



TRAINING FOR RETAILERS
on the
**METHAMPHETAMINE PRECURSOR
CONTROL ACT (MPCA)**

(Senate Bill 273, Public Act 94-694, 720 ILCS 648)

These materials are designed to help retailers understand and comply with the MPCA. To achieve this goal, it has been necessary to summarize or simplify various aspects of the MPCA.

These materials do not contain legal advice and may not be relied upon in any legal proceeding. Nothing in these materials supersedes the actual language of the MPCA and any interpretation given to that language by courts of law. Any retailer or other entity wanting legal advice on the MPCA should consult an attorney.

These materials were last updated December 12, 2005, and may be updated further from time to time. Interested parties should check for updated materials on the Attorney General's MethNet Web site at www.IllinoisAttorneyGeneral.gov/methnet. Questions, comments, and suggestions are encouraged and may be sent through MethNet using the tab titled "contact MethNet."

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PART ONE

OVERVIEW

I. INTRODUCTION

These materials are designed to assist retailers as they work to understand and comply with the MPCA.

Part One contains key abbreviations, key definitions, and the basic provisions of the Methamphetamine Precursor Control Act (MPCA) of interest to retailers.

Part Two addresses the packaging, storage, and sale by pharmacies of all products containing targeted methamphetamine precursors (TMP) except convenience packages.

Part Three addresses the packaging, storage, and sale of convenience packages, which may be stored and sold away from pharmacy counters.

Part Four describes the penalties and other possible consequences stemming from any violation of the MPCA as well as defenses that retailers may have in certain cases.

II. KEY ABBREVIATIONS

Meth Methamphetamine

mg Milligrams

MPCA Methamphetamine Precursor Control Act

TMP Targeted Methamphetamine Precursor

[##] Bracketed numbers (*e.g.*, [15(e)] or [35(a)]) refer to sections of the MPCA

III. KEY DEFINITIONS

"Targeted methamphetamine precursor" (TMP) means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers [10].

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form [10].

IV. BASIC PROVISIONS OF THE MPCA

- A. The MPCA makes TMP a schedule V controlled substance [900]. This means that – with certain exceptions noted below – TMP must be stored behind a pharmacy counter and sold only by a pharmacist or pharmacy technician [15, 25]. In addition, customers wishing to purchase TMP must show identification, sign a log, and abide by certain limits on the quantity of TMP they may purchase [20].
- B. Under the MPCA, no TMP shall be administered, dispensed, or distributed except by:
1. A **pharmacist** pursuant to a valid prescription;
 2. Any other **practitioner** (*e.g.*, a doctor or nurse) as authorized by the Illinois Controlled Substances Act;
 3. A **drug treatment program** as authorized by the Illinois Controlled Substances Act;
 4. A **pharmacy** pursuant to Section 25 of the MPCA;
**** See Part Two Below ****
 5. A **retail distributor** selling convenience packages pursuant to Sections 30 and 35 of the MPCA;
**** See Part Three Below ****
 6. A **wholesale distributor** authorized by the Drug Enforcement Administration to distribute bulk quantities of ephedrine or pseudoephedrine [15(e)].
- C. In addition, no TMP shall be knowingly administered, dispensed, or distributed for a non-medical purpose or for the purpose of violating or evading the MPCA, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act [15(b-c)].
- D. Finally, no TMP shall be administered, dispensed, or distributed with knowledge that it will be used to manufacture methamphetamine or with reckless disregard of its likely use to manufacture methamphetamine [15(d)].

V. A NOTE ON WHOLESALE DISTRIBUTION OF TMP

As noted in section IV-B-6 above, the MPCA permits wholesale distribution of TMP by any distributor authorized by the Drug Enforcement Administration to distribute bulk quantities of TMP under the federal Controlled Substances Act and corresponding regulations [15(e)(6)].

PART TWO

PACKAGING, STORAGE, AND SALE BY PHARMACIES OF TARGETED METHAMPHETAMINE PRECURSOR

VI. BASIC REQUIREMENT

- A. TMP may be sold at a pharmacy – including a pharmacy located within, owned by, operated by, or associated with a retail distributor – if all terms of Section 25 of the MPCA are satisfied.
- B. This part of the training materials summarizes the requirements of Section 25 of the MPCA, including requirements that deal with
- Packaging (Section VII below);
 - Storage (Section VIII below);
 - Who can sell (Section IX below);
 - Who can buy (Section X below);
 - How much can be sold or bought (Section XI below); and
 - Identification and log (Section XII below).
- C. This part of the training materials does NOT address the requirements of Sections 30 and 35 of the MPCA, which concern the sale of convenience packages away from pharmacy counters. Instead, the requirements of Sections 30 and 35 of the MPCA are addressed in Part Three of these training materials.

