



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3695

Introduced 2/9/2024, by Sen. Rachel Ventura

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Compassionate Use and Research of Entheogens Act. Establishes the Illinois Psilocybin Advisory Board within the Department of Financial and Professional Regulation for the purpose of advising and making recommendations to the Department regarding the provision of psilocybin and psilocybin services. Provides that the Department shall begin receiving applications for the licensing of persons to manufacture or test psilocybin products, operate service centers, or facilitate psilocybin services. Contains licensure requirements and prohibitions. Provides that a licensee or licensee representative may manufacture, deliver, or possess a psilocybin product. Provides that the Department may obtain, relinquish, or dispose of psilocybin products to ensure compliance with and enforcement of the Act and rules adopted under the Act. Creates the Psilocybin Control and Regulation Fund and the Illinois Psilocybin Fund and makes conforming changes in the State Finance Act. Requires the Department of Agriculture, the Department of Financial and Professional Regulation, and the Department of Revenue to perform specified duties. Contains provisions concerning rulemaking, taxes, fees, zoning, labeling, and penalties. Preempts home rule powers. Contains other provisions. Amends the Criminal Identification Act. Changes the dates by which specified records for minor cannabis offenses shall be automatically expunged. Provides for expungement of specified records concerning the possession of psilocybin and psilocin. Amends the Illinois Controlled Substances Act. Removes psilocybin and psilocin from the list of Schedule I controlled substances. Amends the Illinois Independent Tax Tribunal Act of 2012. Provides that the Tax Tribunal shall have original jurisdiction over all determinations of the Department of Revenue reflected on specified notices issued under the Compassionate Use and Research of Entheogens Act. Amends the Freedom of Information Act to exempt specific records from disclosure. Effective immediately.

LRB103 39207 CES 69355 b

1 AN ACT concerning health.

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  
5 Compassionate Use and Research of Entheogens Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) The War on Drugs has given rise to significant  
8 financial and social costs, and the policies behind the  
9 War on Drugs reflect neither a modern understanding of  
10 substance use nor the actual risks or potential  
11 therapeutic benefits of the substances that have been  
12 criminalized.

13 (2) Moreover, criminalization has not deterred drug  
14 use. Instead, it has made drug use less safe and has  
15 created an unregulated, underground market in which  
16 dosages are difficult to verify and dangerous adulterants,  
17 such as fentanyl, are common.

18 (3) Lack of honest drug education has laid the  
19 groundwork for decades of misinformation, stigma, and  
20 cultural appropriation, which have all contributed to  
21 increasing the dangers of drug use.

22 (4) Harm reduction tools, including drug-checking  
23 kits, scales, and capsules, allow users to make safe and

1 more accurate, evidence-based decisions about their  
2 personal use of these substances, and allowing the use of  
3 such tools can increase public health and safety.

4 (5) Research is advancing to support the use of  
5 psychedelic compounds, along with psychotherapy, to treat  
6 mental health disorders, such as anxiety, depression,  
7 post-traumatic stress disorder, and substance use  
8 disorder.

9 (6) Voters of the city and county of Denver, Colorado  
10 approved Ordinance 301 in May of 2019, making the personal  
11 possession and use of the natural medicine psilocybin by  
12 adults the lowest level of law enforcement priority in  
13 Denver and to prohibit the city and county from spending  
14 resources enforcing related penalties.

15 (7) Measures 109 and 110 in Oregon, which both passed  
16 in November 2020, established a regulated psilocybin  
17 therapy system in Oregon to provide people therapeutic  
18 access to psilocybin and decriminalized the personal  
19 possession of all drugs.

20 (8) Almost 20 countries around the world, including  
21 Portugal, the Czech Republic, and Spain, have expressly or  
22 effectively decriminalized the personal use of all  
23 substances.

24 (9) The City of Oakland, California, and the City of  
25 Santa Cruz, California have passed resolutions  
26 decriminalizing or deprioritizing the enforcement of laws

1 regulating the possession, use, and propagation of  
2 psychedelic plants and fungi. Since June 2019, the  
3 following cities have also decriminalized the possession,  
4 use, and propagation of psychedelic plants and fungi at  
5 the local level: Ann Arbor, Michigan; Somerville,  
6 Massachusetts; and Cambridge, Massachusetts. In 2020,  
7 Washington, D.C., passed Initiative 81 to decriminalize  
8 and deprioritize the enforcement of laws regulating the  
9 possession and use of psychedelic plants and fungi with  
10 76% voter approval.

11 (10) The State of Colorado passed Proposition 122 in  
12 November of 2022, decriminalizing the possession of  
13 psychedelic plants and fungi and eventually allowing  
14 state-licensed treatment centers to administer the  
15 compounds of psychedelic plants and fungi under the  
16 supervision of trained staff.

17 (11) To transition away from criminalization models  
18 while protecting people who use or may use drugs and  
19 reduce negative environmental or cultural impacts, it is  
20 necessary to review the full legal context in which these  
21 changes to the law are made. It is also necessary to  
22 incorporate evidence-based policy, consult with experts,  
23 and maintain open discourse based in harm reduction,  
24 reciprocity, and human rights during the process of  
25 developing alternative regulatory systems.

26 (12) Criminalizing psychedelic plants and fungi has

1 denied people access to accurate education and harm  
2 reduction information related to the use of psychedelic  
3 compounds and limited the development of appropriate  
4 training for first responders and multi-responders,  
5 including law enforcement, emergency medical services, and  
6 fire services.

7 (13) Illinoisans deserve more tools to address mental  
8 health issues, including approaches using psychedelic  
9 plants and fungi that are grounded in treatment, recovery,  
10 cultural competency, and wellness rather than  
11 criminalization, suffering, and punishment.

12 (14) This Act will allow for the noncommercial,  
13 personal use and sharing of specified controlled  
14 substances, including for the purpose of group counseling,  
15 community-based healing, or other related services.

16 (15) These changes in law will not displace any  
17 restrictions on driving or operating a vehicle while  
18 impaired, an employer's ability to restrict the use of  
19 controlled substances by its employees, or the legal  
20 standard for negligence.

21 (16) Peyote is specifically excluded from the list of  
22 substances to be decriminalized, including any  
23 cultivation, harvest, extraction, tincture, or other  
24 product manufactured or derived from it, because of the  
25 nearly endangered status of the peyote plant and the  
26 special significance peyote holds in Native American

1 spirituality. Furthermore, this Act does not amend or  
2 repeal paragraph (12) of subsection (d) of Section 204 of  
3 the Illinois Controlled Substances Act, which identifies  
4 peyote and its derivatives as a Schedule I drug.

5 (17) The State of Illinois fully respects and supports  
6 the continued Native American possession and use of peyote  
7 under federal law, 42 U.S.C. 1996a, understanding that  
8 Native Americans in the United States were persecuted and  
9 prosecuted for their ceremonial practices, including the  
10 use of peyote, for more than a century, and had to fight  
11 numerous legal and political battles to achieve the  
12 current protected status. The enactment of this  
13 legislation does not intend to explicitly or implicitly  
14 undermine that status.

15 (18) Research conducted by domestic and international  
16 medical institutions indicates that psilocybin is  
17 efficacious and safe for the treatment of a variety of  
18 mental health conditions, including, but not limited to,  
19 addiction, depression, anxiety disorders, headache  
20 disorders, and end-of-life psychological distress.

21 (19) The United States Food and Drug Administration  
22 has:

23 (A) determined that preliminary clinical evidence  
24 indicates that psilocybin may demonstrate substantial  
25 improvement over available therapies for  
26 treatment-resistant depression; and

1 (B) granted a "Breakthrough Therapy" designation  
2 for a treatment that uses psilocybin as a therapy for  
3 such depression.

4 (20) During the program development period, the  
5 Department of Public Health, Department of Agriculture,  
6 Department of Financial and Professional Regulation,  
7 Illinois State Police, and Department of Revenue shall:

8 (A) examine, publish, and distribute to the public  
9 available medical, psychological, and scientific  
10 studies, research, and other information relating to  
11 the safety and efficacy of psilocybin in treating  
12 mental health conditions; and

13 (B) adopt rules and regulations for the eventual  
14 implementation of a comprehensive regulatory framework  
15 that will allow persons 18 years of age and older in  
16 this State to be provided psilocybin services.

17 (21) An advisory board shall be established for the  
18 purpose of advising and making recommendations for program  
19 development.

20 Section 10. Purposes.

21 (a) The purpose of this Act is to establish a new,  
22 compassionate, and effective approach to entheogens by:

23 (1) adopting a public health and harm reduction  
24 approach to natural medicines by removing criminal  
25 penalties for the possession of some entheogens for

- 1 personal use by adults who are 18 years of age or older;
- 2 (2) developing and promoting public education related  
3 to the use of entheogens and appropriate training for  
4 first responders;
- 5 (3) reducing the prevalence of behavioral health  
6 disorders among adults in this State to improve the  
7 physical, mental, and social well-being of all people in  
8 this State;
- 9 (4) promoting health and healing by reducing focus on  
10 criminal punishments for persons who suffer from mental  
11 health issues by establishing regulated access to natural  
12 medicines through a humane, cost-effective, and  
13 responsible approach;
- 14 (5) developing a long-term strategic plan for ensuring  
15 that psilocybin services will become and remain a safe,  
16 accessible, and affordable option for all persons 18 years  
17 of age and older in this State for whom psilocybin may be  
18 appropriate;
- 19 (6) protecting the safety, welfare, health, and peace  
20 of the people of this State by prioritizing this State's  
21 limited law enforcement resources in the most effective,  
22 consistent, and rational way; and
- 23 (7) after the program development period:
- 24 (A) permitting persons licensed, controlled, and  
25 regulated by this State to legally manufacture  
26 psilocybin products and provide psilocybin services to



1 persons 18 years of age and older, subject to the  
2 provisions of this Act;

3 (B) establishing a comprehensive regulatory  
4 framework concerning psilocybin products and  
5 psilocybin services under State law; and

6 (C) preparing proposed rules for the addition of  
7 botanical forms of dimethyltryptamine, ibogaine  
8 (except ibogaine from iboga), and mescaline (except  
9 mescaline from peyote) to substances regulated under  
10 this Act on or before June 1, 2027.

11 (b) The People of the State of Illinois intend that the  
12 provisions of this Act, together with other provisions of  
13 State law, will prevent:

14 (1) the distribution of psilocybin products to other  
15 persons who are not permitted to possess psilocybin  
16 products under the provisions of this Act and rules  
17 adopted under this Act, including, but not limited to,  
18 persons under 18 years of age; and

19 (2) the diversion of psilocybin products from this  
20 State to other states.

21 Section 15. Construction. This Act may not be construed  
22 to:

23 (1) Require a government medical assistance program or  
24 private health insurer to reimburse a person for costs  
25 associated with the use of psilocybin products.

1           (2) Amend or affect State or federal law pertaining to  
2 employment matters.

3           (3) Amend or affect State or federal law pertaining to  
4 landlord-tenant matters.

5           (4) Prohibit a recipient of a federal grant or an  
6 applicant for a federal grant from prohibiting the  
7 manufacture, delivery, possession, or use of psilocybin  
8 products to the extent necessary to satisfy federal  
9 requirements for the grant.

10          (5) Prohibit a party to a federal contract or a person  
11 applying to be a party to a federal contract from prohibiting  
12 the manufacture, delivery, possession, or use of psilocybin  
13 products to the extent necessary to comply with the terms and  
14 conditions of the contract or to satisfy federal requirements  
15 for the contract.

16          (6) Require a person to violate a federal law.

17          (7) Exempt a person from a federal law or obstruct the  
18 enforcement of a federal law.

19          (8) Amend or affect State law to the extent that a person  
20 does not manufacture, deliver, or possess psilocybin products  
21 in accordance with the provisions of this Act and rules  
22 adopted under this Act.

23           Section 20. Definitions. In this Act:

24           "Administration session" means a session held under the  
25 supervision of a facilitator at which a client consumes and

1 experiences the effects of a psilocybin product under the  
2 supervision of a facilitator.

3 "Advisory Board" or "Board" means the Illinois Psilocybin  
4 Advisory Board established under Section 25.

5 "Client" means an individual who consumes a psilocybin  
6 product in an administration session in this State.

7 "Entheogen" means the following substances in any form,  
8 regardless of whether the substance is regulated under the  
9 federal Controlled Substances Act or the Illinois Controlled  
10 Substances Act:

- 11 (1) Dimethyltryptamine;
- 12 (2) Ibogaine, except ibogaine from iboga;
- 13 (3) Mescaline, except mescaline from peyote;
- 14 (4) Psilocybin; and
- 15 (5) Psilocin.

16 "Facilitator" means an individual who facilitates the  
17 provision of a psilocybin service in this State.

18 "Integration session" means a meeting between a client and  
19 a facilitator that may occur after the client completes an  
20 administration session.

21 "Legal entity" means a corporation, limited liability  
22 company, limited partnership, or other legal entity that is  
23 registered with the office of the Secretary of State or with a  
24 comparable office of another jurisdiction.

25 "Licensee" means a person who holds a license issued under  
26 Section 80, 95, 105, or 275.

1 "Licensee representative" means an owner, director,  
2 officer, manager, employee, agent, or other representative of  
3 a licensee, to the extent that the person acts in a  
4 representative capacity.

5 "Manufacture" means the manufacture, planting,  
6 cultivation, growing, harvesting, production, preparation,  
7 propagation, compounding, conversion, or processing of a  
8 psilocybin product, directly or indirectly, by extraction from  
9 substances of natural origin, independently by means of  
10 chemical synthesis or by a combination of extraction and  
11 chemical synthesis. "Manufacture" includes any packaging or  
12 repackaging of the psilocybin product or labeling or  
13 relabeling of its container.

14 "Premises" includes the following areas of a location  
15 licensed under this Act:

16 (1) All public and private enclosed areas at the  
17 location that are used in the business operated at the  
18 location, including offices, kitchens, restrooms, and  
19 storerooms.

20 (2) All areas outside of a building that the  
21 Department has specifically licensed for the manufacturing  
22 of psilocybin products or the operation of a service  
23 center.

24 (3) For a location that the Department has  
25 specifically licensed for the operation of a service  
26 center outside of a building, that portion of the location

1 used to operate the service center and provide a  
2 psilocybin service to a client.

3 "Premises" does not include a primary residence, unless a  
4 primary residence is necessary for the provision of a  
5 psilocybin service to a recipient who is a hospice patient or  
6 who is unable to travel to a service center due to a chronic,  
7 life-threatening illness.

8 "Preparation session" means a meeting between a client and  
9 a facilitator that must occur before the client participates  
10 in an administration session.

11 "Program development period" means the period beginning on  
12 January 1 of the year following the year of enactment of this  
13 Act and ending no later than 24 months after the beginning  
14 date.

15 "Psilocybin" means psilocybin or psilocin.

16 "Psilocybin product" means:

- 17 (1) psilocybin-producing fungi; or  
18 (2) mixtures or substances containing a detectable  
19 amount of psilocybin naturally produced from  
20 psilocybin-producing fungi.

21 "Psilocybin product" does not include a psilocybin  
22 service.

23 "Psilocybin product manufacturer" means a person who  
24 manufactures a psilocybin product in this State.

25 "Psilocybin service" means a service provided to a client  
26 before, during, or after the client's consumption of a

1 psilocybin product, including any of the following:

- 2 (1) a preparation session;  
3 (2) an administration session; or  
4 (3) an integration session.

5 "Service center" means an establishment at which:

- 6 (1) an administration session is held;  
7 (2) a psilocybin product is purchased; or  
8 (3) other psilocybin services may be provided.

9 "Service center operator" means a person who operates a  
10 service center in this State.

11 Section 25. Illinois Psilocybin Advisory Board; members;  
12 terms; meetings; compensation.

13 (a) The Illinois Psilocybin Advisory Board is established  
14 within the Department of Financial and Professional Regulation  
15 for the purpose of advising and making recommendations for the  
16 administration of this Act. The Illinois Psilocybin Advisory  
17 Board shall consist of the following members:

- 18 (1) the Secretary of Financial and Professional  
19 Regulation or the Secretary's designee;  
20 (2) the Director of Agriculture or the Director's  
21 designee;  
22 (3) the Director of Public Health or the Director's  
23 designee;  
24 (4) the Director of the Illinois State Police or the  
25 Director's designee;

1           (5) the Director of Revenue or the Director's  
2           designee;

3           (6) the Secretary of Human Services or the Secretary's  
4           designee;

5           (7) the Secretary of Veterans Affairs or the  
6           Secretary's designee;

7           (8) an expert in the field of public health, appointed  
8           by the Governor with the advice and consent of the Senate;

9           (9) a local health official, appointed by the Governor  
10          with the advice and consent of the Senate;

11          (10) an individual who is a member of or represents a  
12          group that provides public health services directly to  
13          members of the public, appointed by the Governor with the  
14          advice and consent of the Senate;

15          (11) a psychologist who has experience engaging in the  
16          diagnosis or treatment of mental, emotional, and  
17          behavioral conditions, appointed by the Governor with the  
18          advice and consent of the Senate;

19          (12) a psychiatrist licensed to practice in Illinois  
20          who has experience engaging in the diagnosis or treatment  
21          of mental, emotional, and behavioral conditions, appointed  
22          by the Governor with the advice and consent of the Senate;

23          (13) a counselor licensed to practice in Illinois who  
24          has experience engaging in the diagnosis or treatment of  
25          mental, emotional, and behavioral conditions, appointed by  
26          the Governor with the advice and consent of the Senate;

1           (14) a physician licensed to practice medicine in all  
2           its branches appointed by the Governor with the advice and  
3           consent of the Senate;

4           (15) a doctor of osteopathic medicine licensed to  
5           practice in Illinois, appointed by the Governor with the  
6           advice and consent of the Senate;

7           (16) a naturopathic physician or a member of an  
8           organization representing Naturopathic Physicians in  
9           Illinois, appointed by the Governor with the advice and  
10          consent of the Senate;

11          (17) an expert in the field of public health who has  
12          obtained a doctorate degree in the field of public health,  
13          community sciences, or a related health field, appointed  
14          by the Governor with the advice and consent of the Senate;

15          (18) at least 3 individuals who meet at least one of  
16          the following qualifications, appointed by the Governor  
17          with the advice and consent of the Senate:

18                 (a) professional experience conducting scientific  
19                 research regarding the use of psychedelic compounds in  
20                 clinical therapy;

21                 (b) experience in the field of mycology;

22                 (c) experience in the field of ethnobotany;

23                 (d) experience in the field of psychopharmacology;

24                 or

25                 (e) experience in the field of psilocybin harm  
26                 reduction;



1 (19) a current or former member of the Senate,  
2 appointed by the President of the Senate;

3 (20) a current or former member of the Senate,  
4 appointed by the Minority Leader of the Senate;

5 (21) a current or former member of the House,  
6 appointed by the Speaker of the House; and

7 (22) a current or former member of the House,  
8 appointed by the Minority Leader of the House.

9 (c) The term of office for an Advisory Board member  
10 appointed under this Section is 4 years, but a member serves at  
11 the pleasure of the Governor. Before the expiration of the  
12 term of a member, the Governor shall appoint a successor whose  
13 term begins on January 1 of the following calendar year.  
14 Members may be eligible for reappointment. If there is a  
15 vacancy for any reason, the Governor shall make an appointment  
16 to serve in an acting capacity until approved by the Senate for  
17 the remainder of the unexpired term.

18 (d) A majority of the voting members of the Advisory Board  
19 constitutes a quorum for the transaction of business.

20 (e) Official action by the Advisory Board requires the  
21 approval of a majority of the voting members of the board.

22 (f) The Advisory Board shall elect one of its voting  
23 members to serve as chairperson.

24 (g) During the program development period, the Advisory  
25 Board shall meet at least once every 2 calendar months at a  
26 time and place determined by the chairperson, or a majority of

1 the voting members of the Advisory Board. After the program  
2 development period, the Advisory Board shall meet at least  
3 once every calendar quarter at a time and place determined by  
4 the chairperson or a majority of the voting members of the  
5 Advisory Board. The Advisory Board may also meet at other  
6 times and places specified by the call of the chairperson or of  
7 a majority of the voting members of the board.

8 (h) The Advisory Board may adopt policies and procedures  
9 necessary for the operation of the board.

10 (i) The Advisory Board may establish committees or  
11 subcommittees necessary for the operation of the board.

12 (j) Members of the Advisory Board shall not be paid a  
13 salary but shall be reimbursed for travel and other reasonable  
14 expenses incurred while fulfilling the responsibilities of the  
15 Advisory Board.

16 Section 30. Duties of the Illinois Psilocybin Advisory  
17 Board.

18 (a) The Illinois Psilocybin Advisory Board shall perform  
19 the following duties:

20 (1) Provide advice to the Department of Public Health,  
21 the Department of Agriculture, the Department of Financial  
22 and Professional Regulation, the Illinois State Police,  
23 and the Department of Revenue with respect to the  
24 administration of this Act as it relates to accurate  
25 public health approaches regarding use, effect, and risk

1 reduction of entheogens and the content and scope of  
2 educational campaigns related to entheogens.

3 (2) Make recommendations on available medical,  
4 psychological, and scientific studies, research, and other  
5 information relating to the safety and efficacy of  
6 psilocybin in treating mental health conditions,  
7 including, but not limited to, addiction, depression,  
8 anxiety and trauma disorders, headache disorders, and  
9 end-of-life psychological distress.

10 (3) Study and review the Oregon Psilocybin Services  
11 Act (Measure 109), the Colorado Natural Medicine Health  
12 Act of 2022 (Proposition 122), and relevant legislative  
13 initiatives in other states in an effort to determine  
14 successes and pitfalls that may be applied to the  
15 rulemaking process in Illinois.

16 (4) Review scientific and cultural literature  
17 concerning ibogaine (except ibogaine from iboga),  
18 mescaline (except mescaline from peyote), and botanical  
19 forms of dimethyltryptamine and make recommendations  
20 concerning whether these substances may be included in  
21 this Act or a similar appropriate regulatory framework  
22 based on medical, psychological, and scientific studies,  
23 research, and other information related to the safety and  
24 efficacy of each compound to avoid an unregulated de facto  
25 market for other natural plants and fungi.

26 (5) Make recommendations on the requirements,

1 specifications, and guidelines for providing psilocybin  
2 services to a client, including the following:

3 (A) The requirements, specifications, and  
4 guidelines for holding and verifying the completion of  
5 a preparation session, an administration session, and  
6 an integration session.

7 (B) The contents of the client information form  
8 that a client must complete and sign before the client  
9 participates in an administration session, giving  
10 particular consideration to the following:

11 (i) The information that should be solicited  
12 from the client to determine whether the client  
13 should participate in the administration session,  
14 including information that may identify risk  
15 factors and contraindications.

16 (ii) The information that should be solicited  
17 from the client to assist the service center  
18 operator and the facilitator in meeting any public  
19 health and safety standards and industry best  
20 practices during the administration session.

21 (iii) The health and safety warnings and other  
22 disclosures that should be made to the client  
23 before the client participates in the  
24 administration session.

25 (6) Make recommendations on public health and safety  
26 standards and industry best practices for each type of

1 licensee under this Act.

2 (7) Make recommendations on the formulation of a code  
3 of professional conduct for facilitators, giving  
4 particular consideration to a code of ethics, cultural  
5 responsibility, and outlining a clear process for  
6 reporting complaints of unethical conduct by facilitators  
7 or service center employees.

8 (8) Make recommendations on the education, experience,  
9 and training that facilitators must achieve, giving  
10 particular consideration to the following and including  
11 whether such education, experience, and training should be  
12 available through online resources:

13 (A) Facilitation skills that are affirming,  
14 nonjudgmental, nondirective, trauma-informed, and  
15 rooted in informed consent.

16 (B) Support skills for clients during an  
17 administration session, including specialized skills  
18 for the following:

19 (i) client safety;

20 (ii) clients who may have a mental health  
21 condition;

22 (iii) appropriate boundaries, heightened  
23 transference in expanded states of consciousness,  
24 and special precautions related to the use of  
25 touch in psilocybin sessions;

26 (iv) crisis assessment and appropriate

1 referral for those who need ongoing support if  
2 challenging mental health issues emerge in  
3 psilocybin sessions;

4 (C) the environment in which psilocybin services  
5 should occur;

6 (D) social and cultural considerations; and

7 (E) affordable, equitable, ethical, and culturally  
8 responsible access to entheogens and requirements to  
9 ensure that the regulated entheogen access program is  
10 equitable and inclusive.

11 (9) Make recommendations on the examinations that  
12 facilitators must pass.

13 (10) Make recommendations on public health and safety  
14 standards and industry best practices for holding and  
15 completing an administration session, including the  
16 following:

17 (A) best practices surrounding group  
18 administration;

19 (B) how clients can safely access common or  
20 outside areas on the premises at which the  
21 administration session is held;

22 (C) the circumstances under which an  
23 administration session is considered complete; and

24 (D) the transportation needs of the client after  
25 the completion of the administration session.

26 (11) Develop a long-term strategic plan for ensuring

1           that psilocybin services will become and remain a safe,  
2           accessible, and affordable therapeutic option for all  
3           persons 18 years of age and older in this State for whom  
4           psilocybin may be appropriate.

5           (12) Monitor and study federal laws, regulations, and  
6           policies regarding psilocybin.

7           (13) On an ongoing basis, review and evaluate existing  
8           research studies and real-world data related to entheogens  
9           and make recommendations to the General Assembly and  
10          relevant State agencies as to whether entheogens and  
11          associated services should be covered under any Illinois  
12          State health insurance or other insurance program as a  
13          cost-effective intervention for various mental health  
14          conditions, including, but not limited to, end-of-life  
15          anxiety, substance use disorder, alcoholism, depressive  
16          disorders, neurological disorders, post-traumatic stress  
17          disorder, and other painful conditions, including, but not  
18          limited to, cluster headaches, migraines, cancer, and  
19          phantom limbs.

20          (14) On an ongoing basis, review and evaluate  
21          sustainability issues related to natural entheogens and  
22          their impact on indigenous cultures and document existing  
23          reciprocity efforts and continuing support measures that  
24          are needed as part of the Advisory Board's annual report.

25          (15) Publish an annual report describing the Advisory  
26          Board's activities, including, but not limited to, any

1 recommendations and advice to the Department of Public  
2 Health, the Department of Agriculture, the Department of  
3 Financial and Professional Regulation, the Illinois State  
4 Police, the Department of Revenue, or the General  
5 Assembly.

6 (b) The Department of Financial and Professional  
7 Regulation shall provide technical, logistical, and other  
8 support to the Advisory Board, as requested by the Advisory  
9 Board, to assist the Advisory Board with its duties and  
10 obligations.

11 Section 35. General powers and duties; rules.

12 (a) The Department of Public Health, Department of  
13 Agriculture, Department of Financial and Professional  
14 Regulation, Illinois State Police, and Department of Revenue  
15 have the duties, functions, and powers necessary or proper to  
16 enable each agency to carry out their duties, functions, and  
17 powers under this Act. This includes the duty to regulate the  
18 manufacturing, transportation, delivery, sale, and purchase of  
19 psilocybin products and the provision of psilocybin services  
20 in this State in accordance with the provisions of this Act.  
21 The Department of Public Health, Department of Agriculture,  
22 Department of Financial and Professional Regulation, Illinois  
23 State Police, and Department of Revenue may adopt, amend, or  
24 repeal rules as necessary to carry out the intent and  
25 provisions of this Act, including rules necessary to protect



1 public health and safety.

2 (b) The Department of Public Health, Department of  
3 Agriculture, Department of Financial and Professional  
4 Regulation, Illinois State Police, and Department of Revenue  
5 shall enter into intergovernmental agreements, as necessary,  
6 to carry out the provisions of this Act, including, but not  
7 limited to, the provisions relating to the registration and  
8 oversight of any person who produces, possesses, transports,  
9 delivers, sells, or purchases a psilocybin product in this  
10 State or who provides a psilocybin service in this State.  
11 There shall be no requirement that a client be diagnosed with  
12 or have any particular medical condition as a prerequisite to  
13 being provided psilocybin services.

14 (c) The Department of Public Health, Department of  
15 Agriculture, and Department of Financial and Professional  
16 Regulation may suspend, revoke, or impose other penalties upon  
17 a person licensed under this Act for violations of this Act and  
18 any rules adopted in accordance with this Act. The suspension  
19 or revocation of a license or imposition of any other penalty  
20 upon a licensee is a final Agency action subject to judicial  
21 review. Jurisdiction and venue for judicial review are vested  
22 in the circuit court.

23 (d) The Department of Public Health shall examine,  
24 publish, and distribute to the public available medical,  
25 psychological, and scientific studies, research, and other  
26 information relating to the safety and efficacy of psilocybin

1 in treating mental health conditions, including, but not  
2 limited to, addiction, depression, anxiety disorders, headache  
3 disorders, and end-of-life psychological distress.

4 (e) The Department of Agriculture shall issue, renew,  
5 suspend, revoke, or refuse to issue or renew licenses for the  
6 manufacturing and testing of psilocybin products and to  
7 permit, at the Department of Agriculture's discretion, the  
8 transfer of licenses. There shall be no requirement that a  
9 psilocybin product be manufactured by means of chemical  
10 synthesis.

11 (f) The Department of Financial and Professional  
12 Regulation shall issue, renew, suspend, revoke, or refuse to  
13 issue or renew licenses for the sale of psilocybin products,  
14 the provision of psilocybin services, or other licenses  
15 related to the consumption of psilocybin products, and to  
16 permit, at the Department's discretion, the transfer of a  
17 license between persons.

18 (g) Any fees collected pursuant to this Section shall be  
19 deposited into the Psilocybin Control and Regulation Fund.

20 Section 40. Authority to purchase, possess, seize,  
21 transfer to a licensee, or dispose of psilocybin products.  
22 Subject to any applicable provision of Illinois law, the  
23 Department of Public Health, Department of Agriculture,  
24 Department of Financial and Professional Regulation, Illinois  
25 State Police, and Department of Revenue may purchase, possess,

1 seize, transfer to a licensee, or dispose of psilocybin  
2 products as is necessary to ensure compliance with and enforce  
3 the provisions of this Act and any rule adopted under this Act.

4 Section 45. Program development period; dates.

5 (a) Unless the General Assembly provides otherwise, the  
6 Department may not issue any licenses under this Act during  
7 the program development period.

8 (b) On or before February 28 of the year following the  
9 effective date of this Act, the Governor, the Senate  
10 President, and the Speaker of the House shall appoint the  
11 individuals specified in subsection (b) of Section 25 to the  
12 Advisory Board.

13 (c) On or before March 31 of the year following the  
14 effective date of this Act, the Advisory Board shall hold its  
15 first meeting at a time and place specified by the Governor.

16 (d) On or before June 30 of the year following the  
17 effective date of this Act, and on a regular basis after that  
18 date, the Advisory Board shall submit its findings and  
19 recommendations to the Department of Public Health, Department  
20 of Agriculture, Department of Financial and Professional  
21 Regulation, Illinois State Police, and Department of Revenue  
22 on available medical, psychological, and scientific studies,  
23 research, and other information relating to the safety and  
24 efficacy of psilocybin and other entheogens in treating mental  
25 health conditions, including, but not limited to, addiction,

1 depression, anxiety disorders, headache disorders, and  
2 end-of-life psychological distress.

3 (e) On or before June 30 of the year 2 years after the  
4 effective date of this Act, the Advisory Board shall submit  
5 its findings and recommendations concerning the following:

6 (1) rules and regulations for the implementation of  
7 this Act;

8 (2) a long-term strategic plan for ensuring that  
9 psilocybin services will become and remain a safe,  
10 accessible, and affordable therapeutic option for all  
11 persons 18 years of age and older in this State for whom  
12 psilocybin may be appropriate; and

13 (3) with respect to federal laws, regulations, and  
14 policies regarding psilocybin and other entheogens.

15 (f) On or before July 31 of the year 2 years after the  
16 effective date of this Act, and on a regular basis after that  
17 date, the Department of Public Health shall publish and  
18 distribute to the public available medical, psychological, and  
19 scientific studies, research, and other information relating  
20 to the safety and efficacy of psilocybin and other entheogens  
21 in treating mental health conditions, including, but not  
22 limited to, addiction, depression, anxiety disorders, headache  
23 disorders, and end-of-life psychological distress.

24 (g) On or before before June 30 of the year 3 years after  
25 the effective date of this Act, the Department of Public  
26 Health, Department of Agriculture, Department of Revenue, and

1 Department of Financial and Professional Regulation shall  
2 prescribe forms and adopt such rules as the Departments deem  
3 necessary for the implementation of this Act. The Department  
4 of Public Health, Department of Agriculture, Department of  
5 Revenue, the Illinois State Police, and Department of  
6 Financial and Professional Regulation shall hold at least one  
7 public hearing regarding this rulemaking. The public hearing  
8 may be held jointly or the Departments may hold individual  
9 hearings.

10 Section 50. Licensing.

11 (a) On or before July 1 of the year 2 years after the  
12 effective date of this Act:

13 (1) The Department of Financial and Professional  
14 Regulation shall begin receiving applications for the  
15 licensing of persons to:

16 (A) operate a service center; and

17 (B) facilitate psilocybin services.

18 (2) The Department of Agriculture shall begin  
19 receiving applications for the licensing of persons to:

20 (A) manufacture psilocybin products; and

21 (B) test psilocybin products.

22 (b) Except as provided in subsection (c), an applicant for  
23 a license or renewal of a license issued under this Act shall  
24 apply to the appropriate Department in the form required by  
25 that Department, by rule, showing the name and address of the

1 applicant, the location of the facility that is to be operated  
2 under the license, and other pertinent information required by  
3 the Department. The Department may not issue or renew a  
4 license until the applicant has complied with the provisions  
5 of this Act and rules adopted under this Act.

6 (b-5) In the event that an application does not meet the  
7 technical standards set forth by the applicable Department,  
8 the Department must notify the applicant and provide the  
9 applicant with at least 30 days after the applicant receives  
10 notice of the deficiency to rectify the application materials.

11 (c) A Department may reject any application that is not  
12 submitted in the form required by the Department by rule. The  
13 approval or denial of any application is a final decision of  
14 the Department subject to judicial review. Jurisdiction and  
15 venue are vested in the circuit court.

16 (d) Except as provided in subsection (c), a revocation of  
17 or refusal to issue or renew a license issued under this Act is  
18 a final decision of the Department subject to judicial review.  
19 Jurisdiction and venue are vested in the Circuit Court.

20 (e) An applicant for a facilitator license or renewal of a  
21 facilitator license issued under Section 105 need not show the  
22 location of any premises.

23 (f) The Department of Financial and Professional  
24 Regulation or the Department of Agriculture shall not license  
25 an applicant under the provisions of this Act if the applicant  
26 is under 18 years of age.

1 (g) The Department of Financial or Professional Regulation  
2 or the Department of Agriculture shall refuse to issue a  
3 license or may issue a restricted license to an applicant  
4 under the provisions of this Act if the Department finds that  
5 the applicant meets any of the following conditions:

6 (1) has failed to complete any of the education or  
7 training required by the provisions of this Act or rules  
8 adopted under this Act;

9 (2) has failed to complete any of the examinations  
10 required by the provisions of this Act or rules adopted  
11 under this Act;

12 (3) is in the habit of using alcoholic beverages,  
13 habit-forming drugs, or controlled substances to excess as  
14 determined by the Department;

15 (4) has made false statements to the Department;

16 (5) is incompetent or physically unable to carry on  
17 the management of the establishment proposed to be  
18 licensed as determined by the Department;

19 (6) has been convicted of violating a federal law,  
20 State law, or local ordinance if the conviction is  
21 substantially related to the fitness and ability of the  
22 applicant to lawfully carry out activities under the  
23 license;

24 (7) is not of good repute and moral character as  
25 determined by the Department;

26 (8) does not have a good record of compliance with

1 this Act or any rule adopted under this Act;

2 (9) is not the legitimate owner of the premises  
3 proposed to be licensed or has not disclosed that any  
4 other person has an ownership interest in the premises  
5 proposed to be licensed;

6 (10) has not demonstrated financial responsibility  
7 sufficient to adequately meet the requirements of the  
8 premises proposed to be licensed; or

9 (11) is unable to understand the laws of this State  
10 relating to psilocybin products, psilocybin services, or  
11 the rules adopted under this Act.

12 (h) Notwithstanding paragraph (6) of subsection (g), in  
13 determining whether to issue a license or a restricted license  
14 to an applicant, the Department of Financial and Professional  
15 Regulation or the Department of Agriculture shall not consider  
16 the prior conviction of the applicant or any owner, director,  
17 officer, manager, employee, agent, or other representative of  
18 the applicant for the following:

19 (1) The manufacture of psilocybin or the manufacture  
20 of cannabis, as defined under Section 1-10 of the Cannabis  
21 Regulation and Tax Act, or cannabis product if any of the  
22 following apply:

23 (A) The date of the conviction is 2 or more years  
24 before the date of the application.

