



Sen. Andy Manar

**Filed: 4/12/2016**

09900SB0210sam002

LRB099 03370 RLC 47293 a

1 AMENDMENT TO SENATE BILL 210

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 210 by replacing  
3 everything after the enacting clause with the following:

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

1 (MDMA), and amphetamines.

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

6 (4) The abuse of synthetic stimulant drugs known as "bath  
7 salts" has become a major public health threat across the  
8 United States.

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

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

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

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

20 "Bath salts" means any synthetic or natural material  
21 containing any quantity of a cathinone chemical structure,  
22 including any analogs, salts, isomers, or salts of isomers of  
23 any synthetic or natural material containing a cathinone  
24 chemical structure. This includes, but is not limited to,

1 synthetic cathinones as defined in subsection (h) of Section  
2 204 of the Illinois Controlled Substances Act, and any related  
3 "controlled substance analog" as defined in Section 402 of the  
4 Illinois Controlled Substances Act, regardless of how the  
5 product is labeled or marketed.

6 "Person" means any natural person, individual,  
7 corporation, unincorporated association, proprietorship, firm,  
8 partnership, joint venture, joint stock association, or any  
9 other business organization or entity.

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

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

15 Section 25. Penalties. Any person who violates this Act is  
16 guilty of a Class 3 felony for which a fine of not more than  
17 \$150,000 may be imposed. In addition to any other penalty that  
18 may be imposed for a violation of this Act, the unit of local  
19 government that issued a retailer's license for the retail  
20 mercantile establishment whose merchant violated this Act may  
21 revoke the retailer's license of that retail mercantile  
22 establishment.

23 Section 105. The Illinois Controlled Substances Act is

1 amended by changing Section 401 as follows:

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

3 Sec. 401. Manufacture or delivery, or possession with  
4 intent to manufacture or deliver, a controlled substance, a  
5 counterfeit substance, or controlled substance analog. Except  
6 as authorized by this Act, it is unlawful for any person  
7 knowingly to manufacture or deliver, or possess with intent to  
8 manufacture or deliver, a controlled substance other than  
9 methamphetamine and other than bath salts as defined in the  
10 Bath Salts Prohibition Act sold or offered for sale in a retail  
11 mercantile establishment as defined in Section 16-0.1 of the  
12 Criminal Code of 2012, a counterfeit substance, or a controlled  
13 substance analog. A violation of this Act with respect to each  
14 of the controlled substances listed herein constitutes a single  
15 and separate violation of this Act. For purposes of this  
16 Section, "controlled substance analog" or "analog" means a  
17 substance, other than a controlled substance, that has a  
18 chemical structure substantially similar to that of a  
19 controlled substance in Schedule I or II, or that was  
20 specifically designed to produce an effect substantially  
21 similar to that of a controlled substance in Schedule I or II.  
22 Examples of chemical classes in which controlled substance  
23 analogs are found include, but are not limited to, the  
24 following: phenethylamines, N-substituted piperidines,  
25 morphinans, ecgonines, quinazolinones, substituted indoles,

1 and arylcycloalkylamines. For purposes of this Act, a  
2 controlled substance analog shall be treated in the same manner  
3 as the controlled substance to which it is substantially  
4 similar.

5 (a) Any person who violates this Section with respect to  
6 the following amounts of controlled or counterfeit substances  
7 or controlled substance analogs, notwithstanding any of the  
8 provisions of subsections (c), (d), (e), (f), (g) or (h) to the  
9 contrary, is guilty of a Class X felony and shall be sentenced  
10 to a term of imprisonment as provided in this subsection (a)  
11 and fined as provided in subsection (b):

12 (1) (A) not less than 6 years and not more than 30  
13 years with respect to 15 grams or more but less than  
14 100 grams of a substance containing heroin, or an  
15 analog thereof;

16 (B) not less than 9 years and not more than 40  
17 years with respect to 100 grams or more but less than  
18 400 grams of a substance containing heroin, or an  
19 analog thereof;

