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**AS AMENDED**

By: Peterson and Sherrer of the  
House

Treat and Brooks of the  
Senate

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1 an amount or within a time interval other than that permitted by  
2 Section 2-313 of this title.

3 3. It shall be unlawful for any person or business to sell,  
4 market, advertise or label any product containing ephedrine, its  
5 salts, optical isomers, or salts of optical isomers, for the  
6 indication of stimulation, mental alertness, weight loss, appetite  
7 control, muscle development, energy or other indication which is not  
8 approved by the pertinent federal OTC Final Monograph, Tentative  
9 Final Monograph, or FDA-approved new drug application or its legal  
10 equivalent. In determining compliance with this requirement, the  
11 following factors shall be considered:

- 12 a. the packaging of the product,
- 13 b. the name of the product, and
- 14 c. the distribution and promotion of the product,  
15 including verbal representations made at the point of  
16 sale.

17 B. Any person who violates this section with respect to:

18 1. Any Schedule I or II substance, except ~~marihuana~~ marijuana  
19 or a substance included in subsection D of Section 2-206 of this  
20 title, is guilty of a felony punishable by imprisonment for not ~~less~~  
21 ~~than two (2) years nor more than ten (10)~~ five (5) years and by a  
22 fine not exceeding Five Thousand Dollars (\$5,000.00). A second ~~or~~  
23 ~~subsequent~~ violation of this section with respect to a Schedule I or  
24 II substance, except marijuana or a substance included in subsection

1 D of Section 2-206 of this title, is a felony punishable by  
2 imprisonment for not ~~less than four (4) years nor~~ more than ~~twenty~~  
3 ~~(20)~~ ten (10) years and by a fine not exceeding Ten Thousand Dollars  
4 (\$10,000.00). A third or subsequent violation of this section with  
5 respect to a Schedule I or II substance, except marijuana or a  
6 substance included in subsection D of Section 2-206 of this title,  
7 is a felony punishable by imprisonment for not less than four (4)  
8 years nor more than fifteen (15) years and by a fine not exceeding  
9 Ten Thousand Dollars (\$10,000.00);

10 2. Any Schedule III, IV or V substance, ~~marihuana~~ marijuana, a  
11 substance included in subsection D of Section 2-206 of this title,  
12 or any preparation excepted from the provisions of the Uniform  
13 Controlled Dangerous Substances Act is guilty of a misdemeanor  
14 punishable by confinement for not more than one (1) year and by a  
15 fine not exceeding One Thousand Dollars (\$1,000.00);

16 3. Any Schedule III, IV or V substance, marijuana, a substance  
17 included in subsection D of Section 2-206 of this title, or any  
18 preparation excepted from the provisions of the Uniform Controlled  
19 Dangerous Substances Act and who, during the period of any court-  
20 imposed probationary term or within ten (10) years of the date  
21 following the completion of the execution of any sentence or  
22 deferred judgment for a violation of this section, commits a second  
23 or subsequent violation of this section shall, upon conviction, be  
24 guilty of a felony punishable by imprisonment in the custody of the

1 Department of Corrections for not less than ~~two (2) years~~ one (1)  
2 year nor more than ~~ten (10)~~ five (5) years and by a fine not  
3 exceeding Five Thousand Dollars (\$5,000.00); or

4 4. Any Schedule III, IV or V substance, marijuana, a substance  
5 included in subsection D of Section 2-206 of this title, or any  
6 preparation excepted from the provisions of the Uniform Controlled  
7 Dangerous Substances Act and who, ten (10) or more years following  
8 the date of completion of the execution of any sentence or deferred  
9 judgment for a violation of this section, commits a second or  
10 subsequent violation of this section shall, upon conviction, be  
11 guilty of a felony punishable by imprisonment in the custody of the  
12 Department of Corrections for not less than one (1) year nor more  
13 than five (5) years and by a fine not exceeding Five Thousand  
14 Dollars (\$5,000.00).

15 C. Any person who violates any provision of this section by  
16 possessing or purchasing a controlled dangerous substance from any  
17 person, in or on, or within one thousand (1,000) feet of the real  
18 property comprising a public or private elementary or secondary  
19 school, public vocational school, public or private college or  
20 university, or other institution of higher education, recreation  
21 center or public park, including state parks and recreation areas,  
22 or in the presence of any child under twelve (12) years of age,  
23 shall be guilty of a felony and punished by:

1        1. For a first offense, a term of imprisonment, or by the  
2 imposition of a fine, or by both, not exceeding twice that  
3 authorized by the appropriate provision of this section. In  
4 addition, the person shall serve a minimum of fifty percent (50%) of  
5 the sentence received prior to becoming eligible for state  
6 correctional institution earned credits toward the completion of  
7 said sentence; or

8        2. For a second or subsequent offense, a term of imprisonment  
9 not exceeding three times that authorized by the appropriate  
10 provision of this section and the person shall serve a minimum of  
11 ninety percent (90%) of the sentence received prior to becoming  
12 eligible for state correctional institution earned credits toward  
13 the completion of said sentence, and imposition of a fine not  
14 exceeding Ten Thousand Dollars (\$10,000.00).

15        D. Any person convicted of any offense described in this  
16 section shall, in addition to any fine imposed, pay a special  
17 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
18 deposited into the Trauma Care Assistance Revolving Fund created in  
19 Section 1-2530.9 of this title.

20        SECTION 2. This act shall become effective November 1, 2016.

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
22 April 6, 2016 - DO PASS AS AMENDED  
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