25 (B) The person has not been convicted more than  
26 once for the manufacture of psilocybin.



1           (2) The possession of a controlled substance, as  
2           defined in the Illinois Controlled Substances Act, if any  
3           of the following apply:

4                   (A) The date of the conviction is 2 or more years  
5                   before the date of the application.

6                   (B) The person has not been convicted more than  
7                   once for the possession of a controlled substance.

8           (i) The Department of Financial and Professional  
9           Regulation and the Department of Agriculture shall not issue a  
10           license pursuant to this Act if the licensee, principal  
11           officer, board member, or person having a financial or voting  
12           interest of 5% or greater in the licensee or applicant, or the  
13           agent thereof is delinquent in filing any required tax returns  
14           or paying any amounts owed to the State of Illinois.

15           Section 55. Authority to require fingerprints. The  
16           Department of Agriculture or the Department of Financial and  
17           Professional Regulation, through the Illinois State Police,  
18           may require the fingerprints of any individual listed on an  
19           application to perform any of the functions listed in  
20           subsection (a) of Section 50 for purposes of conducting a  
21           background check. The Department of Agriculture or the  
22           Department of Financial and Professional Regulation may  
23           require fingerprints to be submitted for a background check  
24           prior to or after the submission of an application. The  
25           Illinois State Police shall charge a fee for conducting the

1 criminal history record check, which shall be deposited in the  
2 State Police Services Fund and shall not exceed the actual  
3 cost of the record check. In order to carry out this provision,  
4 each person applying to perform one of the functions listed in  
5 subsection (a) of Section 50 may be required to submit a full  
6 set of fingerprints to the Illinois State Police for the  
7 purpose of obtaining a State and federal criminal records  
8 check. These fingerprints shall be checked against the  
9 fingerprint records now and hereafter, to the extent allowed  
10 by law, filed in the Illinois State Police and Federal Bureau  
11 of Investigation criminal history records databases. The  
12 Illinois State Police shall furnish, following positive  
13 identification, all Illinois conviction information to the  
14 Department of Agriculture or the Department of Financial and  
15 Professional Regulation. The Department of Agriculture or the  
16 Department of Financial and Professional Regulation, through  
17 the Illinois State Police, may require the fingerprints of the  
18 following persons:

19 (1) If the applicant is a limited partnership, each  
20 general partner of the limited partnership.

21 (2) If the applicant is a manager-managed limited  
22 liability company, each manager of the limited liability  
23 company.

24 (3) If the applicant is a member-managed limited  
25 liability company, each voting member of the limited  
26 liability company.

1           (4) If the applicant is a corporation, each director  
2           and officer of the corporation.

3           (5) Any individual who holds a financial interest of  
4           10% or more in the person applying for the license.

5           Section 60. Properties of license. A license issued under  
6           this Act is all of the following:

7           (1) a personal privilege;

8           (2) renewable in the manner provided under Section 50,  
9           except for a cause that would be grounds for refusal to  
10          issue the license under Section 50;

11          (3) subject to revocation or suspension as provided in  
12          Section 185;

13          (4) except for a license issued to a facilitator under  
14          Section 105, transferable from the premises for which the  
15          license was originally issued to another premises subject  
16          to the provisions of this Act, applicable rules adopted  
17          under this Act, and applicable local ordinances;

18          (5) subject to expiration upon the death of the  
19          licensee, if the license was issued to an individual  
20          except as provided under subsection (p) of Section 155;

21          (6) not considered property;

22          (7) not alienable;

23          (8) not subject to attachment or execution; and

24          (9) not subject to descent by the laws of testate or  
25          intestate succession.

1           Section 65. Duties of the Departments with respect to  
2           issuing licenses.

3           (a) The Department of Financial and Professional  
4           Regulation or the Department of Agriculture shall approve or  
5           deny an application to be licensed under this Act. Upon  
6           receiving an application under Section 50, the Department may  
7           not unreasonably delay processing, approving, or denying the  
8           application or, if the application is approved, issuing the  
9           license.

10          (b) The licenses described in this Act must be issued by  
11          the Department of Financial and Professional Regulation or the  
12          Department of Agriculture subject to the provisions of this  
13          Act and rules adopted under this Act.

14          (c) The Department of Financial and Professional  
15          Regulation may not license premises that do not have defined  
16          boundaries. Premises do not need to be enclosed by a wall,  
17          fence, or other structure, but the Department of Financial and  
18          Professional Regulation may require premises to be enclosed as  
19          a condition of issuing or renewing a license. The Department  
20          of Financial and Professional Regulation may not license  
21          mobile premises.

22          Section 70. Lawful manufacture, delivery, and possession  
23          of psilocybin products. A licensee or licensee representative  
24          may manufacture, deliver, or possess a psilocybin product

1 subject to the provisions of this Act and rules adopted under  
2 this Act. The manufacture, delivery, or possession of a  
3 psilocybin product by a licensee or a licensee representative  
4 in compliance with this Act and rules adopted under this Act  
5 does not constitute a criminal or civil offense under the laws  
6 of this State.

7 Section 75. Restriction on financial interests in multiple  
8 licensees.

9 (a) An individual may not have a financial interest in  
10 either of the following:

11 (1) More than one psilocybin product manufacturer.

12 (2) More than 5 service center operators.

13 (b) Subject to subsection (a), a person may hold multiple  
14 service center operator licenses under Section 95 and may hold  
15 both a manufacturer license under Section 80 and a service  
16 center operator license under Section 95 at the same or  
17 different premises.

18 Section 80. License to manufacture psilocybin products.

19 (a) The manufacture of psilocybin products is subject to  
20 regulation by the Department of Agriculture.

21 (b) A psilocybin product manufacturer must have a  
22 manufacturer license issued by the Department of Agriculture  
23 for the premises at which the psilocybin products are  
24 manufactured. To hold a manufacturer license issued under this

1 Section, a psilocybin product manufacturer must comply with  
2 the following:

3 (1) apply for a license in the manner described in  
4 Section 50; and

5 (2) provide proof that the applicant is 18 years of  
6 age or older.

7 (c) If the applicant is not the owner of the premises at  
8 which the psilocybin is to be manufactured, the applicant  
9 shall submit to the Department of Agriculture signed informed  
10 consent from the owner of the premises to manufacture  
11 psilocybin at the premises. The Department of Agriculture may  
12 adopt rules regarding the informed consent described in this  
13 subsection.

14 (d) The Department of Agriculture shall adopt rules that  
15 comply with the following:

16 (1) require a psilocybin product manufacturer to  
17 annually renew a license issued under this Section;

18 (2) establish application, licensure, and renewal of  
19 licensure fees for psilocybin product manufacturers; and

20 (3) require psilocybin products manufactured by  
21 psilocybin product manufacturers to be tested in  
22 accordance with Section 270.

23 (e) Fees adopted under paragraph (2) of subsection (d) may  
24 not exceed, together with other fees collected under this Act,  
25 the cost of administering this Act and shall be deposited into  
26 the Psilocybin Control and Regulation Fund.

1           Section    85.    Psilocybin    product    manufacturers;  
2   endorsements.

3           (a) The Department of Agriculture shall adopt rules that  
4   designate different types of manufacturing activities. A  
5   psilocybin product manufacturer may only engage in a type of  
6   manufacturing activity if the psilocybin product manufacturer  
7   has received an endorsement from the Department for that type  
8   of manufacturing activity.

9           (b) An applicant must request an endorsement upon  
10   submission of an initial application but may also request an  
11   endorsement at any time following licensure.

12          (c) Only one application and license fee is required  
13   regardless of how many endorsements an applicant or licensee  
14   requests or at what time the request is made.

15          (d) A psilocybin product manufacturer licensee may hold  
16   multiple endorsements.

17          (e) The Department of Agriculture may deny a psilocybin  
18   product manufacturer's request for an endorsement or revoke an  
19   existing endorsement if the psilocybin product manufacturer  
20   cannot or does not meet the requirements for the endorsement  
21   that is requested.

22          Section 90. Psilocybin product quantities; rules. The  
23   Department of Agriculture shall adopt rules restricting the  
24   quantities of psilocybin products at premises for which a

1 license has been issued under Section 80. In adopting rules  
2 under this Section, the Department shall take into  
3 consideration the demand for psilocybin services in this  
4 State, the number of psilocybin product manufacturers applying  
5 for a license under Section 80, the number of psilocybin  
6 product manufacturers that hold a license issued under Section  
7 80, and whether the availability of psilocybin products in  
8 this State is commensurate with the demand for psilocybin  
9 services.

10 Section 95. License to operate a service center.

11 (a) The operation of a service center is subject to  
12 regulation by the Department of Financial and Professional  
13 Regulation.

14 (b) A service center operator must have a service center  
15 operator license issued by the Department of Financial and  
16 Professional Regulation for the premises at which psilocybin  
17 services are provided. To hold a service center operator  
18 license under this Section, a service center operator must  
19 comply with the following:

20 (1) apply for a license in the manner described in  
21 Section 50;

22 (2) provide proof that the applicant is 18 years of  
23 age or older;

24 (3) ensure that the service center is located in an  
25 area that is not within the limits of an area zoned



1 exclusively for residential use;

2 (4) ensure that the service center is not located  
3 within 1,000 feet of a public, private, or parochial  
4 school; and

5 (5) meet the requirements of any rule adopted by the  
6 Department of Financial and Professional Regulation under  
7 subsection (c).

8 (c) The Department of Financial and Professional  
9 Regulation shall adopt rules that comply with the following:

10 (1) require a service center operator to annually  
11 renew a license issued under this Section;

12 (2) establish application, licensure, and renewal of  
13 licensure fees for service center operators;

14 (3) require psilocybin products sold by a service  
15 center operator to be tested in accordance with Section  
16 270; and

17 (4) require a service center operator to meet any  
18 public health and safety standards and industry best  
19 practices established by the Department by rule.

20 Fees adopted under paragraph (2) of this subsection may  
21 not exceed, together with other fees collected under this Act,  
22 the cost of administering this Act and shall be deposited into  
23 the Psilocybin Control and Regulation Fund established under  
24 Section 190.

25 Section 100. Establishment of schools after issuance of

1 license.

2 (a) If a school described under paragraph (5) of  
3 subsection (b) of Section 95 that has not previously been  
4 attended by children is established within 1,000 feet of  
5 premises for which a license has been issued under Section 95,  
6 the service center operator located at that premises may  
7 remain at that location unless the Department of Financial and  
8 Professional Regulation revokes the license of the service  
9 center operator under Section 175.

10 (b) The Department of Financial and Professional  
11 Regulation may adopt rules establishing the circumstances  
12 under which the Department may require a service center  
13 operator that holds a license issued under Section 95 to use an  
14 age verification scanner or any other equipment used to verify  
15 a person's age for the purpose of ensuring that the service  
16 center operator does not sell psilocybin products to a person  
17 under 18 years of age. Information obtained under this  
18 subsection may not be retained after verifying a person's age  
19 and may not be used for any purpose other than verifying a  
20 person's age.

21 Section 105. License to facilitate psilocybin services.

22 (a) The facilitation of psilocybin services is subject to  
23 regulation by the Department of Financial and Professional  
24 Regulation.

25 (b) A facilitator must have a facilitator license issued

1 by the Department of Financial and Professional Regulation. To  
2 hold a facilitator license issued under this Section, a  
3 facilitator must comply with the following:

4 (1) apply for a license in the manner described in  
5 Section 50;

6 (2) provide proof that the applicant is 18 years of  
7 age or older;

8 (3) have a high school diploma or equivalent  
9 education;

10 (4) submit evidence of completion of education and  
11 training prescribed and approved by the Department;

12 (5) have passed an examination approved, administered,  
13 or recognized by the Department; and

14 (6) meet the requirements of any rule adopted by the  
15 Department under subsection (d).

16 (c) The Department of Financial and Professional  
17 Regulation may not require a facilitator to have a degree from  
18 a university, college, postsecondary institution, or other  
19 institution of higher education.

20 (d) The Department of Financial and Professional  
21 Regulation shall adopt rules that comply with the following:

22 (1) require a facilitator to annually renew a license  
23 issued under this Section;

24 (2) establish application, licensure, and renewal of  
25 licensure fees for facilitators;

26 (3) require a facilitator to meet any public health

1 and safety standards and industry best practices  
2 established by the Department by rule.

3 (e) Fees adopted under paragraph (2) of subsection (d) may  
4 not exceed, together with other fees collected under this Act,  
5 the cost of administering this Act and shall be deposited into  
6 the Psilocybin Control and Regulation Fund.

7 (f) A facilitator may be, but need not be, an employee,  
8 manager, director, officer, partner, member, shareholder, or  
9 direct or indirect owner of one or more service center  
10 operators.

11 (g) A license issued to a facilitator under this Section  
12 is not limited to any one or more premises.

13 Section 110. License examinations; rules. The Department  
14 of Financial and Professional Regulation shall offer an  
15 examination for applicants for licenses to facilitate  
16 psilocybin services at least twice a year. An applicant who  
17 fails any part of the examination may retake the failed  
18 section in accordance with rules adopted by the Department.

19 Section 115. Age verification. The Department of  
20 Financial and Professional Regulation may adopt rules  
21 establishing the circumstances under which the Department may  
22 require a facilitator that holds a license issued under  
23 Section 105 to use an age verification scanner or any other  
24 equipment used to verify a person's age for the purpose of

1 ensuring that the facilitator does not provide psilocybin  
2 services to a person under 18 years of age. Information  
3 obtained under this Section may not be retained after  
4 verifying a person's age and may not be used for any purpose  
5 other than verifying a person's age.

6 Section 120. Psilocybin services. The Department of  
7 Financial and Professional Regulation shall adopt by rule the  
8 requirements, specifications, and guidelines for the  
9 following:

- 10 (1) providing psilocybin services to a client;
- 11 (2) holding and verifying the completion of a  
12 preparation session;
- 13 (3) having a client complete, sign, and deliver a  
14 client information form to a service center operator and a  
15 facilitator;
- 16 (4) holding and verifying the completion of an  
17 administration session; and
- 18 (5) holding and verifying the completion of an  
19 integration session.

20 Section 125. Preparation session.

21 (a) Before a client participates in an administration  
22 session, the client must attend a preparation session with a  
23 facilitator. A preparation session is intended to provide  
24 individuals with comprehensive information about the potential

1 risks and benefits of the use of psilocybin.

2 (b) A preparation session may be, but need not be, held at  
3 a service center.

4 (c) If a preparation session is completed in accordance  
5 with all applicable requirements, specifications, and  
6 guidelines, as determined by the Department, the facilitator  
7 must certify, in a form and manner prescribed by the  
8 Department, that the client completed the preparation session.  
9 This certification shall be collected for the limited purpose  
10 of ensuring the facilitator adheres to all applicable  
11 requirements, specifications, and guidelines. The Department,  
12 facilitator, and service center operator shall maintain such  
13 certifications in a manner that ensures confidentiality and  
14 shall not sell, disclose, or otherwise transfer any personally  
15 identifiable information of the client without the client's  
16 express written consent. The Department, facilitator, and  
17 service center shall only maintain personally identifiable  
18 information of the client to the extent necessary to transact  
19 business and ensure compliance with all laws and rules.

20 Section 130. Client information form.

21 (a) Before a client participates in an administration  
22 session, the following must occur:

23 (1) The client must complete and sign a client  
24 information form in a form and manner prescribed by the  
25 Department.

1           (2) A copy of the completed and signed client  
2 information form must be delivered to the service center  
3 operator that operates the service center at which the  
4 administration session is to be held and to the  
5 facilitator that will supervise the administration  
6 session.

7           (b) The client information form must comply with the  
8 following:

9           (1) Solicit from the client such information as may be  
10 necessary: (i) to enable a service center operator and a  
11 facilitator to determine whether the client should  
12 participate in an administration session, including  
13 information that may identify risk factors and  
14 contraindications, and (ii) to assist the service center  
15 operator and the facilitator in meeting any public health  
16 and safety standards and industry best practices during  
17 the administration session.

18           (2) Contain such health and safety warnings and other  
19 disclosures to the client as the Department may require.

20           (c) The service center operator shall maintain the client  
21 information form in a manner that ensures confidentiality and  
22 shall not sell, disclose, or otherwise transfer any personally  
23 identifiable information of the client without the client's  
24 express written consent.

25           Section 135. Administration session.

1 (a) After a client completes a preparation session and  
2 completes and signs a client information form, the client may  
3 participate in an administration session.

4 (b) An administration session must be held under the  
5 supervision of a licensed facilitator.

6 (c) If an administration session is completed in  
7 accordance with all applicable requirements, specifications,  
8 and guidelines, as determined by the Department, the  
9 facilitator must certify, in a form and manner prescribed by  
10 the Department, that the client completed the administration  
11 session. This certification shall be collected for the limited  
12 purpose of ensuring the facilitator adheres to all applicable  
13 requirements, specifications, and guidelines. The Department,  
14 facilitator, and service center operator shall maintain such  
15 certifications in a manner that ensures confidentiality and  
16 shall not sell, disclose, or otherwise transfer any personally  
17 identifiable information of the client without the client's  
18 express written consent. The Department, facilitator, and  
19 service center shall only maintain personally identifiable  
20 information of the client to the extent necessary to transact  
21 business and ensure compliance with all laws and rules.

22 Section 140. Integration session.

23 (a) After a client completes an administration session,  
24 the facilitator who supervised the administration session must  
25 offer the client an opportunity to participate in an



1 integration session. The client may, but need not, participate  
2 in an integration session. Integration sessions are intended  
3 to promote psychological well-being and reduce the risk of  
4 adverse reactions by ensuring individuals are not left to  
5 process potentially overwhelming experiences alone.

6 (b) An integration session may be, but need not be, held at  
7 a service center.

8 (c) If an integration session is completed in accordance  
9 with all applicable requirements, specifications, and  
10 guidelines, as determined by the Department, the facilitator  
11 must certify, in a form and manner prescribed by the  
12 Department, that the client completed the integration session.  
13 This certification shall be collected for the limited purpose  
14 of ensuring the facilitator adheres to all applicable  
15 requirements, specifications, and guidelines. The Department,  
16 facilitator, and service center operator shall maintain such  
17 certifications in a manner that ensures confidentiality and  
18 shall not sell, disclose, or otherwise transfer any personally  
19 identifiable information of the client without the client's  
20 express written consent. The Department, facilitator, and  
21 service center shall only maintain personally identifiable  
22 information of the client to the extent necessary to transact  
23 business and ensure compliance with all laws and rules.

24 Section 145. Reliance on client information form.

25 (a) If a client information form is offered as evidence in

1 any administrative or criminal prosecution of a licensee or  
2 licensee representative for sale or service of a psilocybin  
3 product to a client, the licensee or licensee representative  
4 is not guilty of any offense prohibiting a person from selling  
5 or serving a psilocybin product to a client unless it is  
6 demonstrated that a reasonable person would have determined  
7 that the responses provided by the client on the client  
8 information form were incorrect or altered.

9 (b) A licensee or licensee representative shall be  
10 entitled to rely upon all statements, declarations, and  
11 representations made by a client in a client information form  
12 unless it is demonstrated that either:

13 (1) a reasonable person would have determined that one  
14 or more of the statements, declarations, or  
15 representations made by the client in the client  
16 information form were incorrect or altered; or

17 (2) the licensee or licensee representative violated a  
18 provision of this Act or a rule adopted under this Act  
19 relative to the client information form.

20 (c) Except as provided in subsection (b), no licensee or  
21 licensee representative shall incur legal liability by virtue  
22 of any untrue statement, declaration, or representation so  
23 relied upon in good faith by the licensee or licensee  
24 representative.

25 (d) The Department of Financial and Professional  
26 Regulation shall adopt rules for recordkeeping, privacy, and

1 confidentiality requirements of service centers. However, the  
2 recordkeeping shall not result in disclosure to the public or  
3 any governmental agency of any participant's personally  
4 identifiable information.

5 Section 150. Refusal to provide psilocybin services to a  
6 client.

7 (a) Subject to applicable State law, a licensee or  
8 licensee representative may refuse to provide psilocybin  
9 services to a potential client for any or no reason.

10 (b) Except as provided in subsection (c), and subject to  
11 applicable State law, a licensee or licensee representative  
12 may cease providing psilocybin services to a client for any or  
13 no reason.

14 (c) A service center operator and a facilitator may not  
15 cease providing psilocybin services to a client during an  
16 administration session after the client has consumed a  
17 psilocybin product, except as authorized by the Department of  
18 Financial and Professional Regulation by rule or as necessary  
19 in an emergency.

20 Section 155. Department powers and duties relating to  
21 facilitators.

22 (a) The Department of Financial and Professional  
23 Regulation shall perform the following:

24 (1) Determine the qualifications, training, education,

1 and fitness of applicants for licenses to facilitate  
2 psilocybin services, giving particular consideration to  
3 the following:

4 (A) facilitation skills that are affirming,  
5 nonjudgmental, culturally competent, trauma informed,  
6 rooted in informed consent, and nondirective;

7 (B) support skills for clients during an  
8 administration session, including specialized skills  
9 for the following:

10 (i) client safety; and

11 (ii) clients who may have a mental health  
12 condition;

13 (C) the environment in which psilocybin services  
14 should occur; and

15 (D) social and cultural considerations.

16 (2) Formulate a code of professional conduct for  
17 facilitators, giving particular consideration to a code of  
18 ethics.

19 (3) Establish standards of practice and professional  
20 responsibility for individuals licensed by the Department  
21 to facilitate psilocybin services.

22 (4) Select licensing examinations for licenses to  
23 facilitate psilocybin services.

24 (5) Provide for waivers of examinations, as  
25 appropriate.

26 (6) Appoint representatives to conduct or supervise

1 examinations of applicants for licenses to facilitate  
2 psilocybin services.

3 (b) The Department of Financial and Professional  
4 Regulation shall adopt by rule minimum standards of education  
5 and training requirements for facilitators.

6 (c) The Department of Financial and Professional  
7 Regulation shall approve courses for facilitators. To obtain  
8 approval of a course, the provider of a course must submit an  
9 outline of instruction to the Department. The outline must  
10 include the proposed courses, total hours of instruction,  
11 hours of lectures in theory, and the hours of instruction in  
12 application of practical skills.

13 (d) The Department of Financial and Professional  
14 Regulation may, after 72 hours' notice, make an examination of  
15 the books of a licensee for the purpose of determining  
16 compliance with this Act and rules adopted under this Act.

17 (e) The Department of Financial and Professional  
18 Regulation or the Department of Agriculture may at any time  
19 make an examination of premises for which a license has been  
20 issued under this Act for the purpose of determining  
21 compliance with this Act and rules adopted under this Act.

22 (f) The Department of Financial and Professional  
23 Regulation may not require the books of a licensee to be  
24 maintained on the premises of the licensee.

25 (g) If a licensee holds more than one license issued under  
26 this Act for the same premises, the Department of Financial

1 and Professional Regulation or the Department of Agriculture  
2 may require the premises to be segregated into separate areas  
3 for conducting the activities permitted under each license as  
4 is necessary to protect the public health and safety.

5 (h) As is necessary to protect the public health and  
6 safety, the Department of Financial and Professional  
7 Regulation or the Department of Agriculture may require a  
8 licensee to maintain general liability insurance in an amount  
9 that the Department determines is reasonably affordable and  
10 available for the purpose of protecting the licensee against  
11 damages resulting from a cause of action related to activities  
12 undertaken pursuant to the license held by the licensee.

13 (i) The Department of Financial and Professional  
14 Regulation and the Department of Agriculture shall develop and  
15 maintain a system for tracking the transfer of psilocybin  
16 products between premises for which licenses have been issued  
17 under this Act. The purposes of the system include, but are not  
18 limited to, the following:

19 (1) preventing the diversion of psilocybin products to  
20 other states;

21 (2) preventing persons from substituting or tampering  
22 with psilocybin products;

23 (3) ensuring an accurate accounting of the production,  
24 processing, and sale of psilocybin products;

25 (4) ensuring that laboratory testing results are  
26 accurately reported; and

1           (5) ensuring compliance with this Act, rules adopted  
2           under this Act, and any other law of this State that  
3           charges the Department with a duty, function, or power  
4           related to psilocybin.

5           (j) The system developed under subsection (i) must be  
6           capable of tracking, at a minimum, the following:

7                   (1) the manufacturing of psilocybin products;

8                   (2) the sale of psilocybin products by a service  
9                   center operator to a client;

10                  (3) the sale and purchase of psilocybin products  
11                  between licensees, as permitted by this Act;

12                  (4) the transfer of psilocybin products between  
13                  premises for which licenses have been issued under this  
14                  Act; and

15                  (5) any other information that the Department  
16                  determines is reasonably necessary to accomplish the  
17                  duties, functions, and powers of the Department under this  
18                  Act.

19           (k) Except as otherwise provided by law, the Department of  
20           Financial and Professional Regulation and the Department of  
21           Agriculture have any power, and may perform any function,  
22           necessary for the Departments to prevent the diversion of  
23           psilocybin products from licensees to a source that is not  
24           operating legally under the laws of this State.

25           (1) In addition to any other disciplinary action available  
26           to the Department of Financial and Professional Regulation and

1 the Department of Agriculture under this Act, either  
2 Department may immediately restrict, suspend, or refuse to  
3 renew a license issued under this Act if circumstances create  
4 probable cause for the Department to conclude that a licensee  
5 has purchased or received a psilocybin product from an  
6 unlicensed source or that a licensee has sold, stored, or  
7 transferred a psilocybin product in a manner that is not  
8 permitted by the licensee's license.

9 (m) The Department of Financial and Professional  
10 Regulation or the Department of Agriculture may require a  
11 licensee or applicant for a license under this Act to submit,  
12 in a form and manner prescribed by the Department, to the  
13 Department a sworn statement showing the following:

14 (1) The name and address of each person who has a  
15 financial interest in the business operating or to be  
16 operated under the license.

17 (2) The nature and extent of the financial interest of  
18 each person who has a financial interest in the business  
19 operating or to be operated under the license.

20 (3) The Department of Financial and Professional  
21 Regulation or the Department of Agriculture may refuse to  
22 issue, or may suspend, revoke, or refuse to renew, a  
23 license issued under this Act if the Department determines  
24 that a person who has a financial interest in the business  
25 operating or to be operated under the license committed or  
26 failed to commit an act that would constitute grounds for



1 the Department to refuse to issue, or to suspend, revoke,  
2 or refuse to renew, the license if the person is the  
3 licensee or applicant for the license.

4 (n) Notwithstanding the lapse, suspension, or revocation  
5 of a license issued under this Act, the Department of  
6 Financial and Professional Regulation and the Department of  
7 Agriculture may perform the following:

8 (1) proceed with any investigation of, or any action  
9 or disciplinary proceeding against, the person who held  
10 the license;

11 (2) revise or render void an order suspending or  
12 revoking the license; and

13 (3) in cases involving the proposed denial of a  
14 license applied for under this Act, the applicant for  
15 licensure may not withdraw the applicant's application.

16 (o) Notwithstanding the lapse, suspension, or revocation  
17 of a permit issued under Section 180, the Department of  
18 Financial and Professional Regulation and the Department of  
19 Agriculture may perform the following:

20 (1) proceed with any investigation of, or any action  
21 or disciplinary proceeding against, the person who held  
22 the permit;

23 (2) revise or render void an order suspending or  
24 revoking the permit; and

25 (3) in cases involving the proposed denial of a permit  
26 applied for under Section 180, the applicant may not

1 withdraw the applicant's application.

2 (p) The Department of Financial and Professional  
3 Regulation and the Department of Agriculture may, by rule or  
4 order, provide for the manner and conditions under which the  
5 following occur:

6 (1) psilocybin products left by a deceased, insolvent,  
7 or bankrupt person or licensee, or subject to a security  
8 interest, may be foreclosed, sold under execution, or  
9 otherwise disposed of;

10 (2) the business of a deceased, insolvent, or bankrupt  
11 licensee may be operated for a reasonable period following  
12 the death, insolvency, or bankruptcy; and

13 (3) a secured party may continue to operate at the  
14 premises for which a license has been issued under this  
15 Act for a reasonable period after default on the  
16 indebtedness by the debtor.

17 Section 160. Conduct of licensees; prohibitions.

18 (a) A psilocybin product manufacturer that holds a license  
19 under Section 80 may not manufacture psilocybin products  
20 outdoors.

21 (b) A psilocybin product manufacturer that holds a license  
22 under Section 80 may deliver psilocybin products only to or on  
23 premises for which a license has been issued under Section 80  
24 or Section 95 and may receive psilocybin products only from a  
25 psilocybin product manufacturer that holds a license under

1 Section 80.

2 (c) A service center operator that holds a license under  
3 Section 95 may deliver psilocybin products only to or on  
4 premises for which a license has been issued under Section 95  
5 and may receive psilocybin products only from a psilocybin  
6 product manufacturer that holds a license under Section 80 or  
7 a service center operator that holds a license under Section  
8 95.

9 (d) The sale of psilocybin products to a client by a  
10 service center operator that holds a license issued under  
11 Section 95 must be restricted to the premises for which the  
12 license has been issued.

13 (e) The Department of Financial and Professional  
14 Regulation or the Department of Agriculture may by order waive  
15 the requirements of subsections (b) and (c) to ensure  
16 compliance with this Act or a rule adopted under this Act. An  
17 order issued under this subsection does not constitute a  
18 waiver of any other requirement of this Act or any other rule  
19 adopted under this Act.

20 (f) A licensee or licensee representative may not sell or  
21 deliver a psilocybin product to a person under 18 years of age.

22 (g) Subject to subsection (h), a licensee or licensee  
23 representative, before selling or providing a psilocybin  
24 product to another person, must require the person to produce  
25 one of the following pieces of identification:

26 (1) The person's passport.

1           (2) The person's driver's license, issued by the State  
2 of Illinois or another state of the United States.

3           (3) An identification card issued by the State of  
4 Illinois.

5           (4) A United States military identification card.

6           (5) An identification card issued by a federally  
7 recognized Indian tribe.

8           (6) Any other identification card issued by a state or  
9 territory of the United States that bears a picture of the  
10 person, the name of the person, the person's date of  
11 birth, and a physical description of the person.

12          (h) The Department may adopt rules exempting a licensee or  
13 licensee representative from the provisions of subsection (g).

14          (i) A client may not be required to procure for the purpose  
15 of acquiring or purchasing a psilocybin product a piece of  
16 identification other than a piece of identification described  
17 in subsection (g).

18          (j) A service center operator, a facilitator, or any  
19 employee of a service center operator or facilitator may not  
20 disclose any information that may be used to identify a client  
21 or any communication made by a client during the course of  
22 providing psilocybin services or selling psilocybin products  
23 to the client, except for the following:

24               (1) When the client or a person authorized to act on  
25 behalf of the client gives consent to the disclosure.

26               (2) When the client initiates legal action or makes a

1 complaint against the service center operator, the  
2 facilitator, or the employee.

3 (3) When the communication reveals the intent to  
4 commit a crime harmful to the client or others.

5 (4) When the communication reveals that a minor may  
6 have been a victim of a crime or physical, sexual, or  
7 emotional abuse or neglect.

8 (5) When responding to an inquiry by the Department  
9 made during the course of an investigation into the  
10 conduct of the service center operator, the facilitator,  
11 or the employee under this Act.

12 (k) A client may purchase a psilocybin product only at a  
13 service center.

14 (l) A licensee may not employ a person under 18 years of  
15 age at premises for which a license has been issued under this  
16 Act.

17 (m) During an inspection of premises for which a license  
18 has been issued under this Act, the Department of Financial  
19 and Professional Regulation or the Department of Agriculture  
20 may require proof that a person performing work at the  
21 premises is 18 years of age or older. If the person does not  
22 provide the Department with acceptable proof of age upon  
23 request, the Department may require the person to immediately  
24 cease any activity and leave the premises until the Department  
25 receives acceptable proof of age. This subsection does not  
26 apply to a person temporarily at the premises to make a

1 service, maintenance, or repair call or for other purposes  
2 independent of the premises operations.

3 (n) If a person performing work has not provided proof of  
4 age requested by the Department of Financial and Professional  
5 Regulation or the Department of Agriculture under subsection  
6 (m), the Department may request that the licensee provide  
7 proof that the person is 18 years of age or older. Failure of  
8 the licensee to respond to a request made under this  
9 subsection by providing acceptable proof of age for a person  
10 is prima facie evidence that the licensee has allowed the  
11 person to perform work at the premises for which a license has  
12 been issued under this Act in violation of the minimum age  
13 requirement.

14 (o) A licensee may not use or allow the use of a mark or  
15 label on the container of a psilocybin product that is kept for  
16 sale if the mark or label does not precisely and clearly  
17 indicate the nature of the container's contents or if the mark  
18 or label in any way might deceive a person about the nature,  
19 composition, quantity, age, or quality of the container's  
20 contents.

21 (p) The Department of Financial and Professional  
22 Regulation or the Department of Agriculture may prohibit a  
23 licensee from selling any psilocybin product that, in the  
24 Department's judgment, is deceptively labeled or contains  
25 injurious or adulterated ingredients.

1 Section 165. Psilocybin product prohibitions.

2 (a) A psilocybin product may not be sold or offered for  
3 sale within this State unless the psilocybin product complies  
4 with the minimum standards under the laws of this State.

5 (b) The Department of Financial and Professional  
6 Regulation or the Department of Agriculture may prohibit the  
7 sale of a psilocybin product by a service center operator for a  
8 reasonable period of time, not exceeding 90 days, for the  
9 purpose of determining whether the psilocybin product complies  
10 with the minimum standards prescribed by the laws of this  
11 State.

12 (c) A person may not make false representations or  
13 statements to the Department of Financial and Professional  
14 Regulation or the Department of Agriculture in order to induce  
15 or prevent action by the Department.

16 (d) A licensee may not maintain a noisy, lewd, unsafe, or  
17 unsanitary establishment or supply impure or otherwise  
18 deleterious psilocybin products.

19 (e) A licensee may not misrepresent to a person or to the  
20 public any psilocybin products.

21 Section 170. Purpose of licenses issued under this Act. A  
22 license issued under this Act serves the purpose of exempting  
23 the person who holds the license from the criminal laws of this  
24 State for possession, delivery, or manufacture of psilocybin  
25 products if the person complies with all State laws and rules

1 applicable to the licensee.

2 Section 171. Investigations.

3 (a) Manufacturers, service centers, and laboratories that  
4 conduct testing of psilocybin products are subject to random  
5 and unannounced dispensary inspections and psilocybin testing  
6 by the Department of Financial and Professional Regulation,  
7 Department of Agriculture, the Illinois State Police, local  
8 law enforcement, or as provided by rule.

9 (b) The Department of Financial and Professional  
10 Regulation, Department of Agriculture and their authorized  
11 representatives may enter any place, including a vehicle, in  
12 which psilocybin is held, stored, dispensed, sold, produced,  
13 delivered, transported, manufactured, or disposed of and  
14 inspect, in a reasonable manner, the place and all pertinent  
15 equipment, containers and labeling, and all things including  
16 records, files, financial data, sales data, shipping data,  
17 pricing data, personnel data, research, papers, processes,  
18 controls, and facility, and inventory any stock of psilocybin  
19 and obtain samples of any psilocybin or psilocybin-infused  
20 product, any labels or containers for psilocybin, or  
21 paraphernalia.

22 (c) The Department of Financial and Professional  
23 Regulation or Department of Agriculture may conduct an  
24 investigation of an applicant, application, service center,  
25 manufacturer, manufacturer agent, licensed laboratory that



1 conducts testing of a psilocybin product, principal officer,  
2 facilitator, service center agent, third party vendor, or any  
3 other party associated with a service center, facilitator,  
4 manufacturer, or laboratory that conducts testing of  
5 psilocybin for an alleged violation of this Act or rules or to  
6 determine qualifications to be granted a registration by the  
7 Department of Financial and Professional Regulation or  
8 Department of Agriculture.

9 (d) The Department of Financial or Professional Regulation  
10 or Department of Agriculture may require an applicant or  
11 holder of any license issued pursuant to this Article to  
12 produce documents, records, or any other material pertinent to  
13 the investigation of an application or alleged violations of  
14 this Act or rules. Failure to provide the required material  
15 may be grounds for denial or discipline.