20 (C) not less than 12 years and not more than 50  
21 years with respect to 400 grams or more but less than  
22 900 grams of a substance containing heroin, or an  
23 analog thereof;

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

1 (1.5) (A) not less than 6 years and not more than 30  
2 years with respect to 15 grams or more but less than  
3 100 grams of a substance containing fentanyl, or an  
4 analog thereof;

5 (B) not less than 9 years and not more than 40  
6 years with respect to 100 grams or more but less than  
7 400 grams of a substance containing fentanyl, or an  
8 analog thereof;

9 (C) not less than 12 years and not more than 50  
10 years with respect to 400 grams or more but less than  
11 900 grams of a substance containing fentanyl, or an  
12 analog thereof;

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

16 (2) (A) not less than 6 years and not more than 30  
17 years with respect to 15 grams or more but less than  
18 100 grams of a substance containing cocaine, or an  
19 analog thereof;

20 (B) not less than 9 years and not more than 40  
21 years with respect to 100 grams or more but less than  
22 400 grams of a substance containing cocaine, or an  
23 analog thereof;

24 (C) not less than 12 years and not more than 50  
25 years with respect to 400 grams or more but less than  
26 900 grams of a substance containing cocaine, or an

1 analog thereof;

2 (D) not less than 15 years and not more than 60  
3 years with respect to 900 grams or more of any  
4 substance containing cocaine, or an analog thereof;

5 (3) (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 morphine, 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 morphine, 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 morphine, 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 a substance  
19 containing morphine, or an analog thereof;

20 (4) 200 grams or more of any substance containing  
21 peyote, or an analog thereof;

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

25 (6) 200 grams or more of any substance containing  
26 amphetamine or any salt of an optical isomer of

1           amphetamine, or an analog thereof;

2           (6.5) (blank);

3           (6.6) (blank);

4           (7) (A) not less than 6 years and not more than 30  
5           years with respect to: (i) 15 grams or more but less  
6           than 100 grams of a substance containing lysergic acid  
7           diethylamide (LSD), or an analog thereof, or (ii) 15 or  
8           more objects or 15 or more segregated parts of an  
9           object or objects but less than 200 objects or 200  
10           segregated parts of an object or objects containing in  
11           them or having upon them any amounts of any substance  
12           containing lysergic acid diethylamide (LSD), or an  
13           analog thereof;

14           (B) not less than 9 years and not more than 40  
15           years with respect to: (i) 100 grams or more but less  
16           than 400 grams of a substance containing lysergic acid  
17           diethylamide (LSD), or an analog thereof, or (ii) 200  
18           or more objects or 200 or more segregated parts of an  
19           object or objects but less than 600 objects or less  
20           than 600 segregated parts of an object or objects  
21           containing in them or having upon them any amount of  
22           any substance containing lysergic acid diethylamide  
23           (LSD), or an analog thereof;

24           (C) not less than 12 years and not more than 50  
25           years with respect to: (i) 400 grams or more but less  
26           than 900 grams of a substance containing lysergic acid



1 diethylamide (LSD), or an analog thereof, or (ii) 600  
2 or more objects or 600 or more segregated parts of an  
3 object or objects but less than 1500 objects or 1500  
4 segregated parts of an object or objects containing in  
5 them or having upon them any amount of any substance  
6 containing lysergic acid diethylamide (LSD), or an  
7 analog thereof;

8 (D) not less than 15 years and not more than 60  
9 years with respect to: (i) 900 grams or more of any  
10 substance containing lysergic acid diethylamide (LSD),  
11 or an analog thereof, or (ii) 1500 or more objects or  
12 1500 or more segregated parts of an object or objects  
13 containing in them or having upon them any amount of a  
14 substance containing lysergic acid diethylamide (LSD),  
15 or an analog thereof;

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

1 (26) of subsection (d) of Section 204, or an analog or  
2 derivative thereof;

