

**102ND GENERAL ASSEMBLY**

**State of**

**Illinois 2021**

**and 2022**

INTRODUCED \_\_\_\_\_, BY

**SYNOPSIS AS INTRODUCED:**

See Index

Creates the Illinois Compassionate Use Of Natural Plants and Fungi Psilocybin Services Act. Decriminalizes the possession, use, cultivation, production, creation, analysis, giving away, and delivery of natural plants and fungi; defined as psilocybin, psilocin, ibogaine, mescaline (except from peyote), and dimethyltryptamine. Establishes the Illinois Psilocybin Advisory Board within the Department of Public Health 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 psilocybin 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 enforce 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 Illinois Liquor Control Commission, and the Department of Revenue to perform specified duties. Contains provisions concerning rulemaking; taxes; fees; zoning; labeling; and penalties. Contains a home rule preemption. Contains other provisions. Amends the Illinois Public Health Code. Amends the Illinois Controlled Substances Act. Provides that the definition of "Controlled Substance" does not include psilocybin or a psilocybin product. Amends the Tax Tribunal Act. Provides that the Tax Tribunal shall have original jurisdiction over all determinations of the Department of Revenue reflected on specified notices issued under the Illinois Psilocybin Services Act. Effective immediately.

LRB102 19186 CPF 27951 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE  
NOTE ACT  
MAY APPLY

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 Illinois ~~Psilocybin Services~~ Compassionate Use of Natural Plants and  
Fungi Act.

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

7 (1) The War on Drugs has entailed overwhelming financial and  
societal costs, and the policy behind it does not reflect a modern  
understanding of substance use nor does it accurately reflect the  
actual risks or potential therapeutic benefits of various  
substances.

8 (2) Criminalization has not deterred drug use, and has instead  
made drug use less safe. It has created an unregulated underground  
market in which difficult-to-verify dosages and the presence of  
adulterants, including fentanyl, make the illicit drug supply  
dangerous.

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

10 (4) Harm reduction tools including drug-checking kits, gas  
chromatography mass spectrometry machines, milligram scales, and  
capsules allow users to make more accurate, safer, evidence-based  
decisions about their personal use. Allowing such paraphernalia  
can increase public health and safety.

11 (5) Research is advancing to support the use of psychedelic

compounds with psychotherapy to treat mental health disorders, such as anxiety, depression, post-traumatic stress disorder and substance use disorder.

12 (6) Measure 109 in Oregon, which passed in November 2020 with a 56 percent vote of the state population, will establish a regulated psilocybin therapy system in Oregon to provide people therapeutic access to psilocybin.

13 (7) Measure 110 in Oregon, which passed in November 2020 with a 58 percent vote of the state population, decriminalized the personal possession of all drugs, and almost 20 countries around the world including Portugal, Czech Republic, and Spain have expressly or effectively decriminalized the personal use of all substances.

14 (8) The City of Oakland and the City of Santa Cruz have both passed resolutions decriminalizing and deprioritizing the enforcement of the possession, use, and propagation of psychedelic plants and fungi. Since June 2019, the Cities of Ann Arbor, Michigan; Somerville, Massachusetts; and Cambridge, Massachusetts; have all decriminalized the possession, use, and propagation of psychedelic plants and fungi at the local level. Also, in 2020, Washington, D.C., passed Initiative 81 to decriminalize and deprioritize the possession and use of psychedelic plants and fungi with 76 percent voter approval.

15 (9) To responsibly transition away from criminalization, protect people who use or may use drugs, and avoid negative environmental or cultural impacts, it is necessary to review the full legal context in which these changes to the law are made, incorporate evidence-based policy, consult with experts, and maintain open discourse based in harm reduction, reciprocity, and human rights into the process of developing alternative regulatory systems.

16 (10) This act will allow for the noncommercial, personal use and

sharing of specified controlled substances, including for the purposes of group counseling and community-based healing, or other related services.

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

18 (12) Peyote is specifically excluded from the list of substances to be decriminalized, and any cultivation, harvest, extraction, tincture or other product manufactured or derived therefrom, because of the nearly endangered status of the peyote plant and the special significance peyote holds in Native American spirituality. This does not amend or repeal Section 204 (d) (12) of the Illinois Controlled Substances Act (720 ILCS 570/Art. II), which makes it a crime in Illinois to cultivate, harvest, dry, or process any plant of the genus Lophophora, also known as Peyote, is not amended or repealed.

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

20 (14) Studies conducted by nationally and  
21 internationally recognized medical institutions indicate  
22 that psilocybin has shown efficacy, tolerability, and  
23 safety in the treatment of a variety of mental health  
24 conditions, including, but not limited to, addiction,  
25 depression, anxiety disorders, and end-of-life

26 psychological distress.

27 (15) The United States Food and Drug Administration  
28 has:

29 (A) determined that preliminary clinical evidence  
30 indicates that psilocybin may demonstrate substantial  
31 improvement over available therapies for  
32 treatment-resistant depression; and

33 (B) granted a Breakthrough Therapy designation for  
34 a treatment that uses psilocybin as a therapy for such  
35 depression.

36 (16) During a 2-year program development period, the  
1 Department should:

2 (A) examine, publish, and distribute to the public  
3 available medical, psychological, and scientific  
4 studies, research, and other information relating to  
5 the safety and efficacy of psilocybin in treating  
6 mental health conditions; and

7 (B) adopt rules and regulations for the eventual  
8 implementation of a comprehensive regulatory framework  
9 that will allow persons 18 ~~21~~ years of age and older in  
10 this State to be provided psilocybin services.

11 (17) An advisory board should be established within the  
12 Department for the purpose of advising and making  
13 recommendations to the Department.

14 Section 10. Purposes.

15 (a) The purposes of this Act are as follows:

(1) To Decriminalize the Compassionate Use Of Natural Plants  
and Fungi

16 (1) To educate the people of this State about the  
17 safety and efficacy of psilocybin in treating mental  
18 health conditions.

19 (2) To reduce the prevalence of ~~mental illness~~ behavioral  
health disorders among adults in this State, and to improve  
the physical, mental, and social well-being of all people in  
this State.

20 (3) To develop a long-term strategic plan for ensuring  
21 that psilocybin services will become and remain a safe,  
22 accessible, and affordable ~~therapeutic~~ option for all  
23 persons 18 ~~21~~ years of age and older in this State for whom  
1 psilocybin may be appropriate.

2 (4) To protect the safety, welfare, health, and peace  
3 of the people of this State by prioritizing this State's  
4 limited law enforcement resources in the most effective,  
5 consistent, and rational way.

6 (5) After a 2-year program development period, to:

7 (A) permit persons licensed, controlled, and  
8 regulated by this State to legally manufacture  
9 psilocybin products and provide psilocybin services to  
10 persons 18 ~~21~~ years of age and older, subject to the  
11 provisions of this Act; and

12 (B) establish a comprehensive regulatory framework  
13 concerning psilocybin products and psilocybin services  
14 under State law.

15 (b) The People of the State of Illinois intend that the  
16 provisions of this Act, together with other provisions of  
17 State law, will:

18 (1) prevent the distribution of psilocybin products to  
19 other persons who are not permitted to possess psilocybin  
20 products under the provisions of this Act and rules  
21 adopted under this Act, including, but not limited to,  
22 persons under 18 ~~21~~ years of age; and

23 (2) prevent the diversion of psilocybin products from  
24 this State to other states.

25

26 Section 11. Add Section to the Illinois Public Health Code.  
Exemptions From Offenses and Penalties

27 (1) Notwithstanding any other provision of law, the following  
conduct is not A violation of state law or the laws of any  
locality within the state and no conduct permitted by this section  
shall constitute an element of a state or local crime or offense  
or be the basis for investigation, detention, search, seizure,  
arrest, or other legal penalty:

28 (A) The possession, use, cultivation, production,  
creation, analysis, giving away, and delivery of psilocybin,  
psilocin, ibogaine, mescaline (except from peyote), and  
dimethyltryptamine, as those terms are defined **Section XXXX.XX,**  
and collectively defined herein as "natural plants and fungi";

29 (B) The provision of supervision, guidance, counseling,  
therapeutic or spiritual care, harm reduction, spiritual,  
counseling, and related supportive services with or without  
remuneration by natural persons eighteen (18) years of age or  
older who are engaging in the intentional and consenting use of  
natural plants and mushrooms;

30 (C) The manufacture, possession, and distribution of

paraphernalia, as define in Section XXXX.XX, designed for use in the cultivation, production, storage, analysis, or use of natural plants and fungi by a natural person eighteen (18) years of age or older; and

31 (F) The recommendation and discussion of the use of natural plants and fungi by a physician licensed to practice in Illinois.

32 (G) The possession, use, cultivation, production, creation, giving away, delivery, or administration of natural plants and fungi to natural persons eighteen (18) years of age or older for bona fide religious use by a religious organization that has been established as a faith-based corporation within the State of Illinois for at least one (1) year.

33 (2) A holder of a professional or occupational license or certification shall not be subject to professional discipline or loss of a professional license or certification solely for engaging in any activities described in this section.

34 (3) A hospital or psychiatric hospital shall not be subject to any administrative action, suspension, revocation of licensure or a certificate of need for designation any entity pursuant to Section XXXX.XX

35 (4) The manufacture, possession, and distribution of equipment, products, or materials identified in Section XXXX.XX shall be authorized within the meaning of 21 USC 863(F)

36 (5) Except as permitted by Section XXXX.XX, or otherwise permitted by state law, it shall be unlawful and grounds for dissolution for any legal entity through itself or through an agent or employee to engage in the possession, use, cultivation, production, creation, analysis, giving away, and delivery of natural plants and fungi.

37 (6) This section may not be construed to:

38 (A) Permit a person to drive or operate a motor vehicle, boat,  
vessel, aircraft, or other vehicle or device used for  
transportation under the influence of natural plants and fungi.

39 (C) Require an employer to permit or accommodate the use,  
consumption, possession, transfer, display, transportation, or  
growing or natural plants and fungi in the workplace.

40 (D) Prohibit a recipient of a federal grant or an applicant for a  
federal grant from prohibiting the use, consumption, possession,  
transfer, display, transportation, or growing natural plants and  
fungi to the extent necessary to satisfy federal requirements for  
the grant;

41 (E) Prohibit a party to a federal contract or person applying to  
be a party to a federal contract from prohibiting any act  
permitted herein to the extent necessary to comply with the terms  
and conditions of the contract or to satisfy federal requirements  
for the contract;

42 (F) Require a person to violate federal or tribal law; or,

43 (G) Exempt a person from federal law, tribal law, or obstruct the  
enforcement of a federal law.

44 (2) If any provision of this section of its application to any  
person or circumstances is held invalid, the invalidity does not  
affect other provisions or applications of this section that can  
be given effect without the invalid provision or application and  
to this end, the provisions of this section are severable.

45

570/402

47

48 Section 13 Amends Illinois Public Health Codes

49

50 Section 14 Amends CRIMINAL OFFENSES (720 ILCS 570/) Illinois  
Controlled Substances Act as cited in Section 11.

51

52 Section 15. Construction. This Act may not be construed

1 to:

2 (1) Require a government medical assistance program or

3 private health insurer to reimburse a person for costs  
4 associated with the use of psilocybin products.

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

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

9 (4) Prohibit a recipient of a federal grant or an  
10 applicant for a federal grant from prohibiting the  
11 manufacture, delivery, possession, or use of psilocybin  
12 products to the extent necessary to satisfy federal  
13 requirements for the grant.

14 (5) Prohibit a party to a federal contract or a person  
15 applying to be a party to a federal contract from prohibiting

16 the manufacture, delivery, possession, or use of psilocybin  
17 products to the extent necessary to comply with the terms and  
18 conditions of the contract or to satisfy federal requirements  
19 for the contract.

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

21 (7) Exempt a person from a federal law or obstruct the  
22 enforcement of a federal law.

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

1 Section 20. Definitions. In this Act:

2 "2-year program development period" means the period  
3 beginning on January 1, ~~2022~~ 2023 and ending no later than  
4 December 31, ~~2023~~ 2024.

5 "Administration session" means a session held ~~at a~~  
6 ~~psilocybin service center~~ under the supervision of a psilocybin  
7 service facilitator at which a client ~~purchases,~~  
8 consumes and experiences the effects of a psilocybin product  
9 under the supervision of a psilocybin service facilitator.

10 "Advisory board" or "board" means the Illinois Psilocybin  
11 Advisory Board established under Section 25.

12 "Client" means an individual who is provided a psilocybin  
13 service in this State.

14 "Department" means the Department of Public Health.

15 "Integration session" means a meeting between a client and  
16 a psilocybin service facilitator that may occur after the  
17 client completes an administration session.

"Legal entity" means a corporation, limited liability

18 company, limited partnership, or other legal entity that is  
19 registered with the office of the Secretary of State or with a  
20 comparable office of another jurisdiction.

21 "Licensee" means a person who holds a license issued under 22  
Section 85, 100, 115, or 325.

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

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

11 "Premises" includes the following areas of a location  
12 licensed under this Act:

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

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

21 (3) For a location that the Department has  
22 specifically licensed for the operation of a psilocybin  
23 service center outside of a building, that portion of the

24 location used to operate the psilocybin service center and  
25 provide a psilocybin service to a client.

26 "Premises" does not include a primary residence.

1 "Preparation session" means a meeting between a client and  
2 a psilocybin service facilitator that must occur before the  
3 client participates in an administration session.

4 "Psilocybin" means psilocybin or psilocin.

5 "Psilocybin product manufacturer" means a person who  
6 manufactures a psilocybin product in this State.

7 "Psilocybin product" means:

- 8 (1) psilocybin-producing fungi; or  
9 (2) mixtures or substances containing a detectable  
10 amount of psilocybin.

11 "Psilocybin product" does not include a psilocybin  
12 service.

13 "Psilocybin service center" means an establishment at  
14 which:

- 15 (1) an administration session is held;  
16 (2) a psilocybin product is purchased; or  
17 (3) other psilocybin services may be provided.

18 "Psilocybin service center operator" means a person who  
19 operates a psilocybin service center in this State.

20 "Psilocybin service facilitator" means an individual who  
21 facilitates the provision of a psilocybin service in this  
22 State.

23 "Psilocybin service" means a service provided to a client  
24 before, during, and after the client's consumption of a  
25 psilocybin product, including any of the following:

- 26 (1) A preparation session.  
27 (2) An administration session.

1 (3) An integration session.

2 Section 25. Illinois Psilocybin Advisory Board; members;  
3 terms; meetings; compensation.

4 (a) The Illinois Psilocybin Advisory Board is established  
5 within the Department for the purpose of advising and making  
6 recommendations to the Department. The Illinois Psilocybin  
7 Advisory Board shall consist of the following members:

8 (1) The members appointed by the Governor as specified  
9 under subsection (b).

10 (2) The Director of Public Health or the Director's  
11 designee.

12 (3) A designee of the State Board of Health Policy.

13 (b) The Governor shall appoint the following individuals  
14 to the advisory board:

15 (1) Any 4 of the following:

16 (A) A State employee who has technical expertise  
17 in the field of public health.

18 (B) A local health officer.

19 (C) An individual who is a member of or who  
20 represents a federally recognized Indian tribe in this  
21 State.

22 (D) An individual who is a member of or who  
23 represents an advisory body regarding addiction and  
24 mental health planning within the Department or the  
25 Department of Human Services.

1 (E) An individual who is a member of or who  
2 represents a body regarding health equity policy  
3 within the Department or the Department of Human  
4 Services.

5 (F) An individual who is a member of or who  
6 represents a body regarding palliative care and  
7 quality of life within the Department or the  
8 Department of Human Services.

9 (G) An individual who represents individuals who  
10 provide public health services directly to the public.

11 (2) A psychologist licensed to practice in Illinois  
12 who has professional experience engaging in the diagnosis  
13 or treatment of a mental, emotional, or behavioral  
14 condition.

1 (3) A psychiatrist licensed to practice in Illinois  
2 who has professional experience engaging in the diagnosis  
3 or treatment of a mental, emotional, or behavioral  
4 condition.

5 (4) A therapist licensed to practice in Illinois  
6 who has professional experience engaging in the diagnosis  
7 or treatment of a mental, emotional, or behavioral condition.

15 (5) A physician licensed to practice in Illinois who  
16 holds a degree of Doctor of Medicine.

17 (6) A naturopathic physician.

18 (7) An expert in the field of public health who has a  
19 background in academia.

20 (8) Any 3 of the following:

21 (A) A person who has professional experience

22 conducting scientific research regarding the use of  
23 psychedelic compounds in clinical therapy.

24 (B) A person who has experience in the field of  
25 mycology.

26 (C) A person who has experience in the field of  
1 ethnobotany.

2 (D) A person who has experience in the field of  
3 psychopharmacology.

4 (E) A person who has experience in the field of  
5 psilocybin harm reduction.

6 (9) A person representing the Illinois Liquor Control  
7 Commission, a person who has experience working with a  
8 system developed and maintained by a State body under the  
9 Cannabis Regulation and Tax Act for tracking the transfer  
10 of cannabis or cannabis products, or a person who is both.

11 (10) A person representing the Office of the Attorney  
12 General.

13 (11) The following:

14 (A) During the 2-year program development period:

15 (i) one of the chief petitioners of this Act;

16 and

17 (ii) one or 2 at-large members.

18 (B) After the 2-year program development period,

19 one, 2, or 3 at-large members.

20 (c) The term of office for an advisory board member  
21 appointed under this Section is 4 years, but a member serves at  
22 the pleasure of the Governor. Before the expiration of the  
23 term of a member, the Governor shall appoint a successor whose

24 term begins on January 1 of the next following calendar year. A  
25 member is eligible for reappointment. If there is a vacancy  
26 for any cause, the Governor shall make an appointment to  
1 become immediately effective for the unexpired term.

2 (d) Members of the advisory board described in paragraphs  
3 (2) and (3) of subsection (a) are nonvoting ex officio members  
4 of the board.

5 (e) A majority of the voting members of the board  
6 constitutes a quorum for the transaction of business.

7 (f) Official action by the board requires the approval of  
8 a majority of the voting members of the board.

9 (g) The board shall elect one of its voting members to  
10 serve as chairperson.

11 (h) During the 2-year program development period, the  
12 board shall meet at least once every 2 calendar months at a  
13 time and place determined by the chairperson or a majority of  
14 the voting members of the board. After the 2-year program  
15 development period, the board shall meet at least once every  
16 calendar quarter at a time and place determined by the  
17 chairperson or a majority of the voting members of the board.  
18 The board may also meet at other times and places specified by  
19 the call of the chairperson or of a majority of the voting  
20 members of the board.

21 (i) The board may adopt rules necessary for the operation  
22 of the board.

23 (j) The board may establish committees or subcommittees  
24 necessary for the operation of the board.

25 (k) Members of the board are entitled to compensation and

26 expenses.

1 Section 30. Duties of the Illinois Psilocybin Advisory  
2 Board. The Illinois Psilocybin Advisory Board shall perform  
3 the following duties:

4 (1) Provide advice to the Department with respect to  
5 the administration of this Act.

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

13 (3) Study and review Oregon Psilocybin Services Act (Measure 109)  
and relevant legislative initiatives in other states in an effort  
to determine successes and pitfalls that may be applied to the  
rulemaking process in Illinois.

14 (4) To review scientific and cultural literature regarding the  
other substances listed in Section 11 of this Act and make  
recommendations to the department for what may be included in this  
or similar regulatory framework to avoid an unregulated de facto  
market for other natural plants and fungi.

15 (5) Make recommendations to the Department on the  
16 requirements, specifications, and guidelines for providing  
17 psilocybin services to a client, including the following:

18 (A) The requirements, specifications, and  
19 guidelines for holding and verifying the completion of

20 a preparation session, an administration session, and  
21 an integration session.

22 (B) The contents of the client information form  
23 that a client must complete and sign before the client  
24 participates in an administration session, giving  
25 particular consideration to the following:

26 (i) The information that should be solicited  
27 from the client to determine whether the client  
1 should participate in the administration session,  
2 including information that may identify risk  
3 factors and contraindications.

4 (ii) The information that should be solicited  
5 from the client to assist the psilocybin service  
6 center operator and the psilocybin service  
7 facilitator in meeting any public health and  
8 safety standards and industry best practices  
9 during the administration session.

10 (iii) The health and safety warnings and other  
11 disclosures that should be made to the client  
12 before the client participates in the  
13 administration session.

14 (6) Make recommendations to the Department on public  
15 health and safety standards and industry best practices  
16 for each type of licensee under this Act.

17 (7) Make recommendations to the Department on the  
18 formulation of a code of professional conduct for  
19 psilocybin service facilitators, giving particular  
20 consideration to a code of ethics, cultural responsibility, and  
outline a clear process for reporting complaints of unethical

conduct by facilitators or service center employees.

21 (8) Make recommendations to the Department on the  
22 education and training that psilocybin service  
23 facilitators must complete, giving particular  
24 consideration to the following and including whether such  
25 education and training should be available through online  
26 resources:

1 (A) Facilitation skills that are affirming,  
2 nonjudgmental, ~~and~~ nondirective, trauma informed, and rooted  
in informed consent.

3 (B) Support skills for clients during an  
4 administration session, including specialized skills  
5 for the following:

6 (i) Client safety.

7 (ii) Clients who may have a mental health  
8 condition.

9 (iii) Appropriate boundaries, heightened transference in  
10 expanded states of consciousness, and special precautions  
11 related to the use of touch in psilocybin sessions

12 (iv) Crisis assessment and appropriate referral for those  
13 who need ongoing support if challenging mental health  
14 issues emerge in psilocybin sessions

15 (C) The environment in which psilocybin services  
16 should occur.

(D) Social and cultural considerations.

(7) Make recommendations to the Department on the  
examinations that psilocybin service facilitators must  
pass.

(8) Make recommendations to the Department on public  
health and safety standards and industry best practices

17 for holding and completing an administration session,  
18 including the following:

19 (A) ~~Whether~~ Best practices surrounding group  
administration ~~sessions should be available.~~

20 (B) ~~Whether~~ How clients can safely ~~should be able to~~  
access common or outside areas on the  
premises ~~of the psilocybin service center~~ at which the  
administration session is held.

21 (C) The circumstances under which an  
22 administration session is considered complete.

1 (D) The transportation needs of the client after  
2 the completion of the administration session.

