicating Compounds Act. Provides that no person shall possess any substance not listed in the Act for the purpose of inducing in the user an intoxicated condition, other than: (1) distilled spirits, wine, malt beverages, or tobacco; (2) any product or substance regulated by the federal Food and Drug Administration; or (3) any controlled substance listed in the Illinois Controlled Substances Act. Provides that no person shall knowingly sell or offer for sale, deliver, or give to any person any substance not listed in the Act which will induce an intoxicated condition, when the seller, offeror, or deliverer knows or has reason to know that the compound is intended for use to induce that condition. Establishes penalties based on the amount of the prohibited substance.

LRB099 20122 MRW 44557 b

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 Use of Intoxicating Compounds Act is amended
5 by changing Sections 1, 2, and 4 as follows:

6 (720 ILCS 690/1) (from Ch. 38, par. 81-1)

7 Sec. 1. Use or possession prohibited.

8 (a) No person shall ingest, breathe, inhale or drink any
9 compound, liquid, or chemical containing toluol, hexane,
10 trichloroethylene, acetone, toluene, ethyl acetate, methyl
11 ethyl ketone, trichloroethane, isopropanol, methyl isobutyl
12 ketone, methyl cellosolve acetate, cyclohexanone, the
13 alkaloids atropine, hyoscyamine, or scopolamine, ~~or any other~~
14 ~~substance~~ for the purpose of inducing a condition of
15 intoxication, physical impairment or incapacity, ~~stupefaction,~~
16 ~~depression, giddiness, paralysis or irrational behavior, or~~
17 distortion or disturbance of ~~in any manner changing, distorting~~
18 ~~or disturbing~~ the auditory, visual or mental processes. For the
19 purposes of this Act, any such condition so induced shall be
20 deemed to be an intoxicated condition.

21 (b) No person shall possess any other substance for the
22 purpose of inducing in the user an intoxicated condition. This
23 provision shall not apply to:

1 (1) distilled spirits, wine, malt beverages, or
2 tobacco, as those terms are defined or used in the Liquor
3 Control Act of 1934 and the Tobacco Products Tax Act of
4 1995;

5 (2) any product or substance regulated by the federal
6 Food and Drug Administration; or

7 (3) any controlled substance listed in the Illinois
8 Controlled Substances Act.

9 (Source: P.A. 89-235, eff. 8-4-95; 89-640, eff. 1-1-97.)

10 (720 ILCS 690/2) (from Ch. 38, par. 81-2)

11 Sec. 2. Sale or delivery prohibited.

12 (a) No person shall knowingly sell or offer for sale,
13 deliver or give to any person under 17 years of age, unless
14 upon written order of such person's parent or guardian, any
15 compound, liquid, or chemical containing toluol, hexane,
16 trichloroethylene, acetone, toluene, ethyl acetate, methyl
17 ethyl ketone, trichloroethane, isopropanol, methyl isobutyl
18 ketone, methyl cellosolve acetate, cyclohexanone, ~~or any other~~
19 ~~substance which will induce an intoxicated condition, as~~
20 ~~defined herein,~~ when the seller, offeror, or deliverer knows or
21 has reason to know that the compound is intended for use to
22 induce an intoxicated ~~such~~ condition.

23 (b) No person shall knowingly sell or offer for sale,
24 deliver, or give to any person any compound, liquid, or
25 chemical containing alkaloids atropine, hyoscyamine, or

1 scopolamine when the seller, offeror, or deliverer knows or has
2 reason to know that the compound, liquid, or chemical is
3 intended for use to induce an intoxicated condition.

4 (c) No person shall knowingly sell or offer for sale,
5 deliver, or give to any person any other substance which will
6 induce an intoxicated condition, as defined herein, when the
7 seller, offeror, or deliverer knows or has reason to know that
8 the compound is intended for use to induce that condition.

9 (Source: P.A. 89-235, eff. 8-4-95; 89-640, eff. 1-1-97.)

10 (720 ILCS 690/4) (from Ch. 38, par. 81-4)

11 Sec. 4. Sentence.

12 (a) Except as otherwise provided in subsection (b), (c), or
13 (d), violation of this Act is a Class C misdemeanor for a first
14 offense and a Class A misdemeanor for a second or subsequent
15 offense.

16 (b) (1) The knowing ingestion of any compound, liquid, or
17 chemical containing the alkaloids atropine, hyoscyamine, or
18 scopolamine is a Class A misdemeanor.

19 (2) The sale, offer for sale, delivery, or giving to any
20 person of a compound, liquid, or chemical containing the
21 alkaloids atropine, hyoscyamine, or scopolamine is a Class 4
22 felony.

23 (3) This subsection (b) does not prohibit the sale, offer
24 for sale, delivery, giving, or ingestion of a compound, liquid,
25 or chemical containing the alkaloids atropine, hyoscyamine, or

1 scopolamine under the direction or prescription of a
2 practitioner authorized to so direct or prescribe as provided
3 in Section 3.

4 (c) Any person who violates subsection (b) of Section 1 of
5 this Act with respect to:

6 (1) not more than 2.5 grams of a prohibited substance
7 is guilty of a Class C misdemeanor;

8 (2) more than 2.5 grams but not more than 10 grams of a
9 prohibited substance is guilty of a Class B misdemeanor;

10 (3) more than 10 grams but not more than 30 grams of a
11 prohibited substance is guilty of a Class A misdemeanor for
12 a first offense and a Class 4 felony for a subsequent
13 offense;

14 (4) more than 30 grams but not more than 500 grams of a
15 prohibited substance is guilty of a Class 4 felony for a
16 first offense and a Class 3 felony for a subsequent
17 offense;

18 (5) more than 500 grams but not more than 2,000 grams
19 of a prohibited substance is guilty of a Class 3 felony;

20 (6) more than 2,000 grams but not more than 5,000 grams
21 of a prohibited substance is guilty of a Class 2 felony;

22 (7) more than 5,000 grams of a prohibited substance is
23 guilty of a Class 1 felony.

24 (d) Any person who violates subsection (c) of Section 2 of
25 this Act with respect to:

26 (1) not more than 2.5 grams of a prohibited substance

1 is guilty of a Class B misdemeanor;

2 (2) more than 2.5 grams but not more than 10 grams of a
3 prohibited substance is guilty of a Class A misdemeanor;

4 (3) more than 10 grams but not more than 30 grams of a
5 prohibited substance is guilty of a Class 4 felony;

6 (4) more than 30 grams but not more than 500 grams of a
7 prohibited substance is guilty of a Class 3 felony for
8 which a fine not to exceed \$50,000 may be imposed;

9 (5) more than 500 grams but not more than 2,000 grams
10 of a prohibited substance is guilty of a Class 2 felony for
11 which a fine not to exceed \$100,000 may be imposed;

12 (6) more than 2,000 grams but not more than 5,000 grams
13 of a prohibited substance is guilty of a Class 1 felony for
14 which a fine not to exceed \$150,000 may be imposed;

15 (7) more than 5,000 grams of a prohibited substance is
16 guilty of a Class X felony for which a fine not to exceed
17 \$200,000 may be imposed.

18 (Source: P.A. 96-1440, eff. 1-1-11.)