3 (B) not less than 9 years and not more than 40  
4 years with respect to: (i) 100 grams or more but less  
5 than 400 grams of a substance listed in paragraph (1),  
6 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
7 (21), (25), or (26) of subsection (d) of Section 204,  
8 or an analog or derivative thereof, or (ii) 200 or more  
9 pills, tablets, caplets, capsules, or objects but less  
10 than 600 pills, tablets, caplets, capsules, or objects  
11 containing in them or having upon them any amount of  
12 any substance listed in paragraph (1), (2), (2.1),  
13 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or  
14 (26) of subsection (d) of Section 204, or an analog or  
15 derivative thereof;

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

1 (25), or (26) of subsection (d) of Section 204, or an  
2 analog or derivative thereof;

3 (D) not less than 15 years and not more than 60  
4 years with respect to: (i) 900 grams or more of any  
5 substance listed in paragraph (1), (2), (2.1), (2.2),  
6 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of  
7 subsection (d) of Section 204, or an analog or  
8 derivative thereof, or (ii) 1,500 or more pills,  
9 tablets, caplets, capsules, or objects containing in  
10 them or having upon them any amount of a substance  
11 listed in paragraph (1), (2), (2.1), (2.2), (3),  
12 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
13 subsection (d) of Section 204, or an analog or  
14 derivative thereof;

15 (8) 30 grams or more of any substance containing  
16 pentazocine or any of the salts, isomers and salts of  
17 isomers of pentazocine, or an analog thereof;

18 (9) 30 grams or more of any substance containing  
19 methaqualone or any of the salts, isomers and salts of  
20 isomers of methaqualone, or an analog thereof;

21 (10) 30 grams or more of any substance containing  
22 phencyclidine or any of the salts, isomers and salts of  
23 isomers of phencyclidine (PCP), or an analog thereof;

24 (10.5) 30 grams or more of any substance containing  
25 ketamine or any of the salts, isomers and salts of isomers  
26 of ketamine, or an analog thereof;

1           (10.6) 100 grams or more of any substance containing  
2 hydrocodone, or any of the salts, isomers and salts of  
3 isomers of hydrocodone, or an analog thereof;

4           (10.7) 100 grams or more of any substance containing  
5 dihydrocodeinone, or any of the salts, isomers and salts of  
6 isomers of dihydrocodeinone, or an analog thereof;

7           (10.8) 100 grams or more of any substance containing  
8 dihydrocodeine, or any of the salts, isomers and salts of  
9 isomers of dihydrocodeine, or an analog thereof;

10           (10.9) 100 grams or more of any substance containing  
11 oxycodone, or any of the salts, isomers and salts of  
12 isomers of oxycodone, or an analog thereof;

13           (11) 200 grams or more of any substance containing any  
14 other controlled substance classified in Schedules I or II,  
15 or an analog thereof, which is not otherwise included in  
16 this subsection.

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

1 the penalties provided therein, be fined an amount not to  
2 exceed \$500,000.

3 (b-1) Excluding violations of this Act when the controlled  
4 substance is fentanyl, any person sentenced to a term of  
5 imprisonment with respect to violations of Section 401, 401.1,  
6 405, 405.1, 405.2, or 407, when the substance containing the  
7 controlled substance contains any amount of fentanyl, 3 years  
8 shall be added to the term of imprisonment imposed by the  
9 court, and the maximum sentence for the offense shall be  
10 increased by 3 years.

