

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Sections 102 and 312 as follows:

6 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

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

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

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

20 (1) a practitioner (or, in his or her presence, by his
21 or her authorized agent),

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

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

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

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

- 12 (i) 3[beta],17-dihydroxy-5a-androstane,
13 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,
14 (iii) 5[alpha]-androstane-3,17-dione,
15 (iv) 1-androstenediol (3[beta],
16 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
17 (v) 1-androstenediol (3[alpha],
18 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
19 (vi) 4-androstenediol
20 (3[beta],17[beta]-dihydroxy-androst-4-ene),
21 (vii) 5-androstenediol
22 (3[beta],17[beta]-dihydroxy-androst-5-ene),
23 (viii) 1-androstenedione
24 ([5alpha]-androst-1-en-3,17-dione),
25 (ix) 4-androstenedione
26 (androst-4-en-3,17-dione),

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

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

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

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

- 1 (lx) testosterone (17[beta]-hydroxyandrost-
2 4-en-3-one),
3 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-
4 diethyl-17[beta]-hydroxygon-
5 4,9,11-trien-3-one),
6 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,
7 11-trien-3-one).

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

21 (d) "Administration" means the Drug Enforcement
22 Administration, United States Department of Justice, or its
23 successor agency.

24 (d-5) "Clinical Director, Prescription Monitoring Program"
25 means a Department of Human Services administrative employee
26 licensed to either prescribe or dispense controlled substances

1 who shall run the clinical aspects of the Department of Human
2 Services Prescription Monitoring Program and its Prescription
3 Information Library.

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

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

23 (f) "Controlled Substance" means (i) a drug, substance,
24 immediate precursor, or synthetic drug in the Schedules of
25 Article II of this Act or (ii) a drug or other substance, or
26 immediate precursor, designated as a controlled substance by

1 the Department through administrative rule. The term does not
2 include distilled spirits, wine, malt beverages, or tobacco, as
3 those terms are defined or used in the Liquor Control Act of
4 1934 and the Tobacco Products Tax Act of 1995.

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

6 (1) the chemical structure of which is substantially
7 similar to the chemical structure of a controlled substance
8 in Schedule I or II;

9 (2) which has a stimulant, depressant, or
10 hallucinogenic effect on the central nervous system that is
11 substantially similar to or greater than the stimulant,
12 depressant, or hallucinogenic effect on the central
13 nervous system of a controlled substance in Schedule I or
14 II; or

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

22 (g) "Counterfeit substance" means a controlled substance,
23 which, or the container or labeling of which, without
24 authorization bears the trademark, trade name, or other
25 identifying mark, imprint, number or device, or any likeness
26 thereof, of a manufacturer, distributor, or dispenser other

1 than the person who in fact manufactured, distributed, or
2 dispensed the substance.

3 (h) "Deliver" or "delivery" means the actual, constructive
4 or attempted transfer of possession of a controlled substance,
5 with or without consideration, whether or not there is an
6 agency relationship.

7 (i) "Department" means the Illinois Department of Human
8 Services (as successor to the Department of Alcoholism and
9 Substance Abuse) or its successor agency.

10 (j) (Blank).

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

13 (l) "Department of Financial and Professional Regulation"
14 means the Department of Financial and Professional Regulation
15 of the State of Illinois or its successor agency.

16 (m) "Depressant" means any drug that (i) causes an overall
17 depression of central nervous system functions, (ii) causes
18 impaired consciousness and awareness, and (iii) can be
19 habit-forming or lead to a substance abuse problem, including
20 but not limited to alcohol, cannabis and its active principles
21 and their analogs, benzodiazepines and their analogs,
22 barbiturates and their analogs, opioids (natural and
23 synthetic) and their analogs, and chloral hydrate and similar
24 sedative hypnotics.

25 (n) (Blank).

26 (o) "Director" means the Director of the Illinois State

1 Police or his or her designated agents.

2 (p) "Dispense" means to deliver a controlled substance to
3 an ultimate user or research subject by or pursuant to the
4 lawful order of a prescriber, including the prescribing,
5 administering, packaging, labeling, or compounding necessary
6 to prepare the substance for that delivery.