3 (9) Develop a long-term strategic plan for ensuring  
4 that psilocybin services will become and remain a safe,  
5 accessible, and affordable therapeutic option for all  
6 persons 21 years of age and older in this State for whom  
7 psilocybin may be appropriate.

8 (10) Monitor and study federal laws, regulations, and  
9 policies regarding psilocybin.

10 (11) Attempt to meet with the Offices of the several  
11 United States Attorneys in Illinois to discuss this Act  
12 and potential federal enforcement policies regarding  
13 psilocybin in Illinois after the expiration of the 2-year  
14 program development period.

15 Section 35. Department of Public Health's general powers  
16 and duties; rules.

17 (a) The Department has the duties, functions, and powers  
18 specified in this Act and the powers necessary or proper to  
19 enable the Department to carry out the Department's duties,  
20 functions, and powers under this Act. The jurisdiction,  
21 supervision, duties, functions, and powers of the Department  
22 extend to any person who produces, processes, transports,  
23 delivers, sells, or purchases a psilocybin product in this  
24 State or who provides a psilocybin service in this State. The  
25 Department may sue and be sued.

1           (b) The duties, functions, and powers of the Department  
2 specified in this Act include the following:

3           (1) To examine, publish, and distribute to the public  
4 available medical, psychological, and scientific studies,  
5 research, and other information relating to the safety and  
6 efficacy of psilocybin in treating mental health  
7 conditions, including, but not limited to, addiction,  
8 depression, anxiety disorders, and end-of-life  
9 psychological distress.

10           (2) After the 2-year program development period, the  
11 following:

12           (A) To regulate the manufacturing, transportation,  
13 delivery, sale, and purchase of psilocybin products  
14 and the provision of psilocybin services in this State  
15 in accordance with the provisions of this Act.

16           (B) To issue, renew, suspend, revoke, or refuse to  
17 issue or renew licenses for the manufacturing or sale  
18 of psilocybin products, the provision of psilocybin  
19 services, or other licenses related to the consumption  
20 of psilocybin products and to permit, in the  
21 Department's discretion, the transfer of a license  
22 between persons.

23           (C) To regulate the use of psilocybin products and  
24 psilocybin services for other purposes as deemed  
25 necessary or appropriate by the Department.

26           (3) To adopt, amend, or repeal rules as necessary to

1 carry out the intent and provisions of this Act, including  
2 rules that the Department considers necessary to protect  
3 the public health and safety.

4 (4) To exercise all powers incidental, convenient, or  
5 necessary to enable the Department to administer or carry  
6 out the provisions of this Act or any other law of this  
7 State that charges the Department with a duty, function,  
8 or power related to psilocybin products or psilocybin  
9 services. Powers described in this paragraph include, but  
10 are not limited to, the following:

11 (A) Issuing subpoenas.

12 (B) Compelling the attendance of witnesses.

13 (C) Administering oaths.

14 (D) Certifying official acts.

15 (E) Taking depositions as provided by law.

16 (F) Compelling the production of books, payrolls,  
17 accounts, papers, records, documents, or testimony.

18 (G) Establishing fees in addition to the  
19 application, licensing, and renewal fees described in  
20 Sections 85, 100, 115, and 325 of this Act, provided  
21 that any fee established by the Department is  
22 reasonably calculated to not exceed the cost of the  
23 activity for which the fee is charged.

24 (5) To adopt rules prohibiting advertising psilocybin  
25 products to the public.

26 (6) To adopt rules regulating and prohibiting

1 advertising psilocybin services in a manner consistent  
2 with the following:

3 (A) That is appealing to minors.

4 (B) That promotes excessive use.

5 (C) That promotes illegal activity.

6 (D) That violates the code of professional conduct  
7 for psilocybin service facilitators formulated by the  
8 Department.

9 (E) That otherwise presents a significant risk to  
10 public health and safety.

11 (c) The Department may not require that a psilocybin  
12 product be manufactured by means of chemical synthesis.

13 (d) The Department may not require a client to be  
14 diagnosed with or have any particular medical condition as a  
15 condition to being provided psilocybin services.

16 (e) Fees collected pursuant to this Section shall be  
17 deposited into the Psilocybin Control and Regulation Fund  
18 established under Section 205.

19 Section 40. Authority to purchase, possess, seize, or  
20 transfer to a licensee or dispose of psilocybin products.  
21 Subject to any applicable provision of Illinois law, the  
22 Department may purchase, possess, seize, transfer to a  
23 licensee, or dispose of psilocybin products as is necessary  
24 for the Department to ensure compliance with and enforce the  
25 provisions of this Act and any rule adopted under this Act.

1 Section 45. 2-year program development period; dates.

2 (a) Unless the General Assembly provides otherwise, the  
3 Department may not issue any licenses under this Act during  
4 the 2-year program development period.

5 (b) On or before February 28, ~~2022~~ 2023, the Governor shall  
6 appoint the individuals specified in subsection (b) of Section  
7 25 to the advisory board.

8 (c) On or before March 31, ~~2022~~ 2023, the advisory board shall  
9 hold its first meeting at a time and place specified by the  
10 Governor.

11 (d) On or before June 30, ~~2022~~ 2023, and from time to time after  
12 that date, the advisory board shall submit its findings and  
13 recommendations to the Department on available medical,  
14 psychological, and scientific studies, research, and other  
15 information relating to the safety and efficacy of psilocybin  
16 in treating mental health conditions, including, but not  
17 limited to, addiction, depression, anxiety disorders, and  
18 end-of-life psychological distress.

19 (e) On or before June 30, ~~2023~~ 2024, the advisory board shall  
20 submit its findings and recommendations concerning the  
21 following to the Department:

22 (1) Rules and regulations for the implementation of  
23 this Act.

24 (2) A long-term strategic plan for ensuring that  
25 psilocybin services will become and remain a safe,

1 accessible, and affordable therapeutic option for all  
2 persons 18 ~~21~~ years of age and older in this State for whom  
3 psilocybin may be appropriate.

4 (3) With respect to federal laws, regulations, and  
5 policies regarding psilocybin.

6 (f) On or before July 31, ~~2022~~ 2023, and from time to time after  
7 that date, the Department shall publish and distribute to the  
8 public available medical, psychological, and scientific  
9 studies, research, and other information relating to the  
10 safety and efficacy of psilocybin in treating mental health  
11 conditions, including, but not limited to, addiction,  
12 depression, anxiety disorders, and end-of-life psychological  
13 distress.

14 (g) On or before December 31, ~~2023~~ 2024, the Department shall  
15 prescribe forms and adopt such rules as the Department deems  
16 necessary for the implementation of this Act.

17 Section 50. Licensing.

18 (a) On or before January 2, ~~2023~~ 2024, the Department shall  
19 begin receiving applications for the licensing of persons to  
20 perform the following:

- 21 (1) Manufacture psilocybin products.
- 22 (2) Operate a psilocybin service center.
- 23 (3) Facilitate psilocybin services.
- 24 (4) Test psilocybin products.

25 (b) Except as provided in subsection (c), an applicant for

1 a license or renewal of a license issued under this Act shall  
2 apply to the Department in the form required by the Department  
3 by rule, showing the name and address of the applicant, the  
4 location of the premises that is to be operated under the  
5 license, and other pertinent information required by the  
6 Department. The Department may not issue or renew a license  
7 until the applicant has complied with the provisions of this  
8 Act and rules adopted under this Act.

9 (c) The Department may reject any application that is not  
10 submitted in the form required by the Department by rule. The  
11 Department shall give applicants an opportunity to be heard if  
12 an application is rejected. A hearing under this subsection is  
13 not subject to the requirements for contested case proceedings  
14 under applicable Illinois law.

15 (d) Except as provided in subsection (c), a revocation of  
16 or a refusal to issue or renew a license issued under this Act  
17 is subject to the requirements for contested case proceedings  
18 under applicable Illinois law.

19 (e) An applicant for a facilitator license or renewal of a  
20 facilitator license issued under Section 115 need not show the  
21 location of any premises.

22 (f) The Department may not license an applicant under the  
23 provisions of this Act if the applicant is under 21 years of  
24 age.

25 (g) The Department may refuse to issue a license or may  
26 issue a restricted license to an applicant under the

1 provisions of this Act if the Department makes a finding that  
2 the applicant meets any of the following conditions:

3 (1) Has not completed any education or training  
4 required by the provisions of this Act or rules adopted  
5 under this Act.

6 (2) Has not passed any examination required by the  
7 provisions of this Act or rules adopted under this Act.

8 (3) Is in the habit of using alcoholic beverages,  
9 habit-forming drugs, or controlled substances to excess.

10 (4) Has made false statements to the Department.

11 (5) Is incompetent or physically unable to carry on  
12 the management of the establishment proposed to be  
13 licensed.

14 (6) Has been convicted of violating a federal law,  
15 State law, or local ordinance if the conviction is  
16 substantially related to the fitness and ability of the  
17 applicant to lawfully carry out activities under the  
18 license.

19 (7) Is not of good repute and moral character.

20 (8) Does not have a good record of compliance with  
21 this Act or any rule adopted under this Act.

22 (9) Is not the legitimate owner of the premises  
23 proposed to be licensed or has not disclosed that any  
24 other person has an ownership interest in the premises  
25 proposed to be licensed.

26 (10) Has not demonstrated financial responsibility

1 sufficient to adequately meet the requirements of the  
2 premises proposed to be licensed.

3 (11) Is unable to understand the laws of this State  
4 relating to psilocybin products, psilocybin services, or  
5 the rules adopted under this Act.

6 (h) Notwithstanding paragraph (6) of subsection (g), in  
7 determining whether to issue a license or a restricted license  
8 to an applicant, the Department may not consider the prior  
9 conviction of the applicant or any owner, director, officer,  
10 manager, employee, agent, or other representative of the  
11 applicant for the following:

12 (1) The manufacture of psilocybin or the manufacture  
13 of cannabis, as defined under Section 1-10 of the Cannabis  
14 Regulation and Tax Act, or cannabis product if any of the  
15 following apply:

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

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

20 (2) The possession of a controlled substance, as  
21 defined in the Illinois Controlled Substances Act, if any  
22 of the 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 possession of a controlled substance.

1           Section 55. Authority to require fingerprints of  
2 applicants and other individuals. For the purpose of  
3 requesting a State or nationwide criminal records check, the  
4 Department may require the fingerprints of any individual  
5 listed on an application submitted under Section 50. The  
6 powers conferred on the Department under this Section include  
7 the power to require the fingerprints of the following  
8 persons:

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

11           (2) If the applicant is a manager-managed limited  
12 liability company, each manager of the limited liability  
13 company.

14           (3) If the applicant is a member-managed limited  
15 liability company, each voting member of the limited  
16 liability company.

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

19           (5) Any individual who holds a financial interest of  
20 10% or more in the person applying for the license.

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

23           (1) A personal privilege.

24           (2) Renewable in the manner provided under Section 50,

1           except for a cause that would be grounds for refusal to  
2           issue the license under Section 50.

3           (3) Subject to revocation or suspension as provided in  
4           Section 185.

5           (4) Except for a license issued to a psilocybin  
6           service facilitator under Section 115, transferable from  
7           the premises for which the license was originally issued  
8           to another premises subject to the provisions of this Act,  
9           applicable rules adopted under this Act, and applicable  
10          local ordinances.

11          (5) If the license was issued to an individual,  
12          expires upon the death of the licensee, except as provided  
13          under subsection (q) of Section 165.

14          (6) Does not constitute property.

15          (7) Not alienable.

16          (8) Not subject to attachment or execution.

17          (9) Does not descend by the laws of testate or  
18          intestate devolution.

19          Section 65. Duties of the Department with respect to  
20          issuing licenses.

21          (a) The Department shall approve or deny an application to  
22          be licensed under this Act. Upon receiving an application  
23          under Section 50, the Department may not unreasonably delay  
24          processing, approving, or denying the application or, if the  
25          application is approved, issuing the license.

1           (b) The licenses described in this Act must be issued by  
2 the Department, subject to the provisions of this Act and  
3 rules adopted under this Act.

4           (c) The Department may not license premises that do not  
5 have defined boundaries. Premises do not need to be enclosed  
6 by a wall, fence, or other structure, but the Department may  
7 require premises to be enclosed as a condition of issuing or  
8 renewing a license. The Department may not license mobile  
9 premises.

10           Section 70. Duty to request land use compatibility  
11 statement.

12           (a) Prior to receiving a license under Section 85 or 100,  
13 an applicant shall request a land use compatibility statement  
14 from the city or county that authorizes the land use. The land  
15 use compatibility statement must demonstrate that the  
16 requested license is for a land use that is allowable as a  
17 permitted or conditional use within the given zoning  
18 designation where the land is located. The Department may not  
19 issue a license if the land use compatibility statement shows  
20 that the proposed land use is prohibited in the applicable  
21 zone.

22           (b) Except as otherwise provided in this Section, a city  
23 or county that receives a request for a land use compatibility  
24 statement under this Section must act on that request within  
25 21 days after either of the following:

1           (1) Receipt of the request, if the land use is  
2           allowable as an outright permitted use.

3           (2) Final local permit approval, if the land use is  
4           allowable as a conditional use.

5           A city or county that receives a request for a land use  
6           compatibility statement under this Section is not required to  
7           act on that request during the period that the Department  
8           discontinues licensing those premises pursuant to subsection  
9           (d) of Section 480.

10          Section 75. Lawful manufacture, delivery, and possession  
11          of psilocybin products. A licensee or licensee representative  
12          may manufacture, deliver, or possess a psilocybin product  
13          subject to the provisions of this Act and rules adopted under  
14          this Act. The manufacture, delivery, or possession of a  
15          psilocybin product by a licensee or a licensee representative  
16          in compliance with this Act and rules adopted under this Act  
17          does not constitute a criminal or civil offense under the laws  
18          of this State.

19          Section 80. Restriction on financial interests in multiple  
20          licensees.

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

23                 (1) More than one psilocybin product manufacturer.

24                 (2) More than 5 psilocybin service center operators.

1           (b) Subject to subsection (a), a person may hold multiple  
2 service center operator licenses under Section 100 and may  
3 hold both a manufacturer license under Section 85 and a  
4 service center operator license under Section 100 at the same  
5 or different premises.

6           Section 85. License to manufacture psilocybin products.

7           (a) The manufacture of psilocybin products is subject to  
8 regulation by the Department.

9           (b) A psilocybin product manufacturer must have a  
10 manufacturer license issued by the Department for the premises  
11 at which the psilocybin products are manufactured. To hold a  
12 manufacturer license issued under this Section, a psilocybin  
13 product manufacturer must comply with the following:

14           (1) Apply for a license in the manner described in  
15 Section 50.

16           (2) Provide proof that the applicant is 18 ~~21~~ years of  
17 age or older.

18           (3) Until January 1, 2026 comply with the following:

19           (A) If the direct owner of the business operating  
20 or to be operated under the license is a legal entity,  
21 provide proof that more than 50% of the shares,  
22 membership interests, partnership interests, or other  
23 ownership interests of the legal entity are held,  
24 directly or indirectly, by one or more individuals who  
25 have been residents of this State for 2 or more years.

1 (B) If the direct owner of the business operating  
2 or to be operated under the license is a partnership  
3 that is not a legal entity, provide proof that more  
4 than 50% of the partnership interests of the  
5 partnership are held, directly or indirectly, by one  
6 or more individuals who have been residents of this  
7 State for 2 or more years.

8 (C) If the direct owner of the business operating  
9 or to be operated under the license is an individual,  
10 provide proof that the individual has been a resident  
11 of this State for 2 or more years.

12 (4) Meet the requirements of any rule adopted by the  
13 Department under subsections (c) and (d).

14 (c) If the applicant is not the owner of the premises at  
15 which the psilocybin is to be manufactured, the applicant  
16 shall submit to the Department signed informed consent from  
17 the owner of the premises to manufacture psilocybin at the  
18 premises. The Department may adopt rules regarding the  
19 informed consent described in this subsection.

20 (d) The Department shall adopt rules that comply with the  
21 following:

22 (1) Require a psilocybin product manufacturer to  
23 annually renew a license issued under this Section.

24 (2) Establish application, licensure, and renewal of  
25 licensure fees for psilocybin product manufacturers.

26 (3) Require psilocybin products manufactured by

1 psilocybin product manufacturers to be tested in  
2 accordance with Section 320.

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 established under  
7 Section 205.

8 Section 90. Psilocybin product manufacturers;  
9 endorsements.

10 (a) The Department shall adopt rules that designate  
11 different types of manufacturing activities. A psilocybin  
12 product manufacturer may only engage in a type of  
13 manufacturing activity if the psilocybin product manufacturer  
14 has received an endorsement from the Department for that type  
15 of manufacturing activity.

16 (b) An applicant must request an endorsement upon  
17 submission of an initial application but may also request an  
18 endorsement at any time following licensure.

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

22 (d) A psilocybin product manufacturer licensee may hold  
23 multiple endorsements.

24 (e) The Department may deny a psilocybin product  
25 manufacturer's request for an endorsement or revoke an

1 existing endorsement if the psilocybin product manufacturer  
2 cannot or does not meet the requirements for the endorsement  
3 that is requested. If the Department denies or revokes  
4 approval, the psilocybin product manufacturer has a right to a  
5 hearing under relevant procedures specified in the Illinois  
6 Administrative Procedure Act.

7 Section 95. Psilocybin product quantities; rules. The  
8 Department shall adopt rules restricting the quantities of  
9 psilocybin products at premises for which a license has been  
10 issued under Section 85. In adopting rules under this Section,  
11 the Department shall take into consideration the demand for  
12 psilocybin services in this State, the number of psilocybin  
13 product manufacturers applying for a license under Section 85,  
14 the number of psilocybin product manufacturers that hold a  
15 license issued under Section 85, and whether the availability  
16 of psilocybin products in this State is commensurate with the  
17 demand for psilocybin services.

18 Section 100. License to operate psilocybin service center.

19 (a) The operation of a psilocybin service center is  
20 subject to regulation by the Department.

21 (b) Psilocybin service centers are to be regulated under  
22 the provisions of this Act and not the provisions of any other  
23 Act.

24 (c) A psilocybin service center operator must have a

1 service center operator license issued by the Department for  
2 the premises at which psilocybin services are provided. To  
3 hold a service center operator license under this Section, a  
4 psilocybin service center operator must comply with the  
5 following:

6 (1) Apply for a license in the manner described in  
7 Section 50.

8 (2) Provide proof that the applicant is 21 years of  
9 age or older.

10 (3) Until January 1, 2026, comply with the following:

11 (A) If the direct owner of the business operating  
12 or to be operated under the license is a legal entity,  
13 provide proof that more than 50% of the shares,  
14 membership interests, partnership interests, or other  
15 ownership interests of the legal entity are held,  
16 directly or indirectly, by one or more individuals who  
17 have been residents of this State for 2 or more years.

18 (B) If the direct owner of the business operating  
19 or to be operated under the license is a partnership  
20 that is not a legal entity, provide proof that more  
21 than 50% of the partnership interests of the  
22 partnership are held, directly or indirectly, by one  
23 or more individuals who have been residents of this  
24 State for 2 or more years.

25 (C) If the direct owner of the business operating  
26 or to be operated under the license is an individual,

1 provide proof that the individual has been a resident  
2 of this State for 2 or more years.

3 (4) Must ensure that the psilocybin service center is  
4 located in an area that is not within the limits of an  
5 ~~incorporated city or town or~~ area zoned exclusively for  
6 residential use.

7 (5) Except as provided in Section 105, must ensure  
8 that the psilocybin service center is not located within  
9 1,000 feet of a public, private, or parochial school.

10 (6) Must meet the requirements of any rule adopted by  
11 the Department under paragraph (7).

12 (7) The Department shall adopt rules that comply with  
13 the following:

14 (A) Require a psilocybin service center operator  
15 to annually renew a license issued under this Section.

16 (B) Establish application, licensure, and renewal  
17 of licensure fees for psilocybin service center  
18 operators.

19 (C) Require psilocybin products sold by a  
20 psilocybin service center operator to be tested in  
21 accordance with Section 320.

22 (D) Require a psilocybin service center operator  
23 to meet any public health and safety standards and  
24 industry best practices established by the Department  
25 by rule.

26 (8) Fees adopted under subparagraph (B) of paragraph

1 (7) may not exceed, together with other fees collected  
2 under this Act, the cost of administering this Act and  
3 shall be deposited into the Psilocybin Control and  
4 Regulation Fund established under Section 205.

5 Section 105. Proximity of psilocybin service center to  
6 schools. Notwithstanding paragraph (5) of subsection (c) of  
7 Section 100, a psilocybin service center may be located within  
8 1,000 feet of a school if either of the following apply:

9 (1) The psilocybin service center is not located  
10 within 500 feet of:

11 (A) a public elementary or secondary school for  
12 which attendance is compulsory under applicable  
13 provisions of the School Code; or

14 (B) a private or parochial elementary or secondary  
15 school.

16 (2) The Department determines that there is a physical  
17 or geographic barrier capable of preventing children from  
18 traversing to the premises of the psilocybin service  
19 center.

20 Section 110. Establishment of schools after issuance of  
21 license.

22 (a) If a school described under paragraph (5) of  
23 subsection (c) of Section 100 that has not previously been  
24 attended by children is established within 1,000 feet of

1 premises for which a license has been issued under Section  
2 100, the psilocybin service center operator located at that  
3 premises may remain at that location unless the Department  
4 revokes the license of the psilocybin service center operator  
5 under Section 180.

6 (b) The Department may adopt rules establishing the  
7 circumstances under which the Department may require a  
8 psilocybin service center operator that holds a license issued  
9 under Section 100 to use an age verification scanner or any  
10 other equipment used to verify a person's age for the purpose  
11 of ensuring that the psilocybin service center operator does  
12 not sell psilocybin products to a person under 18 ~~21~~ years of age.  
13 Information obtained under this subsection may not be retained  
14 after verifying a person's age and may not be used for any  
15 purpose other than verifying a person's age.

16 Section 115. License to facilitate psilocybin services.

17 (a) The facilitation of psilocybin services is subject to  
18 regulation by the Department.

19 (b) A psilocybin service facilitator must have a  
20 facilitator license issued by the Department. To hold a  
21 facilitator license issued under this Section, a psilocybin  
22 service facilitator comply with the following:

23 (1) Apply for a license in the manner described in  
24 Section 50.

25 (2) Provide proof that the applicant is 21 years of

1 age or older.

2 (3) Until January 1, 2026, provide proof that the  
3 applicant has been a resident of this State for 2 or more  
4 years.