11 (c) Any person who violates this Section with regard to the  
12 following amounts of controlled or counterfeit substances or  
13 controlled substance analogs, notwithstanding any of the  
14 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)  
15 to the contrary, is guilty of a Class 1 felony. The fine for  
16 violation of this subsection (c) shall not be more than  
17 \$250,000:

18 (1) 1 gram or more but less than 15 grams of any  
19 substance containing heroin, or an analog thereof;

20 (1.5) 1 gram or more but less than 15 grams of any  
21 substance containing fentanyl, or an analog thereof;

22 (2) 1 gram or more but less than 15 grams of any  
23 substance containing cocaine, or an analog thereof;

24 (3) 10 grams or more but less than 15 grams of any  
25 substance containing morphine, or an analog thereof;

26 (4) 50 grams or more but less than 200 grams of any

1 substance containing peyote, or an analog thereof;

2 (5) 50 grams or more but less than 200 grams of any  
3 substance containing a derivative of barbituric acid or any  
4 of the salts of a derivative of barbituric acid, or an  
5 analog thereof;

6 (6) 50 grams or more but less than 200 grams of any  
7 substance containing amphetamine or any salt of an optical  
8 isomer of amphetamine, or an analog thereof;

9 (6.5) (blank);

10 (7) (i) 5 grams or more but less than 15 grams of any  
11 substance containing lysergic acid diethylamide (LSD), or  
12 an analog thereof, or (ii) more than 10 objects or more  
13 than 10 segregated parts of an object or objects but less  
14 than 15 objects or less than 15 segregated parts of an  
15 object containing in them or having upon them any amount of  
16 any substance containing lysergic acid diethylamide (LSD),  
17 or an analog thereof;

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

1 (21), (25), or (26) of subsection (d) of Section 204, or an  
2 analog or derivative thereof;

3 (8) 10 grams or more but less than 30 grams of any  
4 substance containing pentazocine or any of the salts,  
5 isomers and salts of isomers of pentazocine, or an analog  
6 thereof;

7 (9) 10 grams or more but less than 30 grams of any  
8 substance containing methaqualone or any of the salts,  
9 isomers and salts of isomers of methaqualone, or an analog  
10 thereof;

11 (10) 10 grams or more but less than 30 grams of any  
12 substance containing phencyclidine or any of the salts,  
13 isomers and salts of isomers of phencyclidine (PCP), or an  
14 analog thereof;

15 (10.5) 10 grams or more but less than 30 grams of any  
16 substance containing ketamine or any of the salts, isomers  
17 and salts of isomers of ketamine, or an analog thereof;

18 (10.6) 50 grams or more but less than 100 grams of any  
19 substance containing hydrocodone, or any of the salts,  
20 isomers and salts of isomers of hydrocodone, or an analog  
21 thereof;

22 (10.7) 50 grams or more but less than 100 grams of any  
23 substance containing dihydrocodeinone, or any of the  
24 salts, isomers and salts of isomers of dihydrocodeinone, or  
25 an analog thereof;

26 (10.8) 50 grams or more but less than 100 grams of any

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

4 (10.9) 50 grams or more but less than 100 grams of any  
5 substance containing oxycodone, or any of the salts,  
6 isomers and salts of isomers of oxycodone, or an analog  
7 thereof;

8 (11) 50 grams or more but less than 200 grams of any  
9 substance containing a substance classified in Schedules I  
10 or II, or an analog thereof, which is not otherwise  
11 included in this subsection.

12 (c-5) (Blank).

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

25 (d-5) (Blank).

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



1 other amount of a controlled substance other than  
2 methamphetamine or counterfeit substance classified in  
3 Schedule I or II, or an analog thereof, which substance is not  
4 included under subsection (d) of this Section, is guilty of a  
5 Class 3 felony. The fine for violation of this subsection (e)  
6 shall not be more than \$150,000.

7 (f) Any person who violates this Section with regard to any  
8 other amount of a controlled or counterfeit substance  
9 classified in Schedule III is guilty of a Class 3 felony. The  
10 fine for violation of this subsection (f) shall not be more  
11 than \$125,000.

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

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

22 (i) This Section does not apply to the manufacture,  
23 possession or distribution of a substance in conformance with  
24 the provisions of an approved new drug application or an  
25 exemption for investigational use within the meaning of Section  
26 505 of the Federal Food, Drug and Cosmetic Act.

1 (j) (Blank).

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