



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2534

by Rep. Laura Fine

SYNOPSIS AS INTRODUCED:

New Act	
225 ILCS 85/4	from Ch. 111, par. 4124
225 ILCS 120/15	from Ch. 111, par. 8301-15
320 ILCS 50/10	
410 ILCS 620/16	from Ch. 56 1/2, par. 516
720 ILCS 570/102	from Ch. 56 1/2, par. 1102
740 ILCS 20/3	from Ch. 70, par. 903

Creates the Prescription Drug Repository Program Act. Requires the Department of Public Health to establish a prescription drug repository program, under which a healthcare facility may donate a prescription drug or supplies needed to administer a prescription drug for use by an individual who meets eligibility criteria specified by the Department. Sets forth requirements that prescription drugs or supplies must meet in order to be accepted and dispensed under the program. Provides that no drugs or supplies donated under the prescription drug repository program may be resold. Provides that nothing in the Act requires that a pharmacy or pharmacist participate in the prescription drug repository program. Provides for civil and criminal immunity for drug and supply manufacturers and pharmacists in relation to the donation, acceptance, or dispensing of prescription drugs or supplies under the prescription drug repository program. Amends the Pharmacy Practice Act, the Wholesale Drug Distribution Licensing Act, the Senior Pharmaceutical Assistance Act, the Illinois Food, Drug and Cosmetic Act, the Illinois Controlled Substances Act, and the Cannabis and Controlled Substances Tort Claims Act to provide that persons engaged in donating or accepting, or packaging, repackaging, or labeling, prescription drugs to the extent permitted or required under the Prescription Drug Repository Program Act are exempt from provisions of those other Acts that might prohibit or otherwise regulate such activity.

LRB098 07720 DRJ 37797 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the
5 Prescription Drug Repository Program Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Public Health.

8 "Dispense" has the meaning given to that term in the
9 Pharmacy Practice Act.

10 "Healthcare facility" means an assisted living facility,
11 hospice, rehabilitation facility, or long-term care facility.

12 "Pharmacist" means an individual licensed to engage in the
13 practice of pharmacy under the Pharmacy Practice Act.

14 "Pharmacy" means a pharmacy registered in this State under
15 the Pharmacy Practice Act.

16 "Practitioner" means a person licensed in this State to
17 prescribe and administer drugs or licensed in another state and
18 recognized by this State as a person authorized to prescribe
19 and administer drugs.

20 "Prescription drug" means any prescribed drug that may be
21 legally dispensed by a pharmacy. "Prescription drug" does not
22 include drugs for the treatment of cancer that can only be
23 dispensed to a patient registered with the drug manufacturer in

1 accordance with federal Food and Drug Administration
2 requirements.

3 "Program" means the prescription drug repository program
4 established under this Act.

5 Section 10. Prescription drug repository program. The
6 Department shall establish and maintain a prescription drug
7 repository program, under which a healthcare facility may
8 donate a prescription drug or supplies needed to administer a
9 prescription drug for use by an individual who meets
10 appropriate eligibility criteria. Donations may be made on the
11 premises of a pharmacy that elects to participate in the
12 program and meets appropriate requirements. The pharmacy may
13 charge an individual who receives a prescription drug or
14 supplies needed to administer a prescription drug under this
15 Act a handling fee that may not exceed an appropriate amount. A
16 pharmacy that receives a donated prescription drug or supplies
17 needed to administer a prescription drug under this Act may
18 distribute the prescription drug or supplies to another
19 eligible pharmacy for use under the program.

20 Section 15. Requirements for accepting and dispensing
21 prescription drugs and supplies. A prescription drug or
22 supplies needed to administer a prescription drug may be
23 accepted and dispensed under the program only if all of the
24 following requirements are met:

1 (1) The prescription drug or supplies needed to
2 administer a prescription drug are in their original,
3 unopened, sealed, and tamper-evident unit-dose packaging
4 or, if packaged in single-unit doses, the single-unit-dose
5 packaging is unopened.

6 (2) The prescription drug bears an expiration date that
7 is later than 6 months after the date that the drug was
8 donated.

9 (3) The prescription drug or supplies needed to
10 administer a prescription drug are not adulterated or
11 misbranded, as determined by a pharmacist employed by, or
12 under contract with, the pharmacy where the drug or
13 supplies are accepted or dispensed. The pharmacist must
14 inspect the drug or supplies before the drug or supplies
15 are dispensed.

16 (4) The prescription drug or supplies needed to
17 administer a prescription drug are prescribed by a
18 practitioner for use by an eligible individual.

19 Section 20. Resale of donated drugs or supplies prohibited.
20 No prescription drug or supplies needed to administer a
21 prescription drug that are donated for use under this Act may
22 be resold.

23 Section 25. Participation in program not required. Nothing
24 in this Act requires that a pharmacy or pharmacist participate

1 in the prescription drug repository program.