16 (e) Every person charged with preparation, obtaining, or  
17 keeping records, logs, reports, or other documents in  
18 connection with this Act and rules and every person in charge,  
19 or having custody, of those documents shall, upon request by  
20 the Department of Financial and Professional Regulation or  
21 Department of Agriculture, make the documents immediately  
22 available for inspection and copying by either Department,  
23 either Department's authorized representative, or others  
24 authorized by law to review the documents.

25 Section 172. Citations. The Department of Financial or

1 Professional Regulation or Department of Agriculture may issue  
2 nondisciplinary citations for minor violations. Any such  
3 citation issued by the Department of Financial or Professional  
4 Regulation or Department of Agriculture may be accompanied by  
5 a fee. The fee shall not exceed \$20,000 per violation. The  
6 citation shall be issued to the licensee and shall contain the  
7 licensee's name and address, the licensee's license number, a  
8 brief factual statement, the Sections of the law allegedly  
9 violated, and the fee, if any, imposed. The citation must  
10 clearly state that the licensee may choose, in lieu of  
11 accepting the citation, to request a hearing. If the licensee  
12 does not dispute the matter in the citation with the  
13 Department of Financial or Professional Regulation or  
14 Department of Agriculture within 30 days after the citation is  
15 served, then the citation shall become final and not subject  
16 to appeal. The penalty shall be a fee or other conditions as  
17 established by rule.

18 Section 173. Grounds for discipline.

19 (a) The Department of Financial or Professional Regulation  
20 or Department of Agriculture may deny issuance, refuse to  
21 renew or restore, or may reprimand, place on probation,  
22 suspend, revoke, or take other disciplinary or nondisciplinary  
23 action against any license or may impose a fine for any of the  
24 following:

25 (1) material misstatement in furnishing information to

1 the Department;

2 (2) violations of this Act or rules;

3 (3) obtaining an authorization or license by fraud or  
4 misrepresentation;

5 (4) a pattern of conduct that demonstrates  
6 incompetence or that the applicant has engaged in conduct  
7 or actions that would constitute grounds for discipline  
8 under this Act;

9 (5) aiding or assisting another person in violating  
10 any provision of this Act or rules;

11 (6) failing to respond to a written request for  
12 information by the Department within 30 days;

13 (7) engaging in unprofessional, dishonorable, or  
14 unethical conduct of a character likely to deceive,  
15 defraud, or harm the public;

16 (8) adverse action by another United States  
17 jurisdiction or foreign nation;

18 (9) a finding by the Department that the licensee,  
19 after having his or her license placed on suspended or  
20 probationary status, has violated the terms of the  
21 suspension or probation;

22 (10) conviction, entry of a plea of guilty, nolo  
23 contendere, or the equivalent in a State or federal court  
24 of a principal officer or agent-in-charge of a felony  
25 offense in accordance with Sections 2105-131, 2105-135,  
26 and 2105-205 of the Department of Professional Regulation

1 Law of the Civil Administrative Code of Illinois;

2 (11) excessive use of or addiction to alcohol,  
3 narcotics, stimulants, or any other chemical agent or  
4 drug;

5 (12) a finding by the Department of a discrepancy in a  
6 Department audit of psilocybin;

7 (13) a finding by the Department of a discrepancy in a  
8 Department audit of capital or funds;

9 (14) a finding by the Department of acceptance of  
10 psilocybin from a source other than a manufacturer  
11 licensed by the Department of Agriculture, or a service  
12 center licensed by the Department;

13 (15) an inability to operate using reasonable  
14 judgment, skill, or safety due to physical or mental  
15 illness or other impairment or disability, including,  
16 without limitation, deterioration through the aging  
17 process or loss of motor skills or mental incompetence;

18 (16) failing to report to the Department within the  
19 time frames established, or if not identified, no later  
20 than 14 days after an adverse action, of any adverse  
21 action taken against the dispensing organization or an  
22 agent by a licensing jurisdiction in any state or any  
23 territory of the United States or any foreign  
24 jurisdiction, any governmental agency, any law enforcement  
25 agency or any court defined in this Section;

26 (17) any violation of the dispensing organization's

1 policies and procedures submitted to the Department  
2 annually as a condition for licensure;

3 (18) failure to inform the Department of any change of  
4 address no later than 10 business days after the change of  
5 address occurs;

6 (19) disclosing customer names, personal information,  
7 or protected health information in violation of any State  
8 or federal law;

9 (20) operating a service center or manufacturing  
10 psilocybin before obtaining a license from the appropriate  
11 Department;

12 (21) performing duties authorized by this Act prior to  
13 receiving a license to perform such duties;

14 (22) dispensing psilocybin when prohibited by this Act  
15 or rules;

16 (23) any fact or condition that, if it had existed at  
17 the time of the original application for the license,  
18 would have warranted the denial of the license;

19 (24) permitting a person without a valid license to  
20 perform licensed activities under this Act;

21 (25) failure to assign an agent-in-charge as required  
22 by this Article;

23 (26) failure to provide any training required by the  
24 Department within the provided timeframe;

25 (27) personnel insufficient in number or unqualified  
26 in training or experience to properly operate the service

1 center or manufacturer;

2 (28) any pattern of activity that causes a harmful  
3 impact on the community; and

4 (29) failing to prevent diversion, theft, or loss of  
5 psilocybin.

6 (b) All fines and fees imposed under this Section shall be  
7 paid no later than 60 days after the effective date of the  
8 order imposing the fine or as otherwise specified in the  
9 order.

10 (c) A circuit court order establishing that facilitator,  
11 service center operator, or principal officer of a service  
12 center, manufacturer, or laboratory conducting psilocybin  
13 testing is subject to involuntary admission as that term is  
14 defined in Section 1-119 or 1-119.1 of the Mental Health and  
15 Developmental Disabilities Code shall operate as a suspension  
16 of that license.

17 Section 174. Temporary suspension, service center and  
18 facilitators.

19 (a) The Secretary of Financial and Professional Regulation  
20 may temporarily suspend a service center or facilitator  
21 license without a hearing if the Secretary finds that public  
22 safety or welfare requires emergency action. The Secretary  
23 shall cause the temporary suspension by issuing a suspension  
24 notice in connection with the institution of proceedings for a  
25 hearing.

1 (b) If the Secretary temporarily suspends a license  
2 without a hearing, the licensee or its agent is entitled to a  
3 hearing within 45 days after the suspension notice has been  
4 issued. The hearing shall be limited to the issues cited in the  
5 suspension notice, unless all parties agree otherwise.

6 (c) If the Department does not hold a hearing within 45  
7 days after the date the suspension notice was issued, then the  
8 suspended license shall be automatically reinstated and the  
9 suspension vacated.

10 (d) The suspended licensee or its agent may seek a  
11 continuance of the hearing date, during which time the  
12 suspension remains in effect and the license shall not be  
13 automatically reinstated.

14 (e) Subsequently discovered causes of action by the  
15 Department after the issuance of the suspension notice may be  
16 filed as a separate notice of violation. The Department is not  
17 precluded from filing a separate action against the suspended  
18 licensee or its agent.

19 Section 175. Temporary suspension; manufacturer or  
20 laboratory.

21 (a) The Director of Agriculture may temporarily suspend a  
22 manufacturing or laboratory testing license without a hearing  
23 if the Secretary finds that public safety or welfare requires  
24 emergency action. The Secretary shall cause the temporary  
25 suspension by issuing a suspension notice in connection with

1 the institution of proceedings for a hearing.

2 (b) If the Secretary temporarily suspends a license  
3 without a hearing, the licensee or its agent is entitled to a  
4 hearing within 45 days after the suspension notice has been  
5 issued. The hearing shall be limited to the issues cited in the  
6 suspension notice, unless all parties agree otherwise.

7 (c) If the Department does not hold a hearing within 45  
8 days after the date the suspension notice was issued, then the  
9 suspended license shall be automatically reinstated and the  
10 suspension vacated.

11 (d) The suspended licensee or its agent may seek a  
12 continuance of the hearing date, during which time the  
13 suspension remains in effect and the license shall not be  
14 automatically reinstated.

15 (e) Subsequently discovered causes of action by the  
16 Department after the issuance of the suspension notice may be  
17 filed as a separate notice of violation. The Department is not  
18 precluded from filing a separate action against the suspended  
19 licensee or agent.

20 Section 176. Unlicensed practice; violation; civil  
21 penalty.

22 (a) In addition to any other penalty provided by law, any  
23 person who practices, offers to practice, attempts to  
24 practice, or holds oneself out to practice as a licensed  
25 service center, facilitator, manufacturer, or laboratory



1 licensed to test psilocybin without being licensed under this  
2 Act shall, in addition to any other penalty provided by law,  
3 pay a civil penalty to the appropriate Department authorized  
4 to issue such license in an amount not to exceed \$10,000 for  
5 each offense as determined by that Department. The civil  
6 penalty shall be assessed by the appropriate Department after  
7 a hearing is held in accordance with the provisions set forth  
8 in this Act regarding the provision of a hearing for the  
9 discipline of a licensee.

10 (b) The Department of Financial and Professional  
11 Regulation and the Department of Agriculture have the  
12 authority and power to investigate any and all unlicensed  
13 activity.

14 (c) The civil penalty shall be paid within 60 days after  
15 the effective date of the order imposing the civil penalty or  
16 in accordance with the order imposing the civil penalty. The  
17 order shall constitute a judgment and may be filed and  
18 execution had thereon in the same manner as any judgment from  
19 any court of this State.

20 Section 177. Notice; hearing.

21 (a) The Department conducting the disciplinary action  
22 shall, before disciplining an applicant or licensee, at least  
23 30 days before the date set for the hearing: (i) notify the  
24 accused in writing of the charges made and the time and place  
25 for the hearing on the charges; (ii) direct him or her to file

1 a written answer to the charges under oath no later than 20  
2 days after service; and (iii) inform the applicant or licensee  
3 that failure to answer will result in a default being entered  
4 against the applicant or licensee.

5 (b) At the time and place fixed in the notice, the hearing  
6 officer appointed by the Secretary or Director of such  
7 Department shall proceed to hear the charges, and the parties  
8 or their counsel shall be accorded ample opportunity to  
9 present any pertinent statements, testimony, evidence, and  
10 arguments. The hearing officer may continue the hearing from  
11 time to time. In case the person, after receiving the notice,  
12 fails to file an answer, the person's license may, in the  
13 discretion of the Secretary or Director, having first received  
14 the recommendation of the hearing officer, be suspended,  
15 revoked, or placed on probationary status, or be subject to  
16 whatever disciplinary action the Secretary considers proper,  
17 including a fine, without hearing, if that act or acts charged  
18 constitute sufficient grounds for that action under this Act.

19 (c) The written notice and any notice in the subsequent  
20 proceeding may be served by regular mail or email to the  
21 licensee's or applicant's address of record.

22 Section 178. Subpoenas; oaths. The Department of Financial  
23 and Professional Regulation and the Department of Agriculture  
24 shall have the power to subpoena and bring before it any person  
25 and to take testimony either orally or by deposition, or both,

1 with the same fees and mileage and in the same manner as  
2 prescribed by law in judicial proceedings in civil cases in  
3 courts in this State. The Secretary, Director, or the hearing  
4 officer shall each have the power to administer oaths to  
5 witnesses at any hearings that the Departments are authorized  
6 to conduct.

7 Section 179. Hearing; motion for rehearing.

8 (a) The hearing officer shall hear evidence in support of  
9 the formal charges and evidence produced by the licensee. At  
10 the conclusion of the hearing, the hearing officer shall  
11 present to the Secretary a written report of the hearing  
12 officer's findings of fact, conclusions of law, and  
13 recommendations.

14 (b) At the conclusion of the hearing, a copy of the hearing  
15 officer's report shall be served upon the applicant or  
16 licensee by the Department of Financial and Professional  
17 Regulation or the Department of Agriculture, either personally  
18 or as provided in this Act for the service of a notice of  
19 hearing. No later than 20 calendar days after service, the  
20 applicant or licensee may present to the applicable Department  
21 a motion in writing for rehearing, which shall specify the  
22 particular grounds for rehearing. The applicable Department  
23 may respond to the motion for rehearing within 20 calendar  
24 days after its service on such Department. If no motion for  
25 rehearing is filed, then, upon the expiration of the time

1 specified for filing such motion or upon denial of a motion for  
2 rehearing, the Secretary or Director may enter an order in  
3 accordance with the recommendation of the hearing officer. If  
4 the applicant or licensee orders from the reporting service  
5 and pays for a transcript of the record within the time for  
6 filing a motion for rehearing, the 20-day period within which  
7 a motion may be filed shall commence upon the delivery of the  
8 transcript to the applicant or licensee.

9 (c) If the Secretary or Director disagrees in any regard  
10 with the report of the hearing officer, the Secretary or  
11 Director may issue an order contrary to the report.

12 (d) Whenever the Secretary or Director is not satisfied  
13 that substantial justice has been done, the Secretary or  
14 Director may order a rehearing by the same or another hearing  
15 officer.

16 (e) At any point in any investigation or disciplinary  
17 proceeding under this Act, both parties may agree to a  
18 negotiated consent order. The consent order shall be final  
19 upon signature of the Secretary or Director, as applicable.

20 Section 180. Issuing and renewing permits; fees; rules.

21 (a) The Department shall issue permits to qualified  
22 applicants to perform work described in Section 175. The  
23 Department shall adopt rules establishing the following:

24 (1) The qualifications for performing work described  
25 in Section 175.

1 (2) The term of a permit issued under this Section.

2 (3) Procedures for applying for and renewing a permit  
3 issued under this Section.

4 (4) Reasonable application, issuance, and renewal fees  
5 for a permit issued under this Section.

6 (b) The Department of Financial and Professional  
7 Regulation or the Department of Agriculture may require an  
8 individual applying for a permit under this Section to  
9 successfully complete a course, made available by or through  
10 that Department, through which the individual receives  
11 training on the following:

12 (1) checking identification;

13 (2) detecting intoxication;

14 (3) handling psilocybin products;

15 (4) if applicable, the manufacturing of psilocybin  
16 products;

17 (5) the content of this Act and rules adopted under  
18 this Act; and

19 (6) any matter deemed necessary by the Department to  
20 protect the public health and safety.

21 (c) A Department or other provider of a course may charge a  
22 reasonable fee for the course described under subsection (b).

23 (d) The Department of Financial and Professional  
24 Regulation or the Department of Agriculture may not require an  
25 individual to successfully complete a course described under  
26 subsection (b) more than once, except for the following:

1           (1) As part of a final order suspending a permit  
2 issued under this Section, the Department may require a  
3 permit holder to successfully complete the course as a  
4 condition of lifting the suspension.

5           (2) As part of a final order revoking a permit issued  
6 under this Section, the Department shall require an  
7 individual to successfully complete the course prior to  
8 applying for a new permit.

9           (e) The Department shall conduct a criminal records check  
10 on an individual applying for a permit under this Section.

11           (f) Subject to applicable provisions of Illinois law, the  
12 Department of Financial and Professional Regulation or the  
13 Department of Agriculture may suspend, revoke, or refuse to  
14 issue or renew a permit if the individual who is applying for  
15 or who holds the permit meets any of the following:

16           (1) Is convicted of a felony, or is convicted of an  
17 offense under this Act, except that the Department may not  
18 consider a conviction for an offense under this Act if the  
19 date of the conviction is 2 or more years before the date  
20 of the application or renewal.

21           (2) Violates any provision of this Act or any rule  
22 adopted under this Act.

23           (3) Makes a false statement to the Department.

24           (g) A permit issued under this Section is a personal  
25 privilege and permits work described under Section 175 only  
26 for the individual who holds the permit.

1           Section 185. Authority to require fingerprints. The  
2 Department of Agriculture or the Department of Financial and  
3 Professional Regulation, through the Illinois State Police,  
4 may require the fingerprints of any individual listed on an  
5 application submitted under Section 180 for purposes of  
6 conducting a background check. The Department of Agriculture  
7 or the Department of Financial Professional Regulation may  
8 require fingerprints to be submitted for a background check  
9 prior to or after the submission of an application. The  
10 Illinois State Police shall charge a fee for conducting the  
11 criminal history record check, which shall be deposited into  
12 the State Police Services Fund and shall not exceed the actual  
13 cost of the record check. In order to carry out this provision,  
14 an individual listed on an application submitted under Section  
15 180 may be required to submit a full set of fingerprints to the  
16 Illinois State Police for the purpose of obtaining a State and  
17 federal criminal records check. These fingerprints shall be  
18 checked against the fingerprint records now and hereafter, to  
19 the extent allowed by law, filed in the Illinois State Police  
20 and Federal Bureau of Investigation criminal history records  
21 databases. The Illinois State Police shall furnish, following  
22 positive identification, all Illinois conviction information  
23 to the Department of Agriculture or the Department of  
24 Financial and Professional Regulation.

1           Section 190. Psilocybin Control and Regulation Fund. The  
2 Psilocybin Control and Regulation Fund is established as a  
3 special fund in the State treasury. Interest earned by the  
4 Psilocybin Control and Regulation Fund shall be credited to  
5 the Fund.

6           Section 195. Prohibited conduct.

7           (a) Except as authorized by rule, or as necessary in an  
8 emergency, a person under 18 years of age may not enter or  
9 attempt to enter any portion of premises posted or otherwise  
10 identified as being prohibited to the use of persons under 18  
11 years of age.

12           (b) A person who violates subsection (a) commits a Class B  
13 misdemeanor.

14           (c) The prohibitions of this Section do not apply to a  
15 person under 18 years of age who is acting under the direction  
16 of the Department of Financial and Professional Regulation or  
17 the Department of Agriculture or under the direction of a  
18 State or local law enforcement agency for the purpose of  
19 investigating the possible violation of a law prohibiting the  
20 sale of a psilocybin product to a person who is under 18 years  
21 of age.

22           (d) The prohibitions of this Section do not apply to a  
23 person under 18 years of age who is acting under the direction  
24 of a licensee for the purpose of investigating possible  
25 violations by employees of the licensee of laws prohibiting



1 sales of psilocybin products to persons who are under 18 years  
2 of age.

3 (e) A person under 18 years of age is not in violation of,  
4 and is immune from prosecution under, this Section if either  
5 of the following occurred:

6 (1) The person contacted emergency medical services or  
7 a law enforcement agency in order to obtain medical  
8 assistance for another person who was in need of medical  
9 assistance because that person consumed a psilocybin  
10 product and the evidence of the violation was obtained as  
11 a result of the person having contacted emergency medical  
12 services or a law enforcement agency.

13 (2) The person was in need of medical assistance  
14 because the person consumed a psilocybin product and the  
15 evidence of the violation was obtained as a result of the  
16 person having sought or obtained the medical assistance.

17 (f) Subsection (e) does not exclude the use of evidence  
18 obtained as a result of a person having sought medical  
19 assistance in proceedings for crimes or offenses other than a  
20 violation of this Section.

21 Section 200. Prohibition against giving psilocybin  
22 products to a person who is visibly intoxicated; penalty.

23 (a) A person may not sell, give, or otherwise make  
24 available a psilocybin product to a person who is visibly  
25 intoxicated.

1 (b) Violation of this Section is a Class A misdemeanor.

2 Section 205. Prohibition against giving psilocybin product  
3 as prize; penalty.

4 (a) A psilocybin product may not be given as a prize,  
5 premium, or consideration for a lottery, contest, game of  
6 chance, game of skill, or competition of any kind.

7 (b) Violation of this Section is a Class A misdemeanor.

8 Section 210. Civil enforcement. In addition to any other  
9 liability or penalty provided by law, the Department of  
10 Financial and Professional Regulation or the Department of  
11 Agriculture may impose for each violation of a provision of  
12 this Act or a rule adopted under this Act a civil penalty that  
13 does not exceed \$5,000 for each violation. Moneys collected  
14 under this Section shall be deposited into the Psilocybin  
15 Control and Regulation Fund.

16 Section 215. Criminal enforcement.

17 (a) The law enforcement officers of this State may enforce  
18 this Act and assist the Department of Financial and  
19 Professional Regulation or the Department of Agriculture in  
20 detecting violations of this Act and apprehending offenders. A  
21 law enforcement officer who has notice, knowledge, or  
22 reasonable grounds for suspicion of a violation of this Act  
23 shall immediately notify the State's Attorney who has

1 jurisdiction over the violation and furnish the State's  
2 Attorney who has jurisdiction over the violation with the name  
3 and address of any witnesses to the violation or other  
4 information related to the violation.

5 (b) A county court, State's Attorney, or municipal  
6 authority, immediately upon the conviction of a licensee of a  
7 violation of this Act or of a violation of any other law of  
8 this State or ordinance of a city or county located in this  
9 State, an element of which is the possession, delivery, or  
10 manufacture of a psilocybin product, shall notify the  
11 Department of the conviction.

12 (c) Violation of a rule adopted under paragraph (3) of  
13 subsection (b) of Section 35 is a Class C misdemeanor.

14 Section 220. Home rule; licensure. The authority to  
15 require a license for the manufacturing or sale of psilocybin  
16 products in this State or for the provision of psilocybin  
17 services in this State is an exclusive power and function of  
18 the State. A home rule unit may not license the manufacture,  
19 sale, or provision of psilocybin products. This Section is a  
20 denial and limitation of home rule powers and functions under  
21 subsection (h) of Section 6 of Article VII of the Illinois  
22 Constitution.

23 Section 225. Local tax or fee prohibited.

24 (a) The authority to impose a tax or fee on the

1 manufacturing, sale, or provision of psilocybin products in  
2 this State or on the provision of psilocybin services in this  
3 State is an exclusive power and function of the State. A home  
4 rule unit may not impose a tax or fee on the manufacture, sale,  
5 or provision of psilocybin products. This Section is a denial  
6 and limitation of home rule powers and functions under  
7 subsection (g) of Section 6 of Article VII of the Illinois  
8 Constitution.

9 (b) A county, municipality, or unit of local government  
10 may not adopt or enact ordinances imposing a tax or fee on the  
11 manufacturing or sale of psilocybin products in this State or  
12 on the provision of psilocybin services in this State.

13 Section 230. Prohibition against refusing to perform  
14 certain duties.

15 (a) The Department of Public Health, the Department of  
16 Agriculture, the Department of Financial and Professional  
17 Regulation, the Illinois State Police, and the Department of  
18 Revenue may not refuse to perform any duty under this Act on  
19 the basis that manufacturing, distributing, dispensing,  
20 possessing, or using psilocybin products is prohibited by  
21 federal law.

22 (b) The Department of Financial and Professional  
23 Regulation or the Department of Agriculture may not revoke,  
24 refuse to issue, or renew a license or permit under this Act on  
25 the basis that manufacturing, distributing, dispensing,

1 possessing, or using psilocybin products is prohibited by  
2 federal law.

3 Section 235. Authority to purchase, possess, seize, or  
4 dispose of psilocybin products. Subject to any applicable  
5 provision of Illinois law, any State officer, board,  
6 commission, corporation, institution, department, or other  
7 State body, and any local officer, board, commission,  
8 institution, department, or other local government body, that  
9 is authorized by the laws of this State to perform a duty,  
10 function, or power with respect to a psilocybin product may  
11 purchase, possess, seize, or dispose of the psilocybin product  
12 as the State officer, board, commission, corporation,  
13 institution, department, or other State body or the local  
14 officer, board, commission, institution, department, or other  
15 local government body considers necessary to ensure compliance  
16 with and enforce the applicable State law or any rule adopted  
17 under the applicable State law.

18 Section 240. Suspension of a license or permit without  
19 notice. In the case of an invasion, disaster, insurrection,  
20 riot, or imminent danger of invasion, disaster, insurrection,  
21 or riot, the Governor may, for the duration of the invasion,  
22 disaster, insurrection, riot, or imminent danger, immediately  
23 and without notice, suspend, in the area involved, any license  
24 or permit issued under this Act.

1 Section 245. Psilocybin-producing fungi as a crop.

2 (a) In this Section, "psilocybin-producing fungi" means:

3 (1) a crop for the purposes of agricultural use;

4 (2) a crop for purposes of a farm or agricultural  
5 practice;

6 (3) a product of farm use; and

7 (4) the product of an agricultural activity.

8 (b) Notwithstanding the provisions of any law to the  
9 contrary, the following are not permitted uses on land  
10 designated for exclusive agriculture use:

11 (1) a new dwelling used in conjunction with a  
12 psilocybin-producing fungi crop; and

13 (2) a produce stand used in conjunction with a  
14 psilocybin-producing fungi crop.

15 (c) The operation of a service center may be carried on in  
16 conjunction with a psilocybin-producing fungi crop.

17 (d) A county may allow the manufacture of psilocybin  
18 products as an agricultural use on land zoned for agricultural  
19 and rural land use in the same manner as the manufacture of  
20 psilocybin products is allowed in exclusive agricultural use  
21 zones under this Section or any other applicable State law.

22 (e) This Section applies to psilocybin product  
23 manufacturers that hold a license under Section 80.

24 Section 250. Regulation of psilocybin products as food or

1 other commodity.

2 (a) Notwithstanding the authority granted to the  
3 Department of Agriculture under the provisions of any law to  
4 the contrary, the Department of Agriculture may not exercise  
5 authority over a psilocybin product or a licensee except as  
6 provided in this Act.

7 (b) In exercising its authority under this Act, the  
8 Department of Agriculture may not:

9 (1) establish standards for psilocybin products as a  
10 food additive; or

11 (2) consider psilocybin products to be an adulterant  
12 unless the concentration of a psilocybin product exceeds  
13 acceptable levels established by the Department by rule.

14 Section 255. Enforceability of contracts. A contract is  
15 not unenforceable on the basis that manufacturing,  
16 distributing, dispensing, possessing, or using psilocybin  
17 products is prohibited by federal law.

18 Section 260. Department database for verification of  
19 license. The Department of Financial and Professional  
20 Regulation and the Department of Agriculture shall maintain an  
21 online database for people to inquire if an address is the  
22 location of a premises for which a license has been issued  
23 under this Act or is the location of a premises for which an  
24 application for licensure has been submitted under Section 50.

1 Section 265. Information related to licensure that is  
2 exempt from disclosure.

3 (a) Subject to subsection (b), information is exempt from  
4 public disclosure under the Freedom of Information Act if the  
5 information is any of the following:

6 (1) Personally identifiable information.

7 (2) The address of premises for which a license has  
8 been issued or for which an applicant has proposed  
9 licensure under Section 80, 95, or 275.

10 (3) Related to the security plan or the operational  
11 plan for premises for which a license has been issued or  
12 for which an applicant has proposed licensure under  
13 Section 80, 95, or 275.

14 (4) Related to any record that the Department of  
15 Financial and Professional Regulation or the Department of  
16 Agriculture determines contains proprietary information of  
17 a licensee.

18 (b) The exemption from public disclosure as provided by  
19 this Section does not apply to the following:

20 (1) the name of an individual listed on an application  
21 if the individual is a direct owner of the business  
22 operating or to be operated under the license; or

23 (2) a request for information if the request is made  
24 by a law enforcement agency.

25 (c) For purposes of paragraph (1) of subsection (b), an



1 individual is not a direct owner of the business operating or  
2 to be operated under the license if the individual is either of  
3 the following:

4 (1) the direct owner of the business operating or to  
5 be operated under the license is a legal entity; or

6 (2) merely a general partner, limited partner, member,  
7 shareholder, or other direct or indirect owner of the  
8 legal entity.

9 Section 270. Testing standards and processes; rules.

10 (a) As is necessary to protect the public health and  
11 safety, the Department of Agriculture shall adopt rules that  
12 achieve the following:

13 (1) Establish standards for testing psilocybin  
14 products.

15 (2) Identify appropriate tests for psilocybin  
16 products, depending on the type of psilocybin product and  
17 the manner in which the psilocybin product was  
18 manufactured, that are necessary to protect the public  
19 health and safety, which may include, but are not limited  
20 to, tests for the following:

21 (A) microbiological contaminants;

22 (B) pesticides;

23 (C) other contaminants;

24 (D) solvents or residual solvents;

25 (E) psilocybin concentration;

1 (F) psilocin concentration; and

2 (G) total tryptamine concentration.

3 (3) Establish procedures for determining batch sizes  
4 and for sampling psilocybin products.

5 (4) Establish different minimum standards for  
6 different varieties of psilocybin products.

7 (b) In addition to the testing requirements established  
8 under subsection (a), the Department may require psilocybin  
9 products to be tested in accordance with any applicable law of  
10 this State, or any applicable rule adopted under a law of this  
11 State, related to the production and processing of food  
12 products or commodities.

13 (c) In adopting rules under this Act, the Department may  
14 require a psilocybin product manufacturer that holds a license  
15 under Section 80 to test psilocybin products before selling or  
16 transferring the psilocybin products.

17 (d) The Department may conduct random testing of  
18 psilocybin products for the purpose of determining whether a  
19 licensee subject to testing under subsection (c) is in  
20 compliance with this Section.

21 (e) In adopting rules to implement this Section, the  
22 Department may not require a psilocybin product to undergo the  
23 same test more than once unless the psilocybin product is  
24 processed into a different type of psilocybin product or the  
25 condition of the psilocybin product has fundamentally changed.

26 (f) The testing of psilocybin products as required by this

1 Section must be conducted by a laboratory licensed by the  
2 Department under Section 275 and accredited by the Department  
3 under Section 290.

4 (g) In adopting rules under subsection (a), the Department  
5 shall consider the cost of a potential testing procedure and  
6 how that cost will affect the cost to the ultimate client and  
7 may not adopt rules that are more restrictive than is  
8 reasonably necessary to protect the public health and safety.

9 Section 275. Laboratory licensure; qualifications; fees;  
10 rules.

11 (a) A laboratory that conducts testing of psilocybin  
12 products as required by Section 270 must have a license to  
13 operate at the premises at which the psilocybin products are  
14 tested.

15 (b) For purposes of this Section, the Department of  
16 Agriculture shall adopt rules establishing the following:

17 (1) Qualifications to be licensed under this Section,  
18 including that an applicant for licensure under this  
19 Section must be accredited by the Department as described  
20 in Section 290.

21 (2) Processes for applying for and renewing a license  
22 under this Section.

23 (3) Fees for applying for, receiving, and renewing a  
24 license under this Section.

25 (4) Procedures for the following:

1 (A) tracking psilocybin products to be tested;  
2 (B) documenting and reporting test results; and  
3 (C) disposing of samples of psilocybin products  
4 that have been tested.

5 (c) A license issued under this Section must be renewed  
6 annually.

7 (d) The Department may inspect premises licensed under  
8 this Section to ensure compliance with Sections 270 through  
9 310 and rules adopted under those Sections.

10 (e) Subject to applicable provisions of Illinois law, the  
11 Department may refuse to issue or renew, or may suspend or  
12 revoke, a license issued under this Section for violation of a  
13 provision of this Act or a rule adopted under a provision of  
14 this Act.

15 (f) Fees adopted under paragraph (3) of subsection (b)  
16 must be reasonably calculated to pay the expenses incurred by  
17 the Department under this Act.

18 (g) Fees collected under this Section shall be deposited  
19 into the Psilocybin Control and Regulation Fund and are  
20 continuously appropriated to the Department for the purpose of  
21 carrying out the duties, functions, and powers of the  
22 Department under this Act.

23 Section 280. Authority to require fingerprints. The  
24 Department of Agriculture, through the Illinois State Police,  
25 may require the fingerprints of any individual listed on an

1 application submitted under Section 275 for purposes of  
2 conducting a background check. The Department of Agriculture  
3 may require fingerprints to be submitted for a background  
4 check prior to or after the submission of an application. The  
5 Illinois State Police shall charge a fee for conducting the  
6 criminal history record check, which shall be deposited into  
7 the State Police Services Fund and shall not exceed the actual  
8 cost of the record check. In order to carry out this provision,  
9 an individual listed on an application submitted under Section  
10 275 may be required to submit a full set of fingerprints to the  
11 Illinois State Police for the purpose of obtaining a State and  
12 federal criminal records check. These fingerprints shall be  
13 checked against the fingerprint records now and hereafter, to  
14 the extent allowed by law, filed in the Illinois State Police  
15 and Federal Bureau of Investigation criminal history records  
16 databases. The Illinois State Police shall furnish, following  
17 positive identification, all Illinois conviction information  
18 to the Department of Agriculture. The powers conferred on the  
19 Department under this Section include the power to require the  
20 fingerprints of the following persons:

21 (1) If the applicant is a limited partnership, each  
22 general partner of the limited partnership.

23 (2) If the applicant is a manager-managed limited  
24 liability company, each manager of the limited liability  
25 company.

26 (3) If the applicant is a member-managed limited

1 liability company, each voting member of the limited  
2 liability company.

3 (4) If the applicant is a corporation, each director  
4 and officer of the corporation.

5 (5) Any individual who holds a financial interest of  
6 10% or more in the person applying for the license.

7 Section 285. Statement of applicant for laboratory  
8 licensure. The Department of Agriculture may require a  
9 licensee or applicant for a license under Section 275 to  
10 submit, in a form and manner prescribed by the Department, to  
11 the Department a sworn statement showing the following:

12 (1) The name and address of each person who has a  
13 financial interest in the business operating or to be  
14 operated under the license.

15 (2) The nature and extent of the financial interest of  
16 each person who has a financial interest in the business  
17 operating or to be operated under the license.

18 (3) The Department may refuse to issue, or may  
19 suspend, revoke, or refuse to renew, a license issued  
20 under Section 275 if the Department determines that a  
21 person who has a financial interest in the business  
22 operating or to be operated under the license committed or  
23 failed to commit an act that would constitute grounds for  
24 the Department to refuse to issue, or to suspend, revoke,  
25 or refuse to renew, the license if the person were the

1           licensee or applicant for the license.

2           Section 290. Laboratory accreditation.

3           (a) A laboratory that conducts testing of a psilocybin  
4 product as required by Section 275 must be accredited and meet  
5 other qualifications as established by the Department of  
6 Agriculture under this Section.

7           (b) In addition to other qualifications required pursuant  
8 to applicable law, the Department shall require an applicant  
9 for accreditation for purposes related to the testing of  
10 psilocybin products to:

11                   (1) complete an application;

12                   (2) undergo an onsite inspection; and

13                   (3) meet other applicable requirements,  
14 specifications, and guidelines for testing psilocybin  
15 products as determined to be appropriate by the Department  
16 by rule.

17           (c) The Department may inspect premises licensed under  
18 Section 275 to ensure compliance with Sections 270 through 310  
19 and rules adopted under those Sections.

20           (d) Subject to applicable provisions of Illinois law, the  
21 Department may refuse to issue or renew, or may suspend or  
22 revoke, a laboratory's accreditation granted under this  
23 Section for violation of a provision of this Act or a rule  
24 adopted under this Act.

25           (e) In establishing fees under this Section for

1 laboratories that test psilocybin products, the Department  
2 shall establish fees that are reasonably calculated to pay the  
3 expenses incurred by the Department under this Section in  
4 accrediting laboratories that test psilocybin products.

5 Section 295. Authority to discipline licensees. Subject to  
6 applicable provisions of Illinois law, if an applicant or  
7 licensee violates a provision of Sections 270 through 310 or a  
8 rule adopted under those Sections, the Department of  
9 Agriculture may refuse to issue or renew, or may suspend or  
10 revoke, a license issued under Section 80, 95, 105, or 275.

11 Section 300. Authority of the Department of Agriculture  
12 over certain persons; license actions.

13 (a) Notwithstanding the lapse, suspension, or revocation  
14 of a license issued under Section 275, the Department of  
15 Agriculture may do either of the following:

16 (1) Proceed with any investigation of, or any action  
17 or disciplinary proceeding against, the person who held  
18 the license.

19 (2) Revise or render void an order suspending or  
20 revoking the license.

21 (b) In cases involving the proposed denial of a license  
22 applied for under this Act, the applicant for licensure may  
23 not withdraw the applicant's application.



1 Section 305. Civil penalty for certain violations.

2 (a) In addition to any other liability or penalty provided  
3 by law, the Department of Agriculture may impose for each  
4 violation of a provision of Sections 270 through 310 or a rule  
5 adopted under those Sections a civil penalty that does not  
6 exceed \$500 for each day that the violation occurs.

7 (b) The Department of Agriculture shall impose civil  
8 penalties under this Section in the manner provided by  
9 applicable Illinois law.

10 (c) Moneys collected under this Section shall be deposited  
11 into the Psilocybin Control and Regulation Fund and are  
12 continuously appropriated to the Department for the purpose of  
13 carrying out the duties, functions, and powers of the  
14 Department under this Act.

15 Section 310. Exemption from criminal liability. A person  
16 who holds a license under Section 275, and an employee of or  
17 other person who performs work for a person who holds a license  
18 under Section 275, is exempt from the criminal laws of this  
19 State for possession, delivery, or manufacture of psilocybin,  
20 aiding and abetting another in the possession, delivery, or  
21 manufacture of psilocybin, or any other criminal offense in  
22 which possession, delivery, or manufacture of psilocybin is an  
23 element, while performing activities related to testing as  
24 described in Sections 270 through this Section.

