

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 1. Short title. This Act may be cited as the Bath
5 Salts Prohibition Act.

6 Section 5. Findings. The General Assembly finds the
7 following:

8 (1) Synthetic cathinones, currently a Schedule I
9 controlled substance under State and federal law, are often
10 labeled, marketed, and sold as various products: most notably,
11 "bath salts", but also "plant food", "jewelry cleaner", "phone
12 screen cleaner", and "carpet deodorizer".

13 (2) Unlike traditional cosmetic bath salts, which are made
14 to be added to bath water, toxic bath salt products have no
15 legitimate use for bathing and are produced specifically for
16 recreational drug abusers as substitutes for cocaine, ecstasy
17 (MDMA), and amphetamines.

18 (3) Bath salt products are commonly sold online as well as
19 at drug paraphernalia stores commonly known as "head" shops,
20 tobacco shops, convenience stores, adult book stores, gas
21 stations, and truck stops.

22 (4) The abuse of synthetic stimulant drugs known as "bath
23 salts" has become a major public health threat across the

1 United States.

2 (5) Case reports and clinical studies have shown that the
3 use of synthetic cathinones can cause severe psychiatric
4 symptoms and possibly death.

5 (6) Forty-four states have passed laws prohibiting
6 synthetic cathinones.

7 Section 10. Purpose. The purpose of this Act is to ban the
8 sale of all synthetic cathinones sold under the disguise of
9 legitimate products such as "bath salts" and other various
10 labels in this State in order to protect the health and public
11 safety of residents of this State.

12 Section 15. Definitions. As used in this Act:

13 "Bath salts" means any synthetic or natural material
14 containing any quantity of a cathinone chemical structure,
15 including any analogs, salts, isomers, or salts of isomers of
16 any synthetic or natural material containing a cathinone
17 chemical structure. This includes, but is not limited to,
18 synthetic cathinones as defined in subsection (h) of Section
19 204 of the Illinois Controlled Substances Act, and any related
20 "controlled substance analog" as defined in Section 402 of the
21 Illinois Controlled Substances Act, regardless of how the
22 product is labeled or marketed.

23 "Person" means any natural person, individual,
24 corporation, unincorporated association, proprietorship, firm,

1 partnership, joint venture, joint stock association, or any
2 other business organization or entity.

3 "Retail mercantile establishment" has the meaning ascribed
4 to it in Section 16-0.1 of the Criminal Code of 2012.

5 Section 20. Prohibition. A person may not sell or offer
6 for sale any bath salts in a retail mercantile establishment
7 located within this State.

8 Section 25. Penalties. Any person who violates this Act is
9 guilty of a Class 3 felony for which a fine of not more than
10 \$150,000 may be imposed. In addition to any other penalty that
11 may be imposed for a violation of this Act, the unit of local
12 government that issued a retailer's license for the retail
13 mercantile establishment whose merchant violated this Act may
14 revoke the retailer's license of that retail mercantile
15 establishment upon conviction for a violation of this Act.

16 Section 105. The Illinois Controlled Substances Act is
17 amended by changing Section 401 as follows:

18 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

19 Sec. 401. Manufacture or delivery, or possession with
20 intent to manufacture or deliver, a controlled substance, a
21 counterfeit substance, or controlled substance analog. Except
22 as authorized by this Act, it is unlawful for any person

1 knowingly to manufacture or deliver, or possess with intent to
2 manufacture or deliver, a controlled substance other than
3 methamphetamine and other than bath salts as defined in the
4 Bath Salts Prohibition Act sold or offered for sale in a retail
5 mercantile establishment as defined in Section 16-0.1 of the
6 Criminal Code of 2012, a counterfeit substance, or a controlled
7 substance analog. A violation of this Act with respect to each
8 of the controlled substances listed herein constitutes a single
9 and separate violation of this Act. For purposes of this
10 Section, "controlled substance analog" or "analog" means a
11 substance, other than a controlled substance, that has a
12 chemical structure substantially similar to that of a
13 controlled substance in Schedule I or II, or that was
14 specifically designed to produce an effect substantially
15 similar to that of a controlled substance in Schedule I or II.
16 Examples of chemical classes in which controlled substance
17 analogs are found include, but are not limited to, the
18 following: phenethylamines, N-substituted piperidines,
19 morphinans, ecgonines, quinazolinones, substituted indoles,
20 and arylcycloalkylamines. For purposes of this Act, a
21 controlled substance analog shall be treated in the same manner
22 as the controlled substance to which it is substantially
23 similar.