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

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

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

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

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

26 (t-4) "Emergency medical services personnel" has the

1 meaning ascribed to it in the Emergency Medical Services (EMS)
2 Systems Act.

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

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

14 (u) "Good faith" means the prescribing or dispensing of a
15 controlled substance by a practitioner in the regular course of
16 professional treatment to or for any person who is under his or
17 her treatment for a pathology or condition other than that
18 individual's physical or psychological dependence upon or
19 addiction to a controlled substance, except as provided herein:
20 and application of the term to a pharmacist shall mean the
21 dispensing of a controlled substance pursuant to the
22 prescriber's order which in the professional judgment of the
23 pharmacist is lawful. The pharmacist shall be guided by
24 accepted professional standards including, but not limited to
25 the following, in making the judgment:

26 (1) lack of consistency of prescriber-patient

1 relationship,

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

4 (3) quantities beyond those normally prescribed,

5 (4) unusual dosages (recognizing that there may be
6 clinical circumstances where more or less than the usual
7 dose may be used legitimately),

8 (5) unusual geographic distances between patient,
9 pharmacist and prescriber,

10 (6) consistent prescribing of habit-forming drugs.

11 (u-0.5) "Hallucinogen" means a drug that causes markedly
12 altered sensory perception leading to hallucinations of any
13 type.

14 (u-1) "Home infusion services" means services provided by a
15 pharmacy in compounding solutions for direct administration to
16 a patient in a private residence, long-term care facility, or
17 hospice setting by means of parenteral, intravenous,
18 intramuscular, subcutaneous, or intraspinal infusion.

19 (u-5) "Illinois State Police" means the State Police of the
20 State of Illinois, or its successor agency.

21 (v) "Immediate precursor" means a substance:

22 (1) which the Department has found to be and by rule
23 designated as being a principal compound used, or produced
24 primarily for use, in the manufacture of a controlled
25 substance;

26 (2) which is an immediate chemical intermediary used or

1 likely to be used in the manufacture of such controlled
2 substance; and

3 (3) the control of which is necessary to prevent,
4 curtail or limit the manufacture of such controlled
5 substance.

6 (w) "Instructional activities" means the acts of teaching,
7 educating or instructing by practitioners using controlled
8 substances within educational facilities approved by the State
9 Board of Education or its successor agency.

10 (x) "Local authorities" means a duly organized State,
11 County or Municipal peace unit or police force.

12 (y) "Look-alike substance" means a substance, other than a
13 controlled substance which (1) by overall dosage unit
14 appearance, including shape, color, size, markings or lack
15 thereof, taste, consistency, or any other identifying physical
16 characteristic of the substance, would lead a reasonable person
17 to believe that the substance is a controlled substance, or (2)
18 is expressly or impliedly represented to be a controlled
19 substance or is distributed under circumstances which would
20 lead a reasonable person to believe that the substance is a
21 controlled substance. For the purpose of determining whether
22 the representations made or the circumstances of the
23 distribution would lead a reasonable person to believe the
24 substance to be a controlled substance under this clause (2) of
25 subsection (y), the court or other authority may consider the
26 following factors in addition to any other factor that may be

1 relevant:

2 (a) statements made by the owner or person in control
3 of the substance concerning its nature, use or effect;

4 (b) statements made to the buyer or recipient that the
5 substance may be resold for profit;

6 (c) whether the substance is packaged in a manner
7 normally used for the illegal distribution of controlled
8 substances;

9 (d) whether the distribution or attempted distribution
10 included an exchange of or demand for money or other
11 property as consideration, and whether the amount of the
12 consideration was substantially greater than the
13 reasonable retail market value of the substance.

14 Clause (1) of this subsection (y) shall not apply to a
15 noncontrolled substance in its finished dosage form that was
16 initially introduced into commerce prior to the initial
17 introduction into commerce of a controlled substance in its
18 finished dosage form which it may substantially resemble.

19 Nothing in this subsection (y) prohibits the dispensing or
20 distributing of noncontrolled substances by persons authorized
21 to dispense and distribute controlled substances under this
22 Act, provided that such action would be deemed to be carried
23 out in good faith under subsection (u) if the substances
24 involved were controlled substances.