1 Section 315. Labeling requirements; rules.

2 (a) As is necessary to protect the public health and  
3 safety, the Department of Agriculture shall adopt rules  
4 establishing standards for the labeling of psilocybin  
5 products, including, but not limited to, the following:

6 (1) Ensuring that psilocybin products have labeling  
7 that communicates the following:

8 (A) Health and safety warnings.

9 (B) If applicable, activation time.

10 (C) Potency.

11 (D) If applicable, serving size and the number of  
12 servings included in a psilocybin product.

13 (E) Content of the psilocybin product.

14 (2) Labeling that is in accordance with applicable  
15 State food labeling requirements for the same type of food  
16 product or potable liquid when the food product or potable  
17 liquid does not contain psilocybin.

18 (b) In adopting rules under this Act, the Department shall  
19 require all psilocybin products sold or transferred by a  
20 service center that holds a license issued under Section 95 to  
21 be labeled in accordance with subsection (a) and rules adopted  
22 under subsection (a).

23 (c) In adopting rules under subsection (a), the  
24 Department:

25 (1) may establish different labeling standards for  
26 different varieties and types of psilocybin products;

1           (2) shall consider the cost of a potential requirement  
2           and how that cost will affect the cost to the ultimate  
3           client; and

4           (3) may not adopt rules that are more restrictive than  
5           is reasonably necessary to protect the public health and  
6           safety.

7           Section 320. Preapproval of labels.

8           (a) The Department of Agriculture may by rule require a  
9           licensee to submit a label intended for use on a psilocybin  
10          product for preapproval by the Department before the licensee  
11          may sell or transfer a psilocybin product bearing the label.  
12          The Department shall determine whether a label submitted under  
13          this Section complies with Section 315 and any rule adopted  
14          under Section 315.

15          (b) The Department of Agriculture may impose a fee for  
16          submitting a label for preapproval under this Section that is  
17          reasonably calculated to not exceed the cost of administering  
18          this Section.

19          Section 325. Packaging requirements; rules.

20          (a) As is necessary to protect the public health and  
21          safety, the Department of Agriculture shall adopt rules  
22          establishing standards for the packaging of psilocybin  
23          products, including, but not limited to, ensuring that  
24          psilocybin products are not marketed in a manner that is

1 either untruthful or misleading, or otherwise creates a  
2 significant risk of harm to public health and safety.

3 (b) In adopting rules under this Act, the Department shall  
4 require all psilocybin products sold or transferred by a  
5 service center that holds a license issued under Section 95 to  
6 be packaged in accordance with subsection (a) and rules  
7 adopted under subsection (a).

8 (c) In adopting rules under subsection (a), the  
9 Department:

10 (1) may establish different packaging standards for  
11 different varieties and types of psilocybin products;

12 (2) may consider the effect on the environment of  
13 requiring certain packaging;

14 (3) shall consider the cost of a potential requirement  
15 and how that cost will affect the cost to the ultimate  
16 client; and

17 (4) may not adopt rules that are more restrictive than  
18 is reasonably necessary to protect the public health and  
19 safety.

20 Section 330. Preapproval of packaging.

21 (a) The Department of Agriculture may by rule require a  
22 licensee to submit packaging intended for a psilocybin product  
23 for preapproval by the Department before the licensee may sell  
24 or transfer a psilocybin product packaged in the packaging.  
25 The Department shall determine whether packaging submitted

1 under this Section complies with Section 325 and any rule  
2 adopted under Section 325.

3 (b) The Department of Agriculture may impose a fee for  
4 submitting packaging for preapproval under this Section that  
5 is reasonably calculated to not exceed the cost of  
6 administering this Section.

7 Section 335. Dosage requirements; rules.

8 (a) The Department of Agriculture shall adopt rules  
9 establishing the following:

10 (1) The maximum concentration of psilocybin that is  
11 permitted in a single serving of a psilocybin product.

12 (2) The number of servings that are permitted in a  
13 psilocybin product package.

14 (b) In adopting rules under this Act, the Department shall  
15 require all psilocybin products sold or transferred by a  
16 service center that holds a license under Section 95 to meet  
17 the concentration standards and packaging standards adopted by  
18 rule pursuant to this Section.

19 Section 340. Inspections. To ensure compliance with  
20 Sections 315 through 350 and any rule adopted under those  
21 Sections, the Department of Agriculture or the Department of  
22 Financial and Professional Regulation may inspect the premises  
23 of a person that holds a license under Section 80 or 95.

1 Section 341. Violation of tax Acts; refusal, revocation,  
2 or suspension of license.

3 (a) In addition to other grounds specified in this Act,  
4 the Department of Agriculture and Department of Financial and  
5 Professional Regulation, upon notification by the Department  
6 of Revenue, shall refuse the issuance or renewal of a license  
7 or suspend or revoke the license of any person, for any of the  
8 following violations of any tax Act administered by the  
9 Department of Revenue:

10 (1) failure to file a tax return;

11 (2) the filing of a fraudulent return;

12 (3) failure to pay all or part of any tax or penalty  
13 finally determined to be due;

14 (4) failure to keep books and records;

15 (5) failure to secure and display a certificate or  
16 sub-certificate of registration, if required; or

17 (6) willful violation of any rule or regulation of the  
18 Department relating to the administration and enforcement  
19 of tax liability.

20 (b) After all violations of any of items (1) through (6) of  
21 subsection (a) have been corrected or resolved, the Department  
22 shall, upon request of the applicant or, if not requested, may  
23 notify the entities listed in subsection (a) that the  
24 violations have been corrected or resolved. Upon receiving  
25 notice from the Department that a violation of any of items (1)  
26 through (6) of subsection (a) have been corrected or otherwise

1 resolved to the Department of Revenue's satisfaction, the  
2 Department of Agriculture and the Department of Financial and  
3 Professional Regulation may issue or renew the license or  
4 vacate an order of suspension or revocation.

5 Section 345. Discipline of licensees. Subject to  
6 applicable provisions of law, if an applicant or licensee  
7 violates a provision of Sections 315 through 350 or a rule  
8 adopted under those Sections, the Department of Agriculture or  
9 the Department of Financial and Professional Regulation may  
10 refuse to issue or renew, or may suspend or revoke, a license  
11 issued under Section 80, 95, or 105.

12 Section 350. Civil penalties.

13 (a) In addition to any other liability or penalty provided  
14 by law, the Department of Agriculture may impose for each  
15 violation of a provision of Sections 315 through 350 or a rule  
16 adopted under those Sections, a civil penalty that does not  
17 exceed \$500 for each day that the violation occurs.

18 (b) The Department of Agriculture shall impose civil  
19 penalties under this Section in the manner provided under  
20 applicable Illinois law.

21 (c) Moneys collected under this Section shall be deposited  
22 into the Psilocybin Control and Regulation Fund and are  
23 continuously appropriated to the Department for the purpose of  
24 carrying out the duties, functions, and powers of the

1 Department under this Act.

2 Section 355. Definitions. In this Section through Section  
3 425:

4 "Psilocybin retailer" means a service center operator that  
5 sells psilocybin for use and not for resale.

6 "Retail sale" means any transfer or exchange of a  
7 psilocybin product by any person to a client.

8 "Retail sales price" means the price paid for a psilocybin  
9 product, excluding tax, to a service center operator by or on  
10 behalf of a client.

11 Section 360. Tax imposed.

12 (a) Beginning January 1, 2025, a tax is imposed upon  
13 purchasers for the privilege of using psilocybin at a rate of  
14 15% of the purchase price.

15 (b) The purchase of any product that contains any amount  
16 of psilocybin or any derivative thereof is subject to the tax  
17 under subsection (a) of this Section on the full purchase  
18 price of the product.

19 (c) The tax imposed by this Section is not imposed with  
20 respect to any transaction in interstate commerce, to the  
21 extent the transaction may not, under the Constitution and  
22 statutes of the United States, be made the subject of taxation  
23 by this State.

24 (d) The tax imposed under this Article shall be in



1 addition to all other occupation, privilege, or excise taxes  
2 imposed by the State of Illinois or by any municipal  
3 corporation or political subdivision thereof.

4 (e) The tax imposed under this Article shall not be  
5 imposed on any purchase by a purchaser if the psilocybin  
6 retailer is prohibited by federal or State Constitution,  
7 treaty, convention, statute, or court decision from collecting  
8 the tax from the purchaser.

9 Section 365. Bundling of taxable and nontaxable items;  
10 prohibition; taxation. If a psilocybin retailer sells  
11 psilocybin or psilocybin-infused products in combination or  
12 bundled with items that are not subject to tax under this Act  
13 for one price, then the tax under this Act is imposed on the  
14 purchase price of the entire bundled product.

15 Section 370. Collection of tax.

16 (a) The tax imposed by this Article shall be collected  
17 from the purchaser by the psilocybin retailer at the rate  
18 stated in Section 360 with respect to psilocybin sold by the  
19 psilocybin retailer to the purchaser, and shall be remitted to  
20 the Department as provided in Section 385. Psilocybin  
21 retailers shall collect the tax from purchasers by adding the  
22 tax to the amount of the purchase price received from the  
23 purchaser for selling psilocybin to the purchaser. The tax  
24 imposed by this Article shall, when collected, be stated as a

1 distinct item separate and apart from the purchase price of  
2 the psilocybin.

3 (b) If a psilocybin retailer collects the tax imposed  
4 pursuant to Section 360 measured by a purchase price that is  
5 not subject to Section 360, or if a psilocybin retailer, in  
6 collecting the tax pursuant to Section 360 measured by a  
7 purchase price that is subject to tax under this Act, collects  
8 more from the purchaser than the required amount on the  
9 transaction, the purchaser shall have a legal right to claim a  
10 refund of that amount from the psilocybin retailer. If,  
11 however, that amount is not refunded to the purchaser for any  
12 reason, the psilocybin retailer is liable to pay that amount  
13 to the Department.

14 (c) Any person purchasing psilocybin subject to tax under  
15 this Article as to which there has been no charge made to the  
16 purchaser of the tax imposed by Section 360 shall make payment  
17 of the tax imposed by Section 360 in the form and manner  
18 provided by the Department not later than the 20th day of the  
19 month following the month of purchase of the psilocybin.

20 Section 375. Registration of psilocybin retailers. Every  
21 psilocybin retailer required to collect the tax under this  
22 Article shall apply to the Department for a certificate of  
23 registration under this Article. All applications for  
24 registration under this Article shall be made by electronic  
25 means in the form and manner required by the Department. For

1 that purpose, the provisions of Section 2a of the Retailers'  
2 Occupation Tax Act are incorporated into this Article to the  
3 extent not inconsistent with this Article. In addition, no  
4 certificate of registration shall be issued under this Article  
5 unless the applicant is licensed under this Act.

6 Section 380. Tax collected as debt owed to the State. Any  
7 psilocybin retailer required to collect the tax imposed by  
8 this Article shall be liable to the Department for the tax,  
9 whether or not the tax has been collected by the psilocybin  
10 retailer, and any such tax shall constitute a debt owed by the  
11 psilocybin retailer to this State. To the extent that a  
12 psilocybin retailer required to collect the tax imposed by  
13 this Act has actually collected that tax, the tax is held in  
14 trust for the benefit of the Department.

15 Section 385. Return and payment of tax by the psilocybin  
16 retailer. Each psilocybin retailer that is required or  
17 authorized to collect the tax imposed by this Article shall  
18 make a return to the Department, by electronic means, on or  
19 before the 20th day of each month for the preceding calendar  
20 month stating the following:

21 (1) the psilocybin retailer's name;

22 (2) the address of the psilocybin retailer's principal  
23 place of business and the address of the principal place  
24 of business (if that is a different address) from which

1 the psilocybin retailer engaged in the business of selling  
2 psilocybin subject to tax under this Article;

3 (3) the total purchase price received by the  
4 psilocybin retailer for psilocybin subject to tax under  
5 this Article;

6 (4) the amount of tax due at each rate;

7 (5) the signature of the psilocybin retailer; and

8 (6) any other information as the Department may  
9 reasonably require.

10 All returns required to be filed and payments required to  
11 be made under this Article shall be by electronic means.  
12 Psilocybin retailers who demonstrate hardship in paying  
13 electronically may petition the Department to waive the  
14 electronic payment requirement.

15 Any amount that is required to be shown or reported on any  
16 return or other document under this Article shall, if the  
17 amount is not a whole-dollar amount, be increased to the  
18 nearest whole-dollar amount if the fractional part of a dollar  
19 is \$0.50 or more and decreased to the nearest whole-dollar  
20 amount if the fractional part of a dollar is less than \$0.50.  
21 If a total amount of less than \$1 is payable, refundable, or  
22 creditable, the amount shall be disregarded if it is less than  
23 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.

24 The psilocybin retailer making the return provided for in  
25 this Section shall also pay to the Department, in accordance  
26 with this Section, the amount of tax imposed by this Article,

1 less a discount of 2% per return period, which is allowed to  
2 reimburse the psilocybin retailer for the expenses incurred in  
3 keeping records, collecting tax, preparing and filing returns,  
4 remitting the tax, and supplying data to the Department upon  
5 request. No discount may be claimed by a psilocybin retailer  
6 on returns not timely filed and for taxes not timely remitted.  
7 No discount may be claimed by a taxpayer for any return that is  
8 not filed electronically. No discount may be claimed by a  
9 taxpayer for any payment that is not made electronically,  
10 unless a waiver has been granted under this Section.

11 Notwithstanding any other provision of this Article  
12 concerning the time within which a psilocybin retailer may  
13 file a return, any such psilocybin retailer who ceases to  
14 engage in the kind of business that makes the person  
15 responsible for filing returns under this Article shall file a  
16 final return under this Article with the Department within one  
17 month after discontinuing the business.

18 Each psilocybin retailer shall make estimated payments to  
19 the Department on or before the 7th, 15th, 22nd, and last day  
20 of the month during which tax liability to the Department is  
21 incurred. The payments shall be in an amount not less than the  
22 lower of either 22.5% of the psilocybin retailer's actual tax  
23 liability for the month or 25% of the psilocybin retailer's  
24 actual tax liability for the same calendar month of the  
25 preceding year. The amount of the quarter-monthly payments  
26 shall be credited against the final tax liability of the

1 psilocybin retailer's return for that month. If any such  
2 quarter-monthly payment is not paid at the time or in the  
3 amount required by this Section, then the psilocybin retailer  
4 shall be liable for penalties and interest on the difference  
5 between the minimum amount due as a payment and the amount of  
6 the quarter-monthly payment actually and timely paid, except  
7 insofar as the psilocybin retailer has previously made  
8 payments for that month to the Department in excess of the  
9 minimum payments previously due as provided in this Section.

10 If any payment provided for in this Section exceeds the  
11 taxpayer's liabilities under this Article, as shown on an  
12 original monthly return, the Department shall, if requested by  
13 the taxpayer, issue to the taxpayer a credit memorandum no  
14 later than 30 days after the date of payment. The credit  
15 evidenced by the credit memorandum may be assigned by the  
16 taxpayer to a similar taxpayer under this Article, in  
17 accordance with reasonable rules to be prescribed by the  
18 Department. If no such request is made, the taxpayer may  
19 credit the excess payment against tax liability subsequently  
20 to be remitted to the Department under this Article, in  
21 accordance with reasonable rules prescribed by the Department.  
22 If the Department subsequently determines that all or any part  
23 of the credit taken was not actually due to the taxpayer, the  
24 taxpayer's discount shall be reduced, if necessary, to reflect  
25 the difference between the credit taken and that actually due,  
26 and that taxpayer shall be liable for penalties and interest

1 on the difference. If a psilocybin retailer fails to sign a  
2 return within 30 days after the proper notice and demand for  
3 signature by the Department is received by the psilocybin  
4 retailer, the return shall be considered valid and any amount  
5 shown to be due on the return shall be deemed assessed.

6 Section 390. Deposit of proceeds. All moneys received by  
7 the Department under this Article shall be paid into the  
8 Illinois Psilocybin Fund.

9 Section 395. Recordkeeping; books and records.

10 (a) Every retailer of psilocybin, whether or not the  
11 retailer has obtained a certificate of registration under  
12 Section 375, shall keep complete and accurate records of  
13 psilocybin held, purchased, sold, or otherwise disposed of,  
14 and shall preserve and keep all invoices, bills of lading,  
15 sales records, and copies of bills of sale, returns, and other  
16 pertinent papers and documents relating to the purchase, sale,  
17 or disposition of psilocybin. Such records need not be  
18 maintained on the licensed premises but must be maintained in  
19 the State of Illinois. However, all original invoices or  
20 copies thereof covering purchases of psilocybin must be  
21 retained on the licensed premises for a period of 90 days after  
22 such purchase, unless the Department has granted a waiver in  
23 response to a written request in cases where records are kept  
24 at a central business location within the State of Illinois.

1 The Department shall adopt rules regarding the eligibility for  
2 a waiver, revocation of a waiver, and requirements and  
3 standards for maintenance and accessibility of records located  
4 at a central location under a waiver provided under this  
5 Section.

6 (b) Books, records, papers, and documents that are  
7 required by this Article to be kept shall, at all times during  
8 the usual business hours of the day, be subject to inspection  
9 by the Department or its duly authorized agents and employees.  
10 The books, records, papers, and documents for any period with  
11 respect to which the Department is authorized to issue a  
12 notice of tax liability shall be preserved until the  
13 expiration of that period.

14 Section 400. Violations and penalties.

15 (a) When the amount due is under \$300, any retailer of  
16 psilocybin who fails to file a return, willfully fails or  
17 refuses to make any payment to the Department of the tax  
18 imposed by this Article, or files a fraudulent return, or any  
19 officer or agent of a corporation engaged in the business of  
20 selling psilocybin to purchasers located in this State who  
21 signs a fraudulent return filed on behalf of the corporation,  
22 or any accountant or other agent who knowingly enters false  
23 information on the return of any taxpayer under this Article  
24 is guilty of a Class 4 felony.

25 (b) When the amount due is \$300 or more, any retailer of



1 psilocybin who files, or causes to be filed, a fraudulent  
2 return, or any officer or agent of a corporation engaged in the  
3 business of selling psilocybin to purchasers located in this  
4 State who files or causes to be filed or signs or causes to be  
5 signed a fraudulent return filed on behalf of the corporation,  
6 or any accountant or other agent who knowingly enters false  
7 information on the return of any taxpayer under this Article  
8 is guilty of a Class 3 felony.

9 (c) Any person who violates any provision of Section 375,  
10 fails to keep books and records as required under this  
11 Article, or willfully violates a rule of the Department for  
12 the administration and enforcement of this Article is guilty  
13 of a Class 4 felony. A person commits a separate offense on  
14 each day that he or she engages in business in violation of  
15 Section 375 or a rule of the Department for the administration  
16 and enforcement of this Article. If a person fails to produce  
17 the books and records for inspection by the Department upon  
18 request, a prima facie presumption shall arise that the person  
19 has failed to keep books and records as required under this  
20 Article. A person who is unable to rebut this presumption is in  
21 violation of this Article and is subject to the penalties  
22 provided in this Section.

23 (d) Any person who violates any provision of Sections 375,  
24 fails to keep books and records as required under this  
25 Article, or willfully violates a rule of the Department for  
26 the administration and enforcement of this Article, is guilty

1 of a business offense and may be fined up to \$5,000. If a  
2 person fails to produce books and records for inspection by  
3 the Department upon request, a prima facie presumption shall  
4 arise that the person has failed to keep books and records as  
5 required under this Article. A person who is unable to rebut  
6 this presumption is in violation of this Article and is  
7 subject to the penalties provided in this Section. A person  
8 commits a separate offense on each day that he or she engages  
9 in business in violation of Section 375.

10 (e) Any taxpayer or agent of a taxpayer who with the intent  
11 to defraud purports to make a payment due to the Department by  
12 issuing or delivering a check or other order upon a real or  
13 fictitious depository for the payment of money, knowing that  
14 it will not be paid by the depository, is guilty of a deceptive  
15 practice in violation of Section 17-1 of the Criminal Code of  
16 2012.

17 (f) Any person who fails to keep books and records or fails  
18 to produce books and records for inspection, as required by  
19 Section 65-36, is liable to pay to the Department, for deposit  
20 in the Tax Compliance and Administration Fund, a penalty of  
21 \$1,000 for the first failure to keep books and records or  
22 failure to produce books and records for inspection, as  
23 required by Section 65-36, and \$3,000 for each subsequent  
24 failure to keep books and records or failure to produce books  
25 and records for inspection, as required by Section 395.

26 (g) Any person who knowingly acts as a retailer of

1 psilocybin in this State without first having obtained a  
2 certificate of registration to do so in compliance with this  
3 Article shall be guilty of a Class 4 felony.

4 (h) A person commits the offense of tax evasion under this  
5 Article when the person knowingly attempts in any manner to  
6 evade or defeat the tax imposed on the person or on any other  
7 person, or the payment thereof, and the person commits an  
8 affirmative act in furtherance of the evasion. As used in this  
9 Section, "affirmative act in furtherance of the evasion" means  
10 an act designed in whole or in part to (i) conceal,  
11 misrepresent, falsify, or manipulate any material fact or (ii)  
12 tamper with or destroy documents or materials related to a  
13 person's tax liability under this Article. 2 or more acts of  
14 sales tax evasion may be charged as a single count in any  
15 indictment, information, or complaint and the amount of tax  
16 deficiency may be aggregated for purposes of determining the  
17 amount of tax that is attempted to be or is evaded and the  
18 period between the first and last acts may be alleged as the  
19 date of the offense.

20 (1) When the amount of tax, the assessment or payment  
21 of which is attempted to be or is evaded is less than \$500,  
22 a person is guilty of a Class 4 felony.

23 (2) When the amount of tax, the assessment or payment  
24 of which is attempted to be or is evaded is \$500 or more  
25 but less than \$10,000, a person is guilty of a Class 3  
26 felony.

1           (3) When the amount of tax, the assessment or payment  
2           of which is attempted to be or is evaded is \$10,000 or more  
3           but less than \$100,000, a person is guilty of a Class 2  
4           felony.

5           (4) When the amount of tax, the assessment or payment  
6           of which is attempted to be or is evaded is \$100,000 or  
7           more, a person is guilty of a Class 1 felony.

8           Any person who knowingly sells, purchases, installs,  
9           transfers, possesses, uses, or accesses any automated sales  
10          suppression device, zapper, or phantom-ware in this State is  
11          guilty of a Class 3 felony.

12          As used in this Section:

13          "Automated sales suppression device" or "zapper" means a  
14          software program that falsifies the electronic records of an  
15          electronic cash register or other point-of-sale system,  
16          including, but not limited to, transaction data and  
17          transaction reports. The term includes the software program,  
18          any device that carries the software program, or an Internet  
19          link to the software program.

20          "Phantom-ware" means a hidden programming option embedded  
21          in the operating system of an electronic cash register or  
22          hardwired into an electronic cash register that can be used to  
23          create a second set of records or that can eliminate or  
24          manipulate transaction records in an electronic cash register.

25          "Electronic cash register" means a device that keeps a  
26          register or supporting documents through the use of an

1 electronic device or computer system designed to record  
2 transaction data for the purpose of computing, compiling, or  
3 processing retail sales transaction data in any manner.

4 "Transaction data" includes: items purchased by a  
5 purchaser; the price of each item; a taxability determination  
6 for each item; a segregated tax amount for each taxed item; the  
7 amount of cash or credit tendered; the net amount returned to  
8 the customer in change; the date and time of the purchase; the  
9 name, address, and identification number of the vendor; and  
10 the receipt or invoice number of the transaction.

11 "Transaction report" means a report that documents,  
12 without limitation, the sales, taxes, or fees collected, media  
13 totals, and discount voids at an electronic cash register and  
14 that is printed on a cash register tape at the end of a day or  
15 shift, or a report that documents every action at an  
16 electronic cash register and is stored electronically.

17 A prosecution for any act in violation of this Section may  
18 be commenced at any time within 5 years of the commission of  
19 that act.

20 (i) The Department may adopt rules to administer the  
21 penalties under this Section.

22 (j) Any person whose principal place of business is in  
23 this State and who is charged with a violation under this  
24 Section shall be tried in the county where his or her principal  
25 place of business is located unless he or she asserts a right  
26 to be tried in another venue.

1           (k) Except as otherwise provided in subsection (h), a  
2 prosecution for a violation described in this Section may be  
3 commenced within 3 years after the commission of the act  
4 constituting the violation.

5           Section 405. Arrest; search and seizure without warrant.  
6 Any duly authorized employee of the Department: (i) may arrest  
7 without warrant any person committing in the employee's  
8 presence a violation of any of the provisions of this Article;  
9 (ii) may without a search warrant inspect all psilocybin  
10 located in any place of business; (iii) may seize any  
11 psilocybin in the possession of the retailer in violation of  
12 this Act; and (iv) may seize any psilocybin on which the tax  
13 imposed by this Act has not been paid. The psilocybin seized is  
14 subject to confiscation and forfeiture as provided in Sections  
15 415 and 416.

16           Section 410. Seizure and forfeiture. After seizing any  
17 psilocybin as provided in this Article, the Department must  
18 hold a hearing and determine whether the retailer was properly  
19 registered to sell the psilocybin at the time of its seizure by  
20 the Department. The Department shall give not less than 20  
21 days' notice of the time and place of the hearing to the owner  
22 of the psilocybin, if the owner is known, and also to the  
23 person in whose possession the psilocybin was found, if that  
24 person is known and if the person in possession is not the

1 owner of the psilocybin. If neither the owner nor the person in  
2 possession of the psilocybin is known, the Department must  
3 cause publication of the time and place of the hearing to be  
4 made at least once in each week for 3 weeks successively in a  
5 newspaper of general circulation in the county where the  
6 hearing is to be held.

7 If, as the result of the hearing, the Department  
8 determines that the retailer was not properly registered at  
9 the time the psilocybin was seized, the Department must enter  
10 an order declaring the psilocybin confiscated and forfeited to  
11 the State, to be held by the Department for disposal by it as  
12 provided in Section 416. The Department must give notice of  
13 the order to the owner of the psilocybin, if the owner is  
14 known, and also to the person in whose possession the  
15 psilocybin was found, if that person is known and if the person  
16 in possession is not the owner of the psilocybin. If neither  
17 the owner nor the person in possession of the psilocybin is  
18 known, the Department must cause publication of the order to  
19 be made at least once in each week for 3 weeks successively in  
20 a newspaper of general circulation in the county where the  
21 hearing was held.

22 Section 415. Search warrant; issuance and return; process;  
23 confiscation of psilocybin; forfeitures.

24 (a) If a peace officer of this State or any duly authorized  
25 officer or employee of the Department has reason to believe

1 that any violation of this Article or a rule of the Department  
2 for the administration and enforcement of this Article has  
3 occurred and that the person violating this Article or rule  
4 has in that person's possession any psilocybin in violation of  
5 this Article or a rule of the Department for the  
6 administration and enforcement of this Article, that peace  
7 officer, or officer or employee of the Department, may file or  
8 cause to be filed his or her complaint in writing, verified by  
9 affidavit, with any court within whose jurisdiction the  
10 premises to be searched are situated, stating the facts upon  
11 which the belief is founded, the premises to be searched, and  
12 the property to be seized, and procure a search warrant and  
13 execute that warrant. Upon the execution of the search  
14 warrant, the peace officer, or officer or employee of the  
15 Department, executing the search warrant shall make due return  
16 of the warrant to the court issuing the warrant, together with  
17 an inventory of the property taken under the warrant. The  
18 court must then issue process against the owner of the  
19 property if the owner is known; otherwise, process must be  
20 issued against the person in whose possession the property is  
21 found, if that person is known. In case of inability to serve  
22 process upon the owner or the person in possession of the  
23 property at the time of its seizure, notice of the proceedings  
24 before the court must be given in the same manner as required  
25 by the law governing cases of attachment. Upon the return of  
26 the process duly served or upon the posting or publishing of



1 notice made, as appropriate, the court or jury, if a jury is  
2 demanded, shall proceed to determine whether the property  
3 seized was held or possessed in violation of this Article or a  
4 rule of the Department for the administration and enforcement  
5 of this Article. If a violation is found, judgment shall be  
6 entered confiscating the property and forfeiting it to the  
7 State and ordering its delivery to the Department. In  
8 addition, the court may tax and assess the costs of the  
9 proceedings.

10 (b) When any psilocybin has been declared forfeited to the  
11 State by the Department, as provided in Section III and this  
12 Section, and when all proceedings for the judicial review of  
13 the Department's decision have terminated, the Department  
14 shall, to the extent that its decision is sustained on review,  
15 destroy or maintain and use such psilocybin in an undercover  
16 capacity.

17 (c) The Department may, before any destruction of  
18 psilocybin, permit the true holder of trademark rights in the  
19 psilocybin to inspect such psilocybin in order to assist the  
20 Department in any investigation regarding such psilocybin.

21 Section 416. Psilocybin retailers; purchase and possession  
22 of psilocybin. Psilocybin retailers shall purchase psilocybin  
23 for resale only from manufacturers as authorized by this Act.

24 Section 417. Rulemaking. The Department may adopt rules in

1 accordance with the Illinois Administrative Procedure Act and  
2 prescribe forms relating to the administration and enforcement  
3 of this Article as it deems appropriate.

4 Section 420. Illinois Psilocybin Fund. The Illinois  
5 Psilocybin Fund is created as a special fund in the State  
6 treasury. The Fund shall consist of moneys transferred to the  
7 Fund under Section 425. The Department of Revenue shall  
8 certify quarterly the amount of moneys available in the  
9 Illinois Psilocybin Fund. The Department of Revenue shall  
10 transfer quarterly the moneys in the Illinois Psilocybin Fund  
11 to the Psilocybin Control and Regulation Fund.

12 Section 425. Illinois Psilocybin Fund; payment of  
13 expenses. All moneys received by the Department of Revenue  
14 under Sections 355 through this Section shall be deposited  
15 into the Illinois Psilocybin Fund. The Department of Revenue  
16 may pay expenses for the administration and enforcement of  
17 Sections 355 through this Section out of moneys received from  
18 the tax imposed under Section 360. Amounts necessary to pay  
19 administrative and enforcement expenses are continuously  
20 appropriated to the Department of Revenue from the Illinois  
21 Psilocybin Fund.

22 Section 430. Incorporation by reference. All of the  
23 provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,

1 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11, 11a, and 12 of the  
2 Retailers' Occupation Tax Act, and all applicable provisions  
3 of the Uniform Penalty and Interest Act that are not  
4 inconsistent with this Act, apply to clients, legal entities,  
5 licensees, licensee representatives, psilocybin product  
6 manufacturers, service centers, service center operators, and  
7 facilitators to the same extent as if those provisions were  
8 included in this Act. References in the incorporated Sections  
9 of the Retailers' Occupation Tax Act to retailers, to sellers,  
10 or to persons engaged in the business of selling tangible  
11 personal property mean distributors when used in this Act.  
12 References in the incorporated Sections to sales of tangible  
13 personal property mean sales of tobacco products when used in  
14 this Act.

15 Section 435. Registration under the Retailers' Occupation  
16 Tax Act. A retailer maintaining a place of business in this  
17 State, if required to register under the Retailers' Occupation  
18 Tax Act, need not obtain an additional Certificate of  
19 Registration under this Act, but shall be deemed to be  
20 sufficiently registered by virtue of his being registered  
21 under the Retailers' Occupation Tax Act. Every retailer  
22 maintaining a place of business in this State, if not required  
23 to register under the Retailers' Occupation Tax Act, shall  
24 apply to the Department of Revenue (upon a form prescribed and  
25 furnished by the Department of Revenue) for a Certificate of

1 Registration under this Act. In completing such application,  
2 the applicant shall furnish such information as the Department  
3 of Revenue may reasonably require. Upon approval of an  
4 application for Certificate of Registration, the Department of  
5 Revenue shall issue, without charge, a Certificate of  
6 Registration to the applicant. Such Certificate of  
7 Registration shall be displayed at the address which the  
8 applicant states in his or her application to be the principal  
9 place of business or location from which he or she will act as  
10 a retailer in this State. If the applicant will act as a  
11 retailer in this State from other places of business or  
12 locations, he shall list the addresses of such additional  
13 places of business or locations in this application for  
14 Certificate of Registration, and the Department of Revenue  
15 shall issue a Sub-Certificate of Registration to the applicant  
16 for each such additional place of business or location. Each  
17 Sub-Certificate of Registration shall be conspicuously  
18 displayed at the place for which it is issued. Such  
19 Sub-Certificate of Registration shall bear the same  
20 registration number as that appearing upon the Certificate of  
21 Registration to which such Sub-Certificates relate. Where a  
22 retailer operates more than one place of business which is  
23 subject to registration under this Section and such businesses  
24 are substantially different in character or are engaged in  
25 under different trade names or are engaged in under other  
26 substantially dissimilar circumstances (so that it is more

1 practicable, from an accounting, auditing, or bookkeeping  
2 standpoint, for such businesses to be separately registered),  
3 the Department of Revenue may require or permit such person to  
4 apply for and obtain a separate Certificate of Registration  
5 for each such business or for any of such businesses instead of  
6 registering such person, as to all such businesses, under a  
7 single Certificate of Registration supplemented by related  
8 Sub-Certificates of Registration. No Certificate of  
9 Registration shall be issued to any person who is in default to  
10 the State of Illinois for moneys due hereunder.

11 The Department of Revenue may, in its discretion, upon  
12 application, authorize the collection of the tax herein  
13 imposed by any retailer not maintaining a place of business  
14 within this State, who, to the satisfaction of the Department  
15 of Revenue, furnishes adequate security to insure collection  
16 and payment of the tax. Such retailer shall be issued, without  
17 charge, a permit to collect such tax. When so authorized, it  
18 shall be the duty of such retailer to collect the tax upon all  
19 tangible personal property sold to his knowledge for use  
20 within this State, in the same manner and subject to the same  
21 requirements, including the furnishing of a receipt to the  
22 purchaser (if demanded by the purchaser), as a retailer  
23 maintaining a place of business within this State. The receipt  
24 given to the purchaser shall be sufficient to relieve him or  
25 her from further liability for the tax to which such receipt  
26 may refer. Such permit may be revoked by the Department as

1 provided herein.

2 Section 440. Severability. The provisions of this Act are  
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 900. The Freedom of Information Act is amended by  
5 changing Section 7 as follows:

6 (5 ILCS 140/7)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public  
9 record that contains information that is exempt from  
10 disclosure under this Section, but also contains information  
11 that is not exempt from disclosure, the public body may elect  
12 to redact the information that is exempt. The public body  
13 shall make the remaining information available for inspection  
14 and copying. Subject to this requirement, the following shall  
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from  
17 disclosure by federal or State law or rules and  
18 regulations implementing federal or State law.

19 (b) Private information, unless disclosure is required  
20 by another provision of this Act, a State or federal law,  
21 or a court order.

22 (b-5) Files, documents, and other data or databases  
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or  
2 more law enforcement agencies regarding the physical or  
3 mental status of one or more individual subjects.

4 (c) Personal information contained within public  
5 records, the disclosure of which would constitute a  
6 clearly unwarranted invasion of personal privacy, unless  
7 the disclosure is consented to in writing by the  
8 individual subjects of the information. "Unwarranted  
9 invasion of personal privacy" means the disclosure of  
10 information that is highly personal or objectionable to a  
11 reasonable person and in which the subject's right to  
12 privacy outweighs any legitimate public interest in  
13 obtaining the information. The disclosure of information  
14 that bears on the public duties of public employees and  
15 officials shall not be considered an invasion of personal  
16 privacy.

17 (d) Records in the possession of any public body  
18 created in the course of administrative enforcement  
19 proceedings, and any law enforcement or correctional  
20 agency for law enforcement purposes, but only to the  
21 extent that disclosure would:

22 (i) interfere with pending or actually and  
23 reasonably contemplated law enforcement proceedings  
24 conducted by any law enforcement or correctional  
25 agency that is the recipient of the request;

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body  
2 that is the recipient of the request;

3 (iii) create a substantial likelihood that a  
4 person will be deprived of a fair trial or an impartial  
5 hearing;

6 (iv) unavoidably disclose the identity of a  
7 confidential source, confidential information  
8 furnished only by the confidential source, or persons  
9 who file complaints with or provide information to  
10 administrative, investigative, law enforcement, or  
11 penal agencies; except that the identities of  
12 witnesses to traffic crashes, traffic crash reports,  
13 and rescue reports shall be provided by agencies of  
14 local government, except when disclosure would  
15 interfere with an active criminal investigation  
16 conducted by the agency that is the recipient of the  
17 request;

18 (v) disclose unique or specialized investigative  
19 techniques other than those generally used and known  
20 or disclose internal documents of correctional  
21 agencies related to detection, observation, or  
22 investigation of incidents of crime or misconduct, and  
23 disclosure would result in demonstrable harm to the  
24 agency or public body that is the recipient of the  
25 request;

26 (vi) endanger the life or physical safety of law



1 enforcement personnel or any other person; or

2 (vii) obstruct an ongoing criminal investigation  
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law  
5 enforcement purposes and contained in a shared electronic  
6 record management system if the law enforcement agency  
7 that is the recipient of the request did not create the  
8 record, did not participate in or have a role in any of the  
9 events which are the subject of the record, and only has  
10 access to the record through the shared electronic record  
11 management system.