5 (4) Have a high school diploma or equivalent  
6 education.

7 (5) Submit evidence of completion of education and  
8 training prescribed and approved by the Department.

9 (6) Have passed an examination approved, administered,  
10 or recognized by the Department.

11 (7) Meet the requirements of any rule adopted by the  
12 Department under subsection (d).

13 (c) The Department may not require a psilocybin service  
14 facilitator to have a degree from a university, college,  
15 postsecondary institution, or other institution of higher  
16 education.

17 (d) The Department shall adopt rules that comply with the  
18 following:

19 (1) Require a psilocybin service facilitator to  
20 annually renew a license issued under this Section.

21 (2) Establish application, licensure, and renewal of  
22 licensure fees for psilocybin service facilitators.

23 (3) Require a psilocybin service facilitator to meet  
24 any public health and safety standards and industry best  
25 practices established by the Department by rule.

26 (e) Fees adopted under paragraph (2) of subsection (d) may

1 not exceed, together with other fees collected under this Act,  
2 the cost of administering this Act and shall be deposited into  
3 the Psilocybin Control and Regulation Fund established under  
4 Section 205.

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

9 (g) A license issued to a psilocybin service facilitator  
10 under this Section is not limited to any one or more premises.

11 Section 120. License examinations; rules. The Department  
12 shall offer an examination for applicants for licenses to  
13 facilitate psilocybin services at least twice a year. An  
14 applicant who fails any part of the examination may retake the  
15 failed section in accordance with rules adopted by the  
16 Department.

17 Section 125. Age verification. The Department may adopt  
18 rules establishing the circumstances under which the  
19 Department may require a psilocybin service facilitator that  
20 holds a license issued under Section 115 to use an age  
21 verification scanner or any other equipment used to verify a  
22 person's age for the purpose of ensuring that the psilocybin  
23 service facilitator does not provide psilocybin services to a  
24 person under 18 ~~21~~ years of age. Information obtained under this

1 Section may not be retained after verifying a person's age and  
2 may not be used for any purpose other than verifying a person's  
3 age.

4 Section 130. Psilocybin services. The Department shall  
5 adopt by rule the requirements, specifications, and guidelines  
6 for the following:

7 (1) Providing psilocybin services to a client.

8 (2) Holding and verifying the completion of a  
9 preparation session.

10 (3) Having a client complete, sign, and deliver a  
11 client information form to a psilocybin service center  
12 operator and a psilocybin service facilitator.

13 (4) Holding and verifying the completion of an  
14 administration session.

15 (5) Holding and verifying the completion of an  
16 integration session.

17 Section 135. Preparation session.

18 (a) Before a client participates in an administration  
19 session, the client must attend a preparation session with a  
20 psilocybin service facilitator.

21 (b) A preparation session may be, but need not be, held at  
22 a psilocybin service center.

23 (c) If a preparation session is completed in accordance  
24 with all applicable requirements, specifications, and

1 guidelines, as determined by the Department, the psilocybin  
2 service facilitator must certify, in a form and manner  
3 prescribed by the Department, that the client completed the  
4 preparation session.

5 Section 140. Client information form.

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

8 (1) The client must complete and sign a client  
9 information form in a form and manner prescribed by the  
10 Department.

11 (2) A copy of the completed and signed client  
12 information form must be delivered to the psilocybin  
13 service center operator that operates the psilocybin  
14 service center at which the administration session is to  
15 be held and to the psilocybin service facilitator that  
16 will supervise the administration session.

17 (b) The client information form must comply with the  
18 following:

19 (1) Solicit from the client such information as may be  
20 necessary (i) to enable a psilocybin service center  
21 operator and a psilocybin service facilitator to determine  
22 whether the client should participate in an administration  
23 session, including information that may identify risk  
24 factors and contraindications, and (ii) if so, to assist  
25 the psilocybin service center operator and the psilocybin

1 service facilitator in meeting any public health and  
2 safety standards and industry best practices during the  
3 administration session.

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

6 Section 145. Administration session.

7 (a) After a client completes a preparation session and  
8 completes and signs a client information form, the client may  
9 participate in an administration session.

10 (b) An administration session may, but need not be, ~~must be~~ held  
at a psilocybin service center.

11 (c) An Administration session must be held under the supervision  
of a licensed psilocybin facilitator.

12 (d) If an administration session is completed in  
13 accordance with all applicable requirements, specifications,  
14 and guidelines, as determined by the Department, the  
15 psilocybin service facilitator must certify, in a form and  
16 manner prescribed by the Department, that the client completed  
17 the administration session.

18 Section 150. Integration session.

19 (a) After a client completes an administration session,  
20 the psilocybin service facilitator who supervised the  
21 administration session must offer the client an opportunity to  
22 participate in an integration session. The client may, but  
23 need not, participate in an integration session.

24           (b) An integration session may be, but need not be, held at  
1 a psilocybin service center.

2           (c) If an integration session is completed in accordance  
3 with all applicable requirements, specifications, and  
4 guidelines, as determined by the Department, the psilocybin  
5 service facilitator must certify, in a form and manner  
6 prescribed by the Department, that the client completed the  
7 integration session.

8           Section 155. Reliance on client information form.

9           (a) If a client information form is offered as evidence in  
10 any administrative or criminal prosecution of a licensee or  
11 licensee representative for sale or service of a psilocybin  
12 product to a client, the licensee or licensee representative  
13 is not guilty of any offense prohibiting a person from selling  
14 or serving a psilocybin product to a client unless it is  
15 demonstrated that a reasonable person would have determined  
16 that the responses provided by the client on the client  
17 information form were incorrect or altered.

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

22           (1) a reasonable person would have determined that one  
23 or more of the statements, declarations, or  
24 representations made by the client in the client  
25 information form were incorrect or altered; or

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

4           (c) Except as provided in subsection (b), no licensee or  
5           licensee representative shall incur legal liability by virtue  
6           of any untrue statement, declaration, or representation so  
7           relied upon in good faith by the licensee or licensee  
8           representative.

9           Section 160. Refusal to provide psilocybin services to a  
10          client.

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

14          (b) Except as provided in subsection (c), and subject to  
15          applicable State law, a licensee or licensee representative  
16          may cease providing psilocybin services to a client for any or  
17          no reason.

18          (c) A psilocybin service center operator and a psilocybin  
19          service facilitator may not cease providing psilocybin  
20          services to a client during an administration session after  
21          the client has consumed a psilocybin product, except as  
22          authorized by the Department by rule or as necessary in an  
23          emergency.

24          Section 165. Department powers and duties relating to

1 psilocybin service facilitators.

2 (a) The Department shall perform the following:

3 (1) Determine the qualifications, training, education,  
4 and fitness of applicants for licenses to facilitate  
5 psilocybin services, giving particular consideration to  
6 the following:

7 (A) Facilitation skills that are affirming,  
8 nonjudgmental, and nondirective.

9 (B) Support skills for clients during an  
10 administration session, including specialized skills  
11 for the following:

12 (i) Client safety.

13 (ii) Clients who may have a mental health  
14 condition.

15 (C) The environment in which psilocybin services  
16 should occur.

17 (D) Social and cultural considerations.

18 (2) Formulate a code of professional conduct for  
19 psilocybin service facilitators, giving particular  
20 consideration to a code of ethics.

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

24 (4) Select licensing examinations for licenses to  
25 facilitate psilocybin services.

26 (5) Provide for waivers of examinations, as

1           appropriate.

2           (6) Appoint representatives to conduct or supervise  
3           examinations of applicants for licenses to facilitate  
4           psilocybin services.

5           (b) The Department shall adopt by rule minimum standards  
6           of education and training requirements for psilocybin service  
7           facilitators.

8           (c) The Department shall approve courses for psilocybin  
9           service facilitators. To obtain approval of a course, the  
10          provider of a course must submit an outline of instruction to  
11          the Department and the State Board of Education. The outline  
12          must include the approved courses, total hours of instruction,  
13          hours of lectures in theory, and the hours of instruction in  
14          application of practical skills.

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

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

23          (f) The Department may not require the books of a licensee  
24          to be 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 may require the

1 premises to be segregated into separate areas for conducting  
2 the activities permitted under each license as is necessary to  
3 protect the public health and safety.

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

11 (i) The Department shall perform the following:

12 (1) Develop and maintain a system for tracking the  
13 transfer of psilocybin products between premises for which  
14 licenses have been issued under this Act. The purposes of  
15 the system include, but are not limited to, the following:

16 (A) Preventing the diversion of psilocybin  
17 products to other states.

18 (B) Preventing persons from substituting or  
19 tampering with psilocybin products.

20 (C) Ensuring an accurate accounting of the  
21 production, processing, and sale of psilocybin  
22 products.

23 (D) Ensuring that laboratory testing results are  
24 accurately reported.

25 (E) Ensuring compliance with this Act, rules  
26 adopted under this Act, and any other law of this State

1           that charges the Department with a duty, function, or  
2           power related to psilocybin.

3           (2) Enter into an agreement with the Illinois Liquor  
4           Control Commission under which the Illinois Liquor Control  
5           Commission shall permit the Department to use any system  
6           developed and maintained by the Illinois Liquor Control  
7           Commission to track the transfer of psilocybin products  
8           between premises for which licenses have been issued under  
9           this Act.

10          (j) The system developed under paragraph (1) of subsection  
11          (i) must be capable of tracking, at a minimum, the following:

12                 (1) The manufacturing of psilocybin products.

13                 (2) The sale of psilocybin products by a psilocybin  
14                 service center operator to a client.

15                 (3) The sale and purchase of psilocybin products  
16                 between licensees, as permitted by this Act.

17                 (4) The transfer of psilocybin products between  
18                 premises for which licenses have been issued under this  
19                 Act.

20                 (5) Any other information that the Department  
21                 determines is reasonably necessary to accomplish the  
22                 duties, functions, and powers of the Department under this  
23                 Act.

24          (k) Notwithstanding Section 470, before making any other  
25          distribution from the Illinois Psilocybin Fund established  
26          under Section 470, the Department of Revenue shall first

1 distribute moneys quarterly from the Fund to the  
Illinois  
2 Liquor Control Commission for deposit  
into the Cannabis  
3 Regulation Fund for purposes of paying any costs incurred by  
4 the Illinois Liquor Control Commission under paragraph (2) of  
5 subsection (i). For purposes of estimating  
the amount of  
6 moneys necessary to pay any costs incurred under this  
Section,  
7 the Illinois Liquor Control  
Commission shall establish a  
8 formulary based on expected costs for each licensee that is  
9 tracked under this Section. The Illinois  
Liquor Control  
10 Commission shall provide to the Department of Revenue and the  
11 Illinois Liquor Control Commission on Government Forecasting  
12 and Accountability before each quarter the estimated amount  
of  
13 moneys necessary to pay costs expected to be incurred under  
14 this Section and the formulary.

15 (l) Except as otherwise provided by law, the Department  
16 has any power, and may perform any function, necessary for the  
17 Department to prevent the diversion of psilocybin products  
18 from licensees to a source that is not operating legally under  
19 the laws of this State.

20 (m) In addition to any other disciplinary action available  
21 to the Department under this Act, the Department may  
22 immediately restrict, suspend, or refuse to renew a license  
23 issued under this Act if circumstances create probable cause  
24 for the Department to conclude that a licensee has purchased

25 or received a psilocybin product from an unlicensed source or  
26 that a licensee has sold, stored, or transferred a psilocybin  
1 product in a manner that is not permitted by the licensee's  
2 license.

3 (n) The Department may require a licensee or applicant for  
4 a license under this Act to submit, in a form and manner  
5 prescribed by the Department, to the Department a sworn  
6 statement showing the following:

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

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

13 (3) The Department may refuse to issue, or may  
14 suspend, revoke, or refuse to renew, a license issued  
15 under this Act if the Department determines that a person  
16 who has a financial interest in the business operating or  
17 to be operated under the license committed or failed to  
18 commit an act that would constitute grounds for the  
19 Department to refuse to issue, or to suspend, revoke, or  
20 refuse to renew, the license if the person is the licensee  
21 or applicant for the license.

22 (o) Notwithstanding the lapse, suspension, or revocation  
23 of a license issued under this Act, the Department may perform  
24 the following:

25 (1) Proceed with any investigation of, or any action  
26 or disciplinary proceeding against, the person who held

1 the license.

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

4 (3) In cases involving the proposed denial of a  
5 license issued under this Act, the applicant for licensure  
6 may not withdraw the applicant's application.

7 (p) Notwithstanding the lapse, suspension or revocation of  
8 a permit issued under Section 190, the Department may perform  
9 the following:

10 (1) Proceed with any investigation of, or any action  
11 or disciplinary proceeding against, the person who held  
12 the permit.

13 (2) Revise or render void an order suspending or  
14 revoking the permit.

15 (3) In cases involving the proposed denial of a permit  
16 issued under Section 190, the applicant may not withdraw  
17 the applicant's application.

18 (q) The Department may, by rule or order, provide for the  
19 manner and conditions under which the following occur:

20 (1) Psilocybin products left by a deceased, insolvent,  
21 or bankrupt person or licensee, or subject to a security  
22 interest, may be foreclosed, sold under execution, or  
23 otherwise disposed.

24 (2) The business of a deceased, insolvent, or bankrupt  
25 licensee may be operated for a reasonable period following  
26 the death, insolvency, or bankruptcy.

1           (3) A secured party may continue to operate at  
2 premises for which a license has been issued under this  
3 Act for a reasonable period after default on the  
4 indebtedness by the debtor.

5           Section 170. Conduct of licensees; prohibitions.

6           (a) A psilocybin product manufacturer that holds a license  
7 under Section 85 may not manufacture psilocybin products  
8 outdoors.

9           (b) A psilocybin product manufacturer that holds a license  
10 under Section 85 may deliver psilocybin products only to or on  
11 premises for which a license has been issued under Section 85  
12 or Section 100 and may receive psilocybin products only from a  
13 psilocybin product manufacturer that holds a license under  
14 Section 85.

15           (c) A psilocybin service center operator that holds a  
16 license under Section 100 may deliver psilocybin products only  
17 to or on premises for which a license has been issued under  
18 Section 100 and may receive psilocybin products only from a  
19 psilocybin product manufacturer that holds a license under  
20 Section 85 or a psilocybin service center operator that holds  
21 a license under Section 100.

22           (d) The sale of psilocybin products to a client by a  
23 psilocybin service center operator that holds a license issued  
24 under Section 100 must be restricted to the premises for which  
25 the license has been issued.

1 (e) The Department may by order waive the requirements of  
2 subsections (b) and (c) to ensure compliance with this Act or a  
3 rule adopted under this Act. An order issued under this  
4 subsection does not constitute a waiver of any other  
5 requirement of this Act or any other rule adopted under this  
6 Act.

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

9 (g) Subject to subsection (h), a licensee or licensee  
10 representative, before selling or providing a psilocybin  
11 product to another person, must require the person to produce  
12 one of the following pieces of identification:

13 (1) The person's passport.

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

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

18 (4) A United States military identification card.

19 (5) An identification card issued by a federally  
20 recognized Indian tribe.

21 (6) Any other identification card issued by a state or  
22 territory of the United States that bears a picture of the  
23 person, the name of the person, the person's date of  
24 birth, and a physical description of the person.

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

1 (i) A client may not be required to procure for the purpose  
2 of acquiring or purchasing a psilocybin product a piece of  
3 identification other than a piece of identification described  
4 in subsection (g).

5 (j) A psilocybin service center operator, a psilocybin  
6 service facilitator, or any employee of a psilocybin service  
7 center operator or psilocybin service facilitator may not  
8 disclose any information that may be used to identify a client  
9 or any communication made by a client during the course of  
10 providing psilocybin services or selling psilocybin products  
11 to the client, except for the following:

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

14 (2) When the client initiates legal action or makes a  
15 complaint against the psilocybin service center operator,  
16 the psilocybin service facilitator, or the employee.

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

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

22 (5) When responding to an inquiry by the Department  
23 made during the course of an investigation into the  
24 conduct of the psilocybin service center operator, the  
25 psilocybin service facilitator, or the employee under this  
26 Act.

1           (k) A client may purchase, ~~possess, or consume~~ a  
2 psilocybin product only at a psilocybin service center and consume  
3 only under the supervision of a psilocybin service  
4 facilitator.

5           (l) A psilocybin service facilitator may not consume a  
6 psilocybin product during an administration session that the  
7 psilocybin service facilitator is supervising.

8           (m) A licensee may not employ a person under 18 ~~21~~ years of  
9 age at premises for which a license has been issued under this  
10 Act.

11           (n) During an inspection of premises for which a license  
12 has been issued under this Act, the Department may require  
13 proof that a person performing work at the premises is 18 ~~21~~ years  
14 of age or older. If the person does not provide the Department  
15 with acceptable proof of age upon request, the Department may  
16 require the person to immediately cease any activity and leave  
17 the premises until the Department receives acceptable proof of  
18 age. This subsection does not apply to a person temporarily at  
19 the premises to make a service, maintenance, or repair call or  
20 for other purposes independent of the premises operations.

21           (o) If a person performing work has not provided proof of  
22 age requested by the Department under subsection (n), the  
23 Department may request that the licensee provide proof that  
24 the person is 21 years of age or older. Failure of the licensee  
25 to respond to a request made under this subsection by  
26 providing acceptable proof of age for a person is prima facie

1 evidence that the licensee has allowed the person to perform  
2 work at the premises for which a license has been issued under  
3 this Act in violation of the minimum age requirement.

4 (p) A licensee may not use or allow the use of a mark or  
5 label on the container of a psilocybin product that is kept for  
6 sale if the mark or label does not precisely and clearly  
7 indicate the nature of the container's contents or if the mark  
8 or label in any way might deceive a person about the nature,  
9 composition, quantity, age, or quality of the container's  
10 contents.

11 (q) The Department may prohibit a licensee from selling  
12 any psilocybin product that in the Department's judgment is  
13 deceptively labeled or contains injurious or adulterated  
14 ingredients.

15 Section 175. Psilocybin product prohibitions.

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

19 (b) The Department may prohibit the sale of a psilocybin  
20 product by a psilocybin service center operator for a  
21 reasonable period of time for the purpose of determining  
22 whether the psilocybin product complies with the minimum  
23 standards prescribed by the laws of this State.

24 (c) A person may not make false representations or  
25 statements to the Department in order to induce or prevent

1 action by the Department.

2 (d) A licensee may not maintain a noisy, lewd, disorderly,  
3 or insanitary establishment or supply impure or otherwise  
4 deleterious psilocybin products.

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

7 Section 180. Purpose of licenses issued under this Act. A  
8 license issued under this Act serves the purpose of exempting  
9 the person who holds the license from the criminal laws of this  
10 State for possession, delivery, or manufacture of psilocybin  
11 products if the person complies with all State laws and rules  
12 applicable to the licensee.

13 Section 185. Disciplining licensees.

14 (a) The Department may revoke, suspend, or restrict a  
15 license issued under this Act or require a licensee or  
16 licensee representative to undergo training if the Department  
17 finds or has reasonable ground to believe any of the following  
18 to be true:

19 (1) That the licensee or licensee representative:

20 (A) has violated a provision of this Act or a rule  
21 adopted under this Act, including any code of  
22 professional conduct or code of ethics;

23 (B) has made any false representation or statement  
24 to the Department in order to induce or prevent action

1 by the Department;

2 (C) is insolvent or incompetent or physically  
3 unable to carry on the management of the establishment  
4 of the licensee;

5 (D) is in the habit of using alcoholic liquor,  
6 habit-forming drugs, cannabis, psilocybin products, or  
7 controlled substances to excess;

8 (E) has misrepresented to a person or the public  
9 any psilocybin products sold by the licensee or  
10 licensee representative; or

11 (F) since the issuance of the license has been  
12 convicted of a felony, of violating any State or local  
13 psilocybin products law, or of any misdemeanor or  
14 violation of any municipal ordinance committed on the  
15 premises for which the license has been issued.

16 (2) That there is any other reason that, in the  
17 opinion of the Department, based on public convenience or  
18 necessity, warrants revoking, suspending, or restricting  
19 the license.

20 (b) An individual who performs work for or on behalf of a  
21 licensee must have a valid permit issued by the Department  
22 under Section 190 if the individual participates in any of the  
23 following:

24 (1) The provision of psilocybin services at the  
25 premises for which the license has been issued.

26 (2) The possession, manufacturing, securing, or

1 selling of psilocybin products at the premises for which  
2 the license has been issued.

3 (3) The recording of the possession, manufacturing,  
4 securing, or selling of psilocybin products at the  
5 premises for which the license has been issued.

6 (4) The verification of any document containing  
7 fingerprints required under Section 55.

8 (c) A licensee must verify that an individual has a valid  
9 permit issued under Section 190 before allowing the individual  
10 to perform any work described in subsection (b) at the  
11 premises for which the license has been issued.

12 Section 190. Issuing and renewing permits; fees; rules.

13 (a) The Department shall issue permits to qualified  
14 applicants to perform work described in Section 185. The  
15 Department shall adopt rules establishing the following:

16 (1) The qualifications for performing work described  
17 in Section 185.

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

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

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

23 (b) The Department may require an individual applying for  
24 a permit under this Section to successfully complete a course,  
25 made available by or through the Department, through which the

1 individual receives training on the following:

2 (1) Checking identification.

3 (2) Detecting intoxication.

4 (3) Handling psilocybin products.

5 (4) If applicable, the manufacturing of psilocybin  
6 products.

7 (5) The content of this Act and rules adopted under  
8 this Act.

9 (6) Any matter deemed necessary by the Department to  
10 protect the public health and safety.

11 (c) The Department or other provider of a course may  
12 charge a reasonable fee for the course described under  
13 subsection (b).

14 (d) The Department may not require an individual to  
15 successfully complete a course described under subsection (b)  
16 more than once, except for the following:

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

21 (2) As part of a final order revoking a permit issued  
22 under this Section, the Department shall require an  
23 individual to successfully complete the course prior to  
24 applying for a new permit.

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

1 (f) Subject to applicable provisions of Illinois law, the  
2 Department may suspend, revoke, or refuse to issue or renew a  
3 permit if the individual who is applying for or who holds the  
4 permit meets any of the following:

5 (1) Is convicted of a felony or is convicted of an  
6 offense under this Act, except that the Department may not  
7 consider a conviction for an offense under this Act if the  
8 date of the conviction is 2 or more years before the date  
9 of the application or renewal.

10 (2) Violates any provision of this Act or any rule  
11 adopted under this Act.