VII. PACKAGING

TMP sold at pharmacies shall:

1. Be packaged in blister packs, with each blister containing not more than two dosage units, or when the use of blister packs is technically infeasible, in unit dose packets; and
2. Contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers [25(b)].

VIII. STORAGE

TMP shall be stored behind the pharmacy counter [25(c)].

IX. WHO CAN SELL

TMP shall be sold by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987 [25(c)].

X. WHO CAN BUY

Only persons 18 years of age or older may purchase TMP [20(a), 25(e)(1), 25(g)].

XI. HOW MUCH CAN BE SOLD OR BOUGHT

- A. **No more than 7500 milligrams in 30 days.** A pharmacist or pharmacy technician may not knowingly sell products containing more than 7,500 milligrams of ephedrine or PSE to a single person in a 30-day period [25(j)]. (7,500 milligrams exceeds the recommended amount of ephedrine or PSE a person consume in a 30-day period.)
- B. **No more than two targeted packages in one transaction.** A pharmacist or pharmacy technician may not sell more than two targeted packages in a single retail transaction [25(i)]. The term “single retail transaction” means a sale by a retail distributor to a specific customer at a specific time [10].

XII. IDENTIFICATION AND LOG

- A. **Basic requirement.** A pharmacy may not sell TMP unless the customer presents identification and signs a log as described below.
- B. **Identification.** The customer must present a driver’s license or other government-issued ID showing his or her name, date of birth, and photograph.

Pseudoephedrine and ephedrine may be sold to an individual who presents a non-photo driver’s license issued by the Illinois Secretary of State, or to an individual who is known to a pharmacist or pharmacy technician who “reasonably believes that the targeted methamphetamine precursor will be used for a legitimate medical purpose and not to manufacture methamphetamine [20(a), 25(d)].”

- C. **Log.** The customer must sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of ephedrine or pseudoephedrine [20(a), 25(d)].

***** Appendix B contains a sample log *****

- D. **Verification of age.** The pharmacist or pharmacy technician must verify that the customer is 18 years of age or older, using the government-issued identification provided by the customer [25(e)(1)].
- E. **Verification of name.** The pharmacist or pharmacy technician must verify that the customer resembles the photo of the person on the identification presented, and that the name entered into the log corresponds to the name on the identification presented [25(e)].
- F. **Maintenance of logs.** The logs shall be kept confidential, maintained for not less than two years, and made available for inspection and copying by any law enforcement officer upon request by that officer [25(f)].
- G. **Electronic format.** The logs may be kept in an electronic format if they include all the required information in a manner that is readily retrievable and reproducible in hard copy format. In this context, “readily retrievable” means that the required information is kept by automatic data processing systems or other electronic or mechanized recordkeeping systems in such a manner that it can be separated out from all other records in a reasonable time and/or records are kept on which certain items are asterisked, redlined, or in some other manner visually identifiable apart from other items appearing on the records log [25(f)].

PART THREE
PACKAGING, STORAGE, AND
SALE OF CONVENIENCE PACKAGES

XIII. BASIC REQUIREMENT

- A. TMP may be sold away from pharmacy counters – by a retail distributor with or without a pharmacy – if all the terms of sections 30 and 35 of the MPCA are satisfied [15(e)(5), 30(a)].
- B. This part (Part Three) of the training materials summarizes the requirements of Section 30 and 35 of the MPCA, including requirements that deal with
- Packaging (Section XIV below);
 - Storage (Section XV below);
 - Who can sell (Section XVI below);
 - Who can buy (Section XVII below);
 - How much can be sold or bought (Section XVIII below);
 - Identification and log (Section XIX below); and
 - Training requirements (Section XX below).

XIV. PACKAGING

A convenience package contains 360 milligrams or less of ephedrine or pseudoephedrine in liquid or liquid-filled capsule form [10].

XV. STORAGE

Convenience packages sold away from pharmacy counters must be displayed behind store counters or in locked cases, so that customers are not able to reach the product without the assistance of a store employee or agent [30(b)].