24 (a) Any person who violates this Section with respect to
25 the following amounts of controlled or counterfeit substances
26 or controlled substance analogs, notwithstanding any of the

1 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
2 contrary, is guilty of a Class X felony and shall be sentenced
3 to a term of imprisonment as provided in this subsection (a)
4 and fined as provided in subsection (b):

5 (1) (A) not less than 6 years and not more than 30
6 years with respect to 15 grams or more but less than
7 100 grams of a substance containing heroin, or an
8 analog thereof;

9 (B) not less than 9 years and not more than 40
10 years with respect to 100 grams or more but less than
11 400 grams of a substance containing heroin, or an
12 analog thereof;

13 (C) not less than 12 years and not more than 50
14 years with respect to 400 grams or more but less than
15 900 grams of a substance containing heroin, or an
16 analog thereof;

17 (D) not less than 15 years and not more than 60
18 years with respect to 900 grams or more of any
19 substance containing heroin, or an analog thereof;

20 (1.5) (A) not less than 6 years and not more than 30
21 years with respect to 15 grams or more but less than
22 100 grams of a substance containing fentanyl, or an
23 analog thereof;

24 (B) not less than 9 years and not more than 40
25 years with respect to 100 grams or more but less than
26 400 grams of a substance containing fentanyl, or an

1 analog thereof;

2 (C) not less than 12 years and not more than 50
3 years with respect to 400 grams or more but less than
4 900 grams of a substance containing fentanyl, or an
5 analog thereof;

6 (D) not less than 15 years and not more than 60
7 years with respect to 900 grams or more of a substance
8 containing fentanyl, or an analog thereof;

9 (2) (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 cocaine, 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 cocaine, 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 cocaine, 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 cocaine, or an analog thereof;

24 (3) (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 morphine, 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 morphine, 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 morphine, 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 morphine, or an analog thereof;

13 (4) 200 grams or more of any substance containing
14 peyote, or an analog thereof;

15 (5) 200 grams or more of any substance containing a
16 derivative of barbituric acid or any of the salts of a
17 derivative of barbituric acid, or an analog thereof;

18 (6) 200 grams or more of any substance containing
19 amphetamine or any salt of an optical isomer of
20 amphetamine, or an analog thereof;

21 (6.5) (blank);

22 (6.6) (blank);

23 (7) (A) not less than 6 years and not more than 30
24 years with respect to: (i) 15 grams or more but less
25 than 100 grams of a substance containing lysergic acid
26 diethylamide (LSD), or an analog thereof, or (ii) 15 or

1 more objects or 15 or more segregated parts of an
2 object or objects but less than 200 objects or 200
3 segregated parts of an object or objects containing in
4 them or having upon them any amounts of any substance
5 containing lysergic acid diethylamide (LSD), or an
6 analog thereof;

7 (B) not less than 9 years and not more than 40
8 years with respect to: (i) 100 grams or more but less
9 than 400 grams of a substance containing lysergic acid
10 diethylamide (LSD), or an analog thereof, or (ii) 200
11 or more objects or 200 or more segregated parts of an
12 object or objects but less than 600 objects or less
13 than 600 segregated parts of an object or objects
14 containing in them or having upon them any amount of
15 any substance containing lysergic acid diethylamide
16 (LSD), or an analog thereof;