25 Nothing in this subsection (y) or in this Act prohibits the
26 manufacture, preparation, propagation, compounding,

1 processing, packaging, advertising or distribution of a drug or
2 drugs by any person registered pursuant to Section 510 of the
3 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

4 (y-1) "Mail-order pharmacy" means a pharmacy that is
5 located in a state of the United States that delivers,
6 dispenses or distributes, through the United States Postal
7 Service or other common carrier, to Illinois residents, any
8 substance which requires a prescription.

9 (z) "Manufacture" means the production, preparation,
10 propagation, compounding, conversion or processing of a
11 controlled substance other than methamphetamine, either
12 directly or indirectly, by extraction from substances of
13 natural origin, or independently by means of chemical
14 synthesis, or by a combination of extraction and chemical
15 synthesis, and includes any packaging or repackaging of the
16 substance or labeling of its container, except that this term
17 does not include:

18 (1) by an ultimate user, the preparation or compounding
19 of a controlled substance for his or her own 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 through
8 a written delegation of authority by a physician licensed to
9 practice medicine in all of its branches, in accordance with
10 Section 7.5 of the Physician Assistant Practice Act of 1987,
11 (ii) an advanced practice nurse who has been delegated
12 authority to prescribe through a written delegation of
13 authority by a physician licensed to practice medicine in all
14 of its branches or by a podiatric physician, in accordance with
15 Section 65-40 of the Nurse Practice Act, (iii) an advanced
16 practice nurse certified as a nurse practitioner, nurse
17 midwife, or clinical nurse specialist who has been granted
18 authority to prescribe by a hospital affiliate in accordance
19 with Section 65-45 of the Nurse Practice Act, (iv) an animal
20 euthanasia agency, or (v) a prescribing psychologist.

21 (aa) "Narcotic drug" means any of the following, whether
22 produced directly or indirectly by extraction from substances
23 of vegetable origin, or independently by means of chemical
24 synthesis, or by a combination of extraction and chemical
25 synthesis:

26 (1) opium, opiates, derivatives of opium and opiates,

1 including their isomers, esters, ethers, salts, and salts
2 of isomers, esters, and ethers, whenever the existence of
3 such isomers, esters, ethers, and salts is possible within
4 the specific chemical designation; however the term
5 "narcotic drug" does not include the isoquinoline
6 alkaloids of opium;

7 (2) (blank);

8 (3) opium poppy and poppy straw;

9 (4) coca leaves, except coca leaves and extracts of
10 coca leaves from which substantially all of the cocaine and
11 ecgonine, and their isomers, derivatives and salts, have
12 been removed;

13 (5) cocaine, its salts, optical and geometric isomers,
14 and salts of isomers;

15 (6) ecgonine, its derivatives, their salts, isomers,
16 and salts of isomers;

17 (7) any compound, mixture, or preparation which
18 contains any quantity of any of the substances referred to
19 in subparagraphs (1) through (6).

20 (bb) "Nurse" means a registered nurse licensed under the
21 Nurse Practice Act.

22 (cc) (Blank).

23 (dd) "Opiate" means any substance having an addiction
24 forming or addiction sustaining liability similar to morphine
25 or being capable of conversion into a drug having addiction
26 forming or addiction sustaining liability.

1 (ee) "Opium poppy" means the plant of the species *Papaver*
2 *somniferum* L., except its seeds.

3 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
4 solution or other liquid form of medication intended for
5 administration by mouth, but the term does not include a form
6 of medication intended for buccal, sublingual, or transmucosal
7 administration.

8 (ff) "Parole and Pardon Board" means the Parole and Pardon
9 Board of the State of Illinois or its successor agency.

10 (gg) "Person" means any individual, corporation,
11 mail-order pharmacy, government or governmental subdivision or
12 agency, business trust, estate, trust, partnership or
13 association, or any other entity.

14 (hh) "Pharmacist" means any person who holds a license or
15 certificate of registration as a registered pharmacist, a local
16 registered pharmacist or a registered assistant pharmacist
17 under the Pharmacy Practice Act.