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

13 (g) A permit issued under this Section is a personal  
14 privilege and permits work described under Section 185 only  
15 for the individual who holds the permit.

16 Section 195. Authority to require fingerprints of  
17 individuals listed on application. For the purpose of  
18 requesting a State or nationwide criminal records check, the  
19 Department may require the fingerprints of any individual  
20 listed on an application submitted under Section 190.

21 Section 200. Whistleblower protection for employees. It is  
22 an unlawful employment practice for a licensee to discharge,  
23 demote, suspend, or in any manner discriminate or retaliate  
24 against an employee of the licensee with regard to promotion,

1 compensation, or other terms, conditions, or privileges of  
2 employment on the basis that the employee has in good faith  
3 reported information to the Department that the employee  
4 believes is evidence of a violation of this Act or a rule  
5 adopted under this Act.

6 Section 205. Psilocybin Control and Regulation Fund. The  
7 Psilocybin Control and Regulation Fund is established as a  
8 special fund in the State treasury. Interest earned by the  
9 Psilocybin Control and Regulation Fund shall be credited to  
10 the Fund. Moneys in the Fund are continuously appropriated to  
11 the Department to administer and enforce this Act and to develop and  
implement programs for education, harm reduction, and unarmed crisis  
prevention services.

12 Section 210. Prohibited conduct.

13 (a) Except as authorized by the Department by rule, or as  
14 necessary in an emergency, a person under 18 ~~21~~ years of age may  
15 not enter or attempt to enter any portion of premises posted or  
16 otherwise identified as being prohibited to the use of persons  
17 under 18 ~~21~~ of age.

18 (b) A person who violates subsection (a) commits a Class B  
19 misdemeanor.

20 (c) The prohibitions of this Section do not apply to a  
21 person under 18 ~~21~~ years of age who is acting under the direction  
22 of the Department or under the direction of a State or local  
23 law enforcement agency for the purpose of investigating the

24 possible violation of a law prohibiting the sale of a  
1 psilocybin product to a person who is under 18 ~~21~~ years of age.

2 (d) The prohibitions of this Section do not apply to a  
3 person under 18 ~~21~~ years of age who is acting under the direction  
4 of a licensee for the purpose of investigating possible  
5 violations by employees of the licensee of laws prohibiting  
6 sales of psilocybin products to persons who are under 18 ~~21~~ years  
7 of age.

8 (e) A person under 18 ~~21~~ years of age is not in violation of,  
9 and is immune from prosecution under, this Section if either  
10 of the following occurred:

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

18 (2) The person was in need of medical assistance  
19 because the person consumed a psilocybin product and the  
20 evidence of the violation was obtained as a result of the  
21 person having sought or obtained the medical assistance.

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

1 Section 215. Identification that falsely indicates age.

2 (a) A person may not produce any piece of identification  
3 that falsely indicates the person's age.

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

5 (c) If a piece of identification is offered as evidence in  
6 any administrative or criminal prosecution of a licensee or  
7 licensee representative for sale or service of a psilocybin  
8 product to a person under 18 ~~21~~ years of age, the licensee or  
9 licensee representative is not guilty of any offense  
10 prohibiting a person from selling or serving a psilocybin  
11 product to a person under 18 years of age unless it is  
12 demonstrated that a reasonable person would have determined  
13 that the identification exhibited by the person under 18 ~~21~~ years  
14 of age was altered or that the identification exhibited by the  
15 person under 18 ~~21~~ years of age did not accurately describe the  
16 person to whom the psilocybin product was sold or served.

17 Section 220. Prohibition against giving psilocybin  
18 products to a person who is visibly intoxicated; penalty.

19 (a) A person may not sell, give, or otherwise make  
20 available a psilocybin product to a person who is visibly  
21 intoxicated.

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

23 Section 225. Prohibition against giving psilocybin product  
24 as prize; penalty.

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

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

5           Section 230. Civil enforcement. In addition to any other  
6 liability or penalty provided by law, the Department may  
7 impose for each violation of a provision of this Act or a rule  
8 adopted under this Act a civil penalty that does not exceed  
9 \$5,000 for each violation. Moneys collected under this Section  
10 shall be deposited into the Psilocybin Control and Regulation  
11 Fund established under Section 205.

12          Section 235. Criminal enforcement.

13          (a) The law enforcement officers of this State may enforce  
14 this Act and assist the Department in detecting violations of  
15 this Act and apprehending offenders. A law enforcement officer  
16 who has notice, knowledge, or reasonable ground of suspicion  
17 of a violation of this Act shall immediately notify the  
18 State's Attorney who has jurisdiction over the violation and  
19 furnish the State's Attorney who has jurisdiction over the  
20 violation with the name and address of any witnesses to the  
21 violation or other information related to the violation.

22          (b) A county court, State's Attorney, or municipal  
23 authority, immediately upon the conviction of a licensee of a  
24 violation of this Act or of a violation of any other law of

1 this State or ordinance of a city or county located in this  
2 State, an element of which is the possession, delivery, or  
3 manufacture of a psilocybin product, shall notify the  
4 Department of the conviction.

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

**Section 236 Amends the Criminal Identification Act.**

Provides that commencing 180 days after the effective date of  
the amendatory Act, a person who has committed a criminal violation  
under the Controlled Substances Act or a criminal violation of the  
Drug Paraphernalia Control Act with respect to natural plants and  
fungi is subject to automatic expungement. Provides that the law  
enforcement agency who initiated the violation shall automatically  
expunge, on or before January 1 and July 1 of each year, the law  
enforcement records of a person who is eligible. Provides that the  
law enforcement agency shall provide by rule the process for access,  
review, and confirmation of the automatic expungement by the law  
enforcement agency. Provides that commencing 180 after the effective  
date of the amendatory Act, the clerk of the circuit court shall  
expunge, upon order of the court, or in the absence of a court order  
on or before January 1 and July 1 of each year, the court records of  
a person found in the circuit court to have committed a criminal  
violation under the Controlled Substances Act or a criminal violation  
of the Drug Paraphernalia Control Act with respect to natural plants  
and fungi in the clerk's possession or control and which contains the  
final satisfactory disposition which pertain to a person who is  
eligible.

7           Section 240. Home rule; regulation. A home rule unit may  
8 not regulate psilocybin products in a manner inconsistent with  
9 the regulation by the State under this Act. This Section is a  
10 limitation under subsection (i) of Section 6 of Article VII of  
11 the Illinois Constitution on the concurrent exercise by home  
12 rule units of powers and functions exercised by the State.

13           Section 245. Home rule; licensure. The authority to  
14 require a license for the manufacturing or sale of psilocybin  
15 products in this State or for the provision of psilocybin  
16 services in this State is an exclusive power and function of  
17 the State. A home rule unit may not license the manufacture,  
18 sale, or provision of psilocybin products. This Section is a  
19 denial and limitation of home rule powers and functions under  
20 subsection (h) of Section 6 of Article VII of the Illinois  
21 Constitution.

22           Section 250. Local time, place, and manner regulations.

23           (a) For purposes of this Section, "reasonable regulation"

1 includes the following:

2 (1) Reasonable conditions on the manner in which a  
3 psilocybin product manufacturer that holds a license  
4 issued under Section 85 may manufacture psilocybin  
5 products.

6 (2) Reasonable conditions on the manner in which a  
7 psilocybin service center operator that holds a license  
8 issued under Section 100 may provide psilocybin services.

9 (3) Reasonable limitations on the hours during which  
10 premises for which a license has been issued under this  
11 Act may operate.

12 (4) Reasonable requirements related to the public's  
13 access to premises for which a license has been issued  
14 under this Act.

15 (5) Reasonable limitations on where premises for which  
16 a license may be issued under this Act may be located.

17 (b) Notwithstanding the provisions of any law to the  
18 contrary, the governing body of a city or county may adopt an  
19 ordinance that imposes a reasonable regulation on the  
20 operation of businesses located at premises for which a  
21 license has been issued under this Act if the premises are  
22 located in an area subject to the jurisdiction of the city or  
23 county, except that the governing body of a city or county may  
24 not adopt an ordinance that prohibits premises for which a  
25 license has been issued under Section 100 from being located  
26 within a distance that is greater than 1,000 feet of another

1 premises for which a license has been issued under Section  
2 100.

3 Section 255. Local tax or fee prohibited.

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

13 (b) A county, city, or other municipal corporation or  
14 district may not adopt or enact ordinances imposing a tax or  
15 fee on the manufacturing or sale of psilocybin products in  
16 this State or on the provision of psilocybin services in this  
17 State.

18 Section 260. Repeal of city or county ordinances that  
19 prohibit certain establishments.

20 (a) The governing body of a city or county may repeal an  
21 ordinance that prohibits the establishment of any one or more  
22 of the following in the area subject to the jurisdiction of the  
23 city or in the unincorporated area subject to the jurisdiction  
24 of the county:

1           (1) Psilocybin product manufacturers that hold a  
2 license issued under Section 85.

3           (2) Psilocybin service center operators that hold a  
4 license issued under Section 100.

5           (3) Any combination of the entities described in  
6 paragraphs (1) and (2).

7           (b) If the governing body of a city or county repeals an  
8 ordinance under this Section, the governing body must provide  
9 the text of the ordinance to the Department, in a form and  
10 manner prescribed by the Department, if the ordinance concerns  
11 premises for which a license has been issued under this Act.

12           Section 265. Duty of Illinois Liquor Control Commission to  
13 assist. The Illinois Liquor Control Commission shall assist  
14 and cooperate with the Department and the Department of  
15 Agriculture to the extent necessary for the Department and the  
16 Department of Agriculture to carry out the duties of the  
17 Department and the Department of Agriculture under this Act.

18           Section 270. Department of Agriculture to assist.

19           (a) The Department of Agriculture shall assist and  
20 cooperate with the Department to the extent necessary for the  
21 Department to carry out the duties of the Department under  
22 this Act.

23           (b) The Department of Agriculture may possess, test, and  
24 dispose of psilocybin products.

1           Section 275. Prohibition against refusing to perform  
2 certain duties.

3           (a) The Department, the Department of Agriculture, and the  
4 Illinois Liquor Control Commission may not refuse to perform  
5 any duty under this Act on the basis that manufacturing,  
6 distributing, dispensing, possessing, or using psilocybin  
7 products is prohibited by federal law.

8           (b) The Department may not revoke, refuse to issue, or  
9 renew a license or permit under this Act on the basis that  
10 manufacturing, distributing, dispensing, possessing, or using  
11 psilocybin products is prohibited by federal law.

12           Section 280. Immunity for State agencies, officers, and  
13 employees in performance of duties. A person may not sue the  
14 Department, the Department of Agriculture, the Illinois Liquor  
15 Control Commission, a member of the Illinois Liquor Control  
16 Commission, or any employee of the Department, Department of  
17 Agriculture, or Illinois Liquor Control Commission for  
18 performing or omitting to perform any duty, function, or power  
19 of the Department, the Department of Agriculture, or the  
20 Illinois Liquor Control Commission set forth in this Act or in  
21 any other law of this State requiring the Department, the  
22 Department of Agriculture, or the Illinois Liquor Control  
23 Commission to perform a duty, function, or power related to  
24 psilocybin products.



23 Section 295. Psilocybin-producing fungi as a crop.

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

2 (1) A crop for the purposes of farm use.

3 (2) A crop for purposes of a farm or farming practice.

4 (3) A product of farm use.

5 (4) The product of an agricultural activity.

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

9 (1) A new dwelling used in conjunction with a  
10 psilocybin-producing fungi crop.

11 (2) A farm stand used in conjunction with a  
12 psilocybin-producing fungi crop.

~~13 (3) Subject to subsection (d), a commercial activity  
14 carried on in conjunction with a psilocybin-producing  
15 fungi crop.~~

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

19 (d) A county may allow the manufacture of psilocybin  
20 products as a farm use on land zoned for farm or forest use in  
21 the same manner as the manufacture of psilocybin products is  
22 allowed in exclusive farm use zones under this Section or any  
23 other applicable State law.

24 (e) This Section applies to psilocybin product  
25 manufacturers that hold a license under Section 85.

1           Section 300. Regulation of psilocybin products as food or  
2 other commodity.

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

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

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

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

15           Section 305. Enforceability of contracts. A contract is  
16 not unenforceable on the basis that manufacturing,  
17 distributing, dispensing, possessing, or using psilocybin  
18 products is prohibited by federal law.

19           Section 310. Department hotline for verification of  
20 license. The Department shall maintain a telephone hotline for  
21 the following persons to inquire if an address is the location  
22 of premises for which a license has been issued under this Act  
23 or is the location of premises for which an application for  
24 licensure has been submitted under Section 50:

- 1 (1) A person designated by a city or a county.
- 2 (2) A person designated by the Office of Water  
3 Resources of the Department of Natural Resources.
- 4 (3) A person designated by the board of trustees of  
5 any public water district.

6 Section 315. Information related to licensure that is  
7 exempt from disclosure.

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

- 11 (1) Personally identifiable information.
- 12 (2) The address of premises for which a license has  
13 been issued or for which an applicant has proposed  
14 licensure under Section 85, 100, or 325.
- 15 (3) Related to the security plan or the operational  
16 plan for premises for which a license has been issued or  
17 for which an applicant has proposed licensure  
under 18 Section 85, 100, or 325.
- 19 (4) Related to any record that the Department  
20 determines contains proprietary information of a licensee.

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

- 23 (1) The name of an individual listed on an application  
24 if the individual is a direct owner of the business  
25 operating or to be operated under the license.

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

3           (c) For purposes of paragraph (1) of subsection (b), an  
4           individual is not a direct owner of the business operating or  
5           to be operated under the license if the individual is either of  
6           the following:

7           (1) The direct owner of the business operating or to  
8           be operated under the license is a legal entity.

9           (2) Merely a general partner, limited partner, member,  
10          shareholder, or other direct or indirect owner of the  
11          legal entity.

12          Section 320. Testing standards and processes; rules.

13          (a) As is necessary to protect the public health and  
14          safety, and in consultation with the Illinois Liquor Control  
15          Commission and the Department of Agriculture, the Department  
16          shall adopt rules that achieve the following:

17          (1) Establish standards for testing psilocybin  
18          products.

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

25                 (A) Microbiological contaminants.

- 1 (B) Pesticides.
- 2 (C) Other contaminants.
- 3 (D) Solvents or residual  
solvents.
- 4 (E) Psilocybin concentration.
- (F) Psilocin Concentration
- (G) Total Tryptamine  
Concentration

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

7 (4) Establish different minimum standards for  
8 different varieties of psilocybin products.

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

15 (c) In adopting rules under this Act, the Department may  
16 require a psilocybin product manufacturer that holds a license  
17 under Section 85 to test psilocybin products before selling or  
18 transferring the psilocybin products.

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

23 (e) In adopting rules to implement this Section, the  
24 Department may not require a psilocybin product to undergo the  
25 same test more than once unless the psilocybin product is

26 processed into a different type of psilocybin product or the  
1 condition of the psilocybin product has fundamentally changed.

2 (f) The testing of psilocybin products as required by this  
3 Section must be conducted by a laboratory licensed by the  
4 Department under Section 325 and accredited by the Department  
5 under Section 340.

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

11 Section 325. Laboratory licensure; qualifications; fees;  
12 rules.

13 (a) A laboratory that conducts testing of psilocybin  
14 products as required by Section 320 must have a license to  
15 operate at the premises at which the psilocybin products are  
16 tested.

17 (b) For purposes of this Section, the Department shall  
18 adopt rules establishing the following:

19 (1) Qualifications to be licensed under this Section,  
20 including that an applicant for licensure under this  
21 Section must be accredited by the Department as described  
22 in Section 340.

23 (2) Processes for applying for and renewing a license  
24 under this Section.

25 (3) Fees for applying for, receiving, and renewing a

1 license under this Section.

2 (4) Procedures for the following:

3 (A) Tracking psilocybin products to be tested.

4 (B) Documenting and reporting test results.

5 (C) Disposing of samples of psilocybin products  
6 that have been tested.

7 (c) A license issued under this Section must be renewed  
8 annually.

9 (d) The Department may inspect premises licensed under  
10 this Section to ensure compliance with Sections 320 through  
11 360 and rules adopted under those Sections.

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

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

20 (g) Fees collected under this Section shall be deposited  
21 into the Psilocybin Control and Regulation Fund established  
22 under Section 205 and are continuously appropriated to the  
23 Department for the purpose of carrying out the duties,  
24 functions, and powers of the Department under this Act.

25 Section 330. Authority to require fingerprints of

1 applicants and other individuals. For the purpose of  
2 requesting a State or nationwide criminal records check under  
3 this Act, the Department may require the fingerprints of any  
4 individual listed on an application submitted under Section  
5 325. The powers conferred on the Department under this Section  
6 include the power to require the fingerprints of the following  
7 persons:

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

10 (2) If the applicant is a manager-managed limited  
11 liability company, each manager of the limited liability  
12 company.

13 (3) If the applicant is a member-managed limited  
14 liability company, each voting member of the limited  
15 liability company.

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

18 (5) Any individual who holds a financial interest of  
19 10% or more in the person applying for the license.

20 Section 335. Statement of applicant for laboratory  
21 licensure. The Department may require a licensee or applicant  
22 for a license under Section 325 to submit, in a form and manner  
23 prescribed by the Department, to the Department a sworn  
24 statement showing the following:

25 (1) The name and address of each person who has a

1 financial interest in the business operating or to be  
2 operated under the license.

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

6 (3) The Department may refuse to issue, or may  
7 suspend, revoke, or refuse to renew, a license issued  
8 under Section 325 if the Department determines that a  
9 person who has a financial interest in the business  
10 operating or to be operated under the license committed or  
11 failed to commit an act that would constitute grounds for  
12 the Department to refuse to issue, or to suspend, revoke  
13 or refuse to renew, the license if the person were the  
14 licensee or applicant for the license.

15 Section 340. Laboratory accreditation.

16 (a) A laboratory that conducts testing of a psilocybin  
17 product as required by Section 325 must be accredited and meet  
18 other qualifications as established by the Department under  
19 this Section.

20 (b) In addition to other qualifications required pursuant  
21 to applicable law, the Department shall require an applicant  
22 for accreditation for purposes related to the testing of  
23 psilocybin products to the following:

24 (1) Complete an application.

25 (2) Undergo an onsite inspection.

1           (3)       Meet       other       applicable       requirements,  
2       specifications, and guidelines for testing psilocybin  
3       products, as determined to be appropriate by the  
4       Department by rule.

5           (c) The Department may inspect premises licensed under  
6       Section 325 to ensure compliance with Sections 320 through 360  
7       and rules adopted under those Sections.

8           (d) Subject to applicable provisions of Illinois law, the  
9       Department may refuse to issue or renew, or may suspend or  
10      revoke, a laboratory's accreditation granted under this  
11      Section for violation of a provision of this Act or a rule  
12      adopted under this Act.

13          (e) In establishing fees under this Section for  
14      laboratories that test psilocybin products, the Department  
15      shall establish fees that are reasonably calculated to pay the  
16      expenses incurred by the Department under this Section in  
17      accrediting laboratories that test psilocybin products.

18           Section 345. Authority to discipline licensees. Subject to  
19      applicable provisions of Illinois law, if an applicant or  
20      licensee violates a provision of Sections 320 through 360 or a  
21      rule adopted under those Sections, the Department may refuse  
22      to issue or renew, or may suspend or revoke, a license issued  
23      under Section 85, 100, 115, or 325.

24           Section 350. Authority of the Department over certain

1 persons; license actions.

2 (a) Notwithstanding the lapse, suspension, or revocation  
3 of a license issued under Section 325, the Department may do  
4 either of the following:

5 (1) Proceed with any investigation of, or any action  
6 or disciplinary proceeding against, the person who held  
7 the license.

8 (2) Revise or render void an order suspending or  
9 revoking the license.

10 (b) In cases involving the proposed denial of a license  
11 issued under this Act, the applicant for licensure may not  
12 withdraw the applicant's application.

13 Section 355. Civil penalty for certain violations.

14 (a) In addition to any other liability or penalty provided  
15 by law, the Department may impose for each violation of a  
16 provision of Sections 320 through 360 or a rule adopted under  
17 those Sections a civil penalty that does not exceed \$500 for  
18 each day that the violation occurs.

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

21 (c) Moneys collected under this Section shall be deposited  
22 into the Psilocybin Control and Regulation Fund established  
23 under Section 205 and are continuously appropriated to the  
24 Department for the purpose of carrying out the duties,  
25 functions, and powers of the Department under this Act.

1           Section 360. Exemption from criminal liability. A person  
2 who holds a license under Section 325, and an employee of or  
3 other person who performs work for a person who holds a license  
4 under Section 325, is exempt from the criminal laws of this  
5 State for possession, delivery, or manufacture of psilocybin,  
6 aiding and abetting another in the possession, delivery, or  
7 manufacture of psilocybin, or any other criminal offense in  
8 which possession, delivery, or manufacture of psilocybin is an  
9 element, while performing activities related to testing as  
10 described in Sections 320 through 360.

11           Section 365. Labeling requirements; rules.

12           (a) As is necessary to protect the public health and  
13 safety, and in consultation with the Department of Agriculture  
14 and the Illinois Liquor Control Commission, the Department  
15 shall adopt rules establishing standards for the labeling of  
16 psilocybin products, including, but not limited to, the  
17 following:

18                   (1) Ensuring that psilocybin products have labeling  
19 that communicates the following:

20                           (A) Health and safety warnings.

21                           (B) If applicable, activation time.

22                           (C) Potency.

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

1 (E) Content of the psilocybin product.

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

6 (b) In adopting rules under this Act, the Department shall  
7 require all psilocybin products sold or transferred by a  
8 psilocybin service center that holds a license issued under  
9 Section 100 to be labeled in accordance with subsection (a)  
10 and rules adopted under subsection (a).

11 (c) In adopting rules under subsection (a), the  
12 Department:

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

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

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

21 Section 370. Preapproval of labels.

22 (a) The Department may by rule require a licensee to  
23 submit a label intended for use on a psilocybin product for  
24 preapproval by the Department before the licensee may sell or  
25 transfer a psilocybin product bearing the label. The

1 Department shall determine whether a label submitted under  
2 this Section complies with Section 365 and any rule adopted  
3 under Section 365.