12 (d-6) Records contained in the Officer Professional  
13 Conduct Database under Section 9.2 of the Illinois Police  
14 Training Act, except to the extent authorized under that  
15 Section. This includes the documents supplied to the  
16 Illinois Law Enforcement Training Standards Board from the  
17 Illinois State Police and Illinois State Police Merit  
18 Board.

19 (d-7) Information gathered or records created from the  
20 use of automatic license plate readers in connection with  
21 Section 2-130 of the Illinois Vehicle Code.

22 (e) Records that relate to or affect the security of  
23 correctional institutions and detention facilities.

24 (e-5) Records requested by persons committed to the  
25 Department of Corrections, Department of Human Services  
26 Division of Mental Health, or a county jail if those

1 materials are available in the library of the correctional  
2 institution or facility or jail where the inmate is  
3 confined.

4 (e-6) Records requested by persons committed to the  
5 Department of Corrections, Department of Human Services  
6 Division of Mental Health, or a county jail if those  
7 materials include records from staff members' personnel  
8 files, staff rosters, or other staffing assignment  
9 information.

10 (e-7) Records requested by persons committed to the  
11 Department of Corrections or Department of Human Services  
12 Division of Mental Health if those materials are available  
13 through an administrative request to the Department of  
14 Corrections or Department of Human Services Division of  
15 Mental Health.

16 (e-8) Records requested by a person committed to the  
17 Department of Corrections, Department of Human Services  
18 Division of Mental Health, or a county jail, the  
19 disclosure of which would result in the risk of harm to any  
20 person or the risk of an escape from a jail or correctional  
21 institution or facility.

22 (e-9) Records requested by a person in a county jail  
23 or committed to the Department of Corrections or  
24 Department of Human Services Division of Mental Health,  
25 containing personal information pertaining to the person's  
26 victim or the victim's family, including, but not limited

1 to, a victim's home address, home telephone number, work  
2 or school address, work telephone number, social security  
3 number, or any other identifying information, except as  
4 may be relevant to a requester's current or potential case  
5 or claim.

6 (e-10) Law enforcement records of other persons  
7 requested by a person committed to the Department of  
8 Corrections, Department of Human Services Division of  
9 Mental Health, or a county jail, including, but not  
10 limited to, arrest and booking records, mug shots, and  
11 crime scene photographs, except as these records may be  
12 relevant to the requester's current or potential case or  
13 claim.

14 (f) Preliminary drafts, notes, recommendations,  
15 memoranda, and other records in which opinions are  
16 expressed, or policies or actions are formulated, except  
17 that a specific record or relevant portion of a record  
18 shall not be exempt when the record is publicly cited and  
19 identified by the head of the public body. The exemption  
20 provided in this paragraph (f) extends to all those  
21 records of officers and agencies of the General Assembly  
22 that pertain to the preparation of legislative documents.

23 (g) Trade secrets and commercial or financial  
24 information obtained from a person or business where the  
25 trade secrets or commercial or financial information are  
26 furnished under a claim that they are proprietary,

1 privileged, or confidential, and that disclosure of the  
2 trade secrets or commercial or financial information would  
3 cause competitive harm to the person or business, and only  
4 insofar as the claim directly applies to the records  
5 requested.

6 The information included under this exemption includes  
7 all trade secrets and commercial or financial information  
8 obtained by a public body, including a public pension  
9 fund, from a private equity fund or a privately held  
10 company within the investment portfolio of a private  
11 equity fund as a result of either investing or evaluating  
12 a potential investment of public funds in a private equity  
13 fund. The exemption contained in this item does not apply  
14 to the aggregate financial performance information of a  
15 private equity fund, nor to the identity of the fund's  
16 managers or general partners. The exemption contained in  
17 this item does not apply to the identity of a privately  
18 held company within the investment portfolio of a private  
19 equity fund, unless the disclosure of the identity of a  
20 privately held company may cause competitive harm.

21 Nothing contained in this paragraph (g) shall be  
22 construed to prevent a person or business from consenting  
23 to disclosure.

24 (h) Proposals and bids for any contract, grant, or  
25 agreement, including information which if it were  
26 disclosed would frustrate procurement or give an advantage

1 to any person proposing to enter into a contractor  
2 agreement with the body, until an award or final selection  
3 is made. Information prepared by or for the body in  
4 preparation of a bid solicitation shall be exempt until an  
5 award or final selection is made.

6 (i) Valuable formulae, computer geographic systems,  
7 designs, drawings, and research data obtained or produced  
8 by any public body when disclosure could reasonably be  
9 expected to produce private gain or public loss. The  
10 exemption for "computer geographic systems" provided in  
11 this paragraph (i) does not extend to requests made by  
12 news media as defined in Section 2 of this Act when the  
13 requested information is not otherwise exempt and the only  
14 purpose of the request is to access and disseminate  
15 information regarding the health, safety, welfare, or  
16 legal rights of the general public.

17 (j) The following information pertaining to  
18 educational matters:

19 (i) test questions, scoring keys, and other  
20 examination data used to administer an academic  
21 examination;

22 (ii) information received by a primary or  
23 secondary school, college, or university under its  
24 procedures for the evaluation of faculty members by  
25 their academic peers;

26 (iii) information concerning a school or

1 university's adjudication of student disciplinary  
2 cases, but only to the extent that disclosure would  
3 unavoidably reveal the identity of the student; and

4 (iv) course materials or research materials used  
5 by faculty members.

6 (k) Architects' plans, engineers' technical  
7 submissions, and other construction related technical  
8 documents for projects not constructed or developed in  
9 whole or in part with public funds and the same for  
10 projects constructed or developed with public funds,  
11 including, but not limited to, power generating and  
12 distribution stations and other transmission and  
13 distribution facilities, water treatment facilities,  
14 airport facilities, sport stadiums, convention centers,  
15 and all government owned, operated, or occupied buildings,  
16 but only to the extent that disclosure would compromise  
17 security.

18 (l) Minutes of meetings of public bodies closed to the  
19 public as provided in the Open Meetings Act until the  
20 public body makes the minutes available to the public  
21 under Section 2.06 of the Open Meetings Act.

22 (m) Communications between a public body and an  
23 attorney or auditor representing the public body that  
24 would not be subject to discovery in litigation, and  
25 materials prepared or compiled by or for a public body in  
26 anticipation of a criminal, civil, or administrative

1 proceeding upon the request of an attorney advising the  
2 public body, and materials prepared or compiled with  
3 respect to internal audits of public bodies.

4 (n) Records relating to a public body's adjudication  
5 of employee grievances or disciplinary cases; however,  
6 this exemption shall not extend to the final outcome of  
7 cases in which discipline is imposed.

8 (o) Administrative or technical information associated  
9 with automated data processing operations, including, but  
10 not limited to, software, operating protocols, computer  
11 program abstracts, file layouts, source listings, object  
12 modules, load modules, user guides, documentation  
13 pertaining to all logical and physical design of  
14 computerized systems, employee manuals, and any other  
15 information that, if disclosed, would jeopardize the  
16 security of the system or its data or the security of  
17 materials exempt under this Section.

18 (p) Records relating to collective negotiating matters  
19 between public bodies and their employees or  
20 representatives, except that any final contract or  
21 agreement shall be subject to inspection and copying.

22 (q) Test questions, scoring keys, and other  
23 examination data used to determine the qualifications of  
24 an applicant for a license or employment.

25 (r) The records, documents, and information relating  
26 to real estate purchase negotiations until those

1 negotiations have been completed or otherwise terminated.  
2 With regard to a parcel involved in a pending or actually  
3 and reasonably contemplated eminent domain proceeding  
4 under the Eminent Domain Act, records, documents, and  
5 information relating to that parcel shall be exempt except  
6 as may be allowed under discovery rules adopted by the  
7 Illinois Supreme Court. The records, documents, and  
8 information relating to a real estate sale shall be exempt  
9 until a sale is consummated.

10 (s) Any and all proprietary information and records  
11 related to the operation of an intergovernmental risk  
12 management association or self-insurance pool or jointly  
13 self-administered health and accident cooperative or pool.  
14 Insurance or self-insurance (including any  
15 intergovernmental risk management association or  
16 self-insurance pool) claims, loss or risk management  
17 information, records, data, advice, or communications.

18 (t) Information contained in or related to  
19 examination, operating, or condition reports prepared by,  
20 on behalf of, or for the use of a public body responsible  
21 for the regulation or supervision of financial  
22 institutions, insurance companies, or pharmacy benefit  
23 managers, unless disclosure is otherwise required by State  
24 law.

25 (u) Information that would disclose or might lead to  
26 the disclosure of secret or confidential information,



1 codes, algorithms, programs, or private keys intended to  
2 be used to create electronic signatures under the Uniform  
3 Electronic Transactions Act.

4 (v) Vulnerability assessments, security measures, and  
5 response policies or plans that are designed to identify,  
6 prevent, or respond to potential attacks upon a  
7 community's population or systems, facilities, or  
8 installations, but only to the extent that disclosure  
9 could reasonably be expected to expose the vulnerability  
10 or jeopardize the effectiveness of the measures, policies,  
11 or plans, or the safety of the personnel who implement  
12 them or the public. Information exempt under this item may  
13 include such things as details pertaining to the  
14 mobilization or deployment of personnel or equipment, to  
15 the operation of communication systems or protocols, to  
16 cybersecurity vulnerabilities, or to tactical operations.

17 (w) (Blank).

18 (x) Maps and other records regarding the location or  
19 security of generation, transmission, distribution,  
20 storage, gathering, treatment, or switching facilities  
21 owned by a utility, by a power generator, or by the  
22 Illinois Power Agency.

23 (y) Information contained in or related to proposals,  
24 bids, or negotiations related to electric power  
25 procurement under Section 1-75 of the Illinois Power  
26 Agency Act and Section 16-111.5 of the Public Utilities

1 Act that is determined to be confidential and proprietary  
2 by the Illinois Power Agency or by the Illinois Commerce  
3 Commission.

4 (z) Information about students exempted from  
5 disclosure under Section 10-20.38 or 34-18.29 of the  
6 School Code, and information about undergraduate students  
7 enrolled at an institution of higher education exempted  
8 from disclosure under Section 25 of the Illinois Credit  
9 Card Marketing Act of 2009.

10 (aa) Information the disclosure of which is exempted  
11 under the Viatical Settlements Act of 2009.

12 (bb) Records and information provided to a mortality  
13 review team and records maintained by a mortality review  
14 team appointed under the Department of Juvenile Justice  
15 Mortality Review Team Act.

16 (cc) Information regarding interments, entombments, or  
17 inurnments of human remains that are submitted to the  
18 Cemetery Oversight Database under the Cemetery Care Act or  
19 the Cemetery Oversight Act, whichever is applicable.

20 (dd) Correspondence and records (i) that may not be  
21 disclosed under Section 11-9 of the Illinois Public Aid  
22 Code or (ii) that pertain to appeals under Section 11-8 of  
23 the Illinois Public Aid Code.

24 (ee) The names, addresses, or other personal  
25 information of persons who are minors and are also  
26 participants and registrants in programs of park

1 districts, forest preserve districts, conservation  
2 districts, recreation agencies, and special recreation  
3 associations.

4 (ff) The names, addresses, or other personal  
5 information of participants and registrants in programs of  
6 park districts, forest preserve districts, conservation  
7 districts, recreation agencies, and special recreation  
8 associations where such programs are targeted primarily to  
9 minors.

10 (gg) Confidential information described in Section  
11 1-100 of the Illinois Independent Tax Tribunal Act of  
12 2012.

13 (hh) The report submitted to the State Board of  
14 Education by the School Security and Standards Task Force  
15 under item (8) of subsection (d) of Section 2-3.160 of the  
16 School Code and any information contained in that report.

17 (ii) Records requested by persons committed to or  
18 detained by the Department of Human Services under the  
19 Sexually Violent Persons Commitment Act or committed to  
20 the Department of Corrections under the Sexually Dangerous  
21 Persons Act if those materials: (i) are available in the  
22 library of the facility where the individual is confined;  
23 (ii) include records from staff members' personnel files,  
24 staff rosters, or other staffing assignment information;  
25 or (iii) are available through an administrative request  
26 to the Department of Human Services or the Department of

1 Corrections.

2 (jj) Confidential information described in Section  
3 5-535 of the Civil Administrative Code of Illinois.

4 (kk) The public body's credit card numbers, debit card  
5 numbers, bank account numbers, Federal Employer  
6 Identification Number, security code numbers, passwords,  
7 and similar account information, the disclosure of which  
8 could result in identity theft or impersonation or defrauding  
9 of a governmental entity or a person.

10 (ll) Records concerning the work of the threat  
11 assessment team of a school district, including, but not  
12 limited to, any threat assessment procedure under the  
13 School Safety Drill Act and any information contained in  
14 the procedure.

15 (mm) Information prohibited from being disclosed under  
16 subsections (a) and (b) of Section 15 of the Student  
17 Confidential Reporting Act.

18 (nn) Proprietary information submitted to the  
19 Environmental Protection Agency under the Drug Take-Back  
20 Act.

21 (oo) Records described in subsection (f) of Section  
22 3-5-1 of the Unified Code of Corrections.

23 (pp) Any and all information regarding burials,  
24 interments, or entombments of human remains as required to  
25 be reported to the Department of Natural Resources  
26 pursuant either to the Archaeological and Paleontological

1 Resources Protection Act or the Human Remains Protection  
2 Act.

3 (qq) ~~(pp)~~ Reports described in subsection (e) of  
4 Section 16-15 of the Abortion Care Clinical Training  
5 Program Act.

6 (rr) ~~(pp)~~ Information obtained by a certified local  
7 health department under the Access to Public Health Data  
8 Act.

9 (ss) ~~(pp)~~ For a request directed to a public body that  
10 is also a HIPAA-covered entity, all information that is  
11 protected health information, including demographic  
12 information, that may be contained within or extracted  
13 from any record held by the public body in compliance with  
14 State and federal medical privacy laws and regulations,  
15 including, but not limited to, the Health Insurance  
16 Portability and Accountability Act and its regulations, 45  
17 CFR Parts 160 and 164. As used in this paragraph,  
18 "HIPAA-covered entity" has the meaning given to the term  
19 "covered entity" in 45 CFR 160.103 and "protected health  
20 information" has the meaning given to that term in 45 CFR  
21 160.103.

22 (tt) Correspondence and records that may not be  
23 disclosed under Section 265 of the Compassionate Use and  
24 Research of Entheogens Act.

25 (1.5) Any information exempt from disclosure under the  
26 Judicial Privacy Act shall be redacted from public records

1 prior to disclosure under this Act.

2 (2) A public record that is not in the possession of a  
3 public body but is in the possession of a party with whom the  
4 agency has contracted to perform a governmental function on  
5 behalf of the public body, and that directly relates to the  
6 governmental function and is not otherwise exempt under this  
7 Act, shall be considered a public record of the public body,  
8 for purposes of this Act.

9 (3) This Section does not authorize withholding of  
10 information or limit the availability of records to the  
11 public, except as stated in this Section or otherwise provided  
12 in this Act.

13 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
14 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
15 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,  
16 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
17 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
18 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised  
19 9-7-23.)

20 Section 905. The Criminal Identification Act is amended by  
21 changing Section 5.2 as follows:

22 (20 ILCS 2630/5.2)

23 Sec. 5.2. Expungement, sealing, and immediate sealing.

24 (a) General Provisions.

1           (1) Definitions. In this Act, words and phrases have  
2 the meanings set forth in this subsection, except when a  
3 particular context clearly requires a different meaning.

4           (A) The following terms shall have the meanings  
5 ascribed to them in the following Sections of the  
6 Unified Code of Corrections:

7           Business Offense, Section 5-1-2.

8           Charge, Section 5-1-3.

9           Court, Section 5-1-6.

10          Defendant, Section 5-1-7.

11          Felony, Section 5-1-9.

12          Imprisonment, Section 5-1-10.

13          Judgment, Section 5-1-12.

14          Misdemeanor, Section 5-1-14.

15          Offense, Section 5-1-15.

16          Parole, Section 5-1-16.

17          Petty Offense, Section 5-1-17.

18          Probation, Section 5-1-18.

19          Sentence, Section 5-1-19.

20          Supervision, Section 5-1-21.

21          Victim, Section 5-1-22.

22          (B) As used in this Section, "charge not initiated  
23 by arrest" means a charge (as defined by Section 5-1-3  
24 of the Unified Code of Corrections) brought against a  
25 defendant where the defendant is not arrested prior to  
26 or as a direct result of the charge.

1 (C) "Conviction" means a judgment of conviction or  
2 sentence entered upon a plea of guilty or upon a  
3 verdict or finding of guilty of an offense, rendered  
4 by a legally constituted jury or by a court of  
5 competent jurisdiction authorized to try the case  
6 without a jury. An order of supervision successfully  
7 completed by the petitioner is not a conviction. An  
8 order of qualified probation (as defined in subsection  
9 (a)(1)(J)) successfully completed by the petitioner is  
10 not a conviction. An order of supervision or an order  
11 of qualified probation that is terminated  
12 unsatisfactorily is a conviction, unless the  
13 unsatisfactory termination is reversed, vacated, or  
14 modified and the judgment of conviction, if any, is  
15 reversed or vacated.

16 (D) "Criminal offense" means a petty offense,  
17 business offense, misdemeanor, felony, or municipal  
18 ordinance violation (as defined in subsection  
19 (a)(1)(H)). As used in this Section, a minor traffic  
20 offense (as defined in subsection (a)(1)(G)) shall not  
21 be considered a criminal offense.

22 (E) "Expunge" means to physically destroy the  
23 records or return them to the petitioner and to  
24 obliterate the petitioner's name from any official  
25 index or public record, or both. Nothing in this Act  
26 shall require the physical destruction of the circuit



1 court file, but such records relating to arrests or  
2 charges, or both, ordered expunged shall be impounded  
3 as required by subsections (d)(9)(A)(ii) and  
4 (d)(9)(B)(ii).

5 (F) As used in this Section, "last sentence" means  
6 the sentence, order of supervision, or order of  
7 qualified probation (as defined by subsection  
8 (a)(1)(J)), for a criminal offense (as defined by  
9 subsection (a)(1)(D)) that terminates last in time in  
10 any jurisdiction, regardless of whether the petitioner  
11 has included the criminal offense for which the  
12 sentence or order of supervision or qualified  
13 probation was imposed in his or her petition. If  
14 multiple sentences, orders of supervision, or orders  
15 of qualified probation terminate on the same day and  
16 are last in time, they shall be collectively  
17 considered the "last sentence" regardless of whether  
18 they were ordered to run concurrently.

19 (G) "Minor traffic offense" means a petty offense,  
20 business offense, or Class C misdemeanor under the  
21 Illinois Vehicle Code or a similar provision of a  
22 municipal or local ordinance.

23 (G-5) "Minor Cannabis Offense" means a violation  
24 of Section 4 or 5 of the Cannabis Control Act  
25 concerning not more than 30 grams of any substance  
26 containing cannabis, provided the violation did not

1 include a penalty enhancement under Section 7 of the  
2 Cannabis Control Act and is not associated with an  
3 arrest, conviction or other disposition for a violent  
4 crime as defined in subsection (c) of Section 3 of the  
5 Rights of Crime Victims and Witnesses Act.

6 (H) "Municipal ordinance violation" means an  
7 offense defined by a municipal or local ordinance that  
8 is criminal in nature and with which the petitioner  
9 was charged or for which the petitioner was arrested  
10 and released without charging.

11 (I) "Petitioner" means an adult or a minor  
12 prosecuted as an adult who has applied for relief  
13 under this Section.

14 (J) "Qualified probation" means an order of  
15 probation under Section 10 of the Cannabis Control  
16 Act, Section 410 of the Illinois Controlled Substances  
17 Act, Section 70 of the Methamphetamine Control and  
18 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
19 of the Unified Code of Corrections, Section  
20 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as  
21 those provisions existed before their deletion by  
22 Public Act 89-313), Section 10-102 of the Illinois  
23 Alcoholism and Other Drug Dependency Act, Section  
24 40-10 of the Substance Use Disorder Act, or Section 10  
25 of the Steroid Control Act. For the purpose of this  
26 Section, "successful completion" of an order of

1 qualified probation under Section 10-102 of the  
2 Illinois Alcoholism and Other Drug Dependency Act and  
3 Section 40-10 of the Substance Use Disorder Act means  
4 that the probation was terminated satisfactorily and  
5 the judgment of conviction was vacated.

6 (K) "Seal" means to physically and electronically  
7 maintain the records, unless the records would  
8 otherwise be destroyed due to age, but to make the  
9 records unavailable without a court order, subject to  
10 the exceptions in Sections 12 and 13 of this Act. The  
11 petitioner's name shall also be obliterated from the  
12 official index required to be kept by the circuit  
13 court clerk under Section 16 of the Clerks of Courts  
14 Act, but any index issued by the circuit court clerk  
15 before the entry of the order to seal shall not be  
16 affected.

17 (L) "Sexual offense committed against a minor"  
18 includes, but is not limited to, the offenses of  
19 indecent solicitation of a child or criminal sexual  
20 abuse when the victim of such offense is under 18 years  
21 of age.

22 (M) "Terminate" as it relates to a sentence or  
23 order of supervision or qualified probation includes  
24 either satisfactory or unsatisfactory termination of  
25 the sentence, unless otherwise specified in this  
26 Section. A sentence is terminated notwithstanding any

1 outstanding financial legal obligation.

2 (2) Minor Traffic Offenses. Orders of supervision or  
3 convictions for minor traffic offenses shall not affect a  
4 petitioner's eligibility to expunge or seal records  
5 pursuant to this Section.

6 (2.5) Commencing 180 days after July 29, 2016 (the  
7 effective date of Public Act 99-697), the law enforcement  
8 agency issuing the citation shall automatically expunge,  
9 on or before January 1 and July 1 of each year, the law  
10 enforcement records of a person found to have committed a  
11 civil law violation of subsection (a) of Section 4 of the  
12 Cannabis Control Act or subsection (c) of Section 3.5 of  
13 the Drug Paraphernalia Control Act in the law enforcement  
14 agency's possession or control and which contains the  
15 final satisfactory disposition which pertain to the person  
16 issued a citation for that offense. The law enforcement  
17 agency shall provide by rule the process for access,  
18 review, and to confirm the automatic expungement by the  
19 law enforcement agency issuing the citation. Commencing  
20 180 days after July 29, 2016 (the effective date of Public  
21 Act 99-697), the clerk of the circuit court shall expunge,  
22 upon order of the court, or in the absence of a court order  
23 on or before January 1 and July 1 of each year, the court  
24 records of a person found in the circuit court to have  
25 committed a civil law violation of subsection (a) of  
26 Section 4 of the Cannabis Control Act or subsection (c) of

1 Section 3.5 of the Drug Paraphernalia Control Act in the  
2 clerk's possession or control and which contains the final  
3 satisfactory disposition which pertain to the person  
4 issued a citation for any of those offenses.

5 (2.6) Commencing 180 days after the effective date of  
6 this amendatory Act of the 103rd General Assembly, the law  
7 enforcement agency issuing the citation shall  
8 automatically expunge, on or before January 1 and July 1  
9 of each year, the law enforcement records of a person  
10 found to have committed a violation of subsection (e) of  
11 Section 401 of the Illinois Controlled Substances Act by  
12 possessing psilocybin and psilocin or of subsection (a) of  
13 Section 3.5 of the Drug Paraphernalia Control Act by  
14 possessing paraphernalia used in relation to psilocybin  
15 and psilocin in the law enforcement agency's possession or  
16 control and which contains the final satisfactory  
17 disposition which pertain to the person issued a citation  
18 for that offense. The law enforcement agency shall provide  
19 by rule the process for access, review, and to confirm the  
20 automatic expungement by the law enforcement agency  
21 issuing the citation. Commencing 180 days after the  
22 effective date of this amendatory Act of the 103rd General  
23 Assembly, the clerk of the circuit court shall expunge,  
24 upon order of the court, or in the absence of a court order  
25 on or before January 1 and July 1 of each year, the court  
26 records of a person found in the circuit court to have

1       committed a violation of subsection (e) of Section 401 of  
2       the Illinois Controlled Substances Act by possessing  
3       psilocybin and psilocin or of subsection (a) of Section  
4       3.5 of the Drug Paraphernalia Control Act by possessing  
5       paraphernalia used in relation to psilocybin and psilocin  
6       in the clerk's possession or control and which contains  
7       the final satisfactory disposition which pertain to the  
8       person issued a citation for any of those offenses.

9           (3) Exclusions. Except as otherwise provided in  
10       subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
11       of this Section, the court shall not order:

12           (A) the sealing or expungement of the records of  
13       arrests or charges not initiated by arrest that result  
14       in an order of supervision for or conviction of: (i)  
15       any sexual offense committed against a minor; (ii)  
16       Section 11-501 of the Illinois Vehicle Code or a  
17       similar provision of a local ordinance; or (iii)  
18       Section 11-503 of the Illinois Vehicle Code or a  
19       similar provision of a local ordinance, unless the  
20       arrest or charge is for a misdemeanor violation of  
21       subsection (a) of Section 11-503 or a similar  
22       provision of a local ordinance, that occurred prior to  
23       the offender reaching the age of 25 years and the  
24       offender has no other conviction for violating Section  
25       11-501 or 11-503 of the Illinois Vehicle Code or a  
26       similar provision of a local ordinance.

1 (B) the sealing or expungement of records of minor  
2 traffic offenses (as defined in subsection (a)(1)(G)),  
3 unless the petitioner was arrested and released  
4 without charging.

5 (C) the sealing of the records of arrests or  
6 charges not initiated by arrest which result in an  
7 order of supervision or a conviction for the following  
8 offenses:

9 (i) offenses included in Article 11 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012  
11 or a similar provision of a local ordinance,  
12 except Section 11-14 and a misdemeanor violation  
13 of Section 11-30 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012, or a similar provision  
15 of a local ordinance;

16 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
17 26-5, or 48-1 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, or a similar provision of a  
19 local ordinance;

20 (iii) Section 12-3.1 or 12-3.2 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012, or  
22 Section 125 of the Stalking No Contact Order Act,  
23 or Section 219 of the Civil No Contact Order Act,  
24 or a similar provision of a local ordinance;

25 (iv) Class A misdemeanors or felony offenses  
26 under the Humane Care for Animals Act; or

1 (v) any offense or attempted offense that  
2 would subject a person to registration under the  
3 Sex Offender Registration Act.

4 (D) (blank).

5 (b) Expungement.

6 (1) A petitioner may petition the circuit court to  
7 expunge the records of his or her arrests and charges not  
8 initiated by arrest when each arrest or charge not  
9 initiated by arrest sought to be expunged resulted in: (i)  
10 acquittal, dismissal, or the petitioner's release without  
11 charging, unless excluded by subsection (a)(3)(B); (ii) a  
12 conviction which was vacated or reversed, unless excluded  
13 by subsection (a)(3)(B); (iii) an order of supervision and  
14 such supervision was successfully completed by the  
15 petitioner, unless excluded by subsection (a)(3)(A) or  
16 (a)(3)(B); or (iv) an order of qualified probation (as  
17 defined in subsection (a)(1)(J)) and such probation was  
18 successfully completed by the petitioner.

19 (1.5) When a petitioner seeks to have a record of  
20 arrest expunged under this Section, and the offender has  
21 been convicted of a criminal offense, the State's Attorney  
22 may object to the expungement on the grounds that the  
23 records contain specific relevant information aside from  
24 the mere fact of the arrest.

25 (2) Time frame for filing a petition to expunge.

26 (A) When the arrest or charge not initiated by



1           arrest sought to be expunged resulted in an acquittal,  
2           dismissal, the petitioner's release without charging,  
3           or the reversal or vacation of a conviction, there is  
4           no waiting period to petition for the expungement of  
5           such records.

6           (B) When the arrest or charge not initiated by  
7           arrest sought to be expunged resulted in an order of  
8           supervision, successfully completed by the petitioner,  
9           the following time frames will apply:

10           (i) Those arrests or charges that resulted in  
11           orders of supervision under Section 3-707, 3-708,  
12           3-710, or 5-401.3 of the Illinois Vehicle Code or  
13           a similar provision of a local ordinance, or under  
14           Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
15           Code of 1961 or the Criminal Code of 2012, or a  
16           similar provision of a local ordinance, shall not  
17           be eligible for expungement until 5 years have  
18           passed following the satisfactory termination of  
19           the supervision.

20           (i-5) Those arrests or charges that resulted  
21           in orders of supervision for a misdemeanor  
22           violation of subsection (a) of Section 11-503 of  
23           the Illinois Vehicle Code or a similar provision  
24           of a local ordinance, that occurred prior to the  
25           offender reaching the age of 25 years and the  
26           offender has no other conviction for violating

1 Section 11-501 or 11-503 of the Illinois Vehicle  
2 Code or a similar provision of a local ordinance  
3 shall not be eligible for expungement until the  
4 petitioner has reached the age of 25 years.

5 (ii) Those arrests or charges that resulted in  
6 orders of supervision for any other offenses shall  
7 not be eligible for expungement until 2 years have  
8 passed following the satisfactory termination of  
9 the supervision.

10 (C) When the arrest or charge not initiated by  
11 arrest sought to be expunged resulted in an order of  
12 qualified probation, successfully completed by the  
13 petitioner, such records shall not be eligible for  
14 expungement until 5 years have passed following the  
15 satisfactory termination of the probation.

16 (3) Those records maintained by the Illinois State  
17 Police for persons arrested prior to their 17th birthday  
18 shall be expunged as provided in Section 5-915 of the  
19 Juvenile Court Act of 1987.

20 (4) Whenever a person has been arrested for or  
21 convicted of any offense, in the name of a person whose  
22 identity he or she has stolen or otherwise come into  
23 possession of, the aggrieved person from whom the identity  
24 was stolen or otherwise obtained without authorization,  
25 upon learning of the person having been arrested using his  
26 or her identity, may, upon verified petition to the chief

1 judge of the circuit wherein the arrest was made, have a  
2 court order entered nunc pro tunc by the Chief Judge to  
3 correct the arrest record, conviction record, if any, and  
4 all official records of the arresting authority, the  
5 Illinois State Police, other criminal justice agencies,  
6 the prosecutor, and the trial court concerning such  
7 arrest, if any, by removing his or her name from all such  
8 records in connection with the arrest and conviction, if  
9 any, and by inserting in the records the name of the  
10 offender, if known or ascertainable, in lieu of the  
11 aggrieved's name. The records of the circuit court clerk  
12 shall be sealed until further order of the court upon good  
13 cause shown and the name of the aggrieved person  
14 obliterated on the official index required to be kept by  
15 the circuit court clerk under Section 16 of the Clerks of  
16 Courts Act, but the order shall not affect any index  
17 issued by the circuit court clerk before the entry of the  
18 order. Nothing in this Section shall limit the Illinois  
19 State Police or other criminal justice agencies or  
20 prosecutors from listing under an offender's name the  
21 false names he or she has used.

22 (5) Whenever a person has been convicted of criminal  
23 sexual assault, aggravated criminal sexual assault,  
24 predatory criminal sexual assault of a child, criminal  
25 sexual abuse, or aggravated criminal sexual abuse, the  
26 victim of that offense may request that the State's

1 Attorney of the county in which the conviction occurred  
2 file a verified petition with the presiding trial judge at  
3 the petitioner's trial to have a court order entered to  
4 seal the records of the circuit court clerk in connection  
5 with the proceedings of the trial court concerning that  
6 offense. However, the records of the arresting authority  
7 and the Illinois State Police concerning the offense shall  
8 not be sealed. The court, upon good cause shown, shall  
9 make the records of the circuit court clerk in connection  
10 with the proceedings of the trial court concerning the  
11 offense available for public inspection.

12 (6) If a conviction has been set aside on direct  
13 review or on collateral attack and the court determines by  
14 clear and convincing evidence that the petitioner was  
15 factually innocent of the charge, the court that finds the  
16 petitioner factually innocent of the charge shall enter an  
17 expungement order for the conviction for which the  
18 petitioner has been determined to be innocent as provided  
19 in subsection (b) of Section 5-5-4 of the Unified Code of  
20 Corrections.

21 (7) Nothing in this Section shall prevent the Illinois  
22 State Police from maintaining all records of any person  
23 who is admitted to probation upon terms and conditions and  
24 who fulfills those terms and conditions pursuant to  
25 Section 10 of the Cannabis Control Act, Section 410 of the  
26 Illinois Controlled Substances Act, Section 70 of the

1 Methamphetamine Control and Community Protection Act,  
2 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
3 Corrections, Section 12-4.3 or subdivision (b)(1) of  
4 Section 12-3.05 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, Section 10-102 of the Illinois  
6 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
7 the Substance Use Disorder Act, or Section 10 of the  
8 Steroid Control Act.

9 (8) If the petitioner has been granted a certificate  
10 of innocence under Section 2-702 of the Code of Civil  
11 Procedure, the court that grants the certificate of  
12 innocence shall also enter an order expunging the  
13 conviction for which the petitioner has been determined to  
14 be innocent as provided in subsection (h) of Section 2-702  
15 of the Code of Civil Procedure.

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision  
18 of this Act to the contrary, and cumulative with any  
19 rights to expungement of criminal records, this subsection  
20 authorizes the sealing of criminal records of adults and  
21 of minors prosecuted as adults. Subsection (g) of this  
22 Section provides for immediate sealing of certain records.

23 (2) Eligible Records. The following records may be  
24 sealed:

25 (A) All arrests resulting in release without  
26 charging;

1 (B) Arrests or charges not initiated by arrest  
2 resulting in acquittal, dismissal, or conviction when  
3 the conviction was reversed or vacated, except as  
4 excluded by subsection (a) (3) (B);

5 (C) Arrests or charges not initiated by arrest  
6 resulting in orders of supervision, including orders  
7 of supervision for municipal ordinance violations,  
8 successfully completed by the petitioner, unless  
9 excluded by subsection (a) (3);

10 (D) Arrests or charges not initiated by arrest  
11 resulting in convictions, including convictions on  
12 municipal ordinance violations, unless excluded by  
13 subsection (a) (3);

14 (E) Arrests or charges not initiated by arrest  
15 resulting in orders of first offender probation under  
16 Section 10 of the Cannabis Control Act, Section 410 of  
17 the Illinois Controlled Substances Act, Section 70 of  
18 the Methamphetamine Control and Community Protection  
19 Act, or Section 5-6-3.3 of the Unified Code of  
20 Corrections; and

21 (F) Arrests or charges not initiated by arrest  
22 resulting in felony convictions unless otherwise  
23 excluded by subsection (a) paragraph (3) of this  
24 Section.

25 (3) When Records Are Eligible to Be Sealed. Records  
26 identified as eligible under subsection (c) (2) may be

1 sealed as follows:

2 (A) Records identified as eligible under  
3 subsections (c)(2)(A) and (c)(2)(B) may be sealed at  
4 any time.

5 (B) Except as otherwise provided in subparagraph  
6 (E) of this paragraph (3), records identified as  
7 eligible under subsection (c)(2)(C) may be sealed 2  
8 years after the termination of petitioner's last  
9 sentence (as defined in subsection (a)(1)(F)).

10 (C) Except as otherwise provided in subparagraph  
11 (E) of this paragraph (3), records identified as  
12 eligible under subsections (c)(2)(D), (c)(2)(E), and  
13 (c)(2)(F) may be sealed 3 years after the termination  
14 of the petitioner's last sentence (as defined in  
15 subsection (a)(1)(F)). Convictions requiring public  
16 registration under the Arsonist Registration Act, the  
17 Sex Offender Registration Act, or the Murderer and  
18 Violent Offender Against Youth Registration Act may  
19 not be sealed until the petitioner is no longer  
20 required to register under that relevant Act.

21 (D) Records identified in subsection  
22 (a)(3)(A)(iii) may be sealed after the petitioner has  
23 reached the age of 25 years.