18 (ii) "Pharmacy" means any store, ship or other place in
19 which pharmacy is authorized to be practiced under the Pharmacy
20 Practice Act.

21 (ii-5) "Pharmacy shopping" means the conduct prohibited
22 under subsection (b) of Section 314.5 of this Act.

23 (ii-10) "Physician" (except when the context otherwise
24 requires) means a person licensed to practice medicine in all
25 of its branches.

26 (jj) "Poppy straw" means all parts, except the seeds, of

1 the opium poppy, after mowing.

2 (kk) "Practitioner" means a physician licensed to practice
3 medicine in all its branches, dentist, optometrist, podiatric
4 physician, veterinarian, scientific investigator, pharmacist,
5 physician assistant, advanced practice nurse, licensed
6 practical nurse, registered nurse, emergency medical services
7 personnel, hospital, laboratory, or pharmacy, or other person
8 licensed, registered, or otherwise lawfully permitted by the
9 United States or this State to distribute, dispense, conduct
10 research with respect to, administer or use in teaching or
11 chemical analysis, a controlled substance in the course of
12 professional practice or research.

13 (ll) "Pre-printed prescription" means a written
14 prescription upon which the designated drug has been indicated
15 prior to the time of issuance; the term does not mean a written
16 prescription that is individually generated by machine or
17 computer in the prescriber's office.

18 (mm) "Prescriber" means a physician licensed to practice
19 medicine in all its branches, dentist, optometrist,
20 prescribing psychologist licensed under Section 4.2 of the
21 Clinical Psychologist Licensing Act with prescriptive
22 authority delegated under Section 4.3 of the Clinical
23 Psychologist Licensing Act, podiatric physician, or
24 veterinarian who issues a prescription, a physician assistant
25 who issues a prescription for a controlled substance in
26 accordance with Section 303.05, a written delegation, and a

1 written supervision agreement required under Section 7.5 of the
2 Physician Assistant Practice Act of 1987, an advanced practice
3 nurse with prescriptive authority delegated under Section
4 65-40 of the Nurse Practice Act and in accordance with Section
5 303.05, a written delegation, and a written collaborative
6 agreement under Section 65-35 of the Nurse Practice Act, or an
7 advanced practice nurse certified as a nurse practitioner,
8 nurse midwife, or clinical nurse specialist who has been
9 granted authority to prescribe by a hospital affiliate in
10 accordance with Section 65-45 of the Nurse Practice Act and in
11 accordance with Section 303.05.

12 (nn) "Prescription" means a written, facsimile, or oral
13 order, or an electronic order that complies with applicable
14 federal requirements, of a physician licensed to practice
15 medicine in all its branches, dentist, podiatric physician or
16 veterinarian for any controlled substance, of an optometrist in
17 accordance with Section 15.1 of the Illinois Optometric
18 Practice Act of 1987, of a prescribing psychologist licensed
19 under Section 4.2 of the Clinical Psychologist Licensing Act
20 with prescriptive authority delegated under Section 4.3 of the
21 Clinical Psychologist Licensing Act, of a physician assistant
22 for a controlled substance in accordance with Section 303.05, a
23 written delegation, and a written supervision agreement
24 required under Section 7.5 of the Physician Assistant Practice
25 Act of 1987, of an advanced practice nurse with prescriptive
26 authority delegated under Section 65-40 of the Nurse Practice

1 Act who issues a prescription for a controlled substance in
2 accordance with Section 303.05, a written delegation, and a
3 written collaborative agreement under Section 65-35 of the
4 Nurse Practice Act, or of an advanced practice nurse certified
5 as a nurse practitioner, nurse midwife, or clinical nurse
6 specialist who has been granted authority to prescribe by a
7 hospital affiliate in accordance with Section 65-45 of the
8 Nurse Practice Act and in accordance with Section 303.05 when
9 required by law.

10 (nn-5) "Prescription Information Library" (PIL) means an
11 electronic library that contains reported controlled substance
12 data.

13 (nn-10) "Prescription Monitoring Program" (PMP) means the
14 entity that collects, tracks, and stores reported data on
15 controlled substances and select drugs pursuant to Section 316.