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

8 Section 375. Packaging requirements; rules.

9 (a) As is necessary to protect the public health and  
10 safety, and in consultation with the Department of Agriculture  
11 and the Illinois Liquor Control Commission, the Department  
12 shall adopt rules establishing standards for the packaging of  
13 psilocybin products, including, but not limited to, ensuring  
14 that psilocybin products are not marketed in a manner that is  
15 either untruthful or misleading or otherwise creates a  
16 significant risk of harm to public health and safety.

17 (b) In adopting rules under this Act, the Department shall  
18 require all psilocybin products sold or transferred by a  
19 psilocybin service center that holds a license issued under  
20 Section 100 to be packaged in accordance with subsection (a)  
21 and rules adopted under subsection (a).

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

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

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

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

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

9           Section 380. Preapproval of packaging.

10          (a) The Department may by rule require a licensee to  
11 submit packaging intended for a psilocybin product for  
12 preapproval by the Department before the licensee may sell or  
13 transfer a psilocybin product packaged in the packaging. The  
14 Department shall determine whether packaging submitted under  
15 this Section complies with Section 375 and any rule adopted  
16 under Section 375.

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

21          Section 385. Dosage requirements; rules.

22          (a) The Department shall adopt rules establishing the  
23 following:

24           (1) The maximum concentration of psilocybin that is

1 permitted in a single serving of a psilocybin product.

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

4 (b) In adopting rules under this Act, the Department shall  
5 require all psilocybin products sold or transferred by a  
6 psilocybin service center that holds a license under Section  
7 100 to meet the concentration standards and packaging  
8 standards adopted by rule pursuant to this Section.

9 Section 390. Inspections. To ensure compliance with  
10 Sections 365 through 400 and any rule adopted under those  
11 Sections, the Department may inspect the premises of a person  
12 that holds a license under Section 85 or 100.

13 Section 395. Discipline of licensees. Subject to  
14 applicable provisions of law, if an applicant or licensee  
15 violates a provision of Sections 365 through 400 or a rule  
16 adopted under those Sections, the Department may refuse to  
17 issue or renew, or may suspend or revoke, a license issued  
18 under Section 85, 100, or 115.

19 Section 400. Civil penalties.

20 (a) In addition to any other liability or penalty provided  
21 by law, the Department may impose for each violation of a  
22 provision of Sections 365 through 400 or a rule adopted under  
23 those Sections, a civil penalty that does not exceed \$500 for

1 each day that the violation occurs.

2 (b) The Department shall impose civil penalties under this  
3 Section in the manner provided under applicable Illinois law.

4 (c) Moneys collected under this Section shall be deposited  
5 into the Psilocybin Control and Regulation Fund established  
6 under Section 205 and are continuously appropriated to the  
7 Department for the purpose of carrying out the duties,  
8 functions, and powers of the Department under this Act.

9 Section 405. Definitions. In this Section through Section 10  
475:

11 "Retail sale" means any transfer, exchange, gift or barter  
12 of a psilocybin product by any person to a client.

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

16 Section 410. Tax on retail sale of psilocybin products.

17 (a) A tax is hereby imposed upon the retail sale of  
18 psilocybin products in this State. The tax imposed by this  
19 Section is a direct tax on the client for which payment upon  
20 retail sale is required. The tax shall be collected at the  
21 point of sale of a psilocybin product by a psilocybin service  
22 center operator at the time at which the retail sale occurs.

23 (b) The tax imposed under this Section shall be imposed at  
24 the rate of 15% of the retail sales price of psilocybin

1 products.

2 (c) If the tax imposed under this Section does not equal an  
3 amount calculable to a whole cent, the tax shall be equal to  
4 the next higher whole cent.

5 (d) Except as otherwise provided by the Department of  
6 Revenue by rule, the amount of the tax shall be separately  
7 stated on an invoice, receipt, or other similar document that  
8 the psilocybin service center operator provides to the client  
9 at the time at which the retail sale occurs.

10 (e) A person may not knowingly sell, purchase, install,  
11 transfer, or possess electronic devices or software programs  
12 for the purposes of the following:

13 (1) Hiding or removing records of retail sales of  
14 psilocybin products.

15 (2) Falsifying records of retail sales of psilocybin  
16 products.

17 (f) A psilocybin service center operator may not discount  
18 a psilocybin product or offer a psilocybin product for free if  
19 the retail sale of the psilocybin product is made in  
20 conjunction with the retail sale of any other item or service.

21 (g) Subsection (f) does not affect any provision of this  
22 Act or any rule adopted by the Department pursuant to this Act  
23 that is related to the retail sale of psilocybin products.

24 (h) The Department shall regularly review the rate of tax  
25 under subsection (b) and make recommendations to the General  
26 Assembly regarding appropriate adjustments to the rate that

1 will further the following purposes:

2 (1) Providing the Department with moneys sufficient to  
3 administer and enforce this Act.

4 (2) Not providing the Department with moneys that  
5 exceed, together with fees collected under this Act, the  
6 cost of administering and enforcing this Act.

7 Section 415. Collection of tax.

8 (a) Except as otherwise provided in Sections 405 through  
9 475, the tax imposed upon a client under Section 410 shall be  
10 collected at the point of sale and remitted by each psilocybin  
11 service center operator that engages in the retail sale of  
12 psilocybin products. The tax is considered a tax upon the  
13 psilocybin service center operator that is required to collect  
14 the tax and the psilocybin service center operator is  
15 considered a taxpayer.

16 (b) The psilocybin service center operator shall file a  
17 return to the Department of Revenue on or before the last day  
18 of January, April, July, and October of each year for the  
19 previous calendar quarter.

20 (c) The psilocybin service center operator shall pay the  
21 tax to the Department of Revenue in the form and manner  
22 prescribed by the Department of Revenue, but not later than  
23 with each quarterly return, without regard to an extension  
24 granted under subsection (e).

25 (d) Psilocybin service center operators shall file the

1 returns required under this Section regardless of whether any  
2 tax is owed.

3 (e) For good cause, the Department of Revenue may extend  
4 the time for filing a return under this Section. The extension  
5 may be granted at any time if a written request is filed with  
6 the Department of Revenue during or prior to the period for  
7 which the extension may be granted. The Department of Revenue  
8 may not grant an extension of more than 30 days.

9 (f) Interest shall be added at a rate established by the  
10 Department of Revenue from the time the return was originally  
11 required to be filed to the time of payment.

12 (g) If a psilocybin service center operator fails to file  
13 a return or pay the tax as required by this Section, the  
14 Department of Revenue shall impose a penalty in the manner  
15 provided under applicable Illinois law.

16 (h) Except as provided in subsections (i) and (j), the  
17 period prescribed for the Department of Revenue to allow or  
18 make a refund of any overpayment of tax paid under Sections 405  
19 through 475 is as provided under applicable Illinois law.

20 (i) The Department of Revenue shall first apply any  
21 overpayment of tax by a psilocybin service center operator to  
22 any psilocybin tax that is owed by the psilocybin service  
23 center operator.

24 If after any offset against any delinquent amount the  
25 overpayment of tax remains greater than \$1,000, the remaining  
26 refund shall be applied as a credit against the next

1 subsequent calendar quarter as an estimated payment.

2 (j) The Department of Revenue may not make a refund of or  
3 credit any overpayment of tax under Sections 405 through 475  
4 that was credited to the account of a psilocybin service  
5 center operator under subsection (i) if the return for that  
6 tax period is not filed within 3 years after the due date of  
7 that return.

8 Section 420. Psilocybin revenue estimate.

9 (a) Not later than 30 days before the beginning of each  
10 calendar quarter, the Department of Revenue shall forecast and  
11 prepare an estimate of the revenue that will be received  
12 during the remainder of the current biennium and subsequent 3  
13 biennia pursuant to the tax imposed under Section 410. The  
14 estimate may be made on the basis of all pertinent information  
15 available to the Department of Revenue. Upon making the  
16 estimate, the Department of Revenue shall report the estimate  
17 to the Commission on Government Forecasting and Accountability  
18 and the Comptroller.

19 (b) The Department shall provide the Department of Revenue  
20 with any information necessary for the Department of Revenue  
21 to perform its duties under this Section.

22 Section 425. Enforcement.

23 (a) Every person who collects any amount under Section 415  
24 shall hold the same in trust for the State of Illinois and for

1 the payment thereof to the Department of Revenue in the manner  
2 and at the time provided in Section 415.

3 (b) If a psilocybin service center operator fails to remit  
4 any amount collected, the Department of Revenue may enforce  
5 collection in the manner provided in Article 11 of the  
6 Illinois Income Tax Act.

7 (c) In the case of a psilocybin service center operator  
8 that is assessed pursuant to relevant provisions of Illinois  
9 law, the Department of Revenue may issue a notice of liability  
10 to any officer, employee, or member of the psilocybin service  
11 center operator within 3 years after the time of assessment.  
12 Within 30 days after the date the notice of liability is mailed  
13 to the officer, employee, or member, the officer, employee, or  
14 member shall pay the assessment, plus penalties and interest,  
15 or advise the Department of Revenue in writing of objections  
16 to the liability and, if desired, request a conference. A  
17 conference shall be governed by the provisions of Illinois law  
18 pertaining to a conference requested from a notice of  
19 deficiency.

20 After a conference or, if no conference is requested, a  
21 determination of the issues considering the written  
22 objections, the Department of Revenue shall mail the officer,  
23 employee, or member a conference letter affirming, canceling,  
24 or adjusting the notice of liability. Within 90 days after the  
25 date the conference letter is mailed to the officer, employee,  
26 or member, the officer, employee, or member shall pay the

1 assessment, plus penalties and interest, or appeal to the tax  
2 court in the manner provided for an appeal from a notice of  
3 assessment.

4 If the Department of Revenue does not receive payment or  
5 written objection to the notice of liability within 30 days  
6 after the notice of liability was mailed, the notice of  
7 liability becomes final. In that event, the officer, employee  
8 or member may appeal the notice of liability to the tax court  
9 within 90 days after it became final in the manner provided for  
10 an appeal from a notice of assessment.

11 (d) In the case of a failure to file a return on the due  
12 date, the Department of Revenue, in addition to any action  
13 under State law, may send a notice of determination and  
14 assessment to any officer, employee, or member any time within  
15 3 years after the assessment. The time of assessment against  
16 the officer, employee, or member is 30 days after the date the  
17 notice of determination and assessment is mailed. Within 30  
18 days after the date the notice of determination and assessment  
19 is mailed to the officer, employee, or member, the officer,  
20 employee, or member shall pay the assessment, plus penalties  
21 and interest, or advise the Department of Revenue in writing  
22 of objections to the assessment and, if desired, request a  
23 conference. A conference shall be governed by the provisions  
24 of Illinois law pertaining to a conference requested from a  
25 notice of deficiency.

26 After a conference or, if no conference is requested, a

1 determination of the issues considering the written  
2 objections, the Department of Revenue shall mail the officer,  
3 employee, or member a conference letter affirming, canceling,  
4 or adjusting the notice of determination and assessment.  
5 Within 90 days after the date the conference letter is mailed  
6 to the officer, employee, or member, the officer, employee, or  
7 member shall pay the assessment, plus penalties and interest,  
8 or appeal in the manner provided for an appeal from a notice of  
9 assessment.

10 If the Department of Revenue does not receive payment or  
11 written objection to the notice of determination and  
12 assessment within 30 days after the notice of determination  
13 and assessment was mailed, the notice of determination and  
14 assessment becomes final. In that event, the officer,  
15 employee, or member may appeal the notice of determination and  
16 assessment to the tax court within 90 days after it became  
17 final in the manner provided for an appeal from a notice of  
18 assessment.

19 (e) More than one officer or employee of a corporation may  
20 be held jointly and severally liable for payment of taxes.

21 Notwithstanding the confidentiality provisions of Section  
22 465, if more than one officer or employee of a corporation may  
23 be held jointly and severally liable for payment of taxes, the  
24 Department of Revenue may require any or all of the officers,  
25 members, or employees who may be held liable to appear before  
26 the Department of Revenue for a joint determination of

1 liability. The Department of Revenue shall notify each  
2 officer, member, or employee of the time and place set for the  
3 determination of liability.

4 Each person notified of a joint determination under this  
5 subsection shall appear and present such information as is  
6 necessary to establish that person's liability or nonliability  
7 for payment of taxes to the Department of Revenue. If a person  
8 who was notified fails to appear, the Department of Revenue  
9 shall make its determination on the basis of all the  
10 information and evidence presented. The Department of  
11 Revenue's determination is binding on all persons notified and  
12 required to appear under this subsection.

13 If an appeal is taken to the Illinois Independent Tax  
14 Tribunal pursuant to Section 465 by any person determined to  
15 be liable for unpaid taxes under this subsection, each person  
16 required to appear before the Department of Revenue under this  
17 subsection shall be impleaded by the plaintiff. The Department  
18 of Revenue may implead any officer, employee, or member who  
19 may be held jointly and severally liable for the payment of  
20 taxes. Each person impleaded under this paragraph shall be  
21 made a party to the action before the Illinois Independent Tax  
22 Tribunal and shall make available to the Illinois Independent  
23 Tax Tribunal the information that was presented before the  
24 Department of Revenue, as well as other information that may  
25 be presented to the Illinois Independent Tax Tribunal. The  
26 Illinois Independent Tax Tribunal may determine that one or

1 more persons impleaded under this paragraph are liable for  
2 unpaid taxes without regard to any earlier determination by  
3 the Department of Revenue that an impleaded person was not  
4 liable for unpaid taxes. If a person required to appear  
before  
5 the Illinois Independent Tax Tribunal under this subsection  
6 fails or refuses to appear or bring such information in part  
or  
7 in whole, or is outside the jurisdiction  
of the Illinois  
8 Independent Tax Tribunal, the  
Illinois Independent Tax  
9 Tribunal shall make its determination on the basis of all the  
10 evidence introduced. Notwithstanding Section 465, the  
evidence  
11 constitutes a public record and shall be available to the  
12 parties and the Illinois Independent Tax Tribunal. The  
13 determination of the Illinois Independent Tax Tribunal is  
14 binding on all persons made parties to the action under this  
15 subsection.

16 (f) This Section may not be construed to preclude a  
17 determination by the Department of Revenue or the Illinois  
18 Independent Tax Tribunal that more than one officer, employee,  
19 or member are jointly and severally liable for unpaid taxes.

20 Section 430. Duty to keep receipts, invoices, and other  
21 records.

22 (a) A psilocybin service center operator shall keep  
23 receipts, invoices, and other pertinent records related to  
24 retail sales of psilocybin products in the form required by

25 the Department of Revenue. Each record shall be preserved for  
1 5 years after the time to which the record relates or for as  
2 long as the psilocybin service center operator retains the  
3 psilocybin products to which the record relates, whichever is  
4 later. During the retention period and at any time prior to  
5 the  
6 destruction of records, the Department of Revenue may give  
7 written notice to the psilocybin service center operator not  
8 to destroy records described in the notice without written  
9 permission of the Department of Revenue. Notwithstanding any  
10 other provision of law, the Department of  
11 Revenue shall  
12 preserve reports and returns filed with the Department of  
13 Revenue for at least 5 years.

12 (b) The Department of Revenue or its authorized  
13 representative, upon oral or written demand, may make  
14 examinations of the books, papers, records, and equipment of  
15 persons making retail sales of psilocybin products and any  
16 other investigations as the Department of Revenue deems  
17 necessary to carry out the provisions of Sections 405 through  
18 475.

19 Section 435. Authority to require production of books,  
20 papers, accounts, and other information.

21 (a) The Department of Revenue has the authority, by order  
22 or subpoena to be served with the same force and effect and in  
23 the same manner as a subpoena is served in a civil action in  
24 the circuit court or the Illinois Independent Tax Tribunal, to  
25 require the production at any time and place the Department of

1 Revenue designates of any books, papers, accounts, or other  
2 information necessary to carry out Sections 405 through 475.  
3 The Department of Revenue may require the attendance of any  
4 person having knowledge in the premises and may take testimony  
5 and require proof material for the information with power to  
6 administer oaths to the person.

7 (b) If a person fails to comply with a subpoena or order of  
8 the Department of Revenue or to produce or permit the  
9 examination or inspection of any books, papers, records, and  
10 equipment pertinent to an investigation or inquiry under  
11 Sections 405 through 475, or to testify to any matter  
12 regarding which the person is lawfully interrogated, the  
13 Department of Revenue may apply to the Illinois Independent  
14 Tax Tribunal or to the circuit court of the county in which the  
15 person resides or where the person is for an order to the  
16 person to attend and testify or otherwise to comply with the  
17 demand or request of the Department of Revenue. The Department  
18 of Revenue shall apply to the court by ex parte motion, upon  
19 which the court shall make an order requiring the person  
20 against whom the motion is directed to comply with the request  
21 or demand of the Department of Revenue within 10 days after the  
22 service of the order, or within the additional time granted by  
23 the court, or to justify the failure within that time. The  
24 order shall be served upon the person to whom it is directed in  
25 the manner required by this State for service of process,  
26 which service is required to confer jurisdiction upon the

1 court. Failure to obey any order issued by the court under this  
2 Section is contempt of court. The remedy provided by this  
3 Section is in addition to other remedies, civil or criminal,  
4 existing under the tax laws or other laws of this State.

5 Section 440. Disclosure of information.

6 (a) Notwithstanding the confidentiality provisions of  
7 Section 465, the Department of Revenue may disclose  
8 information received under applicable Illinois law and  
9 Sections 405 through 475 to the Department to carry out the  
10 provisions of this Act.

11 (b) The Department may disclose information obtained  
12 pursuant to this Act to the Department of Revenue for the  
13 purpose of carrying out the provisions of this Act.

14 Section 445. Right to appeal determination of tax  
15 liability. Except as otherwise provided in this Act, a person  
16 aggrieved by an act or determination of the Department of  
17 Revenue or its authorized agent under applicable Illinois law  
18 and Sections 405 through 475 may appeal, within 90 days after  
19 the act or determination, to the Illinois Independent Tax  
20 Tribunal in the manner provided under applicable Illinois law.  
21 These appeal rights are the exclusive remedy available to  
22 determine the person's liability for the tax imposed under  
23 Sections 405 through 475.

1           Section 450. Duty to return excess tax collected.

2           (a) When an amount represented by a psilocybin service  
3 center operator at retail to a client as constituting the tax  
4 imposed under Sections 405 through 475 of this Act is computed  
5 upon an amount that is not taxable or is in excess of the  
6 taxable amount and is actually paid by the client to the  
7 psilocybin service center operator, the excess tax paid shall  
8 be returned by the psilocybin service center operator to the  
9 client upon written notification by the Department of Revenue  
10 or the client.

11           The written notification must contain information  
12 necessary to determine the validity of the client's claim.

13           (b) If the psilocybin service center operator does not  
14 return the excess tax within 60 days after mailing of the  
15 written notification required under subsection (a), the client  
16 may appeal to the Department of Revenue for a refund of the  
17 amount of the excess tax in the manner and within the time  
18 allowed under rules adopted by the Department of Revenue.

19           (c) If excess tax is returned to the client by the  
20 Department of Revenue, the Department of Revenue may issue a  
21 notice of deficiency for the excess tax to the psilocybin  
22 service center operator in the manner provided under  
23 applicable Illinois law.

24           Section 455. Retention of portions of tax to pay for  
25 expenses incurred. For the purpose of compensating psilocybin

1 service center operators for expenses incurred in collecting  
2 the tax imposed under Section 410, each psilocybin service  
3 center operator is permitted to deduct and retain 2% of the  
4 amount of taxes that are collected by the psilocybin service  
5 center operator from all retail sales of psilocybin products  
6 conducted by the psilocybin service center operator.

7 Section 460. Duties and powers of the Department of  
8 Revenue.

9 (a) The Department of Revenue shall administer and enforce  
10 Sections 405 through 475. The Department of Revenue is  
11 authorized to establish rules and procedures for the  
12 implementation and enforcement of Sections 405 through 475  
13 that are consistent with Sections 405 through 475 and that the  
14 Department of Revenue considers necessary and appropriate to  
15 administer and enforce Sections 405 through 475.

16 (b) The Department shall enter into an agreement with the  
17 Department of Revenue for the purpose of administering and  
18 enforcing those provisions of Sections 405 through 475, and  
19 rules or procedures established for the purpose of  
20 implementing and enforcing Sections 405 through 475, that the  
21 Department and the Department of Revenue determine are  
22 necessary for the effective and efficient administration,  
23 implementation, and enforcement of Sections 405 through 475.

24 Section 465. Applicability of tax laws. Except as

1 otherwise provided in Sections 405 through 475 or where the  
2 context requires otherwise, the provisions  
of applicable  
3 Illinois laws as to the audit and  
examination of returns,  
4 periods of limitation, determination of  
and notices of  
5 deficiencies, assessments, collections, liens, delinquencies,  
6 claims for refund and refunds, conferences, appeals to the  
7 Illinois Independent Tax Tribunal or  
the Department of  
8 Revenue, stays of collection pending appeal, confidentiality  
9 of returns and the penalties relative  
thereto, and the  
10 procedures relating thereto, apply to the determinations of  
11 taxes, penalties, and interest under Sections 405 through  
475.

12 Section 470. Illinois Psilocybin Fund. The Illinois  
13 Psilocybin Fund is created as a special fund in the State  
14 treasury. The Fund shall consist of moneys transferred to the  
15 Fund under Section 475. The Department of Revenue shall  
16 certify quarterly the amount of moneys available in the  
17 Illinois Psilocybin Fund. The Department of Revenue shall  
18 transfer quarterly the moneys in the Illinois Psilocybin Fund  
19 to the Psilocybin Control and Regulation Fund.

20 Section 475. Illinois Psilocybin Fund; payment of  
21 expenses. All moneys received by the Department of Revenue  
22 under Sections 405 through this Section shall be deposited

23 into the Illinois Psilocybin Fund. The Department of Revenue  
24 may pay expenses for the administration and enforcement of  
1 Sections 405 through this Section out of moneys received from  
2 the tax imposed under Section 410. Amounts necessary to pay  
3 administrative and enforcement expenses are continuously  
4 appropriated to the Department of Revenue from the Illinois  
5 Psilocybin Fund.

6 Section 480. Adoption of ordinances.

7 (a) The governing body of a city or county may adopt  
8 ordinances to be referred to the electors of the city or county  
9 as described in subsection (b) that prohibit or allow the  
10 establishment of any one or more of the following in the area  
11 subject to the jurisdiction of the city or in the  
12 unincorporated area subject to the jurisdiction of the county:

13 (1) Psilocybin product manufacturers that hold a  
14 license issued under Section 85.