XVI. WHO CAN SELL

Convenience packages sold away from pharmacy counters may be sold by store employees or agents who have been trained in accordance with Section 35 of the MPCA (described in Section XX of these training materials) [30(a), 35(a)].

XVII. WHO CAN BUY

Only persons 18 years of age or older may purchase convenience packages [20(a), 30(d)(1), 30(f)].

XVIII. HOW MUCH CAN BE SOLD OR BOUGHT

- A. **No more than one convenience package in a 24-hour period.** A retail distributor may not sell more than one convenience package to a single person in a 24-hour period [30(g)].

NOTE: If a pharmacy sells convenience packages, the pharmacy must abide by this limit as well. Therefore, while a pharmacy can sell two packages of TMP in a single transaction, only one of the packages can be a convenience package.

- B. **No more than 7500 milligrams in 30 days.** A retail distributor may not knowingly sell products containing more than 7,500 milligrams of ephedrine or PSE to a single person in a 30-day period [30(h)]. (7,500 milligrams exceeds the recommended amount of ephedrine or PSE that an individual may consume in a 30-day period.)

XIX. IDENTIFICATION AND LOG

A retail distributor may not sell convenience packages unless the customer presents identification and signs a log as described in Part Two, Section XII above [30(c-d)]. (The identification and log requirements pertaining to the sale of convenience packages away from pharmacy counters are identical to the identification and log requirements pertaining to the sale of other TMP by pharmacies.)

XX. TRAINING

- A. **Basic Requirement.** A retail distributor wishing to sell convenience packages away from pharmacy counters must provide training to each employee or agent who at any time (a) operates a cash register at which TMP may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing TMP, or (d) trains or supervises any other employee or agent who engages in any of these activities excluding pharmacists and pharmacy technicians [30(a), 35(a), 10].

NOTE: If a retail distributor sells all TMP at a pharmacy counter according to the rules set forth in Part Two above and sells no TMP (*i.e.*, convenience packages) away from the pharmacy counter, then the MPCA does not impose any specific training protocol on the retail distributor. The specific training protocol covered in this Section XX of the curriculum applies only to a retail distributor that chooses to sell convenience packages away from the pharmacy counter.

- B. **Timing of Training.** The training must be completed within 30 days of the effective date of this Act (January 15, 2006) or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these dates comes later [35(a)]. In other words, persons employed as of January 15, 2006, must be trained by February 14, 2006. Persons whose employment begins after January 15, 2006, must be trained within 30 days of the date their employment begins.
- C. **Contents of Training.** The retail distributor must train each sales employee on the topics listed on the certification form described in Section 35 of the MPCA and in Appendix C to these training materials. In carrying out this requirement, the retail distributor may use the recommended protocol contained in Appendix D to these training materials. The training may be conducted by a live trainer or by means of a computer-based training program [35(a), 35(b)].
- D. **Certification of Training.** Immediately after training him or her, the distributor shall have each sales employee read, sign, and date the certification form described in Section 35 of the Act and in Appendix C to these training materials. The certification form may be signed with a handwritten signature or an electronic signature that includes a unique identifier for each employee [35(b), 35(c)].
- E. **Record Keeping.** Certification forms must be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment [35(c)].

NOTE: The certification forms may be kept in an electronic format if they include all the information required in a manner that is readily retrievable and reproducible in hard copy form. In this context, “readily retrievable” means that the required information is kept by automatic data processing systems or other electronic or mechanized record keeping systems in such a manner that it can be separated out from all other records in a reasonable time and/or records are kept on which certain items are asterisked, redlined, or in some other manner visually identifiable apart from other items appearing on the records [35(c), 10].

- F. **Law Enforcement.** Certification forms shall be made available for inspection and copying by any law enforcement officer upon request of that officer [35(c)].

PART FOUR

PENALTIES, CONSEQUENCES, AND DEFENSES

XXI. PENALTIES

- A. **Pharmacy or retail distributor.** Any pharmacy or retail distributor that violates the MPCA is guilty of a petty or business offense and subject to a fine of \$500 for a first offense, \$1,000 for a second offense occurring at the same retail location as and within three years of the prior offense, and \$5,000 for a third or subsequent offense occurring at the same retail location as and within three years of the prior offenses [40(a)].
- B. **Employee or agent.** An employee or agent of a pharmacy or retail distributor who violates the MPCA is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense [40(b)].
- C. **Other person.** Any other person who violates the MPCA is guilty of a Class B misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 4 felony for a third or subsequent offense [40(c)].