16 (oo) "Production" or "produce" means manufacture,
17 planting, cultivating, growing, or harvesting of a controlled
18 substance other than methamphetamine.

19 (pp) "Registrant" means every person who is required to
20 register under Section 302 of this Act.

21 (qq) "Registry number" means the number assigned to each
22 person authorized to handle controlled substances under the
23 laws of the United States and of this State.

24 (qq-5) "Secretary" means, as the context requires, either
25 the Secretary of the Department or the Secretary of the
26 Department of Financial and Professional Regulation, and the

1 Secretary's designated agents.

2 (rr) "State" includes the State of Illinois and any state,
3 district, commonwealth, territory, insular possession thereof,
4 and any area subject to the legal authority of the United
5 States of America.

6 (rr-5) "Stimulant" means any drug that (i) causes an
7 overall excitation of central nervous system functions, (ii)
8 causes impaired consciousness and awareness, and (iii) can be
9 habit-forming or lead to a substance abuse problem, including
10 but not limited to amphetamines and their analogs,
11 methylphenidate and its analogs, cocaine, and phencyclidine
12 and its analogs.

13 (ss) "Ultimate user" means a person who lawfully possesses
14 a controlled substance for his or her own use or for the use of
15 a member of his or her household or for administering to an
16 animal owned by him or her or by a member of his or her
17 household.

18 (Source: P.A. 98-214, eff. 8-9-13; 98-668, eff. 6-25-14;
19 98-756, eff. 7-16-14; 98-1111, eff. 8-26-14; 99-78, eff.
20 7-20-15; 99-173, eff. 7-29-15; 99-371, eff. 1-1-16; 99-480,
21 eff. 9-9-15; 99-642, eff. 7-28-16.)

22 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

23 Sec. 312. Requirements for dispensing controlled
24 substances.

25 (a) A practitioner, in good faith, may dispense a Schedule

1 II controlled substance, which is a narcotic drug listed in
2 Section 206 of this Act; or which contains any quantity of
3 amphetamine or methamphetamine, their salts, optical isomers
4 or salts of optical isomers; phenmetrazine and its salts; or
5 pentazocine; and Schedule III, IV, or V controlled substances
6 to any person upon a written or electronic prescription of any
7 prescriber, dated and signed by the person prescribing (or
8 electronically validated in compliance with Section 311.5) on
9 the day when issued and bearing the name and address of the
10 patient for whom, or the owner of the animal for which the
11 controlled substance is dispensed, and the full name, address
12 and registry number under the laws of the United States
13 relating to controlled substances of the prescriber, if he or
14 she is required by those laws to be registered. If the
15 prescription is for an animal it shall state the species of
16 animal for which it is ordered. The practitioner filling the
17 prescription shall, unless otherwise permitted, write the date
18 of filling and his or her own signature on the face of the
19 written prescription or, alternatively, shall indicate such
20 filling using a unique identifier as defined in paragraph (v)
21 of Section 3 of the Pharmacy Practice Act. The written
22 prescription shall be retained on file by the practitioner who
23 filled it or pharmacy in which the prescription was filled for
24 a period of 2 years, so as to be readily accessible for
25 inspection or removal by any officer or employee engaged in the
26 enforcement of this Act. Whenever the practitioner's or

1 pharmacy's copy of any prescription is removed by an officer or
2 employee engaged in the enforcement of this Act, for the
3 purpose of investigation or as evidence, such officer or
4 employee shall give to the practitioner or pharmacy a receipt
5 in lieu thereof. If the specific prescription is machine or
6 computer generated and printed at the prescriber's office, the
7 date does not need to be handwritten. A prescription for a
8 Schedule II controlled substance shall not be issued for more
9 than a 30 day supply, except as provided in subsection (a-5),
10 and shall be valid for up to 90 days after the date of
11 issuance. A written prescription for Schedule III, IV or V
12 controlled substances shall not be filled or refilled more than
13 6 months after the date thereof or refilled more than 5 times
14 unless renewed, in writing, by the prescriber. A pharmacy shall
15 maintain a policy regarding the type of identification
16 necessary, if any, to receive a prescription in accordance with
17 State and federal law. The pharmacy must post such information
18 where prescriptions are filled.

