

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 Hypodermic Syringes and Needles Act is
5 amended by changing Sections 1, 2, 2.5, and 5 as follows:

6 (720 ILCS 635/1) (from Ch. 38, par. 22-50)

7 Sec. 1. Possession of hypodermic syringes and needles.

8 (a) Except as provided in subsection (b), no person, not
9 being a physician, dentist, chiropodist or veterinarian
10 licensed under the laws of this State or of the state where he
11 resides, or a registered professional nurse, or a registered
12 embalmer, manufacturer or dealer in embalming supplies,
13 wholesale druggist, manufacturing pharmacist, registered
14 pharmacist, manufacturer of surgical instruments, industrial
15 user, official of any government having possession of the
16 articles hereinafter mentioned by reason of his or her official
17 duties, nurse or a medical laboratory technician acting under
18 the direction of a physician or dentist, employee of an
19 incorporated hospital acting under the direction of its
20 superintendent or officer in immediate charge, or a carrier or
21 messenger engaged in the transportation of the ~~such~~ articles,
22 or the holder of a permit issued under Section 5 of this Act,
23 or a farmer engaged in the use of the ~~such~~ instruments on

1 livestock, or a person engaged in chemical, clinical,
2 pharmaceutical or other scientific research, shall have in his
3 or her possession a hypodermic syringe, hypodermic needle, or
4 any instrument adapted for the use of controlled substances or
5 cannabis by subcutaneous injection.

6 (b) A person who is at least 18 years of age may purchase
7 from a pharmacy and have in his or her possession up to 100 ~~20~~
8 hypodermic syringes or needles.

9 (Source: P.A. 93-392, eff. 7-25-03.)

10 (720 ILCS 635/2) (from Ch. 38, par. 22-51)

11 Sec. 2. Sale of hypodermic syringes and needles.

12 (a) Except as provided in subsection (b), no ~~such~~ syringe,
13 needle or instrument shall be delivered or sold to, or
14 exchanged with, any person except a registered pharmacist,
15 physician, dentist, veterinarian, registered embalmer,
16 manufacturer or dealer in embalming supplies, wholesale
17 druggist, manufacturing pharmacist, industrial user, a nurse
18 upon the written order of a physician or dentist, the holder of
19 a permit issued under Section 5 of this Act, a registered
20 chiropodist, or an employee of an incorporated hospital upon
21 the written order of its superintendent or officer in immediate
22 charge; provided that the provisions of this Act shall not
23 prohibit the sale, possession or use of hypodermic syringes or
24 hypodermic needles for treatment of livestock or poultry by the
25 owner or keeper thereof or a person engaged in chemical,

1 clinical, pharmaceutical or other scientific research.

2 (b) A pharmacist may sell up to 100 ~~20~~ sterile hypodermic
3 syringes or needles to a person who is at least 18 years of
4 age. A syringe or needle sold under this subsection (b) must be
5 stored at a pharmacy and in a manner that limits access to the
6 syringes or needles to pharmacists employed at the pharmacy and
7 any persons designated by the pharmacists. A syringe or needle
8 sold at a pharmacy under this subsection (b) may be sold only
9 from the pharmacy department of the pharmacy.

10 (Source: P.A. 93-392, eff. 7-25-03.)

11 (720 ILCS 635/2.5)

12 Sec. 2.5. Guidelines ~~Educational materials; guidelines~~ for
13 disposal.

14 (a) (Blank). ~~The Illinois Department of Public Health must~~
15 ~~develop educational materials and make copies of the~~
16 ~~educational materials available to pharmacists. Pharmacists~~
17 ~~must make these educational materials available to persons who~~
18 ~~purchase syringes and needles as authorized under subsection~~
19 ~~(b) of Section 1. The educational materials must include~~
20 ~~information regarding safer injection, HIV prevention, syringe~~
21 ~~and needle disposal, and drug treatment.~~

22 (b) The Illinois Department of Public Health must create
23 guidelines to advise local health departments on implementing
24 syringe and needle disposal policies that are consistent with
25 or more stringent than any available guidelines regarding

1 disposal for home health care products provided by the United
2 States Environmental Protection Agency.

3 (Source: P.A. 93-392, eff. 7-25-03.)

4 (720 ILCS 635/5) (from Ch. 38, par. 22-54)

5 Sec. 5. Prescriptions.

6 (a) As used in this Section, "prescriber" has the meaning
7 ascribed to it in Section 102 of the Illinois Controlled
8 Substances Act.

9 (b) Except as provided under Section 2, a prescriber
10 ~~licensed physician~~ may direct a patient under his or her
11 immediate charge to have in possession any of the instruments
12 specified in Sections 1 and 2 which may be dispensed by a
13 registered pharmacist ~~or assistant registered pharmacist~~ in
14 this state only (1) upon a written prescription of the
15 prescriber ~~such physician~~, or (2) upon an oral or electronic
16 order of the prescriber ~~such physician~~, which order is reduced
17 promptly to writing and filed by the pharmacist, or (3) by
18 refilling any ~~such~~ written, ~~or~~ or oral, or electronic prescription
19 if the ~~such~~ refilling is authorized by the prescriber either in
20 the original prescription or by oral order which is reduced
21 promptly to writing and filed by the pharmacist in the same
22 manner and under the same conditions as any other prescription
23 issued by a practitioner licensed by law to write
24 prescriptions, or (4) upon a signed statement of a patient,
25 upon proper identification, stating that the prescriptions or

1 instruments specified in Sections 1 and 2 were lost or broken,
2 as the case may be, the name and address of the prescriber, the
3 name and address of the patient and the purpose for which the
4 prescription was ordered. The ~~Such~~ written, ~~or~~ oral, or
5 electronic prescriptions when reduced to writing for
6 instruments specified in Sections 1 and 2 shall contain the
7 date of the ~~such~~ prescription, the name and address of the
8 prescriber, the name and address of the patient, the purpose
9 for which the prescription is ordered, the date when dispensed
10 and by whom dispensed.

11 Provided, however, that a licensed physician or other
12 allied medical practitioner, authorized by the laws of the
13 State of Illinois to prescribe or administer controlled
14 substances or cannabis to humans or animals, may authorize any
15 person or the owner of any animal, to purchase and have in his
16 or her possession any of the instruments specified in Sections
17 1 and 2, which may be sold to him without a specific written,
18 ~~or~~ oral, or electronic prescription or order, by any person
19 authorized by the laws of the State of Illinois to sell and
20 dispense controlled substances or cannabis, if the ~~such~~
21 authorization is in the form of a certificate giving the name
22 and address of the ~~such~~ licensed physician or other allied
23 medical practitioner, the name, address and signature of the
24 person, or of the owner of the animal, so authorized, the
25 purpose or reason of the ~~such~~ authorization, and the date of
26 the ~~such~~ certificate and in that event, no other prescription,

1 writing or record shall be required to authorize the possession
2 or sale of the ~~such~~ instruments.

3 (Source: P.A. 93-392, eff. 7-25-03.)