

ILLINOIS**PRODUCTS:**

- Products containing ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers. (720 ILCS 648/25)

PRODUCT EXEMPTIONS:

- “Convenience packages” may be sold by non-pharmacy retailers so long as the requirements of this bill are complied with. (720 ILCS 648/10)
- Note: Convenience packages are defined as 360 mg or less of EPH or PSE or their salts in liquid or liquid-filled capsule form.
- According to the Attorney General, consumers with a valid prescription for PSE or EPH are not bound by the requirements or restrictions of this bill.

SALES LIMITS:

- 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. (720 ILCS 648/25)

SALES RESTRICTIONS:

- All prescription-only products containing PSE and EPH are designated as Schedule V drugs, per Department of Health and Human Services. (720 ILCS 570/212)
- No targeted methamphetamine precursor may knowingly be distributed through a pharmacy, including a pharmacy located with, owned by, operated by, or associated with a retail distributor (720 ILCS 648/25)
- Anyone who purchases PSE or EPH products must be at least 18 years old. Retailer distributors, pharmacy operators, pharmacists and technicians may not knowingly distribute to anyone under 18. (720 ILCS 648/25)
- Products containing PSE and EPH must 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 containing no more than 3,000 milligrams of PSE or EPH or their salts or isomers. (720 ILCS 648/25)
- PSE products sold in pharmacies may only be distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act. (720 ILCS 648/25)

ID REQUIREMENTS:

- Purchaser must provide a driver’s license or other government issued ID showing purchaser’s name, date of birth and photograph (720 ILCS 648/20)

- It is the responsibility of any retail distributor operating a pharmacy and retail distributors in general as well as pharmacists or pharmacy technicians involved in the transaction to verify that the purchaser is at least 18 years old and resemble the photo on the ID. They must also verify that the name entered into the log correspond to the name on the purchaser's government issued ID (720 ILCS 648/25)

RECORDKEEPING REQUIREMENTS:

- The logs referred \shall be kept confidential, maintained for not less than 4 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs shall be kept in an electronic format as required by the Methamphetamine Precursor Tracking Act. (720 ILCS 648/25)

PRODUCT PLACEMENT:

- All PSE and EPH products sold in pharmacies must behind the pharmacy counter and distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act. (720 ILCS 648/25)

PENALTIES:

- Any pharmacy or retail distributor that violates sales limits, restrictions, ID or log requirements 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 these requirements is also 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. (720 ILCS 648/40)
- An employee or agent of a pharmacy or retail distributor who violates sales limits, restrictions, ID or log requirements 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. (720 ILCS 648/40)
- Any other person who violates sales limits, restrictions, ID or log requirements 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. (720 ILCS 648/40)
- Any person who, in order to acquire a targeted methamphetamine precursor, knowingly uses or provides the driver's license or government-issued identification of another person, or who knowingly uses or provides a fictitious or unlawfully altered driver's license or government-issued identification, or who otherwise knowingly provides false information, is guilty of a Class 4 felony for a first offense, a Class 3 felony for a second offense, and a Class 2 felony for a third or subsequent offense. (720 ILCS 648/40)

- Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams:
- (A) More than 7,500 milligrams but less than 15,000 milligrams, Class B misdemeanor;
- (B) 15,000 or more but less than 22,500 milligrams, Class A misdemeanor;
- (C) 22,500 or more but less than 30,000 milligrams, Class 4 felony;
- (D) 30,000 or more but less than 37,500 milligrams, Class 3 felony;
- (E) 37,500 or more but less than 45,000 milligrams, Class 2 felony;
- (F) 45,000 or more milligrams, Class 1 felony.
- (720 ILCS 648/40)
- Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams who has previously been convicted of any methamphetamine-related offense:
- (A) More than 7,500 milligrams but less than 15,000 milligrams, Class A misdemeanor;
- (B) 15,000 or more but less than 22,500 milligrams, Class 4 felony;
- (C) 22,500 or more but less than 30,000 milligrams, Class 3 felony;
- (D) 30,000 or more but less than 37,500 milligrams, Class 2 felony;
- (E) 37,500 or more milligrams, Class 1 felony.
- (720 ILCS 648/40)
- Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams who has previously been convicted of 2 or more methamphetamine-related offenses:
- (A) More than 7,500 milligrams but less than 15,000 milligrams, Class 4 felony;
- (B) 15,000 or more but less than 22,500 milligrams, Class 3 felony;
- (C) 22,500 or more but less than 30,000 milligrams, Class 2 felony;
- (D) 30,000 or more milligrams, Class 1 felony.
- (720 ILCS 648/40)

RETAILER LIABILITY EXEMPTION:

- Any agent or employee of a covered pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning nonexempt PSE and EPH products or other methamphetamine precursors are immune from civil liability based on allegations of defamation, libel, slander, false arrest, malicious prosecution or similar allegations except in cases of willful or wanton misconduct. (720 ILCS 648/35)

PREEMPTION:

- The regulation of the sale of targeted methamphetamine precursors and targeted packages are exclusive powers and functions of the State. A county or municipality, including a home rule unit, may not regulate the sale of targeted methamphetamine precursors and targeted packages. This Section is a denial

and limitation of home rule powers under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (720 ILCS 648/55)