15 (2) Psilocybin service center operators that hold a  
16 license issued under 100.

17 (3) Any combination of the entities described in  
18 paragraphs (1) and (2).

19 (b) If the governing body of a city or county adopts an  
20 ordinance under this Section, the governing body shall submit  
21 the measure of the ordinance to the electors of the city or  
22 county for approval at the next statewide general election.

23 (c) If the governing body of a city or county adopts an  
24 ordinance under this Section, the governing body must provide  
25 the text of the ordinance to the Department.

1 (d) Upon receiving notice of a prohibition under  
2 subsection (c), the Department shall discontinue licensing  
3 those premises to which the prohibition applies until the date  
4 of the next statewide general election.

5 (e) If an allowance is approved at the next statewide  
6 general election under subsection (b), the Department shall  
7 begin licensing the premises to which the allowance applies on  
8 the first business day of the January immediately following  
9 the date of the next statewide general election.

10 (f) Notwithstanding any other provision of law, a city or  
11 county that adopts an ordinance under this Section that  
12 prohibits the establishment of an entity described in  
13 subsection (a) may not impose a tax or fee on the manufacturing  
14 or sale of psilocybin products.

15 Section 485. Incorporation by reference. All of the  
16 provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,  
17 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11, 11a, and 12 of the  
18 Retailers' Occupation Tax Act, and all applicable provisions  
19 of the Uniform Penalty and Interest Act that are not  
20 inconsistent with this Act, apply to clients, legal entities,  
21 licensees, licensee representatives, psilocybin product  
22 manufacturers, psilocybin service centers, psilocybin service  
23 center operators, and psilocybin service facilitators to the  
24 same extent as if those provisions were included in this Act.  
25 References in the incorporated Sections of the Retailers'

1 Occupation Tax Act to retailers, to sellers, or to persons  
2 engaged in the business of selling tangible personal property  
3 mean distributors when used in this Act. References in the  
4 incorporated Sections to sales of tangible personal property  
5 mean sales of tobacco products when used in this Act.

6 Section 490. Registration under the Retailers' Occupation  
7 Tax Act. A retailer maintaining a place of business in this  
8 State, if required to register under the Retailers' Occupation  
9 Tax Act, need not obtain an additional Certificate of  
10 Registration under this Act, but shall be deemed to be  
11 sufficiently registered by virtue of his being registered  
12 under the Retailers' Occupation Tax Act. Every retailer  
13 maintaining a place of business in this State, if not required  
14 to register under the Retailers' Occupation Tax Act, shall  
15 apply to the Department of Revenue (upon a form prescribed and  
16 furnished by the Department of Revenue) for a Certificate of  
17 Registration under this Act. In completing such application,  
18 the applicant shall furnish such information as the Department  
19 of Revenue may reasonably require. Upon approval of an  
20 application for Certificate of Registration, the Department of  
21 Revenue shall issue, without charge, a Certificate of  
22 Registration to the applicant. Such Certificate of  
23 Registration shall be displayed at the address which the  
24 applicant states in his or her application to be the principal  
25 place of business or location from which he or she will act as

1 a retailer in this State. If the applicant will act as a  
2 retailer in this State from other places of  
business or  
3 locations, he shall list the addresses of  
such additional  
4 places of business or locations in  
this application for  
5 Certificate of Registration, and the Department of Revenue  
6 shall issue a Sub-Certificate of Registration to the  
applicant  
7 for each such additional place of business or location. Each  
8 Sub-Certificate of Registration shall be conspicuously  
9 displayed at the place for which it is  
issued. Such  
10 Sub-Certificate of Registration shall bear the same  
11 registration number as that appearing upon the Certificate of  
12 Registration to which such Sub-Certificates relate. Where a  
13 retailer operates more than one place of business which is  
14 subject to registration under this Section and such  
businesses  
15 are substantially different in character or are engaged in  
16 under different trade names or are engaged in under other  
17 substantially dissimilar circumstances (so that it is more  
18 practicable, from an accounting, auditing, or bookkeeping  
19 standpoint, for such businesses to be separately registered),  
20 the Department of Revenue may require or permit such person  
to  
21 apply for and obtain a separate Certificate of Registration  
22 for each such business or for any of such businesses instead  
of  
23 registering such person, as to all such businesses, under a

24 single Certificate of Registration supplemented by related  
25 Sub-Certificates of Registration. No Certificate of  
26 Registration shall be issued to any person who is in default  
to

1 the State of Illinois for moneys due hereunder.

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

19 Section 497. Severability. The provisions of this Act are  
20 severable under Section 1.31 of the Statute on Statutes.

21 Section 550. The State Finance Act is amended by adding  
22 Sections 5.935 and 5.936 as follows:

23 (30 ILCS 105/5.935 new)

1 Sec. 5.935. The Psilocybin Control and Regulation Fund.

2 (30 ILCS 105/5.936 new)

3 Sec. 5.936. The Illinois Psilocybin Fund.

4 Section 555. The Illinois Independent Tax Tribunal Act of  
5 2012 is amended by changing Section 1-45 as follows:

6 (35 ILCS 1010/1-45)

7 Sec. 1-45. Jurisdiction of the Tax Tribunal.

8 (a) Except as provided by the Constitution of the United  
9 States, the Constitution of the State of Illinois, or any  
10 statutes of this State, including, but not limited to, the  
11 State Officers and Employees Money Disposition Act, the Tax  
12 Tribunal shall have original jurisdiction over all  
13 determinations of the Department reflected on a Notice of  
14 Deficiency, Notice of Tax Liability, Notice of Claim Denial,  
15 or Notice of Penalty Liability issued under the Illinois  
16 Income Tax Act, the Use Tax Act, the Service Use Tax Act, the  
17 Service Occupation Tax Act, the Retailers' Occupation Tax Act,  
18 the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco  
19 Products Tax Act of 1995, the Hotel Operators' Occupation Tax  
20 Act, the Motor Fuel Tax Law, the Automobile Renting Occupation  
21 and Use Tax Act, the Coin-Operated Amusement Device and  
22 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water  
23 Company Invested Capital Tax Act, the Telecommunications



26 proceeding in the Tax Tribunal.

1 (c) The Tax Tribunal may require the taxpayer to post a  
2 bond equal to 25% of the liability at issue (1) upon motion  
of  
3 the Department and a showing that (A) the taxpayer's action  
is  
4 frivolous or legally insufficient or (B)  
the taxpayer is  
5 acting primarily for the purpose of delaying the collection  
of  
6 tax or prejudicing the ability ultimately to collect the tax,  
7 or (2) if, at any time during the proceedings, it is  
determined  
8 by the Tax Tribunal that the taxpayer is not pursuing the  
9 resolution of the case with due diligence. If the Tax  
Tribunal  
10 finds in a particular case that the taxpayer cannot procure  
11 and furnish a satisfactory surety or sureties for the kind of  
12 bond required herein, the Tax Tribunal may relieve the  
13 taxpayer of the obligation of filing such bond, if, upon the  
14 timely application for a lien in lieu thereof and  
accompanying  
15 proof therein submitted, the Tax Tribunal is satisfied that  
16 any such lien imposed would operate to secure the assessment  
17 in the manner and to the degree as would a bond. The Tax  
18 Tribunal shall adopt rules for the procedures to be used in  
19 securing a bond or lien under this Section.

20 (d) If, with or after the filing of a timely petition, the  
21 taxpayer pays all or part of the tax or other amount in issue  
22 before the Tax Tribunal has rendered a decision, the Tax  
23 Tribunal shall treat the taxpayer's petition as a protest of a

24 denial of claim for refund of the amount so paid upon a written  
25 motion filed by the taxpayer.

26 (e) The Tax Tribunal shall not have jurisdiction to  
1 review: 2

3 (1) any assessment made under the  
Property Tax Code;

(2) any decisions relating to the  
issuance or denial

4 of an exemption ruling for any entity claiming exemption  
5 from any tax imposed under the Property Tax Code or any  
6 State tax administered by the Department;

7 (3) a notice of proposed tax liability, notice of  
8 proposed deficiency, or any other notice of proposed  
9 assessment or notice of intent to take some action;

10 (4) any action or determination of the Department  
11 regarding tax liabilities that have become finalized by  
12 law, including but not limited to the issuance of liens,  
13 levies, and revocations, suspensions, or denials of  
14 licenses or certificates of registration or any other  
15 collection activities;

16 (5) any proceedings of the Department's informal  
17 administrative appeals function; and

18 (6) any challenge to an administrative subpoena issued  
19 by the Department.

20 (f) The Tax Tribunal shall decide questions regarding the  
21 constitutionality of statutes and rules adopted by the  
22 Department as applied to the taxpayer, but shall not have the  
23 power to declare a statute or rule unconstitutional or  
24 otherwise invalid on its face. A taxpayer challenging the  
25 constitutionality of a statute or rule on its face may present

26 such challenge to the Tax Tribunal for the sole purpose of  
1 making a record for review by the Illinois Appellate Court.  
2 Failure to raise a constitutional issue regarding the  
3 application of a statute or regulations to the taxpayer shall  
4 not preclude the taxpayer or the Department from raising those  
5 issues at the appellate court level.  
6 (Source: P.A. 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13.)

7 Section 560. The Illinois Controlled Substances Act is  
8 amended by changing Section 102 as follows:

9 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

10 (Text of Section before amendment by P.A. 101-666)

11 Sec. 102. Definitions. As used in this Act, unless the  
12 context otherwise requires:

13 (a) "Addict" means any person who habitually uses any  
14 drug, chemical, substance or dangerous drug other than alcohol  
15 so as to endanger the public morals, health, safety or welfare  
16 or who is so far addicted to the use of a dangerous drug or  
17 controlled substance other than alcohol as to have lost the  
18 power of self control with reference to his or her addiction.

19 (b) "Administer" means the direct application of a  
20 controlled substance, whether by injection, inhalation,  
21 ingestion, or any other means, to the body of a patient,  
22 research subject, or animal (as defined by the Humane  
23 Euthanasia in Animal Shelters Act) by:

24 (1) a practitioner (or, in his or her presence, by his

1 or her authorized agent),

2 (2) the patient or research subject pursuant to an  
3 order, or

4 (3) a euthanasia technician as defined by the Humane  
5 Euthanasia in Animal Shelters Act.

6 (c) "Agent" means an authorized person who acts on behalf  
7 of or at the direction of a manufacturer, distributor,  
8 dispenser, prescriber, or practitioner. It does not include a  
9 common or contract carrier, public warehouseman or employee of  
10 the carrier or warehouseman.

11 (c-1) "Anabolic Steroids" means any drug or hormonal  
12 substance, chemically and pharmacologically related to  
13 testosterone (other than estrogens, progestins,  
14 corticosteroids, and dehydroepiandrosterone), and includes:

15 (i) 3[beta],17-dihydroxy-5a-androstane,

16 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

17 (iii) 5[alpha]-androstane-3,17-dione,

18 (iv) 1-androstenediol (3[beta],

19 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

20 (v) 1-androstenediol (3[alpha],

21 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

22 (vi) 4-androstenediol

23 (3[beta],17[beta]-dihydroxy-androst-4-ene),

24 (vii) 5-androstenediol

25 (3[beta],17[beta]-dihydroxy-androst-5-ene),

26 (viii) 1-androstenedione

1 ([5alpha]-androst-1-en-3,17-dione),  
2 (ix) 4-androstenedione  
3 (androst-4-en-3,17-dione),  
4 (x) 5-androstenedione  
5 (androst-5-en-3,17-dione),  
6 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-  
7 hydroxyandrost-4-en-3-one),  
8 (xii) boldenone (17[beta]-hydroxyandrost- 9  
1,4,-diene-3-one),  
10 (xiii) boldione (androsta-1,4-  
11 diene-3,17-dione),  
12 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17  
13 [beta]-hydroxyandrost-4-en-3-one),  
14 (xv) clostebol (4-chloro-17[beta]-  
15 hydroxyandrost-4-en-3-one),  
16 (xvi) dehydrochloromethyltestosterone (4-chloro-  
17 17[beta]-hydroxy-17[alpha]-methyl-  
18 androst-1,4-dien-3-one),  
19 (xvii) desoxymethyltestosterone  
20 (17[alpha]-methyl-5[alpha]  
21 -androst-2-en-17[beta]-ol) (a.k.a., madol),  
22 (xviii) [delta]1-dihydrotestosterone (a.k.a.  
23 '1-testosterone') (17[beta]-hydroxy-  
24 5[alpha]-androst-1-en-3-one),  
25 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
26 androstan-3-one),

1 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
2 5[alpha]-androstan-3-one),  
3 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
4 hydroxyestr-4-ene),  
5 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-  
6 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),  
7 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
8 17[beta]-dihydroxyandrost-1,4-dien-3-one),  
9 (xxiv) furazabol (17[alpha]-methyl-17[beta]-  
10 hydroxyandrostano[2,3-c]-furazan),  
11 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,  
12 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-  
13 androst-4-en-3-one),  
14 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-  
15 dihydroxy-estr-4-en-3-one),  
16 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
17 hydroxy-5-androstan-3-one),  
18 (xxix) mesterolone (1-methyl-17[beta]-hydroxy-  
19 [5a]-androstan-3-one),  
20 (xxx) methandienone (17[alpha]-methyl-17[beta]-  
21 hydroxyandrost-1,4-dien-3-one),  
22 (xxxii) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
23 dihydroxyandrost-5-ene),  
24 (xxxiii) methenolone (1-methyl-17[beta]-hydroxy-  
25 5[alpha]-androst-1-en-3-one),  
26 (xxxiiii) 17[alpha]-methyl-3[beta], 17[beta]-

1 dihydroxy-5a-androstane,  
2 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
3 -5a-androstane,  
4 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-  
5 dihydroxyandrost-4-ene),  
6 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
7 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
8 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-  
9 hydroxyestra-4,9(10)-dien-3-one),  
10 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-  
11 hydroxyestra-4,9-11-trien-3-one),  
12 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-  
13 hydroxyandrost-4-en-3-one),  
14 (xli) mibolerone (7[alpha],17a-dimethyl-17[beta]-  
15 hydroxyestr-4-en-3-one),  
16 (xlii) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
17 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
18 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
19 1-testosterone'),  
20 (xliii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),  
21 (xliv) 19-nor-4-androstenediol (3[beta], 17[beta]-  
22 dihydroxyestr-4-ene),  
23 (xlv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
24 dihydroxyestr-4-ene),  
25 (xlvi) 19-nor-5-androstenediol (3[beta], 17[beta]-  
26 dihydroxyestr-5-ene),

1 (xlv) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
2 dihydroxyestr-5-ene),  
3 (xlvii) 19-nor-4,9(10)-androstadienedione 4  
 (estra-4,9(10)-diene-3,17-dione),  
5 (xlviii) 19-nor-4-androstenedione  
6 (estr-4-en-3,17-dione),  
7 (xlix) 19-nor-5-androstenedione  
8 (estr-5-en-3,17-dione),  
9 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-  
10 hydroxygon-4-en-3-one),  
11 (li) norclostebol (4-chloro-17[beta]-  
12 hydroxyestr-4-en-3-one),  
13 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-  
14 hydroxyestr-4-en-3-one),  
15 (liii) normethandrolone (17[alpha]-methyl-17[beta]-  
16 hydroxyestr-4-en-3-one),  
17 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-  
18 2-oxa-5[alpha]-androstan-3-one),  
19 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-  
20 dihydroxyandrost-4-en-3-one),  
21 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-  
22 17[beta]-hydroxy-(5[alpha]-androstan-3-one),  
23 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
24 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
25 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
26 (5[alpha]-androst-1-en-3-one),

1           (lix) testolactone (13-hydroxy-3-oxo-13,17-  
2           secoandrosta-1,4-dien-17-oic  
3           acid lactone),  
4    (lx) testosterone (17[beta]-hydroxyandrost- 5  
          4-en-3-one),  
6    (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
7           diethyl-17[beta]-hydroxygon-  
8           4,9,11-trien-3-one),  
9    (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
10           11-trien-3-one).

11           Any person who is otherwise lawfully in possession of an  
12    anabolic steroid, or who otherwise lawfully manufactures,  
13    distributes, dispenses, delivers, or possesses with intent to  
14    deliver an anabolic steroid, which anabolic steroid is  
15    expressly intended for and lawfully allowed to be administered  
16    through implants to livestock or other nonhuman species, and  
17    which is approved by the Secretary of Health and Human  
18    Services for such administration, and which the person intends  
19    to administer or have administered through such implants,  
20    shall not be considered to be in unauthorized possession or to  
21    unlawfully manufacture, distribute, dispense, deliver, or  
22    possess with intent to deliver such anabolic steroid for  
23    purposes of this Act.

24           (d) "Administration" means the Drug Enforcement  
25    Administration, United States Department of Justice, or its  
26    successor agency.

1 (d-5) "Clinical Director, Prescription Monitoring Program"  
2 means a Department of Human Services administrative employee  
3 licensed to either prescribe or dispense controlled substances  
4 who shall run the clinical aspects of the Department of Human  
5 Services Prescription Monitoring Program and its Prescription  
6 Information Library.

7 (d-10) "Compounding" means the preparation and mixing of  
8 components, excluding flavorings, (1) as the result of a  
9 prescriber's prescription drug order or initiative based on  
10 the prescriber-patient-pharmacist relationship in the course  
11 of professional practice or (2) for the purpose of, or  
12 incident to, research, teaching, or chemical analysis and not  
13 for sale or dispensing. "Compounding" includes the preparation  
14 of drugs or devices in anticipation of receiving prescription  
15 drug orders based on routine, regularly observed dispensing  
16 patterns. Commercially available products may be compounded  
17 for dispensing to individual patients only if both of the  
18 following conditions are met: (i) the commercial product is  
19 not reasonably available from normal distribution channels in  
20 a timely manner to meet the patient's needs and (ii) the  
21 prescribing practitioner has requested that the drug be  
22 compounded.

23 (e) "Control" means to add a drug or other substance, or  
24 immediate precursor, to a Schedule whether by transfer from  
25 another Schedule or otherwise.

26 (f) "Controlled Substance" means (i) a drug, substance,

1 immediate precursor, or synthetic drug in the Schedules of  
2 Article II of this Act or (ii) a drug or other substance, or  
3 immediate precursor, designated as a controlled substance by  
4 the Department through administrative rule. The term does not  
5 include: distilled spirits, wine, malt beverages, or tobacco,  
6 as those terms are defined or used in the Liquor Control Act of  
7 1934 and the Tobacco Products Tax Act of 1995; or psilocybin or  
8 a psilocybin product, as those terms are defined or used in the  
9 Illinois Psilocybin Services Act.

10 (f-5) "Controlled substance analog" means a substance:

11 (1) the chemical structure of which is substantially  
12 similar to the chemical structure of a controlled  
13 substance in Schedule I or II;

14 (2) which has a stimulant, depressant, or  
15 hallucinogenic effect on the central nervous system that  
16 is substantially similar to or greater than the stimulant,  
17 depressant, or hallucinogenic effect on the central  
18 nervous system of a controlled substance in Schedule I or  
19 II; or

20 (3) with respect to a particular person, which such  
21 person represents or intends to have a stimulant,  
22 depressant, or hallucinogenic effect on the central  
23 nervous system that is substantially similar to or greater  
24 than the stimulant, depressant, or hallucinogenic effect  
25 on the central nervous system of a controlled substance in  
26 Schedule I or II.

1           (g) "Counterfeit substance" means a controlled substance,  
2           which, or the container or labeling of which, without  
3           authorization bears the trademark, trade name, or other  
4           identifying mark, imprint, number or device, or any likeness  
5           thereof, of a manufacturer, distributor, or dispenser other  
6           than the person who in fact manufactured, distributed, or  
7           dispensed the substance.

8           (h) "Deliver" or "delivery" means the actual, constructive  
9           or attempted transfer of possession of a controlled substance,  
10          with or without consideration, whether or not there is an  
11          agency relationship.

12          (i) "Department" means the Illinois Department of Human  
13          Services (as successor to the Department of Alcoholism and  
14          Substance Abuse) or its successor agency.

15          (j) (Blank).

16          (k) "Department of Corrections" means the Department of  
17          Corrections of the State of Illinois or its successor agency.

18          (l) "Department of Financial and Professional Regulation"  
19          means the Department of Financial and Professional Regulation  
20          of the State of Illinois or its successor agency.

21          (m) "Depressant" means any drug that (i) causes an overall  
22          depression of central nervous system functions, (ii) causes  
23          impaired consciousness and awareness, and (iii) can be  
24          habit-forming or lead to a substance abuse problem, including  
25          but not limited to alcohol, cannabis and its active principles  
26          and their analogs, benzodiazepines and their analogs,

1 barbiturates and their analogs, opioids (natural and  
2 synthetic) and their analogs, and chloral hydrate and similar  
3 sedative hypnotics.

4 (n) (Blank).

5 (o) "Director" means the Director of the Illinois State  
6 Police or his or her designated agents.

7 (p) "Dispense" means to deliver a controlled substance to  
8 an ultimate user or research subject by or pursuant to the  
9 lawful order of a prescriber, including the prescribing,  
10 administering, packaging, labeling, or compounding necessary  
11 to prepare the substance for that delivery.

12 (q) "Dispenser" means a practitioner who dispenses.

13 (r) "Distribute" means to deliver, other than by  
14 administering or dispensing, a controlled substance.

15 (s) "Distributor" means a person who distributes.

16 (t) "Drug" means (1) substances recognized as drugs in the  
17 official United States Pharmacopoeia, Official Homeopathic  
18 Pharmacopoeia of the United States, or official National  
19 Formulary, or any supplement to any of them; (2) substances  
20 intended for use in diagnosis, cure, mitigation, treatment, or  
21 prevention of disease in man or animals; (3) substances (other  
22 than food) intended to affect the structure of any function of  
23 the body of man or animals and (4) substances intended for use  
24 as a component of any article specified in clause (1), (2), or  
25 (3) of this subsection. It does not include devices or their  
26 components, parts, or accessories.

1           (t-3) "Electronic health record" or "EHR" means an  
2 electronic record of health-related information on an  
3 individual that is created, gathered, managed, and consulted  
4 by authorized health care clinicians and staff.

5           (t-4) "Emergency medical services personnel" has the  
6 meaning ascribed to it in the Emergency Medical Services (EMS)  
7 Systems Act.