XXII. OTHER CONSEQUENCES

Because the MPCA makes ephedrine and pseudoephedrine Schedule V controlled substances, a violation of the MPCA may result in the suspension or revocation of a registration to distribute or dispense controlled substances under the Illinois Controlled Substances Act [900].

XXIII. DEFENSE TO CIVIL LIABILITY

A retailer that reports suspicious meth-related activity to law enforcement authorities is protected from certain forms of civil liability. Section 45 of the MPCA provides that:

In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct [45].

XXIV. SAFETY FIRST: THE DEFENSE OF NECESSITY

The law recognizes that the safety of retail employees and customers always comes first.

Retailers, pharmacies, and their employees should **never** endanger themselves or others in an effort to ensure compliance with the MPCA. Customers who appear dangerous or threatening should be dealt with in a manner that first and foremost protects the safety of store employees.

In this context, there may be situations in which it is both necessary and appropriate for a pharmacist, pharmacy technician, or other retail employee to allow a violation of the MPCA in order to protect his or her safety or the safety of other store employees or customers.

The law will protect the pharmacist, pharmacy technician, or other retail employee in this situation. Every criminal offense is subject to something called “the defense of necessity.” The defense of necessity is a general legal principal that has been codified in the Illinois Criminal Code at 720 ILCS 5/7-13. This provision states that:

Conduct which would otherwise be an offense [*e.g.*, a violation of the MPCA] is justifiable by reason of necessity if the accused [*e.g.*, a store employee] was without blame in occasioning or developing the situation and reasonably believed such conduct was necessary to avoid a public or private injury [*e.g.*, a threat to the safety of store employees or customers] greater than the injury which might reasonably result from his own conduct [*e.g.*, the sale of cold medications in violation of the MPCA].

In sum, the safety of store employees and customers must always come first.

APPENDIX A

SUMMARY OF REQUIREMENTS FOR RETAILERS UNDER THE METHAMPHETAMINE PRECURSOR CONTROL ACT

	TARGETED METH PRECURSOR SOLD AT PHARMACIES	CONVENIENCE PACKS SOLD AWAY FROM PHARMACIES
What product?	All targeted meth precursors	Convenience packs (up to 360 mg of liquid or liquid-filled gel caps)
Where sold?	Pharmacy	Away from pharmacy
How stored?	Behind pharmacy counter	Behind store counter or in locked case
Who can sell?	Pharmacist or pharmacy tech (special training not required)	Store employees with special training
Who can buy?	Person 18 or older	Person 18 or older
ID and log requirement?	Yes	Yes
How much can be sold . . .		
In a single transaction?	2 packages total	1 convenience pack
In 24 hours?	2 convenience packs	1 convenience pack
In 30 days?	7500 milligrams	7500 milligrams

**APPENDIX B
SAMPLE LOG**

	Customer Signature	Customer Name	Customer Address	Date	Time	Product Brand and Name	Total Quantity
1		Sarah Abton	714 Duncheon Road Oakford, IL 62673	1/15/06	1:21 PM	Actifed tablets	24 ct x 60 mg
2		Hilton Hightower	2828 S. Main St. Springfield, IL 62704	1/15/06	1:20 PM	Claritin-D 12 hour tablets	24 ct x 60 mg
3		Ilgie Wilson	1527 N. Threadgoode Rd. Riverton, IL 62561	1/15/06	1:58 PM	Sudafed 12 hour caplets	10 ct x 120 mg
4		Lucy Maglicutty	422 E. Mertz Road Chatham, IL 62629	1/15/06	2:10 PM	Aleve sinus/headache tablets	1200 mg
5		George Bailey	15 Bedford Falls Blvd. Springfield, IL 62704	1/15/06	2:22 PM	Best Choice severe cold/flu caplets	480 mg
6							
7							
8							
9							
10							
11							
12							
13							
14							

APPENDIX C
SAMPLE TRAINING CERTIFICATION FORM

1. My name is _____ (*insert name of employee*).
I am an employee of _____ (*insert name of employer*)
at _____ (*insert street address*).
2. I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted methamphetamine precursors."
3. I understand that "targeted methamphetamine precursors" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.
4. I understand that under Illinois law, unless they are at a pharmacy counter, customers can only purchase small "convenience packages" of "targeted methamphetamine precursors."
5. I understand that under Illinois law, customers can only purchase these "convenience packages" if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described to me.
6. I understand that under Illinois law, I cannot sell more than one "convenience package" to a single customer in one 24-hour period.
7. I understand that under Illinois law, I cannot sell "targeted methamphetamine precursors" to a person if I know that the person is going to use them to make methamphetamine.
8. I understand that there are a number of ingredients used to make the illegal drug methamphetamine, including "targeted methamphetamine precursors" sold in "convenience packages." My employer has shown me a list of these various ingredients, and I have reviewed the list.
9. I understand there are procedures that I should follow if I suspect that a store customer is purchasing "targeted methamphetamine precursors" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