2 Section 30. Immunity.

3 (a) Except in cases of willful and wanton misconduct, a
4 manufacturer of a drug or supply is not subject to criminal or
5 civil liability for injury, death, or loss to a person or
6 property for matters related to the donation, acceptance, or
7 dispensing of a prescription drug or supply manufactured by the
8 manufacturer that is donated under this Act, including
9 liability for failure to transfer or communicate product or
10 consumer information or the expiration date of the donated
11 prescription drug. The provisions of this subsection shall
12 apply only to the donation, acceptance, or dispensing of drugs
13 or supplies provided without fee or compensation, except for
14 those fees made allowable under Section 10 of this Act.
15 Immunity granted under this subsection is solely applicable to
16 the donation, acceptance, or dispensing of a drug or supply
17 under this Act and is not a general waiver of liability that
18 would have existed under the original prescription.

19 (b) A pharmacist or other health care professional working
20 in a pharmacy participating in the program dispensing,
21 furnishing, or otherwise providing in good faith without fee or
22 compensation donated prescription drugs to eligible
23 individuals under this Act shall not be subject to professional
24 or civil liability, except for willful or wanton misconduct.

1 Section 90. The Pharmacy Practice Act is amended by
2 changing Section 4 as follows:

3 (225 ILCS 85/4) (from Ch. 111, par. 4124)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 4. Exemptions. Nothing contained in any Section of
6 this Act shall apply to, or in any manner interfere with:

7 (a) the lawful practice of any physician licensed to
8 practice medicine in all of its branches, dentist, podiatrist,
9 veterinarian, or therapeutically or diagnostically certified
10 optometrist within the limits of his or her license, or prevent
11 him or her from supplying to his or her bona fide patients such
12 drugs, medicines, or poisons as may seem to him appropriate;

13 (b) the sale of compressed gases;

14 (c) the sale of patent or proprietary medicines and
15 household remedies when sold in original and unbroken packages
16 only, if such patent or proprietary medicines and household
17 remedies be properly and adequately labeled as to content and
18 usage and generally considered and accepted as harmless and
19 nonpoisonous when used according to the directions on the
20 label, and also do not contain opium or coca leaves, or any
21 compound, salt or derivative thereof, or any drug which,
22 according to the latest editions of the following authoritative
23 pharmaceutical treatises and standards, namely, The United
24 States Pharmacopoeia/National Formulary (USP/NF), the United
25 States Dispensatory, and the Accepted Dental Remedies of the

1 Council of Dental Therapeutics of the American Dental
2 Association or any or either of them, in use on the effective
3 date of this Act, or according to the existing provisions of
4 the Federal Food, Drug, and Cosmetic Act and Regulations of the
5 Department of Health and Human Services, Food and Drug
6 Administration, promulgated thereunder now in effect, is
7 designated, described or considered as a narcotic, hypnotic,
8 habit forming, dangerous, or poisonous drug;

9 (d) the sale of poultry and livestock remedies in original
10 and unbroken packages only, labeled for poultry and livestock
11 medication;

12 (e) the sale of poisonous substances or mixture of
13 poisonous substances, in unbroken packages, for nonmedicinal
14 use in the arts or industries or for insecticide purposes;
15 provided, they are properly and adequately labeled as to
16 content and such nonmedicinal usage, in conformity with the
17 provisions of all applicable federal, state and local laws and
18 regulations promulgated thereunder now in effect relating
19 thereto and governing the same, and those which are required
20 under such applicable laws and regulations to be labeled with
21 the word "Poison", are also labeled with the word "Poison"
22 printed thereon in prominent type and the name of a readily
23 obtainable antidote with directions for its administration;

24 (f) the delegation of limited prescriptive authority by a
25 physician licensed to practice medicine in all its branches to
26 a physician assistant under Section 7.5 of the Physician

1 Assistant Practice Act of 1987. This delegated authority under
2 Section 7.5 of the Physician Assistant Practice Act of 1987
3 may, but is not required to, include prescription of controlled
4 substances, as defined in Article II of the Illinois Controlled
5 Substances Act, in accordance with a written supervision
6 agreement; ~~and~~

7 (g) the delegation of prescriptive authority by a physician
8 licensed to practice medicine in all its branches or a licensed
9 podiatrist to an advanced practice nurse in accordance with a
10 written collaborative agreement under Sections 65-35 and 65-40
11 of the Nurse Practice Act; and -

12 (h) the donation or acceptance, or the packaging,
13 repackaging, or labeling, of prescription drugs to the extent
14 permitted or required under the Prescription Drug Repository
15 Program Act.

16 (Source: P.A. 95-639, eff. 10-5-07; 96-189, eff. 8-10-09;
17 96-268, eff. 8-11-09.)

18 Section 91. The Wholesale Drug Distribution Licensing Act
19 is amended by changing Section 15 as follows:

20 (225 ILCS 120/15) (from Ch. 111, par. 8301-15)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 15. Definitions. As used in this Act:

23 "Authentication" means the affirmative verification,
24 before any wholesale distribution of a prescription drug

1 occurs, that each transaction listed on the pedigree has
2 occurred.