24 (E) Records identified as eligible under  
25 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
26 (c)(2)(F) may be sealed upon termination of the

1 petitioner's last sentence if the petitioner earned a  
2 high school diploma, associate's degree, career  
3 certificate, vocational technical certification, or  
4 bachelor's degree, or passed the high school level  
5 Test of General Educational Development, during the  
6 period of his or her sentence or mandatory supervised  
7 release. This subparagraph shall apply only to a  
8 petitioner who has not completed the same educational  
9 goal prior to the period of his or her sentence or  
10 mandatory supervised release. If a petition for  
11 sealing eligible records filed under this subparagraph  
12 is denied by the court, the time periods under  
13 subparagraph (B) or (C) shall apply to any subsequent  
14 petition for sealing filed by the petitioner.

15 (4) Subsequent felony convictions. A person may not  
16 have subsequent felony conviction records sealed as  
17 provided in this subsection (c) if he or she is convicted  
18 of any felony offense after the date of the sealing of  
19 prior felony convictions as provided in this subsection  
20 (c). The court may, upon conviction for a subsequent  
21 felony offense, order the unsealing of prior felony  
22 conviction records previously ordered sealed by the court.

23 (5) Notice of eligibility for sealing. Upon entry of a  
24 disposition for an eligible record under this subsection  
25 (c), the petitioner shall be informed by the court of the  
26 right to have the records sealed and the procedures for



1 the sealing of the records.

2 (d) Procedure. The following procedures apply to  
3 expungement under subsections (b), (e), and (e-6) and sealing  
4 under subsections (c) and (e-5):

5 (1) Filing the petition. Upon becoming eligible to  
6 petition for the expungement or sealing of records under  
7 this Section, the petitioner shall file a petition  
8 requesting the expungement or sealing of records with the  
9 clerk of the court where the arrests occurred or the  
10 charges were brought, or both. If arrests occurred or  
11 charges were brought in multiple jurisdictions, a petition  
12 must be filed in each such jurisdiction. The petitioner  
13 shall pay the applicable fee, except no fee shall be  
14 required if the petitioner has obtained a court order  
15 waiving fees under Supreme Court Rule 298 or it is  
16 otherwise waived.

17 (1.5) County fee waiver pilot program. From August 9,  
18 2019 (the effective date of Public Act 101-306) through  
19 December 31, 2020, in a county of 3,000,000 or more  
20 inhabitants, no fee shall be required to be paid by a  
21 petitioner if the records sought to be expunged or sealed  
22 were arrests resulting in release without charging or  
23 arrests or charges not initiated by arrest resulting in  
24 acquittal, dismissal, or conviction when the conviction  
25 was reversed or vacated, unless excluded by subsection  
26 (a)(3)(B). The provisions of this paragraph (1.5), other

1 than this sentence, are inoperative on and after January  
2 1, 2022.

3 (2) Contents of petition. The petition shall be  
4 verified and shall contain the petitioner's name, date of  
5 birth, current address and, for each arrest or charge not  
6 initiated by arrest sought to be sealed or expunged, the  
7 case number, the date of arrest (if any), the identity of  
8 the arresting authority, and such other information as the  
9 court may require. During the pendency of the proceeding,  
10 the petitioner shall promptly notify the circuit court  
11 clerk of any change of his or her address. If the  
12 petitioner has received a certificate of eligibility for  
13 sealing from the Prisoner Review Board under paragraph  
14 (10) of subsection (a) of Section 3-3-2 of the Unified  
15 Code of Corrections, the certificate shall be attached to  
16 the petition.

17 (3) Drug test. The petitioner must attach to the  
18 petition proof that the petitioner has taken within 30  
19 days before the filing of the petition a test showing the  
20 absence within his or her body of all illegal substances  
21 as defined by the Illinois Controlled Substances Act and  
22 the Methamphetamine Control and Community Protection Act  
23 if he or she is petitioning to:

24 (A) seal felony records under clause (c) (2) (E);

25 (B) seal felony records for a violation of the  
26 Illinois Controlled Substances Act, the

1 Methamphetamine Control and Community Protection Act,  
2 or the Cannabis Control Act under clause (c) (2) (F);

3 (C) seal felony records under subsection (e-5); or

4 (D) expunge felony records of a qualified  
5 probation under clause (b) (1) (iv).

6 (4) Service of petition. The circuit court clerk shall  
7 promptly serve a copy of the petition and documentation to  
8 support the petition under subsection (e-5) or (e-6) on  
9 the State's Attorney or prosecutor charged with the duty  
10 of prosecuting the offense, the Illinois State Police, the  
11 arresting agency and the chief legal officer of the unit  
12 of local government effecting the arrest.

13 (5) Objections.

14 (A) Any party entitled to notice of the petition  
15 may file an objection to the petition. All objections  
16 shall be in writing, shall be filed with the circuit  
17 court clerk, and shall state with specificity the  
18 basis of the objection. Whenever a person who has been  
19 convicted of an offense is granted a pardon by the  
20 Governor which specifically authorizes expungement, an  
21 objection to the petition may not be filed.

22 (B) Objections to a petition to expunge or seal  
23 must be filed within 60 days of the date of service of  
24 the petition.

25 (6) Entry of order.

26 (A) The Chief Judge of the circuit wherein the

1 charge was brought, any judge of that circuit  
2 designated by the Chief Judge, or in counties of less  
3 than 3,000,000 inhabitants, the presiding trial judge  
4 at the petitioner's trial, if any, shall rule on the  
5 petition to expunge or seal as set forth in this  
6 subsection (d) (6).

7 (B) Unless the State's Attorney or prosecutor, the  
8 Illinois State Police, the arresting agency, or the  
9 chief legal officer files an objection to the petition  
10 to expunge or seal within 60 days from the date of  
11 service of the petition, the court shall enter an  
12 order granting or denying the petition.

13 (C) Notwithstanding any other provision of law,  
14 the court shall not deny a petition for sealing under  
15 this Section because the petitioner has not satisfied  
16 an outstanding legal financial obligation established,  
17 imposed, or originated by a court, law enforcement  
18 agency, or a municipal, State, county, or other unit  
19 of local government, including, but not limited to,  
20 any cost, assessment, fine, or fee. An outstanding  
21 legal financial obligation does not include any court  
22 ordered restitution to a victim under Section 5-5-6 of  
23 the Unified Code of Corrections, unless the  
24 restitution has been converted to a civil judgment.  
25 Nothing in this subparagraph (C) waives, rescinds, or  
26 abrogates a legal financial obligation or otherwise

1 eliminates or affects the right of the holder of any  
2 financial obligation to pursue collection under  
3 applicable federal, State, or local law.

4 (D) Notwithstanding any other provision of law,  
5 the court shall not deny a petition to expunge or seal  
6 under this Section because the petitioner has  
7 submitted a drug test taken within 30 days before the  
8 filing of the petition to expunge or seal that  
9 indicates a positive test for the presence of cannabis  
10 within the petitioner's body. In this subparagraph  
11 (D), "cannabis" has the meaning ascribed to it in  
12 Section 3 of the Cannabis Control Act.

13 (7) Hearings. If an objection is filed, the court  
14 shall set a date for a hearing and notify the petitioner  
15 and all parties entitled to notice of the petition of the  
16 hearing date at least 30 days prior to the hearing. Prior  
17 to the hearing, the State's Attorney shall consult with  
18 the Illinois State Police as to the appropriateness of the  
19 relief sought in the petition to expunge or seal. At the  
20 hearing, the court shall hear evidence on whether the  
21 petition should or should not be granted, and shall grant  
22 or deny the petition to expunge or seal the records based  
23 on the evidence presented at the hearing. The court may  
24 consider the following:

25 (A) the strength of the evidence supporting the  
26 defendant's conviction;

1 (B) the reasons for retention of the conviction  
2 records by the State;

3 (C) the petitioner's age, criminal record history,  
4 and employment history;

5 (D) the period of time between the petitioner's  
6 arrest on the charge resulting in the conviction and  
7 the filing of the petition under this Section; and

8 (E) the specific adverse consequences the  
9 petitioner may be subject to if the petition is  
10 denied.

11 (8) Service of order. After entering an order to  
12 expunge or seal records, the court must provide copies of  
13 the order to the Illinois State Police, in a form and  
14 manner prescribed by the Illinois State Police, to the  
15 petitioner, to the State's Attorney or prosecutor charged  
16 with the duty of prosecuting the offense, to the arresting  
17 agency, to the chief legal officer of the unit of local  
18 government effecting the arrest, and to such other  
19 criminal justice agencies as may be ordered by the court.

20 (9) Implementation of order.

21 (A) Upon entry of an order to expunge records  
22 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
23 both:

24 (i) the records shall be expunged (as defined  
25 in subsection (a) (1) (E)) by the arresting agency,  
26 the Illinois State Police, and any other agency as

1 ordered by the court, within 60 days of the date of  
2 service of the order, unless a motion to vacate,  
3 modify, or reconsider the order is filed pursuant  
4 to paragraph (12) of subsection (d) of this  
5 Section;

6 (ii) the records of the circuit court clerk  
7 shall be impounded until further order of the  
8 court upon good cause shown and the name of the  
9 petitioner obliterated on the official index  
10 required to be kept by the circuit court clerk  
11 under Section 16 of the Clerks of Courts Act, but  
12 the order shall not affect any index issued by the  
13 circuit court clerk before the entry of the order;  
14 and

15 (iii) in response to an inquiry for expunged  
16 records, the court, the Illinois State Police, or  
17 the agency receiving such inquiry, shall reply as  
18 it does in response to inquiries when no records  
19 ever existed.

20 (B) Upon entry of an order to expunge records  
21 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or  
22 both:

23 (i) the records shall be expunged (as defined  
24 in subsection (a) (1) (E)) by the arresting agency  
25 and any other agency as ordered by the court,  
26 within 60 days of the date of service of the order,

1 unless a motion to vacate, modify, or reconsider  
2 the order is filed pursuant to paragraph (12) of  
3 subsection (d) of this Section;

4 (ii) the records of the circuit court clerk  
5 shall be impounded until further order of the  
6 court upon good cause shown and the name of the  
7 petitioner obliterated on the official index  
8 required to be kept by the circuit court clerk  
9 under Section 16 of the Clerks of Courts Act, but  
10 the order shall not affect any index issued by the  
11 circuit court clerk before the entry of the order;

12 (iii) the records shall be impounded by the  
13 Illinois State Police within 60 days of the date  
14 of service of the order as ordered by the court,  
15 unless a motion to vacate, modify, or reconsider  
16 the order is filed pursuant to paragraph (12) of  
17 subsection (d) of this Section;

18 (iv) records impounded by the Illinois State  
19 Police may be disseminated by the Illinois State  
20 Police only as required by law or to the arresting  
21 authority, the State's Attorney, and the court  
22 upon a later arrest for the same or a similar  
23 offense or for the purpose of sentencing for any  
24 subsequent felony, and to the Department of  
25 Corrections upon conviction for any offense; and

26 (v) in response to an inquiry for such records



1 from anyone not authorized by law to access such  
2 records, the court, the Illinois State Police, or  
3 the agency receiving such inquiry shall reply as  
4 it does in response to inquiries when no records  
5 ever existed.

6 (B-5) Upon entry of an order to expunge records  
7 under subsection (e-6):

8 (i) the records shall be expunged (as defined  
9 in subsection (a)(1)(E)) by the arresting agency  
10 and any other agency as ordered by the court,  
11 within 60 days of the date of service of the order,  
12 unless a motion to vacate, modify, or reconsider  
13 the order is filed under paragraph (12) of  
14 subsection (d) of this Section;

15 (ii) the records of the circuit court clerk  
16 shall be impounded until further order of the  
17 court upon good cause shown and the name of the  
18 petitioner obliterated on the official index  
19 required to be kept by the circuit court clerk  
20 under Section 16 of the Clerks of Courts Act, but  
21 the order shall not affect any index issued by the  
22 circuit court clerk before the entry of the order;

23 (iii) the records shall be impounded by the  
24 Illinois State Police within 60 days of the date  
25 of service of the order as ordered by the court,  
26 unless a motion to vacate, modify, or reconsider

1           the order is filed under paragraph (12) of  
2           subsection (d) of this Section;

3                   (iv) records impounded by the Illinois State  
4           Police may be disseminated by the Illinois State  
5           Police only as required by law or to the arresting  
6           authority, the State's Attorney, and the court  
7           upon a later arrest for the same or a similar  
8           offense or for the purpose of sentencing for any  
9           subsequent felony, and to the Department of  
10          Corrections upon conviction for any offense; and

11                   (v) in response to an inquiry for these  
12          records from anyone not authorized by law to  
13          access the records, the court, the Illinois State  
14          Police, or the agency receiving the inquiry shall  
15          reply as it does in response to inquiries when no  
16          records ever existed.

17                   (C) Upon entry of an order to seal records under  
18          subsection (c), the arresting agency, any other agency  
19          as ordered by the court, the Illinois State Police,  
20          and the court shall seal the records (as defined in  
21          subsection (a)(1)(K)). In response to an inquiry for  
22          such records, from anyone not authorized by law to  
23          access such records, the court, the Illinois State  
24          Police, or the agency receiving such inquiry shall  
25          reply as it does in response to inquiries when no  
26          records ever existed.

1 (D) The Illinois State Police shall send written  
2 notice to the petitioner of its compliance with each  
3 order to expunge or seal records within 60 days of the  
4 date of service of that order or, if a motion to  
5 vacate, modify, or reconsider is filed, within 60 days  
6 of service of the order resolving the motion, if that  
7 order requires the Illinois State Police to expunge or  
8 seal records. In the event of an appeal from the  
9 circuit court order, the Illinois State Police shall  
10 send written notice to the petitioner of its  
11 compliance with an Appellate Court or Supreme Court  
12 judgment to expunge or seal records within 60 days of  
13 the issuance of the court's mandate. The notice is not  
14 required while any motion to vacate, modify, or  
15 reconsider, or any appeal or petition for  
16 discretionary appellate review, is pending.

17 (E) Upon motion, the court may order that a sealed  
18 judgment or other court record necessary to  
19 demonstrate the amount of any legal financial  
20 obligation due and owing be made available for the  
21 limited purpose of collecting any legal financial  
22 obligations owed by the petitioner that were  
23 established, imposed, or originated in the criminal  
24 proceeding for which those records have been sealed.  
25 The records made available under this subparagraph (E)  
26 shall not be entered into the official index required

1 to be kept by the circuit court clerk under Section 16  
2 of the Clerks of Courts Act and shall be immediately  
3 re-impounded upon the collection of the outstanding  
4 financial obligations.

5 (F) Notwithstanding any other provision of this  
6 Section, a circuit court clerk may access a sealed  
7 record for the limited purpose of collecting payment  
8 for any legal financial obligations that were  
9 established, imposed, or originated in the criminal  
10 proceedings for which those records have been sealed.

11 (10) Fees. The Illinois State Police may charge the  
12 petitioner a fee equivalent to the cost of processing any  
13 order to expunge or seal records. Notwithstanding any  
14 provision of the Clerks of Courts Act to the contrary, the  
15 circuit court clerk may charge a fee equivalent to the  
16 cost associated with the sealing or expungement of records  
17 by the circuit court clerk. From the total filing fee  
18 collected for the petition to seal or expunge, the circuit  
19 court clerk shall deposit \$10 into the Circuit Court Clerk  
20 Operation and Administrative Fund, to be used to offset  
21 the costs incurred by the circuit court clerk in  
22 performing the additional duties required to serve the  
23 petition to seal or expunge on all parties. The circuit  
24 court clerk shall collect and remit the Illinois State  
25 Police portion of the fee to the State Treasurer and it  
26 shall be deposited in the State Police Services Fund. If

1 the record brought under an expungement petition was  
2 previously sealed under this Section, the fee for the  
3 expungement petition for that same record shall be waived.

4 (11) Final Order. No court order issued under the  
5 expungement or sealing provisions of this Section shall  
6 become final for purposes of appeal until 30 days after  
7 service of the order on the petitioner and all parties  
8 entitled to notice of the petition.

9 (12) Motion to Vacate, Modify, or Reconsider. Under  
10 Section 2-1203 of the Code of Civil Procedure, the  
11 petitioner or any party entitled to notice may file a  
12 motion to vacate, modify, or reconsider the order granting  
13 or denying the petition to expunge or seal within 60 days  
14 of service of the order. If filed more than 60 days after  
15 service of the order, a petition to vacate, modify, or  
16 reconsider shall comply with subsection (c) of Section  
17 2-1401 of the Code of Civil Procedure. Upon filing of a  
18 motion to vacate, modify, or reconsider, notice of the  
19 motion shall be served upon the petitioner and all parties  
20 entitled to notice of the petition.

21 (13) Effect of Order. An order granting a petition  
22 under the expungement or sealing provisions of this  
23 Section shall not be considered void because it fails to  
24 comply with the provisions of this Section or because of  
25 any error asserted in a motion to vacate, modify, or  
26 reconsider. The circuit court retains jurisdiction to

1 determine whether the order is voidable and to vacate,  
2 modify, or reconsider its terms based on a motion filed  
3 under paragraph (12) of this subsection (d).

4 (14) Compliance with Order Granting Petition to Seal  
5 Records. Unless a court has entered a stay of an order  
6 granting a petition to seal, all parties entitled to  
7 notice of the petition must fully comply with the terms of  
8 the order within 60 days of service of the order even if a  
9 party is seeking relief from the order through a motion  
10 filed under paragraph (12) of this subsection (d) or is  
11 appealing the order.

12 (15) Compliance with Order Granting Petition to  
13 Expunge Records. While a party is seeking relief from the  
14 order granting the petition to expunge through a motion  
15 filed under paragraph (12) of this subsection (d) or is  
16 appealing the order, and unless a court has entered a stay  
17 of that order, the parties entitled to notice of the  
18 petition must seal, but need not expunge, the records  
19 until there is a final order on the motion for relief or,  
20 in the case of an appeal, the issuance of that court's  
21 mandate.

22 (16) The changes to this subsection (d) made by Public  
23 Act 98-163 apply to all petitions pending on August 5,  
24 2013 (the effective date of Public Act 98-163) and to all  
25 orders ruling on a petition to expunge or seal on or after  
26 August 5, 2013 (the effective date of Public Act 98-163).

1 (e) Whenever a person who has been convicted of an offense  
2 is granted a pardon by the Governor which specifically  
3 authorizes expungement, he or she may, upon verified petition  
4 to the Chief Judge of the circuit where the person had been  
5 convicted, any judge of the circuit designated by the Chief  
6 Judge, or in counties of less than 3,000,000 inhabitants, the  
7 presiding trial judge at the defendant's trial, have a court  
8 order entered expunging the record of arrest from the official  
9 records of the arresting authority and order that the records  
10 of the circuit court clerk and the Illinois State Police be  
11 sealed until further order of the court upon good cause shown  
12 or as otherwise provided herein, and the name of the defendant  
13 obliterated from the official index requested to be kept by  
14 the circuit court clerk under Section 16 of the Clerks of  
15 Courts Act in connection with the arrest and conviction for  
16 the offense for which he or she had been pardoned but the order  
17 shall not affect any index issued by the circuit court clerk  
18 before the entry of the order. All records sealed by the  
19 Illinois State Police may be disseminated by the Illinois  
20 State Police only to the arresting authority, the State's  
21 Attorney, and the court upon a later arrest for the same or  
22 similar offense or for the purpose of sentencing for any  
23 subsequent felony. Upon conviction for any subsequent offense,  
24 the Department of Corrections shall have access to all sealed  
25 records of the Illinois State Police pertaining to that  
26 individual. Upon entry of the order of expungement, the

1 circuit court clerk shall promptly mail a copy of the order to  
2 the person who was pardoned.

3 (e-5) Whenever a person who has been convicted of an  
4 offense is granted a certificate of eligibility for sealing by  
5 the Prisoner Review Board which specifically authorizes  
6 sealing, he or she may, upon verified petition to the Chief  
7 Judge of the circuit where the person had been convicted, any  
8 judge of the circuit designated by the Chief Judge, or in  
9 counties of less than 3,000,000 inhabitants, the presiding  
10 trial judge at the petitioner's trial, have a court order  
11 entered sealing the record of arrest from the official records  
12 of the arresting authority and order that the records of the  
13 circuit court clerk and the Illinois State Police be sealed  
14 until further order of the court upon good cause shown or as  
15 otherwise provided herein, and the name of the petitioner  
16 obliterated from the official index requested to be kept by  
17 the circuit court clerk under Section 16 of the Clerks of  
18 Courts Act in connection with the arrest and conviction for  
19 the offense for which he or she had been granted the  
20 certificate but the order shall not affect any index issued by  
21 the circuit court clerk before the entry of the order. All  
22 records sealed by the Illinois State Police may be  
23 disseminated by the Illinois State Police only as required by  
24 this Act or to the arresting authority, a law enforcement  
25 agency, the State's Attorney, and the court upon a later  
26 arrest for the same or similar offense or for the purpose of



1 sentencing for any subsequent felony. Upon conviction for any  
2 subsequent offense, the Department of Corrections shall have  
3 access to all sealed records of the Illinois State Police  
4 pertaining to that individual. Upon entry of the order of  
5 sealing, the circuit court clerk shall promptly mail a copy of  
6 the order to the person who was granted the certificate of  
7 eligibility for sealing.

8 (e-6) Whenever a person who has been convicted of an  
9 offense is granted a certificate of eligibility for  
10 expungement by the Prisoner Review Board which specifically  
11 authorizes expungement, he or she may, upon verified petition  
12 to the Chief Judge of the circuit where the person had been  
13 convicted, any judge of the circuit designated by the Chief  
14 Judge, or in counties of less than 3,000,000 inhabitants, the  
15 presiding trial judge at the petitioner's trial, have a court  
16 order entered expunging the record of arrest from the official  
17 records of the arresting authority and order that the records  
18 of the circuit court clerk and the Illinois State Police be  
19 sealed until further order of the court upon good cause shown  
20 or as otherwise provided herein, and the name of the  
21 petitioner obliterated from the official index requested to be  
22 kept by the circuit court clerk under Section 16 of the Clerks  
23 of Courts Act in connection with the arrest and conviction for  
24 the offense for which he or she had been granted the  
25 certificate but the order shall not affect any index issued by  
26 the circuit court clerk before the entry of the order. All

1 records sealed by the Illinois State Police may be  
2 disseminated by the Illinois State Police only as required by  
3 this Act or to the arresting authority, a law enforcement  
4 agency, the State's Attorney, and the court upon a later  
5 arrest for the same or similar offense or for the purpose of  
6 sentencing for any subsequent felony. Upon conviction for any  
7 subsequent offense, the Department of Corrections shall have  
8 access to all expunged records of the Illinois State Police  
9 pertaining to that individual. Upon entry of the order of  
10 expungement, the circuit court clerk shall promptly mail a  
11 copy of the order to the person who was granted the certificate  
12 of eligibility for expungement.

13 (f) Subject to available funding, the Illinois Department  
14 of Corrections shall conduct a study of the impact of sealing,  
15 especially on employment and recidivism rates, utilizing a  
16 random sample of those who apply for the sealing of their  
17 criminal records under Public Act 93-211. At the request of  
18 the Illinois Department of Corrections, records of the  
19 Illinois Department of Employment Security shall be utilized  
20 as appropriate to assist in the study. The study shall not  
21 disclose any data in a manner that would allow the  
22 identification of any particular individual or employing unit.  
23 The study shall be made available to the General Assembly no  
24 later than September 1, 2010.

25 (g) Immediate Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any  
2 rights to expungement or sealing of criminal records, this  
3 subsection authorizes the immediate sealing of criminal  
4 records of adults and of minors prosecuted as adults.

5 (2) Eligible Records. Arrests or charges not initiated  
6 by arrest resulting in acquittal or dismissal with  
7 prejudice, except as excluded by subsection (a)(3)(B),  
8 that occur on or after January 1, 2018 (the effective date  
9 of Public Act 100-282), may be sealed immediately if the  
10 petition is filed with the circuit court clerk on the same  
11 day and during the same hearing in which the case is  
12 disposed.

13 (3) When Records are Eligible to be Immediately  
14 Sealed. Eligible records under paragraph (2) of this  
15 subsection (g) may be sealed immediately after entry of  
16 the final disposition of a case, notwithstanding the  
17 disposition of other charges in the same case.

18 (4) Notice of Eligibility for Immediate Sealing. Upon  
19 entry of a disposition for an eligible record under this  
20 subsection (g), the defendant shall be informed by the  
21 court of his or her right to have eligible records  
22 immediately sealed and the procedure for the immediate  
23 sealing of these records.

24 (5) Procedure. The following procedures apply to  
25 immediate sealing under this subsection (g).

26 (A) Filing the Petition. Upon entry of the final

1 disposition of the case, the defendant's attorney may  
2 immediately petition the court, on behalf of the  
3 defendant, for immediate sealing of eligible records  
4 under paragraph (2) of this subsection (g) that are  
5 entered on or after January 1, 2018 (the effective  
6 date of Public Act 100-282). The immediate sealing  
7 petition may be filed with the circuit court clerk  
8 during the hearing in which the final disposition of  
9 the case is entered. If the defendant's attorney does  
10 not file the petition for immediate sealing during the  
11 hearing, the defendant may file a petition for sealing  
12 at any time as authorized under subsection (c) (3) (A).

13 (B) Contents of Petition. The immediate sealing  
14 petition shall be verified and shall contain the  
15 petitioner's name, date of birth, current address, and  
16 for each eligible record, the case number, the date of  
17 arrest if applicable, the identity of the arresting  
18 authority if applicable, and other information as the  
19 court may require.

20 (C) Drug Test. The petitioner shall not be  
21 required to attach proof that he or she has passed a  
22 drug test.

23 (D) Service of Petition. A copy of the petition  
24 shall be served on the State's Attorney in open court.  
25 The petitioner shall not be required to serve a copy of  
26 the petition on any other agency.

1           (E) Entry of Order. The presiding trial judge  
2 shall enter an order granting or denying the petition  
3 for immediate sealing during the hearing in which it  
4 is filed. Petitions for immediate sealing shall be  
5 ruled on in the same hearing in which the final  
6 disposition of the case is entered.

7           (F) Hearings. The court shall hear the petition  
8 for immediate sealing on the same day and during the  
9 same hearing in which the disposition is rendered.

10          (G) Service of Order. An order to immediately seal  
11 eligible records shall be served in conformance with  
12 subsection (d) (8).

13          (H) Implementation of Order. An order to  
14 immediately seal records shall be implemented in  
15 conformance with subsections (d) (9) (C) and (d) (9) (D).

16          (I) Fees. The fee imposed by the circuit court  
17 clerk and the Illinois State Police shall comply with  
18 paragraph (1) of subsection (d) of this Section.

19          (J) Final Order. No court order issued under this  
20 subsection (g) shall become final for purposes of  
21 appeal until 30 days after service of the order on the  
22 petitioner and all parties entitled to service of the  
23 order in conformance with subsection (d) (8).

24          (K) Motion to Vacate, Modify, or Reconsider. Under  
25 Section 2-1203 of the Code of Civil Procedure, the  
26 petitioner, State's Attorney, or the Illinois State

1 Police may file a motion to vacate, modify, or  
2 reconsider the order denying the petition to  
3 immediately seal within 60 days of service of the  
4 order. If filed more than 60 days after service of the  
5 order, a petition to vacate, modify, or reconsider  
6 shall comply with subsection (c) of Section 2-1401 of  
7 the Code of Civil Procedure.

8 (L) Effect of Order. An order granting an  
9 immediate sealing petition shall not be considered  
10 void because it fails to comply with the provisions of  
11 this Section or because of an error asserted in a  
12 motion to vacate, modify, or reconsider. The circuit  
13 court retains jurisdiction to determine whether the  
14 order is voidable, and to vacate, modify, or  
15 reconsider its terms based on a motion filed under  
16 subparagraph (L) of this subsection (g).

17 (M) Compliance with Order Granting Petition to  
18 Seal Records. Unless a court has entered a stay of an  
19 order granting a petition to immediately seal, all  
20 parties entitled to service of the order must fully  
21 comply with the terms of the order within 60 days of  
22 service of the order.

23 (h) Sealing or vacation and expungement of trafficking  
24 victims' crimes.

25 (1) A trafficking victim, as defined by paragraph (10)  
26 of subsection (a) of Section 10-9 of the Criminal Code of

1           2012, may petition for vacation and expungement or  
2           immediate sealing of his or her criminal record upon the  
3           completion of his or her last sentence if his or her  
4           participation in the underlying offense was a result of  
5           human trafficking under Section 10-9 of the Criminal Code  
6           of 2012 or a severe form of trafficking under the federal  
7           Trafficking Victims Protection Act.

8           (1.5) A petition under paragraph (1) shall be  
9           prepared, signed, and filed in accordance with Supreme  
10          Court Rule 9. The court may allow the petitioner to attend  
11          any required hearing remotely in accordance with local  
12          rules. The court may allow a petition to be filed under  
13          seal if the public filing of the petition would constitute  
14          a risk of harm to the petitioner.

15          (2) A petitioner under this subsection (h), in  
16          addition to the requirements provided under paragraph (4)  
17          of subsection (d) of this Section, shall include in his or  
18          her petition a clear and concise statement that: (A) he or  
19          she was a victim of human trafficking at the time of the  
20          offense; and (B) that his or her participation in the  
21          offense was a result of human trafficking under Section  
22          10-9 of the Criminal Code of 2012 or a severe form of  
23          trafficking under the federal Trafficking Victims  
24          Protection Act.

25          (3) If an objection is filed alleging that the  
26          petitioner is not entitled to vacation and expungement or

1 immediate sealing under this subsection (h), the court  
2 shall conduct a hearing under paragraph (7) of subsection  
3 (d) of this Section and the court shall determine whether  
4 the petitioner is entitled to vacation and expungement or  
5 immediate sealing under this subsection (h). A petitioner  
6 is eligible for vacation and expungement or immediate  
7 relief under this subsection (h) if he or she shows, by a  
8 preponderance of the evidence, that: (A) he or she was a  
9 victim of human trafficking at the time of the offense;  
10 and (B) that his or her participation in the offense was a  
11 result of human trafficking under Section 10-9 of the  
12 Criminal Code of 2012 or a severe form of trafficking  
13 under the federal Trafficking Victims Protection Act.

14 (i) Minor Cannabis Offenses under the Cannabis Control  
15 Act.

16 (1) Expungement of Arrest Records of Minor Cannabis  
17 Offenses.

18 (A) The Illinois State Police and all law  
19 enforcement agencies within the State shall  
20 automatically expunge all criminal history records of  
21 an arrest, charge not initiated by arrest, order of  
22 supervision, or order of qualified probation for a  
23 Minor Cannabis Offense committed prior to June 25,  
24 2019 (the effective date of Public Act 101-27) if:

25 (i) One year or more has elapsed since the  
26 date of the arrest or law enforcement interaction



1 documented in the records; and

2 (ii) No criminal charges were filed relating  
3 to the arrest or law enforcement interaction or  
4 criminal charges were filed and subsequently  
5 dismissed or vacated or the arrestee was  
6 acquitted.

7 (B) If the law enforcement agency is unable to  
8 verify satisfaction of condition (ii) in paragraph  
9 (A), records that satisfy condition (i) in paragraph  
10 (A) shall be automatically expunged.

11 (C) Records shall be expunged by the law  
12 enforcement agency under the following timelines:

13 (i) Records created prior to June 25, 2019  
14 (the effective date of Public Act 101-27), but on  
15 or after January 1, 2013, shall be automatically  
16 expunged prior to January 1, 2021;

17 (ii) Records created prior to January 1, 2013,  
18 but on or after January 1, 2000, shall be  
19 automatically expunged prior to January 1, 2025  
20 ~~2023~~;

21 (iii) Records created prior to January 1, 2000  
22 shall be automatically expunged prior to January  
23 1, 2027 ~~2025~~.

24 In response to an inquiry for expunged records,  
25 the law enforcement agency receiving such inquiry  
26 shall reply as it does in response to inquiries when no

1 records ever existed; however, it shall provide a  
2 certificate of disposition or confirmation that the  
3 record was expunged to the individual whose record was  
4 expunged if such a record exists.

5 (D) Nothing in this Section shall be construed to  
6 restrict or modify an individual's right to have that  
7 individual's records expunged except as otherwise may  
8 be provided in this Act, or diminish or abrogate any  
9 rights or remedies otherwise available to the  
10 individual.

11 (2) Pardons Authorizing Expungement of Minor Cannabis  
12 Offenses.

13 (A) Upon June 25, 2019 (the effective date of  
14 Public Act 101-27), the Department of State Police  
15 shall review all criminal history record information  
16 and identify all records that meet all of the  
17 following criteria:

18 (i) one or more convictions for a Minor  
19 Cannabis Offense;

20 (ii) the conviction identified in paragraph  
21 (2)(A)(i) did not include a penalty enhancement  
22 under Section 7 of the Cannabis Control Act; and

23 (iii) the conviction identified in paragraph  
24 (2)(A)(i) is not associated with a conviction for  
25 a violent crime as defined in subsection (c) of  
26 Section 3 of the Rights of Crime Victims and

1           Witnesses Act.

2           (B) Within 180 days after June 25, 2019 (the  
3 effective date of Public Act 101-27), the Department  
4 of State Police shall notify the Prisoner Review Board  
5 of all such records that meet the criteria established  
6 in paragraph (2) (A).

7           (i) The Prisoner Review Board shall notify the  
8 State's Attorney of the county of conviction of  
9 each record identified by State Police in  
10 paragraph (2) (A) that is classified as a Class 4  
11 felony. The State's Attorney may provide a written  
12 objection to the Prisoner Review Board on the sole  
13 basis that the record identified does not meet the  
14 criteria established in paragraph (2) (A). Such an  
15 objection must be filed within 60 days or by such  
16 later date set by the Prisoner Review Board in the  
17 notice after the State's Attorney received notice  
18 from the Prisoner Review Board.

19           (ii) In response to a written objection from a  
20 State's Attorney, the Prisoner Review Board is  
21 authorized to conduct a non-public hearing to  
22 evaluate the information provided in the  
23 objection.

24           (iii) The Prisoner Review Board shall make a  
25 confidential and privileged recommendation to the  
26 Governor as to whether to grant a pardon

1           authorizing expungement for each of the records  
2           identified by the Department of State Police as  
3           described in paragraph (2) (A).

4           (C) If an individual has been granted a pardon  
5           authorizing expungement as described in this Section,  
6           the Prisoner Review Board, through the Attorney  
7           General, shall file a petition for expungement with  
8           the Chief Judge of the circuit or any judge of the  
9           circuit designated by the Chief Judge where the  
10          individual had been convicted. Such petition may  
11          include more than one individual. Whenever an  
12          individual who has been convicted of an offense is  
13          granted a pardon by the Governor that specifically  
14          authorizes expungement, an objection to the petition  
15          may not be filed. Petitions to expunge under this  
16          subsection (i) may include more than one individual.  
17          Within 90 days of the filing of such a petition, the  
18          court shall enter an order expunging the records of  
19          arrest from the official records of the arresting  
20          authority and order that the records of the circuit  
21          court clerk and the Illinois State Police be expunged  
22          and the name of the defendant obliterated from the  
23          official index requested to be kept by the circuit  
24          court clerk under Section 16 of the Clerks of Courts  
25          Act in connection with the arrest and conviction for  
26          the offense for which the individual had received a

1           pardon but the order shall not affect any index issued  
2           by the circuit court clerk before the entry of the  
3           order. Upon entry of the order of expungement, the  
4           circuit court clerk shall promptly provide a copy of  
5           the order and a certificate of disposition to the  
6           individual who was pardoned to the individual's last  
7           known address or by electronic means (if available) or  
8           otherwise make it available to the individual upon  
9           request.

10           (D) Nothing in this Section is intended to  
11           diminish or abrogate any rights or remedies otherwise  
12           available to the individual.