19 (a-5) Physicians may issue multiple prescriptions (3
20 sequential 30-day supplies) for the same Schedule II controlled
21 substance, authorizing up to a 90-day supply. Before
22 authorizing a 90-day supply of a Schedule II controlled
23 substance, the physician must meet the following conditions:

- 24 (1) Each separate prescription must be issued for a
25 legitimate medical purpose by an individual physician
26 acting in the usual course of professional practice.

1 (2) The individual physician must provide written
2 instructions on each prescription (other than the first
3 prescription, if the prescribing physician intends for the
4 prescription to be filled immediately) indicating the
5 earliest date on which a pharmacy may fill that
6 prescription.

7 (3) The physician shall document in the medical record
8 of a patient the medical necessity for the amount and
9 duration of the 3 sequential 30-day prescriptions for
10 Schedule II narcotics.

11 (b) In lieu of a written prescription required by this
12 Section, a pharmacist, in good faith, may dispense Schedule
13 III, IV, or V substances to any person either upon receiving a
14 facsimile of a written, signed prescription transmitted by the
15 prescriber or the prescriber's agent or upon a lawful oral
16 prescription of a prescriber which oral prescription shall be
17 reduced promptly to writing by the pharmacist and such written
18 memorandum thereof shall be dated on the day when such oral
19 prescription is received by the pharmacist and shall bear the
20 full name and address of the ultimate user for whom, or of the
21 owner of the animal for which the controlled substance is
22 dispensed, and the full name, address, and registry number
23 under the law of the United States relating to controlled
24 substances of the prescriber prescribing if he or she is
25 required by those laws to be so registered, and the pharmacist
26 filling such oral prescription shall write the date of filling

1 and his or her own signature on the face of such written
2 memorandum thereof. The facsimile copy of the prescription or
3 written memorandum of the oral prescription shall be retained
4 on file by the proprietor of the pharmacy in which it is filled
5 for a period of not less than two years, so as to be readily
6 accessible for inspection by any officer or employee engaged in
7 the enforcement of this Act in the same manner as a written
8 prescription. The facsimile copy of the prescription or oral
9 prescription and the written memorandum thereof shall not be
10 filled or refilled more than 6 months after the date thereof or
11 be refilled more than 5 times, unless renewed, in writing, by
12 the prescriber.

13 (c) Except for any non-prescription targeted
14 methamphetamine precursor regulated by the Methamphetamine
15 Precursor Control Act, a controlled substance included in
16 Schedule V shall not be distributed or dispensed other than for
17 a medical purpose and not for the purpose of evading this Act,
18 and then:

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

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

26 (3) the dispenser shall record the name and address of

1 the purchaser, the name and quantity of the product, the
2 date and time of the sale, and the dispenser's signature.

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

12 (5) (Blank).

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

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

23 (8) a person qualified to dispense controlled
24 substances under this Act and registered thereunder shall
25 at no time maintain or keep in stock a quantity of Schedule
26 V controlled substances in excess of 4.5 liters for each

1 substance; a pharmacy shall at no time maintain or keep in
2 stock a quantity of Schedule V controlled substances as
3 defined in excess of 4.5 liters for each substance, plus
4 the additional quantity of controlled substances necessary
5 to fill the largest number of prescription orders filled by
6 that pharmacy for such controlled substances in any one
7 week in the previous year. These limitations shall not
8 apply to Schedule V controlled substances which Federal law
9 prohibits from being dispensed without a prescription.

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

13 (d) Every practitioner shall keep a record or log of
14 controlled substances received by him or her and a record of
15 all such controlled substances administered, dispensed or
16 professionally used by him or her otherwise than by
17 prescription. It shall, however, be sufficient compliance with
18 this paragraph if any practitioner utilizing controlled
19 substances listed in Schedules III, IV and V shall keep a
20 record of all those substances dispensed and distributed by him
21 or her other than those controlled substances which are
22 administered by the direct application of a controlled
23 substance, whether by injection, inhalation, ingestion, or any
24 other means to the body of a patient or research subject. A
25 practitioner who dispenses, other than by administering, a
26 controlled substance in Schedule II, which is a narcotic drug

1 listed in Section 206 of this Act, or which contains any
2 quantity of amphetamine or methamphetamine, their salts,
3 optical isomers or salts of optical isomers, pentazocine, or
4 methaqualone shall do so only upon the issuance of a written
5 prescription blank or electronic prescription issued by a
6 prescriber.