SIGNATURE

DATE

** Illinois Attorney General Lisa Madigan provides this form pursuant to the Methamphetamine Precursor Control Act, Public Act 94-694, codified at 720 ILCS 648. For more information, please visit MethNet at www.IllinoisAttorneyGeneral.gov/methnet.*

APPENDIX D
SAMPLE SCRIPT FOR TRAINING
RETAIL SALES EMPLOYEES

1. **Basic Requirement.** The Methamphetamine Precursor Control Act (MPCA) requires that store managers train retail sales employees about their responsibilities under the MPCA. A manager may comply with this obligation by conveying to each sales employee the information below and then having each sales employee sign a training certification form.

(A copy of the certification form is available from the Office of the Illinois Attorney General at the Internet address provided below.)

2. **Introduction to Law.** The manager must tell the employee that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. The manager must tell the sales employee that medications that are subject to these laws are called "targeted methamphetamine precursors."

It is recommended, but not required, that the manager provide specific examples of "targeted methamphetamine precursors" to the employee by showing actual targeted methamphetamine precursors or pictures of targeted methamphetamine precursors to the employee, or by listing specific brand and product names.

3. **Methamphetamine Manufacture.** The manager must tell the sales employee that "targeted methamphetamine precursors " can be used to manufacture the illegal and dangerous drug methamphetamine, and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.
4. **Convenience Packages.** The manager must tell the sales employee that under Illinois law, unless they are at a pharmacy counter, customers can only purchase small "convenience packages" of "targeted methamphetamine precursors."
5. **Requirements for Convenience Packages.** The manger must tell the sales employee that customers can only purchase these "convenience packages" if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described.
6. **Convenience Package Limits.** The manager must tell the employee that it is unlawful for the employee to sell more than one "convenience package" to a single customer in one 24-hour period.
7. **Prohibited Activity.** The manager must tell the employee that it is unlawful for the employee to sell or give "targeted medications" to a person if the employee knows that the person is going to use the targeted medications to make methamphetamine.

8. **Methamphetamine Ingredients.** The manager must tell the employee that there are a number of ingredients used to make the illegal drug methamphetamine, including "targeted medications" sold in "targeted packages." The manager must show the employee a list of these various ingredients and ensure that the employee reviews the list.

It is recommended, but not required, that the manager and the employee read through the list together and identify the ingredients that are sold at their retail location.

(A copy of the list of ingredients is available from the Office of the Illinois Attorney General at the Internet address provided below.)

9. **Special Procedures.** The manager should describe the procedures that the employee should follow if the employee suspects that a store customer is purchasing "targeted methamphetamine precursors" or other products for the purpose of manufacturing methamphetamine.

It is recommended, but not required, that the manager consult with local law enforcement authorities to determine the best procedures to follow under these circumstances.

10. **Training Certification Form.** The manager must have each employee read, sign, and date a training certification form, which must be retained by the retailer.

(A copy of the certification form is available from the Office of the Illinois Attorney General at the Internet address provided below.)

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APPENDIX E

OFFICIAL LIST OF INGREDIENTS AND MATERIALS USED TO MAKE METHAMPHETAMINE (METH)*

SAFETY FIRST:

Never confront a person who may be purchasing or stealing ingredients or materials to make meth. Instead, notify your manager or law enforcement authorities.