13           (3) Any individual may file a motion to vacate and  
14           expunge a conviction for a misdemeanor or Class 4 felony  
15           violation of Section 4 or Section 5 of the Cannabis  
16           Control Act. Motions to vacate and expunge under this  
17           subsection (i) may be filed with the circuit court, Chief  
18           Judge of a judicial circuit or any judge of the circuit  
19           designated by the Chief Judge. The circuit court clerk  
20           shall promptly serve a copy of the motion to vacate and  
21           expunge, and any supporting documentation, on the State's  
22           Attorney or prosecutor charged with the duty of  
23           prosecuting the offense. When considering such a motion to  
24           vacate and expunge, a court shall consider the following:  
25           the reasons to retain the records provided by law  
26           enforcement, the petitioner's age, the petitioner's age at

1 the time of offense, the time since the conviction, and  
2 the specific adverse consequences if denied. An individual  
3 may file such a petition after the completion of any  
4 non-financial sentence or non-financial condition imposed  
5 by the conviction. Within 60 days of the filing of such  
6 motion, a State's Attorney may file an objection to such a  
7 petition along with supporting evidence. If a motion to  
8 vacate and expunge is granted, the records shall be  
9 expunged in accordance with subparagraphs (d)(8) and  
10 (d)(9)(A) of this Section. An agency providing civil legal  
11 aid, as defined by Section 15 of the Public Interest  
12 Attorney Assistance Act, assisting individuals seeking to  
13 file a motion to vacate and expunge under this subsection  
14 may file motions to vacate and expunge with the Chief  
15 Judge of a judicial circuit or any judge of the circuit  
16 designated by the Chief Judge, and the motion may include  
17 more than one individual. Motions filed by an agency  
18 providing civil legal aid concerning more than one  
19 individual may be prepared, presented, and signed  
20 electronically.

21 (4) Any State's Attorney may file a motion to vacate  
22 and expunge a conviction for a misdemeanor or Class 4  
23 felony violation of Section 4 or Section 5 of the Cannabis  
24 Control Act. Motions to vacate and expunge under this  
25 subsection (i) may be filed with the circuit court, Chief  
26 Judge of a judicial circuit or any judge of the circuit

1 designated by the Chief Judge, and may include more than  
2 one individual. Motions filed by a State's Attorney  
3 concerning more than one individual may be prepared,  
4 presented, and signed electronically. When considering  
5 such a motion to vacate and expunge, a court shall  
6 consider the following: the reasons to retain the records  
7 provided by law enforcement, the individual's age, the  
8 individual's age at the time of offense, the time since  
9 the conviction, and the specific adverse consequences if  
10 denied. Upon entry of an order granting a motion to vacate  
11 and expunge records pursuant to this Section, the State's  
12 Attorney shall notify the Prisoner Review Board within 30  
13 days. Upon entry of the order of expungement, the circuit  
14 court clerk shall promptly provide a copy of the order and  
15 a certificate of disposition to the individual whose  
16 records will be expunged to the individual's last known  
17 address or by electronic means (if available) or otherwise  
18 make available to the individual upon request. If a motion  
19 to vacate and expunge is granted, the records shall be  
20 expunged in accordance with subparagraphs (d)(8) and  
21 (d)(9)(A) of this Section.

22 (5) In the public interest, the State's Attorney of a  
23 county has standing to file motions to vacate and expunge  
24 pursuant to this Section in the circuit court with  
25 jurisdiction over the underlying conviction.

26 (6) If a person is arrested for a Minor Cannabis

1 Offense as defined in this Section before June 25, 2019  
2 (the effective date of Public Act 101-27) and the person's  
3 case is still pending but a sentence has not been imposed,  
4 the person may petition the court in which the charges are  
5 pending for an order to summarily dismiss those charges  
6 against him or her, and expunge all official records of  
7 his or her arrest, plea, trial, conviction, incarceration,  
8 supervision, or expungement. If the court determines, upon  
9 review, that: (A) the person was arrested before June 25,  
10 2019 (the effective date of Public Act 101-27) for an  
11 offense that has been made eligible for expungement; (B)  
12 the case is pending at the time; and (C) the person has not  
13 been sentenced of the minor cannabis violation eligible  
14 for expungement under this subsection, the court shall  
15 consider the following: the reasons to retain the records  
16 provided by law enforcement, the petitioner's age, the  
17 petitioner's age at the time of offense, the time since  
18 the conviction, and the specific adverse consequences if  
19 denied. If a motion to dismiss and expunge is granted, the  
20 records shall be expunged in accordance with subparagraph  
21 (d) (9) (A) of this Section.

22 (7) A person imprisoned solely as a result of one or  
23 more convictions for Minor Cannabis Offenses under this  
24 subsection (i) shall be released from incarceration upon  
25 the issuance of an order under this subsection.

26 (8) The Illinois State Police shall allow a person to



1 use the access and review process, established in the  
2 Illinois State Police, for verifying that his or her  
3 records relating to Minor Cannabis Offenses of the  
4 Cannabis Control Act eligible under this Section have been  
5 expunged.

6 (9) No conviction vacated pursuant to this Section  
7 shall serve as the basis for damages for time unjustly  
8 served as provided in the Court of Claims Act.

9 (10) Effect of Expungement. A person's right to  
10 expunge an expungeable offense shall not be limited under  
11 this Section. The effect of an order of expungement shall  
12 be to restore the person to the status he or she occupied  
13 before the arrest, charge, or conviction.

14 (11) Information. The Illinois State Police shall post  
15 general information on its website about the expungement  
16 process described in this subsection (i).

17 (j) Felony Prostitution Convictions.

18 (1) Any individual may file a motion to vacate and  
19 expunge a conviction for a prior Class 4 felony violation  
20 of prostitution. Motions to vacate and expunge under this  
21 subsection (j) may be filed with the circuit court, Chief  
22 Judge of a judicial circuit, or any judge of the circuit  
23 designated by the Chief Judge. When considering the motion  
24 to vacate and expunge, a court shall consider the  
25 following:

26 (A) the reasons to retain the records provided by

1 law enforcement;

2 (B) the petitioner's age;

3 (C) the petitioner's age at the time of offense;

4 and

5 (D) the time since the conviction, and the  
6 specific adverse consequences if denied. An individual  
7 may file the petition after the completion of any  
8 sentence or condition imposed by the conviction.  
9 Within 60 days of the filing of the motion, a State's  
10 Attorney may file an objection to the petition along  
11 with supporting evidence. If a motion to vacate and  
12 expunge is granted, the records shall be expunged in  
13 accordance with subparagraph (d) (9) (A) of this  
14 Section. An agency providing civil legal aid, as  
15 defined in Section 15 of the Public Interest Attorney  
16 Assistance Act, assisting individuals seeking to file  
17 a motion to vacate and expunge under this subsection  
18 may file motions to vacate and expunge with the Chief  
19 Judge of a judicial circuit or any judge of the circuit  
20 designated by the Chief Judge, and the motion may  
21 include more than one individual.

22 (2) Any State's Attorney may file a motion to vacate  
23 and expunge a conviction for a Class 4 felony violation of  
24 prostitution. Motions to vacate and expunge under this  
25 subsection (j) may be filed with the circuit court, Chief  
26 Judge of a judicial circuit, or any judge of the circuit

1 court designated by the Chief Judge, and may include more  
2 than one individual. When considering the motion to vacate  
3 and expunge, a court shall consider the following reasons:

4 (A) the reasons to retain the records provided by  
5 law enforcement;

6 (B) the petitioner's age;

7 (C) the petitioner's age at the time of offense;

8 (D) the time since the conviction; and

9 (E) the specific adverse consequences if denied.

10 If the State's Attorney files a motion to vacate and  
11 expunge records for felony prostitution convictions  
12 pursuant to this Section, the State's Attorney shall  
13 notify the Prisoner Review Board within 30 days of the  
14 filing. If a motion to vacate and expunge is granted, the  
15 records shall be expunged in accordance with subparagraph  
16 (d) (9) (A) of this Section.

17 (3) In the public interest, the State's Attorney of a  
18 county has standing to file motions to vacate and expunge  
19 pursuant to this Section in the circuit court with  
20 jurisdiction over the underlying conviction.

21 (4) The Illinois State Police shall allow a person to  
22 use the access and review process, established in the  
23 Illinois State Police, for verifying that his or her  
24 records relating to felony prostitution eligible under  
25 this Section have been expunged.

26 (5) No conviction vacated pursuant to this Section

1 shall serve as the basis for damages for time unjustly  
2 served as provided in the Court of Claims Act.

3 (6) Effect of Expungement. A person's right to expunge  
4 an expungeable offense shall not be limited under this  
5 Section. The effect of an order of expungement shall be to  
6 restore the person to the status he or she occupied before  
7 the arrest, charge, or conviction.

8 (7) Information. The Illinois State Police shall post  
9 general information on its website about the expungement  
10 process described in this subsection (j).

11 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;  
12 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.  
13 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

14 Section 910. The State Finance Act is amended by adding  
15 Sections 5.1015 and 5.1016 as follows:

16 (30 ILCS 105/5.1015 new)

17 Sec. 5.1015. The Psilocybin Control and Regulation Fund.

18 (30 ILCS 105/5.1016 new)

19 Sec. 5.1016. The Illinois Psilocybin Fund.

20 Section 915. The Illinois Independent Tax Tribunal Act of  
21 2012 is amended by changing Section 1-45 as follows:

1 (35 ILCS 1010/1-45)

2 Sec. 1-45. Jurisdiction of the Tax Tribunal.

3 (a) Except as provided by the Constitution of the United  
4 States, the Constitution of the State of Illinois, or any  
5 statutes of this State, including, but not limited to, the  
6 State Officers and Employees Money Disposition Act, the Tax  
7 Tribunal shall have original jurisdiction over all  
8 determinations of the Department reflected on a Notice of  
9 Deficiency, Notice of Tax Liability, Notice of Claim Denial,  
10 or Notice of Penalty Liability issued under the Illinois  
11 Income Tax Act, the Use Tax Act, the Service Use Tax Act, the  
12 Service Occupation Tax Act, the Retailers' Occupation Tax Act,  
13 the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco  
14 Products Tax Act of 1995, the Hotel Operators' Occupation Tax  
15 Act, the Motor Fuel Tax Law, the Automobile Renting Occupation  
16 and Use Tax Act, the Coin-Operated Amusement Device and  
17 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water  
18 Company Invested Capital Tax Act, the Telecommunications  
19 Excise Tax Act, the Telecommunications Infrastructure  
20 Maintenance Fee Act, the Public Utilities Revenue Act, the  
21 Electricity Excise Tax Law, the Aircraft Use Tax Law, the  
22 Watercraft Use Tax Law, the Gas Use Tax Law, ~~or~~ the Uniform  
23 Penalty and Interest Act, or the Compassionate Use and  
24 Research of Entheogens Act. Jurisdiction of the Tax Tribunal  
25 is limited to Notices of Tax Liability, Notices of Deficiency,  
26 Notices of Claim Denial, and Notices of Penalty Liability

1 where the amount at issue in a notice, or the aggregate amount  
2 at issue in multiple notices issued for the same tax year or  
3 audit period, exceeds \$15,000, exclusive of penalties and  
4 interest. In notices solely asserting either an interest or  
5 penalty assessment, or both, the Tax Tribunal shall have  
6 jurisdiction over cases where the combined total of all  
7 penalties or interest assessed exceeds \$15,000.

8 (b) Except as otherwise permitted by this Act and by the  
9 Constitution of the State of Illinois or otherwise by State  
10 law, including, but not limited to, the State Officers and  
11 Employees Money Disposition Act, no person shall contest any  
12 matter within the jurisdiction of the Tax Tribunal in any  
13 action, suit, or proceeding in the circuit court or any other  
14 court of the State. If a person attempts to do so, then such  
15 action, suit, or proceeding shall be dismissed without  
16 prejudice. The improper commencement of any action, suit, or  
17 proceeding does not extend the time period for commencing a  
18 proceeding in the Tax Tribunal.

19 (c) The Tax Tribunal may require the taxpayer to post a  
20 bond equal to 25% of the liability at issue (1) upon motion of  
21 the Department and a showing that (A) the taxpayer's action is  
22 frivolous or legally insufficient or (B) the taxpayer is  
23 acting primarily for the purpose of delaying the collection of  
24 tax or prejudicing the ability ultimately to collect the tax,  
25 or (2) if, at any time during the proceedings, it is determined  
26 by the Tax Tribunal that the taxpayer is not pursuing the

1 resolution of the case with due diligence. If the Tax Tribunal  
2 finds in a particular case that the taxpayer cannot procure  
3 and furnish a satisfactory surety or sureties for the kind of  
4 bond required herein, the Tax Tribunal may relieve the  
5 taxpayer of the obligation of filing such bond, if, upon the  
6 timely application for a lien in lieu thereof and accompanying  
7 proof therein submitted, the Tax Tribunal is satisfied that  
8 any such lien imposed would operate to secure the assessment  
9 in the manner and to the degree as would a bond. The Tax  
10 Tribunal shall adopt rules for the procedures to be used in  
11 securing a bond or lien under this Section.

12 (d) If, with or after the filing of a timely petition, the  
13 taxpayer pays all or part of the tax or other amount in issue  
14 before the Tax Tribunal has rendered a decision, the Tax  
15 Tribunal shall treat the taxpayer's petition as a protest of a  
16 denial of claim for refund of the amount so paid upon a written  
17 motion filed by the taxpayer.

18 (e) The Tax Tribunal shall not have jurisdiction to  
19 review:

20 (1) any assessment made under the Property Tax Code;

21 (2) any decisions relating to the issuance or denial  
22 of an exemption ruling for any entity claiming exemption  
23 from any tax imposed under the Property Tax Code or any  
24 State tax administered by the Department;

25 (3) a notice of proposed tax liability, notice of  
26 proposed deficiency, or any other notice of proposed

1 assessment or notice of intent to take some action;

2 (4) any action or determination of the Department  
3 regarding tax liabilities that have become finalized by  
4 law, including but not limited to the issuance of liens,  
5 levies, and revocations, suspensions, or denials of  
6 licenses or certificates of registration or any other  
7 collection activities;

8 (5) any proceedings of the Department's informal  
9 administrative appeals function; and

10 (6) any challenge to an administrative subpoena issued  
11 by the Department.

12 (f) The Tax Tribunal shall decide questions regarding the  
13 constitutionality of statutes and rules adopted by the  
14 Department as applied to the taxpayer, but shall not have the  
15 power to declare a statute or rule unconstitutional or  
16 otherwise invalid on its face. A taxpayer challenging the  
17 constitutionality of a statute or rule on its face may present  
18 such challenge to the Tax Tribunal for the sole purpose of  
19 making a record for review by the Illinois Appellate Court.  
20 Failure to raise a constitutional issue regarding the  
21 application of a statute or regulations to the taxpayer shall  
22 not preclude the taxpayer or the Department from raising those  
23 issues at the appellate court level.

24 (Source: P.A. 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13.)

25 Section 920. The Illinois Controlled Substances Act is



1 amended by changing Sections 102 and 204 as follows:

2 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

3 Sec. 102. Definitions. As used in this Act, unless the  
4 context otherwise requires:

5 (a) "Addict" means any person who habitually uses any  
6 drug, chemical, substance or dangerous drug other than alcohol  
7 so as to endanger the public morals, health, safety or welfare  
8 or who is so far addicted to the use of a dangerous drug or  
9 controlled substance other than alcohol as to have lost the  
10 power of self control with reference to his or her addiction.

11 (b) "Administer" means the direct application of a  
12 controlled substance, whether by injection, inhalation,  
13 ingestion, or any other means, to the body of a patient,  
14 research subject, or animal (as defined by the Humane  
15 Euthanasia in Animal Shelters Act) by:

16 (1) a practitioner (or, in his or her presence, by his  
17 or her authorized agent),

18 (2) the patient or research subject pursuant to an  
19 order, or

20 (3) a euthanasia technician as defined by the Humane  
21 Euthanasia in Animal Shelters Act.

22 (c) "Agent" means an authorized person who acts on behalf  
23 of or at the direction of a manufacturer, distributor,  
24 dispenser, prescriber, or practitioner. It does not include a  
25 common or contract carrier, public warehouseman or employee of

1 the carrier or warehouseman.

2 (c-1) "Anabolic Steroids" means any drug or hormonal  
3 substance, chemically and pharmacologically related to  
4 testosterone (other than estrogens, progestins,  
5 corticosteroids, and dehydroepiandrosterone), and includes:

6 (i) 3[beta],17-dihydroxy-5a-androstane,

7 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

8 (iii) 5[alpha]-androstan-3,17-dione,

9 (iv) 1-androstenediol (3[beta],

10 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

11 (v) 1-androstenediol (3[alpha],

12 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

13 (vi) 4-androstenediol

14 (3[beta],17[beta]-dihydroxy-androst-4-ene),

15 (vii) 5-androstenediol

16 (3[beta],17[beta]-dihydroxy-androst-5-ene),

17 (viii) 1-androstenedione

18 ([5alpha]-androst-1-en-3,17-dione),

19 (ix) 4-androstenedione

20 (androst-4-en-3,17-dione),

21 (x) 5-androstenedione

22 (androst-5-en-3,17-dione),

23 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-

24 hydroxyandrost-4-en-3-one),

25 (xii) boldenone (17[beta]-hydroxyandrost-

26 1,4,-diene-3-one),

- 1 (xiii) boldione (androsta-1,4-  
2 diene-3,17-dione),  
3 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17  
4 [beta]-hydroxyandrost-4-en-3-one),  
5 (xv) clostebol (4-chloro-17[beta]-  
6 hydroxyandrost-4-en-3-one),  
7 (xvi) dehydrochloromethyltestosterone (4-chloro-  
8 17[beta]-hydroxy-17[alpha]-methyl-  
9 androst-1,4-dien-3-one),  
10 (xvii) desoxymethyltestosterone  
11 (17[alpha]-methyl-5[alpha]  
12 -androst-2-en-17[beta]-ol) (a.k.a., madol),  
13 (xviii) [delta]1-dihydrotestosterone (a.k.a.  
14 '1-testosterone') (17[beta]-hydroxy-  
15 5[alpha]-androst-1-en-3-one),  
16 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
17 androstan-3-one),  
18 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
19 5[alpha]-androstan-3-one),  
20 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
21 hydroxyestr-4-ene),  
22 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-  
23 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),  
24 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
25 17[beta]-dihydroxyandrost-1,4-dien-3-one),  
26 (xxiv) furazabol (17[alpha]-methyl-17[beta]-

1 hydroxyandrostano[2,3-c]-furazan),  
 2 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,  
 3 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-  
 4 androst-4-en-3-one),  
 5 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-  
 6 dihydroxy-estr-4-en-3-one),  
 7 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
 8 hydroxy-5-androstan-3-one),

9	Appropriate person	Section 8-107
10	Control	Section 8-106
11	<u>Controllable account</u>	<u>Section 9-102</u>
12	<u>Controllable electronic</u>	
13	<u>record</u>	<u>Section 12-102</u>
14	<u>Controllable payment</u>	
15	<u>intangible</u>	<u>Section 9-102</u>
16	Delivery	Section 8-301
17	Investment company security	Section 8-103
18	Issuer	Section 8-201
19	Overissue	Section 8-210
20	Protected purchaser	Section 8-303
21	Securities account	Section 8-501

22 ~~..... (Name and address of secured party)~~

23 ~~..... (Date)~~

24 (xxx) methandienone (17[alpha]-methyl-17[beta]-  
 25 hydroxyandrost-1,4-dien-3-one),  
 26 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-

1 dihydroxyandrost-5-ene),  
2 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-  
3 5[alpha]-androst-1-en-3-one),  
4 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-  
5 dihydroxy-5a-androstane,  
6 (xxxiv) 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy  
7 -5a-androstane,  
8 (xxxv) 17[alpha]-methyl-3[beta], 17[beta]-  
9 dihydroxyandrost-4-ene),  
10 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
11 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
12 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-  
13 hydroxyestra-4,9(10)-dien-3-one),  
14 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-  
15 hydroxyestra-4,9-11-trien-3-one),  
16 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-  
17 hydroxyandrost-4-en-3-one),  
18 (xl) mibolerone (7[alpha], 17a-dimethyl-17[beta]-  
19 hydroxyestr-4-en-3-one),  
20 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
21 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
22 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
23 1-testosterone'),  
24 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),  
25 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-  
26 dihydroxyestr-4-ene),

- 1 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
2 dihydroxyestr-4-ene),  
3 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-  
4 dihydroxyestr-5-ene),  
5 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
6 dihydroxyestr-5-ene),  
7 (xlvii) 19-nor-4,9(10)-androstadienedione  
8 (estra-4,9(10)-diene-3,17-dione),  
9 (xlviii) 19-nor-4-androstenedione (estr-4-  
10 en-3,17-dione),  
11 (xlix) 19-nor-5-androstenedione (estr-5-  
12 en-3,17-dione),  
13 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-  
14 hydroxygon-4-en-3-one),  
15 (li) norclostebol (4-chloro-17[beta]-  
16 hydroxyestr-4-en-3-one),  
17 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-  
18 hydroxyestr-4-en-3-one),  
19 (liii) normethandrolone (17[alpha]-methyl-17[beta]-  
20 hydroxyestr-4-en-3-one),  
21 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-  
22 2-oxa-5[alpha]-androstan-3-one),  
23 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-  
24 dihydroxyandrost-4-en-3-one),  
25 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-  
26 17[beta]-hydroxy-(5[alpha]-androstan-3-one),

- 1 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
2 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
3 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
4 (5[alpha]-androst-1-en-3-one),  
5 (lix) testolactone (13-hydroxy-3-oxo-13,17-  
6 secoandrosta-1,4-dien-17-oic  
7 acid lactone),  
8 (lx) testosterone (17[beta]-hydroxyandrost-  
9 4-en-3-one),  
10 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
11 diethyl-17[beta]-hydroxygon-  
12 4,9,11-trien-3-one),  
13 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
14 11-trien-3-one).

15 Any person who is otherwise lawfully in possession of an  
16 anabolic steroid, or who otherwise lawfully manufactures,  
17 distributes, dispenses, delivers, or possesses with intent to  
18 deliver an anabolic steroid, which anabolic steroid is  
19 expressly intended for and lawfully allowed to be administered  
20 through implants to livestock or other nonhuman species, and  
21 which is approved by the Secretary of Health and Human  
22 Services for such administration, and which the person intends  
23 to administer or have administered through such implants,  
24 shall not be considered to be in unauthorized possession or to  
25 unlawfully manufacture, distribute, dispense, deliver, or  
26 possess with intent to deliver such anabolic steroid for

1 purposes of this Act.

2 (d) "Administration" means the Drug Enforcement  
3 Administration, United States Department of Justice, or its  
4 successor agency.

5 (d-5) "Clinical Director, Prescription Monitoring Program"  
6 means a Department of Human Services administrative employee  
7 licensed to either prescribe or dispense controlled substances  
8 who shall run the clinical aspects of the Department of Human  
9 Services Prescription Monitoring Program and its Prescription  
10 Information Library.

11 (d-10) "Compounding" means the preparation and mixing of  
12 components, excluding flavorings, (1) as the result of a  
13 prescriber's prescription drug order or initiative based on  
14 the prescriber-patient-pharmacist relationship in the course  
15 of professional practice or (2) for the purpose of, or  
16 incident to, research, teaching, or chemical analysis and not  
17 for sale or dispensing. "Compounding" includes the preparation  
18 of drugs or devices in anticipation of receiving prescription  
19 drug orders based on routine, regularly observed dispensing  
20 patterns. Commercially available products may be compounded  
21 for dispensing to individual patients only if both of the  
22 following conditions are met: (i) the commercial product is  
23 not reasonably available from normal distribution channels in  
24 a timely manner to meet the patient's needs and (ii) the  
25 prescribing practitioner has requested that the drug be  
26 compounded.



1 (e) "Control" means to add a drug or other substance, or  
2 immediate precursor, to a Schedule whether by transfer from  
3 another Schedule or otherwise.

4 (f) "Controlled Substance" means (i) a drug, substance,  
5 immediate precursor, or synthetic drug in the Schedules of  
6 Article II of this Act or (ii) a drug or other substance, or  
7 immediate precursor, designated as a controlled substance by  
8 the Department through administrative rule. The term does not  
9 include: distilled spirits, wine, malt beverages, or tobacco,  
10 as those terms are defined or used in the Liquor Control Act of  
11 1934 and the Tobacco Products Tax Act of 1995; or psilocybin or  
12 a psilocybin product, as those terms are defined or used in the  
13 Compassionate Use and Research of Entheogens Act.

14 (f-5) "Controlled substance analog" means a substance:

15 (1) the chemical structure of which is substantially  
16 similar to the chemical structure of a controlled  
17 substance in Schedule I or II;

18 (2) which has a stimulant, depressant, or  
19 hallucinogenic effect on the central nervous system that  
20 is substantially similar to or greater than the stimulant,  
21 depressant, or hallucinogenic effect on the central  
22 nervous system of a controlled substance in Schedule I or  
23 II; or

24 (3) with respect to a particular person, which such  
25 person represents or intends to have a stimulant,  
26 depressant, or hallucinogenic effect on the central

1           nervous system that is substantially similar to or greater  
2           than the stimulant, depressant, or hallucinogenic effect  
3           on the central nervous system of a controlled substance in  
4           Schedule I or II.

5           (g) "Counterfeit substance" means a controlled substance,  
6           which, or the container or labeling of which, without  
7           authorization bears the trademark, trade name, or other  
8           identifying mark, imprint, number or device, or any likeness  
9           thereof, of a manufacturer, distributor, or dispenser other  
10          than the person who in fact manufactured, distributed, or  
11          dispensed the substance.

12          (h) "Deliver" or "delivery" means the actual, constructive  
13          or attempted transfer of possession of a controlled substance,  
14          with or without consideration, whether or not there is an  
15          agency relationship. "Deliver" or "delivery" does not include  
16          the donation of drugs to the extent permitted under the  
17          Illinois Drug Reuse Opportunity Program Act.

18          (i) "Department" means the Illinois Department of Human  
19          Services (as successor to the Department of Alcoholism and  
20          Substance Abuse) or its successor agency.

21          (j) (Blank).

22          (k) "Department of Corrections" means the Department of  
23          Corrections of the State of Illinois or its successor agency.

24          (l) "Department of Financial and Professional Regulation"  
25          means the Department of Financial and Professional Regulation  
26          of the State of Illinois or its successor agency.

1 (m) "Depressant" means any drug that (i) causes an overall  
2 depression of central nervous system functions, (ii) causes  
3 impaired consciousness and awareness, and (iii) can be  
4 habit-forming or lead to a substance abuse problem, including,  
5 but not limited to, alcohol, cannabis and its active  
6 principles and their analogs, benzodiazepines and their  
7 analogs, barbiturates and their analogs, opioids (natural and  
8 synthetic) and their analogs, and chloral hydrate and similar  
9 sedative hypnotics.

10 (n) (Blank).

11 (o) "Director" means the Director of the Illinois State  
12 Police or his or her designated agents.

13 (p) "Dispense" means to deliver a controlled substance to  
14 an ultimate user or research subject by or pursuant to the  
15 lawful order of a prescriber, including the prescribing,  
16 administering, packaging, labeling, or compounding necessary  
17 to prepare the substance for that delivery.

18 (q) "Dispenser" means a practitioner who dispenses.

19 (r) "Distribute" means to deliver, other than by  
20 administering or dispensing, a controlled substance.

21 (s) "Distributor" means a person who distributes.

22 (t) "Drug" means (1) substances recognized as drugs in the  
23 official United States Pharmacopoeia, Official Homeopathic  
24 Pharmacopoeia of the United States, or official National  
25 Formulary, or any supplement to any of them; (2) substances  
26 intended for use in diagnosis, cure, mitigation, treatment, or

1 prevention of disease in man or animals; (3) substances (other  
2 than food) intended to affect the structure of any function of  
3 the body of man or animals and (4) substances intended for use  
4 as a component of any article specified in clause (1), (2), or  
5 (3) of this subsection. It does not include devices or their  
6 components, parts, or accessories.

7 (t-3) "Electronic health record" or "EHR" means an  
8 electronic record of health-related information on an  
9 individual that is created, gathered, managed, and consulted  
10 by authorized health care clinicians and staff.

11 (t-3.5) "Electronic health record system" or "EHR system"  
12 means any computer-based system or combination of federally  
13 certified Health IT Modules (defined at 42 CFR 170.102 or its  
14 successor) used as a repository for electronic health records  
15 and accessed or updated by a prescriber or authorized  
16 surrogate in the ordinary course of his or her medical  
17 practice. For purposes of connecting to the Prescription  
18 Information Library maintained by the Bureau of Pharmacy and  
19 Clinical Support Systems or its successor, an EHR system may  
20 connect to the Prescription Information Library directly or  
21 through all or part of a computer program or system that is a  
22 federally certified Health IT Module maintained by a third  
23 party and used by the EHR system to secure access to the  
24 database.

25 (t-4) "Emergency medical services personnel" has the  
26 meaning ascribed to it in the Emergency Medical Services (EMS)

1 Systems Act.

2 (t-5) "Euthanasia agency" means an entity certified by the  
3 Department of Financial and Professional Regulation for the  
4 purpose of animal euthanasia that holds an animal control  
5 facility license or animal shelter license under the Animal  
6 Welfare Act. A euthanasia agency is authorized to purchase,  
7 store, possess, and utilize Schedule II nonnarcotic and  
8 Schedule III nonnarcotic drugs for the sole purpose of animal  
9 euthanasia.

10 (t-10) "Euthanasia drugs" means Schedule II or Schedule  
11 III substances (nonnarcotic controlled substances) that are  
12 used by a euthanasia agency for the purpose of animal  
13 euthanasia.

14 (u) "Good faith" means the prescribing or dispensing of a  
15 controlled substance by a practitioner in the regular course  
16 of professional treatment to or for any person who is under his  
17 or her treatment for a pathology or condition other than that  
18 individual's physical or psychological dependence upon or  
19 addiction to a controlled substance, except as provided  
20 herein: and application of the term to a pharmacist shall mean  
21 the dispensing of a controlled substance pursuant to the  
22 prescriber's order which in the professional judgment of the  
23 pharmacist is lawful. The pharmacist shall be guided by  
24 accepted professional standards, including, but not limited  
25 to, the following, in making the judgment:

26 (1) lack of consistency of prescriber-patient

1 relationship,

2 (2) frequency of prescriptions for same drug by one  
3 prescriber for large numbers of patients,

4 (3) quantities beyond those normally prescribed,

5 (4) unusual dosages (recognizing that there may be  
6 clinical circumstances where more or less than the usual  
7 dose may be used legitimately),

8 (5) unusual geographic distances between patient,  
9 pharmacist and prescriber,

10 (6) consistent prescribing of habit-forming drugs.

11 (u-0.5) "Hallucinogen" means a drug that causes markedly  
12 altered sensory perception leading to hallucinations of any  
13 type.

14 (u-1) "Home infusion services" means services provided by  
15 a pharmacy in compounding solutions for direct administration  
16 to a patient in a private residence, long-term care facility,  
17 or hospice setting by means of parenteral, intravenous,  
18 intramuscular, subcutaneous, or intraspinal infusion.

19 (u-5) "Illinois State Police" means the Illinois State  
20 Police or its successor agency.

21 (v) "Immediate precursor" means a substance:

22 (1) which the Department has found to be and by rule  
23 designated as being a principal compound used, or produced  
24 primarily for use, in the manufacture of a controlled  
25 substance;

26 (2) which is an immediate chemical intermediary used

1 or likely to be used in the manufacture of such controlled  
2 substance; and

3 (3) the control of which is necessary to prevent,  
4 curtail or limit the manufacture of such controlled  
5 substance.

6 (w) "Instructional activities" means the acts of teaching,  
7 educating or instructing by practitioners using controlled  
8 substances within educational facilities approved by the State  
9 Board of Education or its successor agency.

10 (x) "Local authorities" means a duly organized State,  
11 County or Municipal peace unit or police force.

12 (y) "Look-alike substance" means a substance, other than a  
13 controlled substance which (1) by overall dosage unit  
14 appearance, including shape, color, size, markings or lack  
15 thereof, taste, consistency, or any other identifying physical  
16 characteristic of the substance, would lead a reasonable  
17 person to believe that the substance is a controlled  
18 substance, or (2) is expressly or impliedly represented to be  
19 a controlled substance or is distributed under circumstances  
20 which would lead a reasonable person to believe that the  
21 substance is a controlled substance. For the purpose of  
22 determining whether the representations made or the  
23 circumstances of the distribution would lead a reasonable  
24 person to believe the substance to be a controlled substance  
25 under this clause (2) of subsection (y), the court or other  
26 authority may consider the following factors in addition to

1 any other factor that may be relevant:

2 (a) statements made by the owner or person in control  
3 of the substance concerning its nature, use or effect;

4 (b) statements made to the buyer or recipient that the  
5 substance may be resold for profit;

6 (c) whether the substance is packaged in a manner  
7 normally used for the illegal distribution of controlled  
8 substances;

9 (d) whether the distribution or attempted distribution  
10 included an exchange of or demand for money or other  
11 property as consideration, and whether the amount of the  
12 consideration was substantially greater than the  
13 reasonable retail market value of the substance.

14 Clause (1) of this subsection (y) shall not apply to a  
15 noncontrolled substance in its finished dosage form that was  
16 initially introduced into commerce prior to the initial  
17 introduction into commerce of a controlled substance in its  
18 finished dosage form which it may substantially resemble.

19 Nothing in this subsection (y) prohibits the dispensing or  
20 distributing of noncontrolled substances by persons authorized  
21 to dispense and distribute controlled substances under this  
22 Act, provided that such action would be deemed to be carried  
23 out in good faith under subsection (u) if the substances  
24 involved were controlled substances.

25 Nothing in this subsection (y) or in this Act prohibits  
26 the manufacture, preparation, propagation, compounding,



1 processing, packaging, advertising or distribution of a drug  
2 or drugs by any person registered pursuant to Section 510 of  
3 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

4 (y-1) "Mail-order pharmacy" means a pharmacy that is  
5 located in a state of the United States that delivers,  
6 dispenses or distributes, through the United States Postal  
7 Service or other common carrier, to Illinois residents, any  
8 substance which requires a prescription.

9 (z) "Manufacture" means the production, preparation,  
10 propagation, compounding, conversion or processing of a  
11 controlled substance other than methamphetamine, either  
12 directly or indirectly, by extraction from substances of  
13 natural origin, or independently by means of chemical  
14 synthesis, or by a combination of extraction and chemical  
15 synthesis, and includes any packaging or repackaging of the  
16 substance or labeling of its container, except that this term  
17 does not include:

18 (1) by an ultimate user, the preparation or  
19 compounding of a controlled substance for his or her own  
20 use;

21 (2) by a practitioner, or his or her authorized agent  
22 under his or her supervision, the preparation,  
23 compounding, packaging, or labeling of a controlled  
24 substance:

25 (a) as an incident to his or her administering or  
26 dispensing of a controlled substance in the course of

1 his or her professional practice; or

2 (b) as an incident to lawful research, teaching or  
3 chemical analysis and not for sale; or

4 (3) the packaging, repackaging, or labeling of drugs  
5 only to the extent permitted under the Illinois Drug Reuse  
6 Opportunity Program Act.

7 (z-1) (Blank).

8 (z-5) "Medication shopping" means the conduct prohibited  
9 under subsection (a) of Section 314.5 of this Act.

10 (z-10) "Mid-level practitioner" means (i) a physician  
11 assistant who has been delegated authority to prescribe  
12 through a written delegation of authority by a physician  
13 licensed to practice medicine in all of its branches, in  
14 accordance with Section 7.5 of the Physician Assistant  
15 Practice Act of 1987, (ii) an advanced practice registered  
16 nurse who has been delegated authority to prescribe through a  
17 written delegation of authority by a physician licensed to  
18 practice medicine in all of its branches or by a podiatric  
19 physician, in accordance with Section 65-40 of the Nurse  
20 Practice Act, (iii) an advanced practice registered nurse  
21 certified as a nurse practitioner, nurse midwife, or clinical  
22 nurse specialist who has been granted authority to prescribe  
23 by a hospital affiliate in accordance with Section 65-45 of  
24 the Nurse Practice Act, (iv) an animal euthanasia agency, or  
25 (v) a prescribing psychologist.

26 (aa) "Narcotic drug" means any of the following, whether

1 produced directly or indirectly by extraction from substances  
2 of vegetable origin, or independently by means of chemical  
3 synthesis, or by a combination of extraction and chemical  
4 synthesis:

5 (1) opium, opiates, derivatives of opium and opiates,  
6 including their isomers, esters, ethers, salts, and salts  
7 of isomers, esters, and ethers, whenever the existence of  
8 such isomers, esters, ethers, and salts is possible within  
9 the specific chemical designation; however the term  
10 "narcotic drug" does not include the isoquinoline  
11 alkaloids of opium;

12 (2) (blank);

13 (3) opium poppy and poppy straw;

14 (4) coca leaves, except coca leaves and extracts of  
15 coca leaves from which substantially all of the cocaine  
16 and ecgonine, and their isomers, derivatives and salts,  
17 have been removed;

18 (5) cocaine, its salts, optical and geometric isomers,  
19 and salts of isomers;

20 (6) ecgonine, its derivatives, their salts, isomers,  
21 and salts of isomers;

22 (7) any compound, mixture, or preparation which  
23 contains any quantity of any of the substances referred to  
24 in subparagraphs (1) through (6).