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

18 (f) Whenever a practitioner dispenses any controlled
19 substance except a non-prescription Schedule V product or a
20 non-prescription targeted methamphetamine precursor regulated
21 by the Methamphetamine Precursor Control Act, he or she shall
22 affix to the container in which such substance is sold or
23 dispensed, a label indicating the date of initial filling, the
24 practitioner's name and address, the name of the patient, the
25 name of the prescriber, the directions for use and cautionary
26 statements, if any, contained in any prescription or required

1 by law, the proprietary name or names or the established name
2 of the controlled substance, and the dosage and quantity,
3 except as otherwise authorized by regulation by the Department
4 of Financial and Professional Regulation. No person shall
5 alter, deface or remove any label so affixed as long as the
6 specific medication remains in the container.

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

14 (h) The responsibility for the proper prescribing or
15 dispensing of controlled substances that are under the
16 prescriber's direct control is upon the prescriber. The
17 responsibility for the proper filling of a prescription for
18 controlled substance drugs rests with the pharmacist. An order
19 purporting to be a prescription issued to any individual, which
20 is not in the regular course of professional treatment nor part
21 of an authorized methadone maintenance program, nor in
22 legitimate and authorized research instituted by any
23 accredited hospital, educational institution, charitable
24 foundation, or federal, state or local governmental agency, and
25 which is intended to provide that individual with controlled
26 substances sufficient to maintain that individual's or any

1 other individual's physical or psychological addiction,
2 habitual or customary use, dependence, or diversion of that
3 controlled substance is not a prescription within the meaning
4 and intent of this Act; and the person issuing it, shall be
5 subject to the penalties provided for violations of the law
6 relating to controlled substances.

7 (i) A prescriber shall not pre-print or cause to be
8 pre-printed a prescription for any controlled substance; nor
9 shall any practitioner issue, fill or cause to be issued or
10 filled, a pre-printed prescription for any controlled
11 substance.

12 (i-5) A prescriber may use a machine or electronic device
13 to individually generate a printed prescription, but the
14 prescriber is still required to affix his or her manual
15 signature.

16 (j) No person shall manufacture, dispense, deliver,
17 possess with intent to deliver, prescribe, or administer or
18 cause to be administered under his or her direction any
19 anabolic steroid, for any use in humans other than the
20 treatment of disease in accordance with the order of a
21 physician licensed to practice medicine in all its branches for
22 a valid medical purpose in the course of professional practice.
23 The use of anabolic steroids for the purpose of hormonal
24 manipulation that is intended to increase muscle mass, strength
25 or weight without a medical necessity to do so, or for the
26 intended purpose of improving physical appearance or

1 performance in any form of exercise, sport, or game, is not a
2 valid medical purpose or in the course of professional
3 practice.

4 (k) Controlled substances may be mailed if all of the
5 following conditions are met:

6 (1) The controlled substances are not outwardly
7 dangerous and are not likely, of their own force, to cause
8 injury to a person's life or health.

9 (2) The inner container of a parcel containing
10 controlled substances must be marked and sealed as required
11 under this Act and its rules, and be placed in a plain
12 outer container or securely wrapped in plain paper.

13 (3) If the controlled substances consist of
14 prescription medicines, the inner container must be
15 labeled to show the name and address of the pharmacy or
16 practitioner dispensing the prescription.

17 (4) The outside wrapper or container must be free of
18 markings that would indicate the nature of the contents.

19 (l) Notwithstanding any other provision of this Act to the
20 contrary, emergency medical services personnel may administer
21 Schedule II, III, IV, or V controlled substances to a person in
22 the scope of their employment without a written, electronic, or
23 oral prescription of a prescriber.

24 (Source: P.A. 99-78, eff. 7-20-15; 99-480, eff. 9-9-15.)