WHAT TO LOOK FOR:

Large quantities of a single item listed below, purchased or stolen

Repeat purchases of a single item listed below

Repeat trips to checkout lanes, to the same store, or to the same commercial area by a person or small group buying or stealing any items listed below

Unusual combinations of items listed below, purchased or stolen

INGREDIENTS AND MATERIALS used to make meth include:

**Tablets or capsules containing
ephedrine or pseudoephedrine,
such as cold or allergy tablets**

Lithium batteries
Rubbing alcohol
Rock or table salt

Camping fuel
Paint thinner
Drain cleaner
Tile cleaner

Coolers
Coffee filters
Aluminum foil
Matchbooks

Clear plastic tubing
(used in aquariums)

Starter fluid
Brake cleaner
Battery acid
Gas additives

Sodium hydroxide (lye)
Hydrogen peroxide
Hydrochloric acid

Iodine
Toluene
Acetone

Propane tanks
Road flares
Dry ice

Ammonium nitrate
Ammonium sulfate
Anhydrous ammonia

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APPENDIX F

COMPREHENSIVE LIST OF DEFINITIONS

"Administer" or **"administration"** has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

1. a practitioner (or, in his presence, by his authorized agent),
2. the patient or research subject at the lawful direction of the practitioner, or
3. a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

"Agent" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.

"Deliver" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "deliver" or "delivery" means the actual, constructive, or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

"Distribute" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "distribute" means to deliver, other than by administering or dispensing, a controlled substance.

"List I chemical" has the meaning provided in 21 U.S.C. Section 802. Under that section of the United States Code, "list I chemical" means a chemical specified by regulation of the [United States] Attorney General as a chemical that is used in manufacturing a controlled substance in violation of [federal law] and is important to the manufacture of the controlled substances, and such term includes . . . the following: . . . (C) Ephedrine, its salts, optical isomers, and salts of optical isomers [or] . . . (K) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers [irrelevant portions of definition omitted].

"Methamphetamine precursor" has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act. Under that section, "methamphetamine precursor" means ephedrine, pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone, phenylacetone, phenyl-2-propanone, P2P, or any salt, optical isomer, or salt of an optical isomer of any of these chemicals.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Pharmacist" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "pharmacist" means any person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist, or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

"Pharmacy" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "pharmacy" means any store, ship, or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act of 1987.

"Practitioner" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "practitioner" means a physician licensed to practice medicine in all its branches, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"Prescriber" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "prescriber" means a physician licensed to practice medicine in all its branches, dentist, podiatrist, or veterinarian who issues a prescription, a physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

"Prescription" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist, or veterinarian for any controlled substance, of a physician assistant for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act. Source: Illinois Controlled Substances Act, 720 ILCS 570/102.

"Readily retrievable" has the meaning provided in 21 C.F.R. part 1300. Under that part of the Code of Federal Regulations, "readily retrievable" means that certain records are kept by automatic data processing systems or other electronic or mechanized record keeping systems in such a manner that they can be separated out from all other records in a reasonable time and/or records are kept on which certain items are asterisked, redlined, or in some other manner visually identifiable apart from other items appearing on the records [formatting of definitions slightly altered].

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursors are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"Sales employee" means any employee or agent who at any time (a) operates a cash register at which targeted packages may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing targeted packages, or (d) trains or supervises any other employee or agent who engages in any of the preceding activities.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.

"Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

"Targeted package" means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

"Ultimate user" has the meaning provided in Section 102 of the Illinois Controlled Substances Act. Under that section, "ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

APPENDIX G

TEXT OF THE METHAMPHETAMINE PRECURSOR CONTROL ACT, PUBLIC ACT 94-694

Section 1. Short title. This Act may be cited as the Methamphetamine Precursor Control Act.

Section 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois, by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine and related activities to obtain methamphetamine's essential ingredient, ephedrine or pseudoephedrine.

Section 10. Definitions. In this Act:

"Administer" or "administration" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Agent" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.

"Deliver" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Distribute" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"List I chemical" has the meaning provided in 21 U.S.C. Section 802.

"Methamphetamine precursor" has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Pharmacist" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Pharmacy" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Practitioner" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescriber" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescription" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Readily retrievable" has the meaning provided in 21 C.F.R. part 1300.

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or

other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"Sales employee" means any employee or agent who at any time (a) operates a cash register at which targeted packages may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing targeted packages, or (d) trains or supervises any other employee or agent who engages in any of the preceding activities.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.

"Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

"Targeted package" means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

"Ultimate user" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

Section 15. Basic provisions.

(a) No targeted methamphetamine precursor shall be purchased, received, or otherwise acquired in any manner other than that described in Section 20 of this Act.

(b) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for any purpose other than a medical purpose.

(c) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for the purpose of violating or evading this Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(d) No targeted methamphetamine precursor shall be administered, dispensed, or distributed with knowledge that it will be used to manufacture methamphetamine or with reckless disregard of its likely use to manufacture methamphetamine.