8           (t-5) "Euthanasia agency" means an entity certified by the  
9 Department of Financial and Professional Regulation for the  
10 purpose of animal euthanasia that holds an animal control  
11 facility license or animal shelter license under the Animal  
12 Welfare Act. A euthanasia agency is authorized to purchase,  
13 store, possess, and utilize Schedule II nonnarcotic and  
14 Schedule III nonnarcotic drugs for the sole purpose of animal  
15 euthanasia.

16           (t-10) "Euthanasia drugs" means Schedule II or Schedule  
17 III substances (nonnarcotic controlled substances) that are  
18 used by a euthanasia agency for the purpose of animal  
19 euthanasia.

20           (u) "Good faith" means the prescribing or dispensing of a  
21 controlled substance by a practitioner in the regular course  
22 of professional treatment to or for any person who is under his  
23 or her treatment for a pathology or condition other than that  
24 individual's physical or psychological dependence upon or  
25 addiction to a controlled substance, except as provided  
26 herein: and application of the term to a pharmacist shall mean

1 the dispensing of a controlled substance pursuant to the  
2 prescriber's order which in the professional judgment of the  
3 pharmacist is lawful. The pharmacist shall be guided by  
4 accepted professional standards including, but not limited to  
5 the following, in making the judgment:

6 (1) lack of consistency of prescriber-patient  
7 relationship,

8 (2) frequency of prescriptions for same drug by one  
9 prescriber for large numbers of patients,

10 (3) quantities beyond those normally prescribed,

11 (4) unusual dosages (recognizing that there may be  
12 clinical circumstances where more or less than the usual  
13 dose may be used legitimately),

14 (5) unusual geographic distances between patient,  
15 pharmacist and prescriber,

16 (6) consistent prescribing of habit-forming drugs.

17 (u-0.5) "Hallucinogen" means a drug that causes markedly  
18 altered sensory perception leading to hallucinations of any  
19 type.

20 (u-1) "Home infusion services" means services provided by  
21 a pharmacy in compounding solutions for direct administration  
22 to a patient in a private residence, long-term care facility,  
23 or hospice setting by means of parenteral, intravenous,  
24 intramuscular, subcutaneous, or intraspinal infusion.

25 (u-5) "Illinois State Police" means the State Police of  
26 the State of Illinois, or its successor agency.

1 (v) "Immediate precursor" means a substance:

2 (1) which the Department has found to be and by rule  
3 designated as being a principal compound used, or produced  
4 primarily for use, in the manufacture of a controlled  
5 substance;

6 (2) which is an immediate chemical intermediary used  
7 or likely to be used in the manufacture of such controlled  
8 substance; and

9 (3) the control of which is necessary to prevent,  
10 curtail or limit the manufacture of such controlled  
11 substance.

12 (w) "Instructional activities" means the acts of teaching,  
13 educating or instructing by practitioners using controlled  
14 substances within educational facilities approved by the State  
15 Board of Education or its successor agency.

16 (x) "Local authorities" means a duly organized State,  
17 County or Municipal peace unit or police force.

18 (y) "Look-alike substance" means a substance, other than a  
19 controlled substance which (1) by overall dosage unit  
20 appearance, including shape, color, size, markings or lack  
21 thereof, taste, consistency, or any other identifying physical  
22 characteristic of the substance, would lead a reasonable  
23 person to believe that the substance is a controlled  
24 substance, or (2) is expressly or impliedly represented to be  
25 a controlled substance or is distributed under circumstances  
26 which would lead a reasonable person to believe that the

1 substance is a controlled substance. For the purpose of  
2 determining whether the representations made or the  
3 circumstances of the distribution would lead a reasonable  
4 person to believe the substance to be a controlled substance  
5 under this clause (2) of subsection (y), the court or other  
6 authority may consider the following factors in addition to  
7 any other factor that may be relevant:

8 (a) statements made by the owner or person in control  
9 of the substance concerning its nature, use or effect;

10 (b) statements made to the buyer or recipient that the  
11 substance may be resold for profit;

12 (c) whether the substance is packaged in a manner  
13 normally used for the illegal distribution of controlled  
14 substances;

15 (d) whether the distribution or attempted distribution  
16 included an exchange of or demand for money or other  
17 property as consideration, and whether the amount of the  
18 consideration was substantially greater than the  
19 reasonable retail market value of the substance.

20 Clause (1) of this subsection (y) shall not apply to a  
21 noncontrolled substance in its finished dosage form that was  
22 initially introduced into commerce prior to the initial  
23 introduction into commerce of a controlled substance in its  
24 finished dosage form which it may substantially resemble.

25 Nothing in this subsection (y) prohibits the dispensing or  
26 distributing of noncontrolled substances by persons authorized

1 to dispense and distribute controlled substances under this  
2 Act, provided that such action would be deemed to be carried  
3 out in good faith under subsection (u) if the substances  
4 involved were controlled substances.

5 Nothing in this subsection (y) or in this Act prohibits  
6 the manufacture, preparation, propagation, compounding,  
7 processing, packaging, advertising or distribution of a drug  
8 or drugs by any person registered pursuant to Section 510 of  
9 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

10 (y-1) "Mail-order pharmacy" means a pharmacy that is  
11 located in a state of the United States that delivers,  
12 dispenses or distributes, through the United States Postal  
13 Service or other common carrier, to Illinois residents, any  
14 substance which requires a prescription.

15 (z) "Manufacture" means the production, preparation,  
16 propagation, compounding, conversion or processing of a  
17 controlled substance other than methamphetamine, either  
18 directly or indirectly, by extraction from substances of  
19 natural origin, or independently by means of chemical  
20 synthesis, or by a combination of extraction and chemical  
21 synthesis, and includes any packaging or repackaging of the  
22 substance or labeling of its container, except that this term  
23 does not include:

24 (1) by an ultimate user, the preparation or  
25 compounding of a controlled substance for his or her own  
26 use; or

1           (2) by a practitioner, or his or her authorized agent  
2           under his or her supervision, the preparation,  
3           compounding, packaging, or labeling of a controlled  
4           substance:

5           (a) as an incident to his or her administering or  
6           dispensing of a controlled substance in the course of  
7           his or her professional practice; or

8           (b) as an incident to lawful research, teaching or  
9           chemical analysis and not for sale. 10

(z-1) (Blank).

11           (z-5) "Medication shopping" means the conduct prohibited  
12           under subsection (a) of Section 314.5 of this Act.

13           (z-10) "Mid-level practitioner" means (i) a physician  
14           assistant who has been delegated authority to prescribe  
15           through a written delegation of authority by a physician  
16           licensed to practice medicine in all of its branches, in  
17           accordance with Section 7.5 of the Physician Assistant  
18           Practice Act of 1987, (ii) an advanced practice registered  
19           nurse who has been delegated authority to prescribe through a  
20           written delegation of authority by a physician licensed to  
21           practice medicine in all of its branches or by a podiatric  
22           physician, in accordance with Section 65-40 of the Nurse  
23           Practice Act, (iii) an advanced practice registered nurse  
24           certified as a nurse practitioner, nurse midwife, or clinical  
25           nurse specialist who has been granted authority to prescribe  
26           by a hospital affiliate in accordance with Section 65-45 of

1 the Nurse Practice Act, (iv) an animal euthanasia agency, or  
2 (v) a prescribing psychologist.

3 (aa) "Narcotic drug" means any of the following, whether  
4 produced directly or indirectly by extraction from substances  
5 of vegetable origin, or independently by means of chemical  
6 synthesis, or by a combination of extraction and chemical  
7 synthesis:

8 (1) opium, opiates, derivatives of opium and opiates,  
9 including their isomers, esters, ethers, salts, and salts  
10 of isomers, esters, and ethers, whenever the existence of  
11 such isomers, esters, ethers, and salts is possible within  
12 the specific chemical designation; however the term  
13 "narcotic drug" does not include the isoquinoline  
14 alkaloids of opium; 15

(2) (blank);

16 (3) opium poppy and poppy straw;

17 (4) coca leaves, except coca leaves and extracts of  
18 coca leaves from which substantially all of the cocaine  
19 and ecgonine, and their isomers, derivatives and salts,  
20 have been removed;

21 (5) cocaine, its salts, optical and geometric  
22 isomers,  
23 and salts of isomers;

24 (6) ecgonine, its derivatives, their salts, isomers,  
25 and salts of isomers;

26 (7) any compound, mixture, or preparation which  
contains any quantity of any of the substances referred to

1 in subparagraphs (1) through (6).

2 (bb) "Nurse" means a registered nurse licensed under the  
3 Nurse Practice Act.

4 (cc) (Blank).

5 (dd) "Opiate" means any substance having an addiction  
6 forming or addiction sustaining liability similar to morphine  
7 or being capable of conversion into a drug having addiction  
8 forming or addiction sustaining liability.

9 (ee) "Opium poppy" means the plant of the species *Papaver*  
10 *somniferum* L., except its seeds.

11 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
12 solution or other liquid form of medication intended for  
13 administration by mouth, but the term does not include a form  
14 of medication intended for buccal, sublingual, or transmucosal  
15 administration.

16 (ff) "Parole and Pardon Board" means the Parole and Pardon  
17 Board of the State of Illinois or its successor agency.

18 (gg) "Person" means any individual, corporation,  
19 mail-order pharmacy, government or governmental subdivision or  
20 agency, business trust, estate, trust, partnership or  
21 association, or any other entity.

22 (hh) "Pharmacist" means any person who holds a license or  
23 certificate of registration as a registered pharmacist, a  
24 local registered pharmacist or a registered assistant  
25 pharmacist under the Pharmacy Practice Act.

26 (ii) "Pharmacy" means any store, ship or other place in

1 which pharmacy is authorized to be practiced under the  
2 Pharmacy Practice Act.

3 (ii-5) "Pharmacy shopping" means the conduct prohibited  
4 under subsection (b) of Section 314.5 of this Act.

5 (ii-10) "Physician" (except when the context otherwise  
6 requires) means a person licensed to practice medicine in all  
7 of its branches.

8 (jj) "Poppy straw" means all parts, except the seeds, of  
9 the opium poppy, after mowing.

10 (kk) "Practitioner" means a physician licensed to practice  
11 medicine in all its branches, dentist, optometrist, podiatric  
12 physician, veterinarian, scientific investigator, pharmacist,  
13 physician assistant, advanced practice registered nurse,  
14 licensed practical nurse, registered nurse, emergency medical  
15 services personnel, hospital, laboratory, or pharmacy, or  
16 other person licensed, registered, or otherwise lawfully  
17 permitted by the United States or this State to distribute,  
18 dispense, conduct research with respect to, administer or use  
19 in teaching or chemical analysis, a controlled substance in  
20 the course of professional practice or research.

21 (ll) "Pre-printed prescription" means a written  
22 prescription upon which the designated drug has been indicated  
23 prior to the time of issuance; the term does not mean a written  
24 prescription that is individually generated by machine or  
25 computer in the prescriber's office.

26 (mm) "Prescriber" means a physician licensed to practice

1 medicine in all its branches, dentist, optometrist,  
2 prescribing psychologist licensed under Section 4.2 of the  
3 Clinical Psychologist Licensing Act with prescriptive  
4 authority delegated under Section 4.3 of  
the Clinical  
5 Psychologist Licensing Act, podiatric physician, or  
6 veterinarian who issues a prescription, a physician assistant  
7 who issues a prescription for a  
controlled substance in  
8 accordance with Section 303.05, a written delegation, and a  
9 written collaborative agreement required under Section 7.5 of  
10 the Physician Assistant Practice Act of 1987, an advanced  
11 practice registered nurse with prescriptive authority  
12 delegated under Section 65-40 of the Nurse Practice Act and  
in  
13 accordance with Section 303.05, a written delegation, and a  
14 written collaborative agreement under Section 65-35 of the  
15 Nurse Practice Act, an advanced practice registered nurse  
16 certified as a nurse practitioner, nurse midwife, or clinical  
17 nurse specialist who has been granted authority to prescribe  
18 by a hospital affiliate in accordance with Section 65-45 of  
19 the Nurse Practice Act and in accordance with Section 303.05,  
20 or an advanced practice registered nurse certified as a nurse  
21 practitioner, nurse midwife, or clinical nurse specialist who  
22 has full practice authority pursuant to Section 65-43 of the  
23 Nurse Practice Act.

24 (nn) "Prescription" means a written, facsimile, or oral  
25 order, or an electronic order that complies with applicable  
26 federal requirements, of a physician licensed to practice

1 medicine in all its branches, dentist, podiatric physician or  
2 veterinarian for any controlled substance, of an optometrist  
3 in accordance with Section 15.1 of the Illinois Optometric  
4 Practice Act of 1987, of a prescribing psychologist licensed  
5 under Section 4.2 of the Clinical Psychologist Licensing Act  
6 with prescriptive authority delegated under Section 4.3 of  
the  
7 Clinical Psychologist Licensing Act, of a physician assistant  
8 for a controlled substance in accordance with Section 303.05,  
9 a written delegation, and a written collaborative agreement  
10 required under Section 7.5 of the Physician Assistant  
Practice  
11 Act of 1987, of an advanced practice registered nurse with  
12 prescriptive authority delegated under Section 65-40 of the  
13 Nurse Practice Act who issues a prescription for a controlled  
14 substance in accordance with Section 303.05, a written  
15 delegation, and a written collaborative agreement under  
16 Section 65-35 of the Nurse Practice Act, of an advanced  
17 practice registered nurse certified as a nurse practitioner,  
18 nurse midwife, or clinical nurse specialist who has been  
19 granted authority to prescribe by a hospital affiliate in  
20 accordance with Section 65-45 of the Nurse Practice Act and  
in  
21 accordance with Section 303.05 when required by law, or of an  
22 advanced practice registered nurse certified as a nurse  
23 practitioner, nurse midwife, or clinical nurse specialist who  
24 has full practice authority pursuant to Section 65-43 of the  
25 Nurse Practice Act.

26 (nn-5) "Prescription Information Library" (PIL) means an

1 electronic library that contains reported controlled substance  
2 data.

3 (nn-10) "Prescription Monitoring Program" (PMP) means the  
4 entity that collects, tracks, and stores reported data on  
5 controlled substances and select drugs pursuant to Section  
6 316.

7 (oo) "Production" or "produce" means manufacture,  
8 planting, cultivating, growing, or harvesting of a controlled  
9 substance other than methamphetamine.

10 (pp) "Registrant" means every person who is required to  
11 register under Section 302 of this Act.

12 (qq) "Registry number" means the number assigned to each  
13 person authorized to handle controlled substances under the  
14 laws of the United States and of this State.

15 (qq-5) "Secretary" means, as the context requires, either  
16 the Secretary of the Department or the Secretary of the  
17 Department of Financial and Professional Regulation, and the  
18 Secretary's designated agents.

19 (rr) "State" includes the State of Illinois and any state,  
20 district, commonwealth, territory, insular possession thereof,  
21 and any area subject to the legal authority of the United  
22 States of America.

23 (rr-5) "Stimulant" means any drug that (i) causes an  
24 overall excitation of central nervous system functions, (ii)  
25 causes impaired consciousness and awareness, and (iii) can be  
26 habit-forming or lead to a substance abuse problem, including

1 but not limited to amphetamines and their analogs,  
2 methylphenidate and its analogs, cocaine, and phencyclidine  
3 and its analogs.

4 (rr-10) "Synthetic drug" includes, but is not limited to,  
5 any synthetic cannabinoids or piperazines or any synthetic  
6 cathinones as provided for in Schedule I.

7 (ss) "Ultimate user" means a person who lawfully possesses  
8 a controlled substance for his or her own use or for the use of  
9 a member of his or her household or for administering to an  
10 animal owned by him or her or by a member of his or her  
11 household.

12 (Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15;  
13 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff.  
14 7-28-16; 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513,  
15 eff. 1-1-18; 100-789, eff. 1-1-19; 100-863, eff. 8-14-18.)

16 (Text of Section after amendment by P.A. 101-666)

17 Sec. 102. Definitions. As used in this Act, unless the  
18 context otherwise requires:

19 (a) "Addict" means any person who habitually uses any  
20 drug, chemical, substance or dangerous drug other than alcohol  
21 so as to endanger the public morals, health, safety or welfare  
22 or who is so far addicted to the use of a dangerous drug or  
23 controlled substance other than alcohol as to have lost the  
24 power of self control with reference to his or her addiction.

25 (b) "Administer" means the direct application of a

1 controlled substance, whether by injection, inhalation,  
2 ingestion, or any other means, to the body of a patient,  
3 research subject, or animal (as defined by the Humane  
4 Euthanasia in Animal Shelters Act) by:

5 (1) a practitioner (or, in his or her presence, by his  
6 or her authorized agent),

7 (2) the patient or research subject pursuant to an  
8 order, or

9 (3) a euthanasia technician as defined by the Humane  
10 Euthanasia in Animal Shelters Act.

11 (c) "Agent" means an authorized person who acts on behalf  
12 of or at the direction of a manufacturer, distributor,  
13 dispenser, prescriber, or practitioner. It does not include a  
14 common or contract carrier, public warehouseman or employee of  
15 the carrier or warehouseman.

16 (c-1) "Anabolic Steroids" means any drug or hormonal  
17 substance, chemically and pharmacologically related to  
18 testosterone (other than estrogens, progestins,  
19 corticosteroids, and dehydroepiandrosterone), and includes:

20 (i) 3[beta],17-dihydroxy-5a-androstane,

21 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

22 (iii) 5[alpha]-androstane-3,17-dione,

23 (iv) 1-androstenediol (3[beta],  
24 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

25 (v) 1-androstenediol (3[alpha],  
26 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

1 (vi) 4-androstenediol  
2 (3[beta],17[beta]-dihydroxy-androst-4-ene),  
3 (vii) 5-androstenediol  
4 (3[beta],17[beta]-dihydroxy-androst-5-ene),  
5 (viii) 1-androstenedione  
6 ([5alpha]-androst-1-en-3,17-dione),  
7 (ix) 4-androstenedione  
8 (androst-4-en-3,17-dione),  
9 (x) 5-androstenedione  
10 (androst-5-en-3,17-dione),  
11 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-  
12 hydroxyandrost-4-en-3-one),  
13 (xii) boldenone (17[beta]-hydroxyandrost- 14  
1,4,-diene-3-one),  
15 (xiii) boldione (androsta-1,4-  
16 diene-3,17-dione),  
17 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17  
18 [beta]-hydroxyandrost-4-en-3-one),  
19 (xv) clostebol (4-chloro-17[beta]-  
20 hydroxyandrost-4-en-3-one),  
21 (xvi) dehydrochloromethyltestosterone (4-chloro-  
22 17[beta]-hydroxy-17[alpha]-methyl-  
23 androst-1,4-dien-3-one),  
24 (xvii) desoxymethyltestosterone  
25 (17[alpha]-methyl-5[alpha]  
26 -androst-2-en-17[beta]-ol) (a.k.a., madol),

1 (xviii) [ $\delta$ ]1-dihydrotestosterone (a.k.a.  
2 '1-testosterone') (17[ $\beta$ ]-hydroxy-  
3 5[ $\alpha$ ]-androst-1-en-3-one),  
4 (xix) 4-dihydrotestosterone (17[ $\beta$ ]-hydroxy-  
5 androstan-3-one),  
6 (xx) drostanolone (17[ $\beta$ ]-hydroxy-2[ $\alpha$ ]-methyl-  
7 5[ $\alpha$ ]-androstan-3-one),  
8 (xxi) ethylestrenol (17[ $\alpha$ ]-ethyl-17[ $\beta$ ]-  
9 hydroxyestr-4-ene),  
10 (xxii) fluoxymesterone (9-fluoro-17[ $\alpha$ ]-methyl-  
11 1[ $\beta$ ],17[ $\beta$ ]-dihydroxyandrost-4-en-3-one),  
12 (xxiii) formebolone (2-formyl-17[ $\alpha$ ]-methyl-11[ $\alpha$ ],  
13 17[ $\beta$ ]-dihydroxyandrost-1,4-dien-3-one),  
14 (xxiv) furazabol (17[ $\alpha$ ]-methyl-17[ $\beta$ ]-  
15 hydroxyandrostan[2,3-c]-furazan),  
16 (xxv) 13[ $\beta$ ]-ethyl-17[ $\beta$ ]-hydroxygon-4-en-3-one,  
17 (xxvi) 4-hydroxytestosterone (4,17[ $\beta$ ]-dihydroxy-  
18 androst-4-en-3-one),  
19 (xxvii) 4-hydroxy-19-nortestosterone (4,17[ $\beta$ ]-  
20 dihydroxy-estr-4-en-3-one),  
21 (xxviii) mestanolone (17[ $\alpha$ ]-methyl-17[ $\beta$ ]-  
22 hydroxy-5-androstan-3-one),  
23 (xxix) mesterolone (1 $\alpha$ -methyl-17[ $\beta$ ]-hydroxy-  
24 [5 $\alpha$ ]-androstan-3-one),  
25 (xxx) methandienone (17[ $\alpha$ ]-methyl-17[ $\beta$ ]-  
26 hydroxyandrost-1,4-dien-3-one),

1 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
2 dihydroxyandrost-5-ene),  
3 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-  
4 5[alpha]-androst-1-en-3-one),  
5 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-  
6 dihydroxy-5a-androstane,  
7 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
8 -5a-androstane,  
9 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-  
10 dihydroxyandrost-4-ene),  
11 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
12 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
13 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-  
14 hydroxyestra-4,9(10)-dien-3-one),  
15 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-  
16 hydroxyestra-4,9-11-trien-3-one),  
17 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-  
18 hydroxyandrost-4-en-3-one),  
19 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-  
20 hydroxyestr-4-en-3-one),  
21 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
22 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
23 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
24 1-testosterone'),  
25 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),  
26 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-

1 dihydroxyestr-4-ene),  
2 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
3 dihydroxyestr-4-ene),  
4 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-  
5 dihydroxyestr-5-ene),  
6 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
7 dihydroxyestr-5-ene),  
8 (xlvii) 19-nor-4,9(10)-androstadienedione 9  
 (estra-4,9(10)-diene-3,17-dione),  
9 (xlviii) 19-nor-4-androstenedione  
10 (estr-4- 11 en-3,17-dione),  
11 (xlix) 19-nor-5-androstenedione  
12 (estr-5- 13 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-

1           17[beta]-hydroxy-(5[alpha]-androstan-3-one),  
2           (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
3           (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
4           (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
5           (5[alpha]-androst-1-en-3-one),  
6           (lix) testolactone (13-hydroxy-3-oxo-13,17-  
7           secoandrosta-1,4-dien-17-oic  
8           acid lactone),  
9 (lx) testosterone (17[beta]-hydroxyandrost- 10  
          4-en-3-one),  
11           (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
12           diethyl-17[beta]-hydroxygon-  
13           4,9,11-trien-3-one),  
14           (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
15           11-trien-3-one).