25 (bb) "Nurse" means a registered nurse licensed under the  
26 Nurse Practice Act.

1 (cc) (Blank).

2 (dd) "Opiate" means any substance having an addiction  
3 forming or addiction sustaining liability similar to morphine  
4 or being capable of conversion into a drug having addiction  
5 forming or addiction sustaining liability.

6 (ee) "Opium poppy" means the plant of the species *Papaver*  
7 *somniferum* L., except its seeds.

8 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
9 solution or other liquid form of medication intended for  
10 administration by mouth, but the term does not include a form  
11 of medication intended for buccal, sublingual, or transmucosal  
12 administration.

13 (ff) "Parole and Pardon Board" means the Parole and Pardon  
14 Board of the State of Illinois or its successor agency.

15 (gg) "Person" means any individual, corporation,  
16 mail-order pharmacy, government or governmental subdivision or  
17 agency, business trust, estate, trust, partnership or  
18 association, or any other entity.

19 (hh) "Pharmacist" means any person who holds a license or  
20 certificate of registration as a registered pharmacist, a  
21 local registered pharmacist or a registered assistant  
22 pharmacist under the Pharmacy Practice Act.

23 (ii) "Pharmacy" means any store, ship or other place in  
24 which pharmacy is authorized to be practiced under the  
25 Pharmacy Practice Act.

26 (ii-5) "Pharmacy shopping" means the conduct prohibited

1 under subsection (b) of Section 314.5 of this Act.

2 (ii-10) "Physician" (except when the context otherwise  
3 requires) means a person licensed to practice medicine in all  
4 of its branches.

5 (jj) "Poppy straw" means all parts, except the seeds, of  
6 the opium poppy, after mowing.

7 (kk) "Practitioner" means a physician licensed to practice  
8 medicine in all its branches, dentist, optometrist, podiatric  
9 physician, veterinarian, scientific investigator, pharmacist,  
10 physician assistant, advanced practice registered nurse,  
11 licensed practical nurse, registered nurse, emergency medical  
12 services personnel, hospital, laboratory, or pharmacy, or  
13 other person licensed, registered, or otherwise lawfully  
14 permitted by the United States or this State to distribute,  
15 dispense, conduct research with respect to, administer or use  
16 in teaching or chemical analysis, a controlled substance in  
17 the course of professional practice or research.

18 (ll) "Pre-printed prescription" means a written  
19 prescription upon which the designated drug has been indicated  
20 prior to the time of issuance; the term does not mean a written  
21 prescription that is individually generated by machine or  
22 computer in the prescriber's office.

23 (mm) "Prescriber" means a physician licensed to practice  
24 medicine in all its branches, dentist, optometrist,  
25 prescribing psychologist licensed under Section 4.2 of the  
26 Clinical Psychologist Licensing Act with prescriptive

1 authority delegated under Section 4.3 of the Clinical  
2 Psychologist Licensing Act, podiatric physician, or  
3 veterinarian who issues a prescription, a physician assistant  
4 who issues a prescription for a controlled substance in  
5 accordance with Section 303.05, a written delegation, and a  
6 written collaborative agreement required under Section 7.5 of  
7 the Physician Assistant Practice Act of 1987, an advanced  
8 practice registered nurse with prescriptive authority  
9 delegated under Section 65-40 of the Nurse Practice Act and in  
10 accordance with Section 303.05, a written delegation, and a  
11 written collaborative agreement under Section 65-35 of the  
12 Nurse Practice Act, an advanced practice registered nurse  
13 certified as a nurse practitioner, nurse midwife, or clinical  
14 nurse specialist who has been granted authority to prescribe  
15 by a hospital affiliate in accordance with Section 65-45 of  
16 the Nurse Practice Act and in accordance with Section 303.05,  
17 or an advanced practice registered nurse certified as a nurse  
18 practitioner, nurse midwife, or clinical nurse specialist who  
19 has full practice authority pursuant to Section 65-43 of the  
20 Nurse Practice Act.

21 (nn) "Prescription" means a written, facsimile, or oral  
22 order, or an electronic order that complies with applicable  
23 federal requirements, of a physician licensed to practice  
24 medicine in all its branches, dentist, podiatric physician or  
25 veterinarian for any controlled substance, of an optometrist  
26 in accordance with Section 15.1 of the Illinois Optometric

1 Practice Act of 1987, of a prescribing psychologist licensed  
2 under Section 4.2 of the Clinical Psychologist Licensing Act  
3 with prescriptive authority delegated under Section 4.3 of the  
4 Clinical Psychologist Licensing Act, of a physician assistant  
5 for a controlled substance in accordance with Section 303.05,  
6 a written delegation, and a written collaborative agreement  
7 required under Section 7.5 of the Physician Assistant Practice  
8 Act of 1987, of an advanced practice registered nurse with  
9 prescriptive authority delegated under Section 65-40 of the  
10 Nurse Practice Act who issues a prescription for a controlled  
11 substance in accordance with Section 303.05, a written  
12 delegation, and a written collaborative agreement under  
13 Section 65-35 of the Nurse Practice Act, of an advanced  
14 practice registered nurse certified as a nurse practitioner,  
15 nurse midwife, or clinical nurse specialist who has been  
16 granted authority to prescribe by a hospital affiliate in  
17 accordance with Section 65-45 of the Nurse Practice Act and in  
18 accordance with Section 303.05 when required by law, or of an  
19 advanced practice registered nurse certified as a nurse  
20 practitioner, nurse midwife, or clinical nurse specialist who  
21 has full practice authority pursuant to Section 65-43 of the  
22 Nurse Practice Act.

23 (nn-5) "Prescription Information Library" (PIL) means an  
24 electronic library that contains reported controlled substance  
25 data.

26 (nn-10) "Prescription Monitoring Program" (PMP) means the

1 entity that collects, tracks, and stores reported data on  
2 controlled substances and select drugs pursuant to Section  
3 316.

4 (oo) "Production" or "produce" means manufacture,  
5 planting, cultivating, growing, or harvesting of a controlled  
6 substance other than methamphetamine.

7 (pp) "Registrant" means every person who is required to  
8 register under Section 302 of this Act.

9 (qq) "Registry number" means the number assigned to each  
10 person authorized to handle controlled substances under the  
11 laws of the United States and of this State.

12 (qq-5) "Secretary" means, as the context requires, either  
13 the Secretary of the Department or the Secretary of the  
14 Department of Financial and Professional Regulation, and the  
15 Secretary's designated agents.

16 (rr) "State" includes the State of Illinois and any state,  
17 district, commonwealth, territory, insular possession thereof,  
18 and any area subject to the legal authority of the United  
19 States of America.

20 (rr-5) "Stimulant" means any drug that (i) causes an  
21 overall excitation of central nervous system functions, (ii)  
22 causes impaired consciousness and awareness, and (iii) can be  
23 habit-forming or lead to a substance abuse problem, including,  
24 but not limited to, amphetamines and their analogs,  
25 methylphenidate and its analogs, cocaine, and phencyclidine  
26 and its analogs.



1 (rr-10) "Synthetic drug" includes, but is not limited to,  
2 any synthetic cannabinoids or piperazines or any synthetic  
3 cathinones as provided for in Schedule I.

4 (ss) "Ultimate user" means a person who lawfully possesses  
5 a controlled substance for his or her own use or for the use of  
6 a member of his or her household or for administering to an  
7 animal owned by him or her or by a member of his or her  
8 household.

9 (Source: P.A. 101-666, eff. 1-1-22; 102-389, eff. 1-1-22;  
10 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

11 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

12 Sec. 204. (a) The controlled substances listed in this  
13 Section are included in Schedule I.

14 (b) Unless specifically excepted or unless listed in  
15 another schedule, any of the following opiates, including  
16 their isomers, esters, ethers, salts, and salts of isomers,  
17 esters, and ethers, whenever the existence of such isomers,  
18 esters, ethers and salts is possible within the specific  
19 chemical designation:

20 (1) Acetylmethadol;

21 (1.1) Acetyl-alpha-methylfentanyl

22 (N-[1-(1-methyl-2-phenethyl)-

23 4-piperidinyl]-N-phenylacetamide);

24 (2) Allylprodine;

25 (3) Alphacetylmethadol, except

1           levo-alphaacetylmethadol (also known as levo-alpha-  
2           acetylmethadol, levomethadyl acetate, or LAAM);  
3           (4) Alphameprodine;  
4           (5) Alphamethadol;  
5           (6) Alpha-methylfentanyl  
6           (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)  
7           propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-  
8           propanilido) piperidine;  
9           (6.1) Alpha-methylthiofentanyl  
10          (N-[1-methyl-2-(2-thienyl)ethyl-  
11          4-piperidinyl]-N-phenylpropanamide);  
12          (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);  
13          (7.1) PEPAP  
14          (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
15          (8) Benzethidine;  
16          (9) Betacetylmethadol;  
17          (9.1) Beta-hydroxyfentanyl  
18          (N-[1-(2-hydroxy-2-phenethyl)-  
19          4-piperidinyl]-N-phenylpropanamide);  
20          (10) Betameprodine;  
21          (11) Betamethadol;  
22          (12) Betaprodine;  
23          (13) Clonitazene;  
24          (14) Dextromoramide;  
25          (15) Diampromide;  
26          (16) Diethylthiambutene;

- 1 (17) DifenoXin;
- 2 (18) Dimenoxadol;
- 3 (19) Dimepheptanol;
- 4 (20) Dimethylthiambutene;
- 5 (21) Dioxaphetylbutyrate;
- 6 (22) Dipipanone;
- 7 (23) Ethylmethylthiambutene;
- 8 (24) Etonitazene;
- 9 (25) EtoXeridine;
- 10 (26) Furethidine;
- 11 (27) Hydroxpethidine;
- 12 (28) Ketobemidone;
- 13 (29) Levomoramide;
- 14 (30) Levophenacylmorphane;
- 15 (31) 3-Methylfentanyl  
(N-[3-methyl-1-(2-phenylethyl)-  
17 4-piperidyl]-N-phenylpropanamide);
- 18 (31.1) 3-Methylthiofentanyl  
(N-[(3-methyl-1-(2-thienyl)ethyl-  
20 4-piperidinyl]-N-phenylpropanamide);
- 21 (32) Morpheridine;
- 22 (33) Noracymethadol;
- 23 (34) Norlevorphanol;
- 24 (35) Normethadone;
- 25 (36) Norpipanone;
- 26 (36.1) Para-fluorofentanyl

1 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-  
2 4-piperidinyl]propanamide);  
3 (37) Phenadoxone;  
4 (38) Phenampromide;  
5 (39) Phenomorphan;  
6 (40) Phenoperidine;  
7 (41) Piritramide;  
8 (42) Proheptazine;  
9 (43) Properidine;  
10 (44) Propiram;  
11 (45) Racemoramide;  
12 (45.1) Thiofentanyl  
13 (N-phenyl-N-[1-(2-thienyl)ethyl-  
14 4-piperidinyl]-propanamide);  
15 (46) Tilidine;  
16 (47) Trimeperidine;  
17 (48) Beta-hydroxy-3-methylfentanyl (other name:  
18 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-  
19 N-phenylpropanamide);  
20 (49) Furanyl fentanyl (FU-F);  
21 (50) Butyryl fentanyl;  
22 (51) Valeryl fentanyl;  
23 (52) Acetyl fentanyl;  
24 (53) Beta-hydroxy-thiofentanyl;  
25 (54) 3,4-dichloro-N-[2-  
26 (dimethylamino)cyclohexyl]-N-

- 1 methylbenzamide (U-47700);  
2 (55) 4-chloro-N-[1-[2-  
3 (4-nitrophenyl)ethyl]-2-piperidinylidene]-  
4 benzenesulfonamide (W-18);  
5 (56) 4-chloro-N-[1-(2-phenylethyl)  
6 -2-piperidinylidene]-benzenesulfonamide (W-15);  
7 (57) acrylfentanyl (acryloylfentanyl).

8 (c) Unless specifically excepted or unless listed in  
9 another schedule, any of the following opium derivatives, its  
10 salts, isomers and salts of isomers, whenever the existence of  
11 such salts, isomers and salts of isomers is possible within  
12 the specific chemical designation:

- 13 (1) Acetorphine;  
14 (2) Acetyldihydrocodeine;  
15 (3) Benzylmorphine;  
16 (4) Codeine methylbromide;  
17 (5) Codeine-N-Oxide;  
18 (6) Cyprenorphine;  
19 (7) Desomorphine;  
20 (8) Diacetyldihydromorphine (Dihydroheroin);  
21 (9) Dihydromorphine;  
22 (10) Drotebanol;  
23 (11) Etorphine (except hydrochloride salt);  
24 (12) Heroin;  
25 (13) Hydromorphanol;  
26 (14) Methyldesorphine;

- 1 (15) Methyldihydromorphine;
- 2 (16) Morphine methylbromide;
- 3 (17) Morphine methylsulfonate;
- 4 (18) Morphine-N-Oxide;
- 5 (19) Myrophine;
- 6 (20) Nicocodeine;
- 7 (21) Nicomorphine;
- 8 (22) Normorphine;
- 9 (23) Pholcodine;
- 10 (24) Thebacon.

11 (d) Unless specifically excepted or unless listed in  
12 another schedule, any material, compound, mixture, or  
13 preparation which contains any quantity of the following  
14 hallucinogenic substances, or which contains any of its salts,  
15 isomers and salts of isomers, whenever the existence of such  
16 salts, isomers, and salts of isomers is possible within the  
17 specific chemical designation (for the purposes of this  
18 paragraph only, the term "isomer" includes the optical,  
19 position and geometric isomers):

20 (1) 3,4-methylenedioxyamphetamine  
21 (alpha-methyl, 3,4-methylenedioxyphenethylamine,  
22 methylenedioxyamphetamine, MDA);

23 (1.1) Alpha-ethyltryptamine  
24 (some trade or other names: etryptamine;  
25 MONASE; alpha-ethyl-1H-indole-3-ethanamine;  
26 3-(2-aminobutyl)indole; a-ET; and AET);

- 1 (2) 3,4-methylenedioxyamphetamine (MDMA);
- 2 (2.1) 3,4-methylenedioxy-N-ethylamphetamine
- 3 (also known as: N-ethyl-alpha-methyl-
- 4 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
- 5 and MDEA);
- 6 (2.2) N-Benzylpiperazine (BZP);
- 7 (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);
- 8 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
- 9 (4) 3,4,5-trimethoxyamphetamine (TMA);
- 10 (5) (Blank);
- 11 (6) Diethyltryptamine (DET);
- 12 (7) Dimethyltryptamine (DMT);
- 13 (7.1) 5-Methoxy-diallyltryptamine;
- 14 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 15 (9) Ibogaine (some trade and other names:
- 16 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
- 17 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
- 18 indole; Tabernanthe iboga);
- 19 (10) Lysergic acid diethylamide;
- 20 (10.1) Salvinorin A;
- 21 (10.5) Salvia divinorum (meaning all parts of the
- 22 plant presently classified botanically as Salvia
- 23 divinorum, whether growing or not, the seeds thereof, any
- 24 extract from any part of that plant, and every compound,
- 25 manufacture, salts, isomers, and salts of isomers whenever
- 26 the existence of such salts, isomers, and salts of isomers

1 is possible within the specific chemical designation,  
2 derivative, mixture, or preparation of that plant, its  
3 seeds or extracts);

4 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);

5 (12) Peyote (meaning all parts of the plant presently  
6 classified botanically as *Lophophora williamsii* Lemaire,  
7 whether growing or not, the seeds thereof, any extract  
8 from any part of that plant, and every compound,  
9 manufacture, salts, derivative, mixture, or preparation of  
10 that plant, its seeds or extracts);

11 (13) N-ethyl-3-piperidyl benzilate (JB 318);

12 (14) N-methyl-3-piperidyl benzilate;

13 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine  
14 (also known as N-hydroxy-alpha-methyl-  
15 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

16 (15) Parahexyl; some trade or other names:  
17 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-  
18 dibenzo (b,d) pyran; Synhexyl;

19 (16) (Blank); ~~Psilocybin~~;

20 (17) (Blank); ~~Psilocyn~~;

21 (18) Alpha-methyltryptamine (AMT);

22 (19) 2,5-dimethoxyamphetamine  
23 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

24 (20) 4-bromo-2,5-dimethoxyamphetamine  
25 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;  
26 4-bromo-2,5-DMA);



1 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.

2 Some trade or other names: 2-(4-bromo-

3 2,5-dimethoxyphenyl)-1-aminoethane;

4 alpha-desmethyl DOB, 2CB, Nexus;

5 (21) 4-methoxyamphetamine

6 (4-methoxy-alpha-methylphenethylamine;

7 paramethoxyamphetamine; PMA);

8 (22) (Blank);

9 (23) Ethylamine analog of phencyclidine.

10 Some trade or other names:

11 N-ethyl-1-phenylcyclohexylamine,

12 (1-phenylcyclohexyl) ethylamine,

13 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

14 (24) Pyrrolidine analog of phencyclidine. Some trade

15 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,

16 PHP;

17 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;

18 (26) 2,5-dimethoxy-4-ethylamphetamine

19 (another name: DOET);

20 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine

21 (another name: TCPy);

22 (28) (Blank);

23 (29) Thiophene analog of phencyclidine (some trade

24 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;

25 2-thienyl analog of phencyclidine; TPCP; TCP);

26 (29.1) Benzothiophene analog of phencyclidine. Some

1 trade or other names: BTCP or benocyclidine;  
2 (29.2) 3-Methoxyphencyclidine (3-MeO-PCP);  
3 (30) Bufotenine (some trade or other names:  
4 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;  
5 3-(2-dimethylaminoethyl)-5-indolol;  
6 5-hydroxy-N,N-dimethyltryptamine;  
7 N,N-dimethylserotonin; mappine);  
8 (31) (Blank);  
9 (32) (Blank);  
10 (33) (Blank);  
11 (34) (Blank);  
12 (34.5) (Blank);  
13 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-  
14 (2-methyloctan-2-yl)-6a,7,  
15 10,10a-tetrahydrobenzo[c]chromen-1-ol  
16 Some trade or other names: HU-210;  
17 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-  
18 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-  
19 tetrahydrobenzo[c]chromen-1-ol, its isomers,  
20 salts, and salts of isomers; Some trade or other  
21 names: HU-210, Dexanabinol;  
22 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-  
23 6,6-dimethyl-3-(2-methyloctan-2-yl)-  
24 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol  
25 Some trade or other names: HU-211;  
26 (37) (Blank);

1 (38) (Blank);

2 (39) (Blank);

3 (40) (Blank);

4 (41) (Blank);

5 (42) Any compound structurally derived from  
6 3-(1-naphthoyl)indole or  
7 1H-indol-3-yl-(1-naphthyl)methane by substitution at the  
8 nitrogen atom of the indole ring by alkyl, haloalkyl,  
9 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
10 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
11 2-(4-morpholinyl)ethyl whether or not further substituted  
12 in the indole ring to any extent, whether or not  
13 substituted in the naphthyl ring to any extent. Examples  
14 of this structural class include, but are not limited to,  
15 JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

16 (43) Any compound structurally derived from  
17 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
18 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,  
19 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
20 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
21 2-(4-morpholinyl)ethyl, whether or not further substituted  
22 in the pyrrole ring to any extent, whether or not  
23 substituted in the naphthyl ring to any extent. Examples  
24 of this structural class include, but are not limited to,  
25 JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

26 (44) Any compound structurally derived from

1 1-(1-naphthylmethyl)indene by substitution at the  
2 3-position of the indene ring by alkyl, haloalkyl,  
3 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
4 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
5 2-(4-morpholinyl)ethyl whether or not further substituted  
6 in the indene ring to any extent, whether or not  
7 substituted in the naphthyl ring to any extent. Examples  
8 of this structural class include, but are not limited to,  
9 JWH-176;

10 (45) Any compound structurally derived from  
11 3-phenylacetylindole by substitution at the nitrogen atom  
12 of the indole ring with alkyl, haloalkyl, alkenyl,  
13 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
14 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
15 2-(4-morpholinyl)ethyl, whether or not further substituted  
16 in the indole ring to any extent, whether or not  
17 substituted in the phenyl ring to any extent. Examples of  
18 this structural class include, but are not limited to,  
19 JWH-167, JWH-250, JWH-251, and RCS-8;

20 (46) Any compound structurally derived from  
21 2-(3-hydroxycyclohexyl)phenol by substitution at the  
22 5-position of the phenolic ring by alkyl, haloalkyl,  
23 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
24 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
25 2-(4-morpholinyl)ethyl, whether or not substituted in the  
26 cyclohexyl ring to any extent. Examples of this structural

1 class include, but are not limited to, CP 47, 497 and its  
2 C8 homologue (cannabicyclohexanol);

3 (46.1) Any compound structurally derived from  
4 3-(benzoyl) indole with substitution at the nitrogen atom  
5 of the indole ring by an alkyl, haloalkyl, alkenyl,  
6 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
7 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
8 2-(4-morpholinyl)ethyl group whether or not further  
9 substituted in the indole ring to any extent and whether  
10 or not substituted in the phenyl ring to any extent.  
11 Examples of this structural class include, but are not  
12 limited to, AM-630, AM-2233, AM-694, Pravadoline (WIN  
13 48,098), and RCS-4;

14 (47) (Blank);

15 (48) (Blank);

16 (49) (Blank);

17 (50) (Blank);

18 (51) (Blank);

19 (52) (Blank);

20 (53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine.

21 Some trade or other names: 2C-T-7;

22 (53.1) 4-ethyl-2,5-dimethoxyphenethylamine. Some  
23 trade or other names: 2C-E;

24 (53.2) 2,5-dimethoxy-4-methylphenethylamine. Some  
25 trade or other names: 2C-D;

26 (53.3) 4-chloro-2,5-dimethoxyphenethylamine. Some

1 trade or other names: 2C-C;

2 (53.4) 4-iodo-2,5-dimethoxyphenethylamine. Some trade  
3 or other names: 2C-I;

4 (53.5) 4-ethylthio-2,5-dimethoxyphenethylamine. Some  
5 trade or other names: 2C-T-2;

6 (53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine.  
7 Some trade or other names: 2C-T-4;

8 (53.7) 2,5-dimethoxyphenethylamine. Some trade or  
9 other names: 2C-H;

10 (53.8) 2,5-dimethoxy-4-nitrophenethylamine. Some  
11 trade or other names: 2C-N;

12 (53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine. Some  
13 trade or other names: 2C-P;

14 (53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine.  
15 Some trade or other names: 2C-G;

16 (53.11) The N-(2-methoxybenzyl) derivative of any 2C  
17 phenethylamine referred to in subparagraphs (20.1), (53),  
18 (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7),  
19 (53.8), (53.9), and (53.10) including, but not limited to,  
20 25I-NBOMe and 25C-NBOMe;

21 (54) 5-Methoxy-N,N-diisopropyltryptamine;

22 (55) (Blank);

23 (56) (Blank);

24 (57) (Blank);

25 (58) (Blank);

26 (59) 3-cyclopropoylindole with substitution at the

1 nitrogen atom of the indole ring by alkyl, haloalkyl,  
2 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
3 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
4 2-(4-morpholinyl)ethyl, whether or not further substituted  
5 on the indole ring to any extent, whether or not  
6 substituted on the cyclopropyl ring to any extent:  
7 including, but not limited to, XLR11, UR144, FUB-144;

8 (60) 3-adamantoylindole with substitution at the  
9 nitrogen atom of the indole ring by alkyl, haloalkyl,  
10 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
11 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl, whether or not further substituted  
13 on the indole ring to any extent, whether or not  
14 substituted on the adamantyl ring to any extent:  
15 including, but not limited to, AB-001;

16 (61) N-(adamantyl)-indole-3-carboxamide with  
17 substitution at the nitrogen atom of the indole ring by  
18 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
19 cycloalkylethyl, aryl halide, alkyl aryl halide,  
20 1-(N-methyl-2-piperidinyl)methyl, or  
21 2-(4-morpholinyl)ethyl, whether or not further substituted  
22 on the indole ring to any extent, whether or not  
23 substituted on the adamantyl ring to any extent:  
24 including, but not limited to, APICA/2NE-1, STS-135;

25 (62) N-(adamantyl)-indazole-3-carboxamide with  
26 substitution at a nitrogen atom of the indazole ring by

1 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
2 cycloalkylethyl, aryl halide, alkyl aryl halide,  
3 1-(N-methyl-2-piperidinyl)methyl, or  
4 2-(4-morpholinyl)ethyl, whether or not further substituted  
5 on the indazole ring to any extent, whether or not  
6 substituted on the adamantyl ring to any extent:  
7 including, but not limited to, AKB48, 5F-AKB48;

8 (63) 1H-indole-3-carboxylic acid 8-quinolinyl ester  
9 with substitution at the nitrogen atom of the indole ring  
10 by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
11 cycloalkylethyl, aryl halide, alkyl aryl halide,  
12 1-(N-methyl-2-piperidinyl)methyl, or  
13 2-(4-morpholinyl)ethyl, whether or not further substituted  
14 on the indole ring to any extent, whether or not  
15 substituted on the quinoline ring to any extent:  
16 including, but not limited to, PB22, 5F-PB22, FUB-PB-22;

17 (64) 3-(1-naphthoyl)indazole with substitution at the  
18 nitrogen atom of the indazole ring by alkyl, haloalkyl,  
19 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
20 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
21 2-(4-morpholinyl)ethyl, whether or not further substituted  
22 on the indazole ring to any extent, whether or not  
23 substituted on the naphthyl ring to any extent: including,  
24 but not limited to, THJ-018, THJ-2201;

25 (65) 2-(1-naphthoyl)benzimidazole with substitution  
26 at the nitrogen atom of the benzimidazole ring by alkyl,



1 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
2 aryl halide, alkyl aryl halide,  
3 1-(N-methyl-2-piperidinyl)methyl, or  
4 2-(4-morpholinyl)ethyl, whether or not further substituted  
5 on the benzimidazole ring to any extent, whether or not  
6 substituted on the naphthyl ring to any extent: including,  
7 but not limited to, FUBIMINA;

8 (66)

9 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-  
10 3-carboxamide with substitution on the nitrogen atom of  
11 the indazole ring by alkyl, haloalkyl, alkenyl,  
12 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
13 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
14 2-(4-morpholinyl)ethyl, whether or not further substituted  
15 on the indazole ring to any extent: including, but not  
16 limited to, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

17 (67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
18 indazole-3-carboxamide with substitution on the nitrogen  
19 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
20 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
21 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
22 2-(4-morpholinyl)ethyl, whether or not further substituted  
23 on the indazole ring to any extent: including, but not  
24 limited to, ADB-PINACA, ADB-FUBINACA;

25 (68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
26 indole-3-carboxamide with substitution on the nitrogen

1 atom of the indole ring by alkyl, haloalkyl, alkenyl,  
2 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
3 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
4 2-(4-morpholinyl)ethyl, whether or not further substituted  
5 on the indole ring to any extent: including, but not  
6 limited to, ADBICA, 5F-ADBICA;

7 (69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-  
8 3-carboxamide with substitution on the nitrogen atom of  
9 the indole ring by alkyl, haloalkyl, alkenyl,  
10 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
11 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl, whether or not further substituted  
13 on the indole ring to any extent: including, but not  
14 limited to, ABICA, 5F-ABICA;

15 (70) Methyl 2-(1H-indazole-3-carboxamido)-3-  
16 methylbutanoate with substitution on the nitrogen atom of  
17 the indazole ring by alkyl, haloalkyl, alkenyl,  
18 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
19 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
20 2-(4-morpholinyl)ethyl, whether or not further substituted  
21 on the indazole ring to any extent: including, but not  
22 limited to, AMB, 5F-AMB;

23 (71) Methyl 2-(1H-indazole-3-carboxamido)-3,3-  
24 dimethylbutanoate with substitution on the nitrogen atom  
25 of the indazole ring by alkyl, haloalkyl, alkenyl,  
26 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl

1 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
2 2-(4-morpholinyl)ethyl, whether or not further substituted  
3 on the indazole ring to any extent: including, but not  
4 limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

5 (72) Methyl 2-(1H-indole-3-carboxamido)-3-  
6 methylbutanoate with substitution on the nitrogen atom of  
7 the indole ring by alkyl, haloalkyl, alkenyl,  
8 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
9 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
10 2-(4-morpholinyl)ethyl, whether or not further substituted  
11 on the indazole ring to any extent: including, but not  
12 limited to, MMB018, MMB2201, and AMB-CHMICA;

13 (73) Methyl 2-(1H-indole-3-carboxamido)-3,3-  
14 dimethylbutanoate with substitution on the nitrogen atom  
15 of the indole ring by alkyl, haloalkyl, alkenyl,  
16 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
17 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
18 2-(4-morpholinyl)ethyl, whether or not further substituted  
19 on the indazole ring to any extent: including, but not  
20 limited to, MDMB-CHMICA;

21 (74) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-  
22 indazole-3-carboxamide with substitution on the nitrogen  
23 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
24 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
25 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
26 2-(4-morpholinyl)ethyl, whether or not further substituted

1 on the indazole ring to any extent: including, but not  
2 limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

3 (75) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-  
4 3-carboxamide with substitution on the nitrogen atom of  
5 the indole ring by alkyl, haloalkyl, alkenyl,  
6 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
7 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
8 2-(4-morpholinyl)ethyl, whether or not further substituted  
9 on the indazole ring to any extent: including, but not  
10 limited to, APP-PICA and 5-fluoro-APP-PICA;

11 (76) 4-Acetoxy-N,N-dimethyltryptamine: trade name  
12 4-AcO-DMT;

13 (77) 5-Methoxy-N-methyl-N-isopropyltryptamine: trade  
14 name 5-MeO-MIPT;

15 (78) 4-hydroxy Diethyltryptamine (4-HO-DET);

16 (79) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);

17 (80) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

18 (81) 4-hydroxy-N-methyl-N-isopropyltryptamine  
19 (4-HO-MiPT);

20 (82) Fluorophenylpiperazine;

21 (83) Methoxetamine;

22 (84) 1-(Ethylamino)-2-phenylpropan-2-one (iso-  
23 ethcathinone).

24 (e) Unless specifically excepted or unless listed in  
25 another schedule, any material, compound, mixture, or  
26 preparation which contains any quantity of the following

1 substances having a depressant effect on the central nervous  
2 system, including its salts, isomers, and salts of isomers  
3 whenever the existence of such salts, isomers, and salts of  
4 isomers is possible within the specific chemical designation:

5 (1) mecloqualone;

6 (2) methaqualone; and

7 (3) gamma hydroxybutyric acid.

8 (f) Unless specifically excepted or unless listed in  
9 another schedule, any material, compound, mixture, or  
10 preparation which contains any quantity of the following  
11 substances having a stimulant effect on the central nervous  
12 system, including its salts, isomers, and salts of isomers:

13 (1) Fenethylamine;

14 (2) N-ethylamphetamine;

15 (3) Aminorex (some other names:

16 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

17 4-5-dihydro-5-phenyl-2-oxazolamine) and its

18 salts, optical isomers, and salts of optical isomers;

19 (4) Methcathinone (some other names:

20 2-methylamino-1-phenylpropan-1-one;

21 Ephedrone; 2-(methylamino)-propionophenone;

22 alpha-(methylamino)propionophenone; N-methylcathinone;

23 methcathinone; Monomethylpropion; UR 1431) and its

24 salts, optical isomers, and salts of optical isomers;

25 (5) Cathinone (some trade or other names:

26 2-aminopropionophenone; alpha-aminopropionophenone;

1 2-amino-1-phenyl-propanone; norephedrone);

2 (6) N,N-dimethylamphetamine (also known as:

3 N,N-alpha-trimethyl-benzeneethanamine;

4 N,N-alpha-trimethylphenethylamine);

5 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-

6 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);

7 (8) 3,4-Methylenedioxypropylamphetamine (MDPV);

8 (9) Halogenated amphetamines and

9 methamphetamines - any compound derived from either

10 amphetamine or methamphetamine through the substitution

11 of a halogen on the phenyl ring, including, but not

12 limited to, 2-fluoroamphetamine, 3-

13 fluoroamphetamine and 4-fluoroamphetamine;

14 (10) Aminopropylbenzofuran (APB):

15 including 4-(2-Aminopropyl) benzofuran, 5-

16 (2-Aminopropyl)benzofuran, 6-(2-Aminopropyl)

17 benzofuran, and 7-(2-Aminopropyl) benzofuran;

18 (11) Aminopropyl-dihydrobenzofuran (APDB):

19 including 4-(2-Aminopropyl)-2,3- dihydrobenzofuran,

20 5-(2-Aminopropyl)-2, 3-dihydrobenzofuran,

21 6-(2-Aminopropyl)-2,3-dihydrobenzofuran,

22 and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;

23 (12) Methylaminopropylbenzofuran

24 (MAPB): including 4-(2-methylaminopropyl)

25 benzofuran, 5-(2-methylaminopropyl)benzofuran,

26 6-(2-methylaminopropyl)benzofuran

1 and 7-(2-methylaminopropyl)benzofuran.

2 (g) Temporary listing of substances subject to emergency  
3 scheduling. Any material, compound, mixture, or preparation  
4 that contains any quantity of the following substances:

5 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
6 (benzylfentanyl), its optical isomers, isomers, salts, and  
7 salts of isomers;

8 (2) N-[1(2-thienyl) methyl-4-piperidyl]-N-  
9 phenylpropanamide (thenylfentanyl), its optical isomers,  
10 salts, and salts of isomers.

11 (h) Synthetic cathinones. Unless specifically excepted,  
12 any chemical compound which is not approved by the United  
13 States Food and Drug Administration or, if approved, is not  
14 dispensed or possessed in accordance with State or federal  
15 law, not including bupropion, structurally derived from  
16 2-aminopropan-1-one by substitution at the 1-position with  
17 either phenyl, naphthyl, or thiophene ring systems, whether or  
18 not the compound is further modified in one or more of the  
19 following ways:

20 (1) by substitution in the ring system to any extent  
21 with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or  
22 halide substituents, whether or not further substituted in  
23 the ring system by one or more other univalent  
24 substituents. Examples of this class include, but are not  
25 limited to, 3,4-Methylenedioxycathinone (bk-MDA);

26 (2) by substitution at the 3-position with an acyclic

1 alkyl substituent. Examples of this class include, but are  
2 not limited to, 2-methylamino-1-phenylbutan-1-one  
3 (buphedrone); or

4 (3) by substitution at the 2-amino nitrogen atom with  
5 alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by  
6 inclusion of the 2-amino nitrogen atom in a cyclic  
7 structure. Examples of this class include, but are not  
8 limited to, Dimethylcathinone, Ethcathinone, and  
9  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP); or

10 Any other synthetic cathinone which is not approved by the  
11 United States Food and Drug Administration or, if approved, is  
12 not dispensed or possessed in accordance with State or federal  
13 law.

14 (i) Synthetic cannabinoids or piperazines. Any synthetic  
15 cannabinoid or piperazine which is not approved by the United  
16 States Food and Drug Administration or, if approved, which is  
17 not dispensed or possessed in accordance with State and  
18 federal law.

19 (j) Unless specifically excepted or listed in another  
20 schedule, any chemical compound which is not approved by the  
21 United States Food and Drug Administration or, if approved, is  
22 not dispensed or possessed in accordance with State or federal  
23 law, and is derived from the following structural classes and  
24 their salts:

25 (1) Benzodiazepine class: A fused 1,4-diazepine and  
26 benzene ring structure with a phenyl connected to the



1 1,4-diazepine ring, with any substitution(s) or  
2 replacement(s) on the 1,4-diazepine or benzene ring, any  
3 substitution(s) on the phenyl ring, or any combination  
4 thereof. Examples of this class include but are not  
5 limited to: Clonazolam, Flualprazolam; or

6 (2) Thienodiazepine class: A fused 1,4-diazepine and  
7 thiophene ring structure with a phenyl connected to the  
8 1,4-diazepine ring, with any substitution(s) or  
9 replacement(s) on the 1,4-diazepine or thiophene ring, any  
10 substitution(s) on the phenyl ring, or any combination  
11 thereof. Examples of this class include but are not  
12 limited to: Etizolam.

13 (Source: P.A. 103-245, eff. 1-1-24.)

14 Section 999. Effective date. This Act takes effect upon  
15 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 140/7

5 20 ILCS 2630/5.2

6 30 ILCS 105/5.1015 new

7 30 ILCS 105/5.1016 new

8 35 ILCS 1010/1-45

9 720 ILCS 570/102 from Ch. 56 1/2, par. 1102

10 720 ILCS 570/204 from Ch. 56 1/2, par. 1204