(e) No targeted methamphetamine precursor shall be administered, dispensed, or distributed except by:

(1) a pharmacist pursuant to the valid order of a prescriber;

(2) any other practitioner authorized to do so by the Illinois Controlled Substances Act;

(3) a drug abuse treatment program, pursuant to subsection (d) of Section 313 of the Illinois Controlled Substances Act;

(4) a pharmacy pursuant to Section 25 of this Act;

(5) a retail distributor pursuant to Sections 30 and 35 of this Act; or

(6) a distributor authorized by the Drug Enforcement Administration to distribute bulk quantities of a list I chemical under the federal Controlled Substances Act and corresponding regulations, or the employee or agent of such a distributor acting in the normal course of business.

Section 20. Restrictions on purchase, receipt, or acquisition.

(a) Except as provided in subsection (e) of this Section, any person 18 years of age or older wishing to purchase, receive, or otherwise acquire a targeted methamphetamine precursor shall, prior to taking possession of the targeted methamphetamine precursor:

(1) provide a driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and

(2) sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(b) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire, within any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) Except as provided in subsections (d) and (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than 2 targeted packages in a single retail transaction.

(d) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than one convenience package in a 24-hour period.

(e) This Section shall not apply to any person who purchases, receives, or otherwise acquires a targeted methamphetamine precursor for the purpose of dispensing, distributing, or administering it in a lawful manner described in subsection (e) of Section 15 of this Act.

Section 25. Pharmacies.

(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy, including a pharmacy located within, owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

(b) The targeted methamphetamine precursor shall:

(1) be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets; and

(2) contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be stored behind the pharmacy counter and distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987.

(d) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a manner that is readily retrievable and reproducible in hard-copy format.

(g) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(h) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(i) Except as provided in subsection (h) of this Section, no retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

(j) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 30. Retail distributors; general requirements.

(a) No retail distributor shall distribute any convenience package except in accordance with this Section and Section 35 of this Act.

(b) The convenience packages must be displayed behind store counters or in locked cases, so that customers are not able to reach the product without the assistance of a store employee or agent.

(c) The retailer distributor shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(d) The retail distributor shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(e) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a form that is readily retrievable.

(f) No retail distributor shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(g) No retail distributor shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(h) No retail distributor shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 35. Retail distributors; training requirements.

(a) Every retail distributor of any targeted methamphetamine precursor shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed within 30 days of the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine precursor shall have each sales employee read, sign, and date a certification containing the following language:

(1) My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).

(2) I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted methamphetamine precursors".

(3) I understand that "targeted methamphetamine precursors" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.

(4) I understand that under Illinois law, unless they are at a pharmacy counter, customers can only purchase small "convenience packages" of "targeted methamphetamine precursors".

(5) I understand that under Illinois law, customers can only purchase these "convenience packages" if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described to me.

(6) I understand that under Illinois law, I cannot sell more than one "convenience package" to a single customer in one 24-hour period.

(7) I understand that under Illinois law, I cannot sell "targeted methamphetamine precursors" to a person if I know that the person is going to use them to make methamphetamine.

(8) I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted methamphetamine precursors" sold in "convenience packages". My employer has shown me a list of these various ingredients, and I have reviewed the list.

(9) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing "targeted methamphetamine precursors" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or an electronic signature that includes a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request of that officer. These records may be kept in electronic format if they include all the information specified in this Section in a manner that is readily retrievable and reproducible in hard-copy format.

(d) The Office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

Section 40. Penalties.

(a) Any pharmacy or retail distributor that violates this Act is guilty of a petty offense and subject to a fine of \$500 for a first offense; and \$1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of \$5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(b) An employee or agent of a pharmacy or retail distributor who violates this Act is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(c) Any other person who violates this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

Section 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

Section 50. Scope of Act.

(a) Nothing in this Act limits the scope, terms, or effect of the Methamphetamine Control and Community Protection Act.

(b) Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.

(c) Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

Section 55. Preemption and home rule powers.

(a) Except as provided in subsection (b) of this Section, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine precursor and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) Any regulation of the sale of targeted methamphetamine precursor and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section.

Section 900. The Illinois Controlled Substances Act is amended by changing Sections 211, 212, 216, 304, and 312 as follows [with underlined text indicating new language]:

(720 ILCS 570/211) (from Ch. 56 1/2, par. 1211)

Sec. 211. The Department shall issue a rule scheduling a substance in Schedule V if it finds that:

(1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule IV, or the substance is a targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(Source: P.A. 83-969.)