17 (C) not less than 12 years and not more than 50
18 years with respect to: (i) 400 grams or more but less
19 than 900 grams of a substance containing lysergic acid
20 diethylamide (LSD), or an analog thereof, or (ii) 600
21 or more objects or 600 or more segregated parts of an
22 object or objects but less than 1500 objects or 1500
23 segregated parts of an object or objects containing in
24 them or having upon them any amount of any substance
25 containing lysergic acid diethylamide (LSD), or an
26 analog thereof;

1 (D) not less than 15 years and not more than 60
2 years with respect to: (i) 900 grams or more of any
3 substance containing lysergic acid diethylamide (LSD),
4 or an analog thereof, or (ii) 1500 or more objects or
5 1500 or more segregated parts of an object or objects
6 containing in them or having upon them any amount of a
7 substance containing lysergic acid diethylamide (LSD),
8 or an analog thereof;

9 (7.5) (A) not less than 6 years and not more than 30
10 years with respect to: (i) 15 grams or more but less
11 than 100 grams of a substance listed in paragraph (1),
12 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
13 (21), (25), or (26) of subsection (d) of Section 204,
14 or an analog or derivative thereof, or (ii) 15 or more
15 pills, tablets, caplets, capsules, or objects but less
16 than 200 pills, tablets, caplets, capsules, or objects
17 containing in them or having upon them any amounts of
18 any substance listed in paragraph (1), (2), (2.1),
19 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
20 (26) of subsection (d) of Section 204, or an analog or
21 derivative thereof;

22 (B) not less than 9 years and not more than 40
23 years with respect to: (i) 100 grams or more but less
24 than 400 grams of a substance listed in paragraph (1),
25 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
26 (21), (25), or (26) of subsection (d) of Section 204,

1 or an analog or derivative thereof, or (ii) 200 or more
2 pills, tablets, caplets, capsules, or objects but less
3 than 600 pills, tablets, caplets, capsules, or objects
4 containing in them or having upon them any amount of
5 any substance listed in paragraph (1), (2), (2.1),
6 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
7 (26) of subsection (d) of Section 204, or an analog or
8 derivative thereof;

9 (C) not less than 12 years and not more than 50
10 years with respect to: (i) 400 grams or more but less
11 than 900 grams of a substance listed in paragraph (1),
12 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
13 (21), (25), or (26) of subsection (d) of Section 204,
14 or an analog or derivative thereof, or (ii) 600 or more
15 pills, tablets, caplets, capsules, or objects but less
16 than 1,500 pills, tablets, caplets, capsules, or
17 objects containing in them or having upon them any
18 amount of any substance listed in paragraph (1), (2),
19 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),
20 (25), or (26) of subsection (d) of Section 204, or an
21 analog or derivative thereof;

22 (D) not less than 15 years and not more than 60
23 years with respect to: (i) 900 grams or more of any
24 substance listed in paragraph (1), (2), (2.1), (2.2),
25 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
26 subsection (d) of Section 204, or an analog or

1 derivative thereof, or (ii) 1,500 or more pills,
2 tablets, caplets, capsules, or objects containing in
3 them or having upon them any amount of a substance
4 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
7 derivative thereof;

8 (8) 30 grams or more of any substance containing
9 pentazocine or any of the salts, isomers and salts of
10 isomers of pentazocine, or an analog thereof;

11 (9) 30 grams or more of any substance containing
12 methaqualone or any of the salts, isomers and salts of
13 isomers of methaqualone, or an analog thereof;

14 (10) 30 grams or more of any substance containing
15 phencyclidine or any of the salts, isomers and salts of
16 isomers of phencyclidine (PCP), or an analog thereof;

17 (10.5) 30 grams or more of any substance containing
18 ketamine or any of the salts, isomers and salts of isomers
19 of ketamine, or an analog thereof;

20 (10.6) 100 grams or more of any substance containing
21 hydrocodone, or any of the salts, isomers and salts of
22 isomers of hydrocodone, or an analog thereof;