16           Any person who is otherwise lawfully in possession of an  
17           anabolic steroid, or who otherwise lawfully manufactures,  
18           distributes, dispenses, delivers, or possesses with intent to  
19           deliver an anabolic steroid, which anabolic steroid is  
20           expressly intended for and lawfully allowed to be administered  
21           through implants to livestock or other nonhuman species, and  
22           which is approved by the Secretary of Health and Human  
23           Services for such administration, and which the person intends  
24           to administer or have administered through such implants,  
25           shall not be considered to be in unauthorized possession or to  
26           unlawfully manufacture, distribute, dispense, deliver, or

1 possess with intent to deliver such anabolic steroid for  
2 purposes of this Act.

3 (d) "Administration" means the Drug Enforcement  
4 Administration, United States Department of Justice, or its  
5 successor agency.

6 (d-5) "Clinical Director, Prescription Monitoring Program"  
7 means a Department of Human Services administrative employee  
8 licensed to either prescribe or dispense controlled substances  
9 who shall run the clinical aspects of the Department of Human  
10 Services Prescription Monitoring Program and its Prescription  
11 Information Library.

12 (d-10) "Compounding" means the preparation and mixing of  
13 components, excluding flavorings, (1) as the result of a  
14 prescriber's prescription drug order or initiative based on  
15 the prescriber-patient-pharmacist relationship in the course  
16 of professional practice or (2) for the purpose of, or  
17 incident to, research, teaching, or chemical analysis and not  
18 for sale or dispensing. "Compounding" includes the preparation  
19 of drugs or devices in anticipation of receiving prescription  
20 drug orders based on routine, regularly observed dispensing  
21 patterns. Commercially available products may be compounded  
22 for dispensing to individual patients only if both of the  
23 following conditions are met: (i) the commercial product is  
24 not reasonably available from normal distribution channels in  
25 a timely manner to meet the patient's needs and (ii) the  
26 prescribing practitioner has requested that the drug be

1 compounded.

2 (e) "Control" means to add a drug or other substance, or  
3 immediate precursor, to a Schedule whether by transfer from  
4 another Schedule or otherwise.

5 (f) "Controlled Substance" means (i) a drug, substance,  
6 immediate precursor, or synthetic drug in the Schedules of  
7 Article II of this Act or (ii) a drug or other substance, or  
8 immediate precursor, designated as a controlled substance by  
9 the Department through administrative rule. The term does not  
10 include: distilled spirits, wine, malt beverages, or tobacco,  
11 as those terms are defined or used in the Liquor Control Act of  
12 1934 and the Tobacco Products Tax Act of 1995; or psilocybin or  
13 a psilocybin product, as those terms are defined or used in the  
14 Illinois Psilocybin Services Act.

15 (f-5) "Controlled substance analog" means a substance:

16 (1) the chemical structure of which is substantially  
17 similar to the chemical structure of a controlled  
18 substance in Schedule I or II;

19 (2) which has a stimulant, depressant, or  
20 hallucinogenic effect on the central nervous system that  
21 is substantially similar to or greater than the stimulant,  
22 depressant, or hallucinogenic effect on the central  
23 nervous system of a controlled substance in Schedule I or  
24 II; or

25 (3) with respect to a particular person, which such  
26 person represents or intends to have a stimulant,

1           depressant, or hallucinogenic effect on the central  
2           nervous system that is substantially similar to or greater  
3           than the stimulant, depressant, or hallucinogenic effect  
4           on the central nervous system of a controlled substance in  
5           Schedule I or II.

6           (g) "Counterfeit substance" means a controlled substance,  
7           which, or the container or labeling of which, without  
8           authorization bears the trademark, trade name, or other  
9           identifying mark, imprint, number or device, or any likeness  
10          thereof, of a manufacturer, distributor, or dispenser other  
11          than the person who in fact manufactured, distributed, or  
12          dispensed the substance.

13          (h) "Deliver" or "delivery" means the actual, constructive  
14          or attempted transfer of possession of a controlled substance,  
15          with or without consideration, whether or not there is an  
16          agency relationship.

17          (i) "Department" means the Illinois Department of Human  
18          Services (as successor to the Department of Alcoholism and  
19          Substance Abuse) or its successor agency.

20          (j) (Blank).

21          (k) "Department of Corrections" means the Department of  
22          Corrections of the State of Illinois or its successor agency.

23          (l) "Department of Financial and Professional Regulation"  
24          means the Department of Financial and Professional Regulation  
25          of the State of Illinois or its successor agency.

26          (m) "Depressant" means any drug that (i) causes an overall

1 depression of central nervous system functions, (ii) causes  
2 impaired consciousness and awareness, and (iii) can be  
3 habit-forming or lead to a substance abuse problem, including  
4 but not limited to alcohol, cannabis and its active principles  
5 and their analogs, benzodiazepines and their analogs,  
6 barbiturates and their analogs, opioids (natural and  
7 synthetic) and their analogs, and chloral hydrate and similar  
8 sedative hypnotics.

9 (n) (Blank).

10 (o) "Director" means the Director of the Illinois State  
11 Police or his or her designated agents.

12 (p) "Dispense" means to deliver a controlled substance to  
13 an ultimate user or research subject by or pursuant to the  
14 lawful order of a prescriber, including the prescribing,  
15 administering, packaging, labeling, or compounding necessary  
16 to prepare the substance for that delivery.

17 (q) "Dispenser" means a practitioner who dispenses.

18 (r) "Distribute" means to deliver, other than by  
19 administering or dispensing, a controlled substance.

20 (s) "Distributor" means a person who distributes.

21 (t) "Drug" means (1) substances recognized as drugs in the  
22 official United States Pharmacopoeia, Official Homeopathic  
23 Pharmacopoeia of the United States, or official National  
24 Formulary, or any supplement to any of them; (2) substances  
25 intended for use in diagnosis, cure, mitigation, treatment, or  
26 prevention of disease in man or animals; (3) substances (other

1 than food) intended to affect the structure of any function of  
2 the body of man or animals and (4) substances intended for use  
3 as a component of any article specified in clause (1), (2), or  
4 (3) of this subsection. It does not include devices or their  
5 components, parts, or accessories.

6 (t-3) "Electronic health record" or "EHR" means an  
7 electronic record of health-related information on an  
8 individual that is created, gathered, managed, and consulted  
9 by authorized health care clinicians and staff.

10 (t-3.5) "Electronic health record system" or "EHR system"  
11 means any computer-based system or combination of federally  
12 certified Health IT Modules (defined at 42 CFR 170.102 or its  
13 successor) used as a repository for electronic health records  
14 and accessed or updated by a prescriber or authorized  
15 surrogate in the ordinary course of his or her medical  
16 practice. For purposes of connecting to the Prescription  
17 Information Library maintained by the Bureau of Pharmacy and  
18 Clinical Support Systems or its successor, an EHR system may  
19 connect to the Prescription Information Library directly or  
20 through all or part of a computer program or system that is a  
21 federally certified Health IT Module maintained by a third  
22 party and used by the EHR system to secure access to the  
23 database.

24 (t-4) "Emergency medical services personnel" has the  
25 meaning ascribed to it in the Emergency Medical Services (EMS)  
26 Systems Act.

1           (t-5) "Euthanasia agency" means an entity certified by the  
2 Department of Financial and Professional Regulation for the  
3 purpose of animal euthanasia that holds an animal control  
4 facility license or animal shelter license under the Animal  
5 Welfare Act. A euthanasia agency is authorized to purchase,  
6 store, possess, and utilize Schedule II nonnarcotic and  
7 Schedule III nonnarcotic drugs for the sole purpose of animal  
8 euthanasia.

9           (t-10) "Euthanasia drugs" means Schedule II or Schedule  
10 III substances (nonnarcotic controlled substances) that are  
11 used by a euthanasia agency for the purpose of animal  
12 euthanasia.

13           (u) "Good faith" means the prescribing or dispensing of a  
14 controlled substance by a practitioner in the regular course  
15 of professional treatment to or for any person who is under his  
16 or her treatment for a pathology or condition other than that  
17 individual's physical or psychological dependence upon or  
18 addiction to a controlled substance, except as provided  
19 herein: and application of the term to a pharmacist shall mean  
20 the dispensing of a controlled substance pursuant to the  
21 prescriber's order which in the professional judgment of the  
22 pharmacist is lawful. The pharmacist shall be guided by  
23 accepted professional standards including, but not limited to  
24 the following, in making the judgment:

25           (1) lack of consistency of prescriber-patient  
26 relationship,

1           (2) frequency of prescriptions for same drug by one  
2 prescriber for large numbers of patients,

3           (3) quantities beyond those normally prescribed,

4           (4) unusual dosages (recognizing that there may be  
5 clinical circumstances where more or less than the usual  
6 dose may be used legitimately),

7           (5) unusual geographic distances between patient,  
8 pharmacist and prescriber,

9           (6) consistent prescribing of habit-forming drugs.

10          (u-0.5) "Hallucinogen" means a drug that causes markedly  
11 altered sensory perception leading to hallucinations of any  
12 type.

13          (u-1) "Home infusion services" means services provided by  
14 a pharmacy in compounding solutions for direct administration  
15 to a patient in a private residence, long-term care facility,  
16 or hospice setting by means of parenteral, intravenous,  
17 intramuscular, subcutaneous, or intraspinal infusion.

18          (u-5) "Illinois State Police" means the State Police of  
19 the State of Illinois, or its successor agency.

20          (v) "Immediate precursor" means a substance:

21           (1) which the Department has found to be and by rule  
22 designated as being a principal compound used, or produced  
23 primarily for use, in the manufacture of a controlled  
24 substance;

25           (2) which is an immediate chemical intermediary used  
26 or likely to be used in the manufacture of such controlled

1 substance; and

2 (3) the control of which is necessary to prevent,  
3 curtail or limit the manufacture of such controlled  
4 substance.

5 (w) "Instructional activities" means the acts of teaching,  
6 educating or instructing by practitioners using controlled  
7 substances within educational facilities approved by the State  
8 Board of Education or its successor agency.

9 (x) "Local authorities" means a duly organized State,  
10 County or Municipal peace unit or police force.

11 (y) "Look-alike substance" means a substance, other than a  
12 controlled substance which (1) by overall dosage unit  
13 appearance, including shape, color, size, markings or lack  
14 thereof, taste, consistency, or any other identifying physical  
15 characteristic of the substance, would lead a reasonable  
16 person to believe that the substance is a controlled  
17 substance, or (2) is expressly or impliedly represented to be  
18 a controlled substance or is distributed under circumstances  
19 which would lead a reasonable person to believe that the  
20 substance is a controlled substance. For the purpose of  
21 determining whether the representations made or the  
22 circumstances of the distribution would lead a reasonable  
23 person to believe the substance to be a controlled substance  
24 under this clause (2) of subsection (y), the court or other  
25 authority may consider the following factors in addition to  
26 any other factor that may be relevant:

1 (a) statements made by the owner or person in control  
2 of the substance concerning its nature, use or effect;

3 (b) statements made to the buyer or recipient that the  
4 substance may be resold for profit;

5 (c) whether the substance is packaged in a manner  
6 normally used for the illegal distribution of controlled  
7 substances;

8 (d) whether the distribution or attempted distribution  
9 included an exchange of or demand for money or other  
10 property as consideration, and whether the amount of the  
11 consideration was substantially greater than the  
12 reasonable retail market value of the substance.

13 Clause (1) of this subsection (y) shall not apply to a  
14 noncontrolled substance in its finished dosage form that was  
15 initially introduced into commerce prior to the initial  
16 introduction into commerce of a controlled substance in its  
17 finished dosage form which it may substantially resemble.

18 Nothing in this subsection (y) prohibits the dispensing or  
19 distributing of noncontrolled substances by persons authorized  
20 to dispense and distribute controlled substances under this  
21 Act, provided that such action would be deemed to be carried  
22 out in good faith under subsection (u) if the substances  
23 involved were controlled substances.

24 Nothing in this subsection (y) or in this Act prohibits  
25 the manufacture, preparation, propagation, compounding,  
26 processing, packaging, advertising or distribution of a drug

1 or drugs by any person registered pursuant to Section 510 of  
2 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

3 (y-1) "Mail-order pharmacy" means a pharmacy that is  
4 located in a state of the United States that delivers,  
5 dispenses or distributes, through the United States Postal  
6 Service or other common carrier, to Illinois residents, any  
7 substance which requires a prescription.

8 (z) "Manufacture" means the production, preparation,  
9 propagation, compounding, conversion or processing of a  
10 controlled substance other than methamphetamine, either  
11 directly or indirectly, by extraction from substances of  
12 natural origin, or independently by means of chemical  
13 synthesis, or by a combination of extraction and chemical  
14 synthesis, and includes any packaging or repackaging of the  
15 substance or labeling of its container, except that this term  
16 does not include:

17 (1) by an ultimate user, the preparation or  
18 compounding of a controlled substance for his or her own  
19 use; or

20 (2) by a practitioner, or his or her authorized agent  
21 under his or her supervision, the preparation,  
22 compounding, packaging, or labeling of a controlled  
23 substance:

24 (a) as an incident to his or her administering or  
25 dispensing of a controlled substance in the course of  
26 his or her professional practice; or

1 (b) as an incident to lawful research, teaching or  
2 chemical analysis and not for sale. 3

(z-1) (Blank).

4 (z-5) "Medication shopping" means the conduct prohibited  
5 under subsection (a) of Section 314.5 of this Act.

6 (z-10) "Mid-level practitioner" means (i) a physician  
7 assistant who has been delegated authority to prescribe  
8 through a written delegation of authority by a physician  
9 licensed to practice medicine in all of its branches, in  
10 accordance with Section 7.5 of the Physician Assistant  
11 Practice Act of 1987, (ii) an advanced practice registered  
12 nurse who has been delegated authority to prescribe through a  
13 written delegation of authority by a physician licensed to  
14 practice medicine in all of its branches or by a podiatric  
15 physician, in accordance with Section 65-40 of the Nurse  
16 Practice Act, (iii) an advanced practice registered nurse  
17 certified as a nurse practitioner, nurse midwife, or clinical  
18 nurse specialist who has been granted authority to prescribe  
19 by a hospital affiliate in accordance with Section 65-45 of  
20 the Nurse Practice Act, (iv) an animal euthanasia agency, or  
21 (v) a prescribing psychologist.

22 (aa) "Narcotic drug" means any of the following, whether  
23 produced directly or indirectly by extraction from substances  
24 of vegetable origin, or independently by means of chemical  
25 synthesis, or by a combination of extraction and chemical  
26 synthesis:

1           (1) opium, opiates, derivatives of opium and opiates,  
2 including their isomers, esters, ethers, salts, and salts  
3 of isomers, esters, and ethers, whenever the existence of  
4 such isomers, esters, ethers, and salts is possible within  
5 the specific chemical designation; however the term  
6 "narcotic drug" does not include the isoquinoline  
7 alkaloids of opium; 8

(2) (blank);

9           (3) opium poppy and poppy straw;

10           (4) coca leaves, except coca leaves and extracts of  
11 coca leaves from which substantially all of the cocaine  
12 and ecgonine, and their isomers, derivatives and salts,  
13 have been removed;

14           (5) cocaine, its salts, optical and geometric  
15 isomers,  
16 and salts of isomers;

17           (6) ecgonine, its derivatives, their salts, isomers,  
18 and salts of isomers;

19           (7) any compound, mixture, or preparation which  
20 contains any quantity of any of the substances referred to  
21 in subparagraphs (1) through (6).

22           (bb) "Nurse" means a registered nurse licensed under the  
23 Nurse Practice Act.

24           (cc) (Blank).

25           (dd) "Opiate" means any substance having an addiction  
26 forming or addiction sustaining liability similar to morphine  
or being capable of conversion into a drug having addiction

1 forming or addiction sustaining liability.

2 (ee) "Opium poppy" means the plant of the species *Papaver*  
3 *somniferum* L., except its seeds.

4 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
5 solution or other liquid form of medication intended for  
6 administration by mouth, but the term does not include a form  
7 of medication intended for buccal, sublingual, or transmucosal  
8 administration.

9 (ff) "Parole and Pardon Board" means the Parole and Pardon  
10 Board of the State of Illinois or its successor agency.

11 (gg) "Person" means any individual, corporation,  
12 mail-order pharmacy, government or governmental subdivision or  
13 agency, business trust, estate, trust, partnership or  
14 association, or any other entity.

15 (hh) "Pharmacist" means any person who holds a license or  
16 certificate of registration as a registered pharmacist, a  
17 local registered pharmacist or a registered assistant  
18 pharmacist under the Pharmacy Practice Act.

19 (ii) "Pharmacy" means any store, ship or other place in  
20 which pharmacy is authorized to be practiced under the  
21 Pharmacy Practice Act.

22 (ii-5) "Pharmacy shopping" means the conduct prohibited  
23 under subsection (b) of Section 314.5 of this Act.

24 (ii-10) "Physician" (except when the context otherwise  
25 requires) means a person licensed to practice medicine in all  
26 of its branches.

1           (jj) "Poppy straw" means all parts, except the seeds, of  
2 the opium poppy, after mowing.

3           (kk) "Practitioner" means a physician licensed to practice  
4 medicine in all its branches, dentist, optometrist, podiatric  
5 physician, veterinarian, scientific investigator, pharmacist,  
6 physician assistant, advanced practice registered nurse,  
7 licensed practical nurse, registered nurse, emergency medical  
8 services personnel, hospital, laboratory, or pharmacy, or  
9 other person licensed, registered, or otherwise lawfully  
10 permitted by the United States or this State to distribute,  
11 dispense, conduct research with respect to, administer or use  
12 in teaching or chemical analysis, a controlled substance in  
13 the course of professional practice or research.

14           (ll) "Pre-printed prescription" means a written  
15 prescription upon which the designated drug has been indicated  
16 prior to the time of issuance; the term does not mean a written  
17 prescription that is individually generated by machine or  
18 computer in the prescriber's office.

19           (mm) "Prescriber" means a physician licensed to practice  
20 medicine in all its branches, dentist, optometrist,  
21 prescribing psychologist licensed under Section 4.2 of the  
22 Clinical Psychologist Licensing Act with prescriptive  
23 authority delegated under Section 4.3 of the Clinical  
24 Psychologist Licensing Act, podiatric physician, or  
25 veterinarian who issues a prescription, a physician assistant  
26 who issues a prescription for a controlled substance in



1 for a controlled substance in accordance with Section 303.05,  
2 a written delegation, and a written collaborative agreement  
3 required under Section 7.5 of the Physician Assistant  
Practice  
4 Act of 1987, of an advanced practice registered nurse with  
5 prescriptive authority delegated under Section 65-40 of the  
6 Nurse Practice Act who issues a prescription for a controlled  
7 substance in accordance with Section  
303.05, a written  
8 delegation, and a written collaborative  
agreement under  
9 Section 65-35 of the Nurse Practice Act, of  
an advanced  
10 practice registered nurse certified as a nurse practitioner,  
11 nurse midwife, or clinical nurse specialist who has been  
12 granted authority to prescribe by a hospital affiliate in  
13 accordance with Section 65-45 of the Nurse Practice Act and  
in  
14 accordance with Section 303.05 when required by law, or of an  
15 advanced practice registered nurse certified as a nurse  
16 practitioner, nurse midwife, or clinical nurse specialist who  
17 has full practice authority pursuant to Section 65-43 of the  
18 Nurse Practice Act.

19 (nn-5) "Prescription Information Library" (PIL) means an  
20 electronic library that contains reported controlled substance  
21 data.

22 (nn-10) "Prescription Monitoring Program" (PMP) means the  
23 entity that collects, tracks, and stores reported data on  
24 controlled substances and select drugs pursuant to Section 25

316.

26           (oo) "Production" or "produce" means manufacture,  
1           planting, cultivating, growing, or harvesting of a controlled  
2           substance other than methamphetamine.

3           (pp) "Registrant" means every person who is required to  
4           register under Section 302 of this Act.

5           (qq) "Registry number" means the number assigned to each  
6           person authorized to handle controlled substances under the  
7           laws of the United States and of this State.

8           (qq-5) "Secretary" means, as the context requires, either  
9           the Secretary of the Department or the Secretary of the  
10          Department of Financial and Professional Regulation, and the  
11          Secretary's designated agents.

12          (rr) "State" includes the State of Illinois and any state,  
13          district, commonwealth, territory, insular possession thereof,  
14          and any area subject to the legal authority of the United  
15          States of America.

16          (rr-5) "Stimulant" means any drug that (i) causes an  
17          overall excitation of central nervous system functions, (ii)  
18          causes impaired consciousness and awareness, and (iii) can be  
19          habit-forming or lead to a substance abuse problem, including  
20          but not limited to amphetamines and their analogs,  
21          methylphenidate and its analogs, cocaine, and phencyclidine  
22          and its analogs.

23          (rr-10) "Synthetic drug" includes, but is not limited to,  
24          any synthetic cannabinoids or piperazines or any synthetic  
25          cathinones as provided for in Schedule I.

26          (ss) "Ultimate user" means a person who lawfully possesses

1 a controlled substance for his or her own use or for the use of  
2 a member of his or her household or for administering to an  
3 animal owned by him or her or by a member of his or her  
4 household.

5 (Source: P.A. 100-280, eff. 1-1-18; 100-453, eff. 8-25-17;  
6 100-513, eff. 1-1-18; 100-789, eff. 1-1-19; 100-863, eff.  
7 8-14-18; 101-666, eff. 1-1-22.)

8 Section 995. No acceleration or delay. Where this Act  
9 makes changes in a statute that is represented in this Act by  
10 text that is not yet or no longer in effect (for example, a  
11 Section represented by multiple versions), the use of that  
12 text does not accelerate or delay the taking effect of (i) the  
13 changes made by this Act or (ii) provisions derived from any  
14 other Public Act.

15 Section 999. Effective date. This Act takes effect upon  
16 becoming law.

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1

Statutes amended  
in order of  
appearance

2

3 New Act

4 30 ILCS 105/5.935 new

5 30 ILCS 105/5.936 new

6 35 ILCS 1010/1-45

7 720 ILCS 570/102 from Ch. 56 1/2, par. 1102