(720 ILCS 570/212) (from Ch. 56 1/2, par. 1212)

Sec. 212. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone as set forth below:

(1) not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) not more than 100 milligrams of dihydrocodeine; or any of its salts, per 100 milliliters or per 100 grams;

(3) not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) not more than 0.5 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Buprenorphine.

(d) Pyrovalerone.

(d-5) Any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(e) Any compound, mixture or preparation which contains any quantity of any controlled substance when such compound, mixture or preparation is not otherwise controlled in Schedules I, II, III or IV.

(Source: P.A. 89-202, eff. 10-1-95.)

(720 ILCS 570/216)

Sec. 216. Ephedrine.

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they: (i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76 of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

(2) Anorectal preparations containing not more than 5% ephedrine.

(b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider

the following factors:

- (1) The packaging of the drug product;
- (2) The name and labeling of the product;
- (3) The manner of distribution, advertising, and promotion of the product;
- (4) Verbal representations made concerning the product;
- (5) The duration, scope, and significance of abuse or misuse of the particular product.

(c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

(d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

- (1) are not otherwise prohibited by law; and
- (2) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:
 - (i) are contained in a matrix of organic material; and
 - (ii) do not exceed 15% of the total weight of the natural product.

(e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.

(Source: P.A. 90-775, eff. 1-1-99.)

(720 ILCS 570/304) (from Ch. 56 1/2, par. 1304)

Sec. 304. (a) A registration under Section 303 to manufacture, distribute, or dispense a controlled substance or purchase, store, or administer euthanasia drugs may be suspended or revoked by the Department of Professional Regulation upon a finding that the registrant:

- (1) has furnished any false or fraudulent material information in any application filed under this Act; or
- (2) has been convicted of a felony under any law of the United States or any State relating to any controlled substance; or
- (3) has had suspended or revoked his Federal registration to manufacture, distribute, or dispense controlled substances or purchase, store, or administer euthanasia drugs; or
- (4) has been convicted of bribery, perjury, or other infamous crime under the laws of the United States or of any State; or
- (5) has violated any provision of this Act or any rules promulgated hereunder, or any provision of the Methamphetamine Precursor Control Act or rules promulgated thereunder, whether or not he has been convicted of such violation; or
- (6) has failed to provide effective controls against the diversion of controlled substances in other than legitimate medical, scientific or industrial channels.

(b) The Department of Professional Regulation may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for

revocation or suspension exist.

(c) The Department of Professional Regulation shall promptly notify the Administration, the Department and the Department of State Police or their successor agencies, of all orders denying, suspending or revoking registration, all forfeitures of controlled substances, and all final court dispositions, if any, of such denials, suspensions, revocations or forfeitures.

(d) If Federal registration of any registrant is suspended, revoked, refused renewal or refused issuance, then the Department of Professional Regulation shall issue a notice and conduct a hearing in accordance with Section 305 of this Act. (Source: P.A. 93-626, eff. 12-23-03.)

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written prescription of any prescriber, dated and signed by the person prescribing on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall write the date of filling and his own signature on the face of the written prescription. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. A prescription for a Schedule II controlled substance shall not be filled more than 7 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral

prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, a A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself to the pharmacist by means of 2 positive documents of identification.

(3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.

(4) no person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96 hour period. The purchaser shall sign a form, approved by the Department of Professional Regulation, attesting that he has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.

(5) a copy of the records of sale, including all information required by paragraph (3), shall be forwarded to the Department of Professional Regulation at its principal office by the 15th day of the following month.

(6) all records of purchases and sales shall be maintained for not less than 2 years.

(7) no person shall obtain or attempt to obtain within any consecutive 96 hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

(8) a person qualified to dispense controlled

substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances defined and listed in Section 212 (b) (1), (2) or (3) in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

(9) no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record of controlled substances received by him and a record of all such controlled substances administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or the manufacturer, he shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, he shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Professional Regulation. No person shall alter, deface or remove any label so affixed.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances is upon the prescriber and the responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not preprint or cause to be preprinted a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a preprinted prescription for any controlled substance.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(Source: P.A. 90-253, eff. 7-29-97; 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)

(720 ILCS 647/Act rep.)

Section 905. The Methamphetamine Precursor Retail Sale Control Act is repealed.

Section 999. Effective date. This Act takes effect January 15, 2006.