23 (10.7) 100 grams or more of any substance containing
24 dihydrocodeinone, or any of the salts, isomers and salts of
25 isomers of dihydrocodeinone, or an analog thereof;

26 (10.8) 100 grams or more of any substance containing

1 dihydrocodeine, or any of the salts, isomers and salts of
2 isomers of dihydrocodeine, or an analog thereof;

3 (10.9) 100 grams or more of any substance containing
4 oxycodone, or any of the salts, isomers and salts of
5 isomers of oxycodone, or an analog thereof;

6 (11) 200 grams or more of any substance containing any
7 other controlled substance classified in Schedules I or II,
8 or an analog thereof, which is not otherwise included in
9 this subsection.

10 (b) Any person sentenced with respect to violations of
11 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
12 involving 100 grams or more of the controlled substance named
13 therein, may in addition to the penalties provided therein, be
14 fined an amount not more than \$500,000 or the full street value
15 of the controlled or counterfeit substance or controlled
16 substance analog, whichever is greater. The term "street value"
17 shall have the meaning ascribed in Section 110-5 of the Code of
18 Criminal Procedure of 1963. Any person sentenced with respect
19 to any other provision of subsection (a), may in addition to
20 the penalties provided therein, be fined an amount not to
21 exceed \$500,000.

22 (b-1) Excluding violations of this Act when the controlled
23 substance is fentanyl, any person sentenced to a term of
24 imprisonment with respect to violations of Section 401, 401.1,
25 405, 405.1, 405.2, or 407, when the substance containing the
26 controlled substance contains any amount of fentanyl, 3 years

1 shall be added to the term of imprisonment imposed by the
2 court, and the maximum sentence for the offense shall be
3 increased by 3 years.

4 (c) Any person who violates this Section with regard to the
5 following amounts of controlled or counterfeit substances or
6 controlled substance analogs, notwithstanding any of the
7 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
8 to the contrary, is guilty of a Class 1 felony. The fine for
9 violation of this subsection (c) shall not be more than
10 \$250,000:

11 (1) 1 gram or more but less than 15 grams of any
12 substance containing heroin, or an analog thereof;

13 (1.5) 1 gram or more but less than 15 grams of any
14 substance containing fentanyl, or an analog thereof;

15 (2) 1 gram or more but less than 15 grams of any
16 substance containing cocaine, or an analog thereof;

17 (3) 10 grams or more but less than 15 grams of any
18 substance containing morphine, or an analog thereof;

19 (4) 50 grams or more but less than 200 grams of any
20 substance containing peyote, or an analog thereof;

21 (5) 50 grams or more but less than 200 grams of any
22 substance containing a derivative of barbituric acid or any
23 of the salts of a derivative of barbituric acid, or an
24 analog thereof;

25 (6) 50 grams or more but less than 200 grams of any
26 substance containing amphetamine or any salt of an optical

1 isomer of amphetamine, or an analog thereof;

2 (6.5) (blank);

3 (7) (i) 5 grams or more but less than 15 grams of any
4 substance containing lysergic acid diethylamide (LSD), or
5 an analog thereof, or (ii) more than 10 objects or more
6 than 10 segregated parts of an object or objects but less
7 than 15 objects or less than 15 segregated parts of an
8 object containing in them or having upon them any amount of
9 any substance containing lysergic acid diethylamide (LSD),
10 or an analog thereof;

11 (7.5) (i) 5 grams or more but less than 15 grams of any
12 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
13 (14.1), (19), (20), (20.1), (21), (25), or (26) of
14 subsection (d) of Section 204, or an analog or derivative
15 thereof, or (ii) more than 10 pills, tablets, caplets,
16 capsules, or objects but less than 15 pills, tablets,
17 caplets, capsules, or objects containing in them or having
18 upon them any amount of any substance listed in paragraph
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
20 (21), (25), or (26) of subsection (d) of Section 204, or an
21 analog or derivative thereof;

22 (8) 10 grams or more but less than 30 grams of any
23 substance containing pentazocine or any of the salts,
24 isomers and salts of isomers of pentazocine, or an analog
25 thereof;

26 (9) 10 grams or more but less than 30 grams of any

1 substance containing methaqualone or any of the salts,
2 isomers and salts of isomers of methaqualone, or an analog
3 thereof;

4 (10) 10 grams or more but less than 30 grams of any
5 substance containing phencyclidine or any of the salts,
6 isomers and salts of isomers of phencyclidine (PCP), or an
7 analog thereof;

8 (10.5) 10 grams or more but less than 30 grams of any
9 substance containing ketamine or any of the salts, isomers
10 and salts of isomers of ketamine, or an analog thereof;

11 (10.6) 50 grams or more but less than 100 grams of any
12 substance containing hydrocodone, or any of the salts,
13 isomers and salts of isomers of hydrocodone, or an analog
14 thereof;

15 (10.7) 50 grams or more but less than 100 grams of any
16 substance containing dihydrocodeinone, or any of the
17 salts, isomers and salts of isomers of dihydrocodeinone, or
18 an analog thereof;

19 (10.8) 50 grams or more but less than 100 grams of any
20 substance containing dihydrocodeine, or any of the salts,
21 isomers and salts of isomers of dihydrocodeine, or an
22 analog thereof;

23 (10.9) 50 grams or more but less than 100 grams of any
24 substance containing oxycodone, or any of the salts,
25 isomers and salts of isomers of oxycodone, or an analog
26 thereof;

1 (11) 50 grams or more but less than 200 grams of any
2 substance containing a substance classified in Schedules I
3 or II, or an analog thereof, which is not otherwise
4 included in this subsection.

5 (c-5) (Blank).

6 (d) Any person who violates this Section with regard to any
7 other amount of a controlled or counterfeit substance
8 containing dihydrocodeinone or dihydrocodeine or classified in
9 Schedules I or II, or an analog thereof, which is (i) a
10 narcotic drug, (ii) lysergic acid diethylamide (LSD) or an
11 analog thereof, (iii) any substance containing amphetamine or
12 fentanyl or any salt or optical isomer of amphetamine or
13 fentanyl, or an analog thereof, or (iv) any substance
14 containing N-Benzylpiperazine (BZP) or any salt or optical
15 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
16 guilty of a Class 2 felony. The fine for violation of this
17 subsection (d) shall not be more than \$200,000.

18 (d-5) (Blank).

19 (e) Any person who violates this Section with regard to any
20 other amount of a controlled substance other than
21 methamphetamine or counterfeit substance classified in
22 Schedule I or II, or an analog thereof, which substance is not
23 included under subsection (d) of this Section, is guilty of a
24 Class 3 felony. The fine for violation of this subsection (e)
25 shall not be more than \$150,000.

26 (f) Any person who violates this Section with regard to any

1 other amount of a controlled or counterfeit substance
2 classified in Schedule III is guilty of a Class 3 felony. The
3 fine for violation of this subsection (f) shall not be more
4 than \$125,000.

5 (g) Any person who violates this Section with regard to any
6 other amount of a controlled or counterfeit substance
7 classified in Schedule IV is guilty of a Class 3 felony. The
8 fine for violation of this subsection (g) shall not be more
9 than \$100,000.

10 (h) Any person who violates this Section with regard to any
11 other amount of a controlled or counterfeit substance
12 classified in Schedule V is guilty of a Class 3 felony. The
13 fine for violation of this subsection (h) shall not be more
14 than \$75,000.

15 (i) This Section does not apply to the manufacture,
16 possession or distribution of a substance in conformance with
17 the provisions of an approved new drug application or an
18 exemption for investigational use within the meaning of Section
19 505 of the Federal Food, Drug and Cosmetic Act.

20 (j) (Blank).

21 (Source: P.A. 99-371, eff. 1-1-16.)