3 "Authorized distributor of record" means a wholesale
4 distributor with whom a manufacturer has established an ongoing
5 relationship to distribute the manufacturer's prescription
6 drug. An ongoing relationship is deemed to exist between a
7 wholesale distributor and a manufacturer when the wholesale
8 distributor, including any affiliated group of the wholesale
9 distributor, as defined in Section 1504 of the Internal Revenue
10 Code, complies with the following:

11 (1) The wholesale distributor has a written agreement
12 currently in effect with the manufacturer evidencing the
13 ongoing relationship; and

14 (2) The wholesale distributor is listed on the
15 manufacturer's current list of authorized distributors of
16 record, which is updated by the manufacturer on no less
17 than a monthly basis.

18 "Blood" means whole blood collected from a single donor and
19 processed either for transfusion or further manufacturing.

20 "Blood component" means that part of blood separated by
21 physical or mechanical means.

22 "Board" means the State Board of Pharmacy of the Department
23 of Professional Regulation.

24 "Chain pharmacy warehouse" means a physical location for
25 prescription drugs that acts as a central warehouse and
26 performs intracompany sales or transfers of the drugs to a

1 group of chain or mail order pharmacies that have the same
2 common ownership and control. Notwithstanding any other
3 provision of this Act, a chain pharmacy warehouse shall be
4 considered part of the normal distribution channel.

5 "Co-licensed partner or product" means an instance where
6 one or more parties have the right to engage in the
7 manufacturing or marketing of a prescription drug, consistent
8 with the FDA's implementation of the Prescription Drug
9 Marketing Act.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Drop shipment" means the sale of a prescription drug to a
13 wholesale distributor by the manufacturer of the prescription
14 drug or that manufacturer's co-licensed product partner, that
15 manufacturer's third party logistics provider, or that
16 manufacturer's exclusive distributor or by an authorized
17 distributor of record that purchased the product directly from
18 the manufacturer or one of these entities whereby the wholesale
19 distributor or chain pharmacy warehouse takes title but not
20 physical possession of such prescription drug and the wholesale
21 distributor invoices the pharmacy, chain pharmacy warehouse,
22 or other person authorized by law to dispense or administer
23 such drug to a patient and the pharmacy, chain pharmacy
24 warehouse, or other authorized person receives delivery of the
25 prescription drug directly from the manufacturer, that
26 manufacturer's third party logistics provider, or that

1 manufacturer's exclusive distributor or from an authorized
2 distributor of record that purchased the product directly from
3 the manufacturer or one of these entities.

4 "Drug sample" means a unit of a prescription drug that is
5 not intended to be sold and is intended to promote the sale of
6 the drug.

7 "Facility" means a facility of a wholesale distributor
8 where prescription drugs are stored, handled, repackaged, or
9 offered for sale.

10 "FDA" means the United States Food and Drug Administration.

11 "Manufacturer" means a person licensed or approved by the
12 FDA to engage in the manufacture of drugs or devices,
13 consistent with the definition of "manufacturer" set forth in
14 the FDA's regulations and guidances implementing the
15 Prescription Drug Marketing Act. "Manufacturer" does not
16 include anyone who is engaged in the packaging, repackaging, or
17 labeling of prescription drugs only to the extent required
18 under the Prescription Drug Repository Program Act.

19 "Manufacturer's exclusive distributor" means anyone who
20 contracts with a manufacturer to provide or coordinate
21 warehousing, distribution, or other services on behalf of a
22 manufacturer and who takes title to that manufacturer's
23 prescription drug, but who does not have general responsibility
24 to direct the sale or disposition of the manufacturer's
25 prescription drug. A manufacturer's exclusive distributor must
26 be licensed as a wholesale distributor under this Act and, in

1 order to be considered part of the normal distribution channel,
2 must also be an authorized distributor of record.

3 "Normal distribution channel" means a chain of custody for
4 a prescription drug that goes, directly or by drop shipment,
5 from (i) a manufacturer of the prescription drug, (ii) that
6 manufacturer to that manufacturer's co-licensed partner, (iii)
7 that manufacturer to that manufacturer's third party logistics
8 provider, or (iv) that manufacturer to that manufacturer's
9 exclusive distributor to:

10 (1) a pharmacy or to other designated persons
11 authorized by law to dispense or administer the drug to a
12 patient;

13 (2) a wholesale distributor to a pharmacy or other
14 designated persons authorized by law to dispense or
15 administer the drug to a patient;

16 (3) a wholesale distributor to a chain pharmacy
17 warehouse to that chain pharmacy warehouse's intracompany
18 pharmacy to a patient or other designated persons
19 authorized by law to dispense or administer the drug to a
20 patient;

21 (4) a chain pharmacy warehouse to the chain pharmacy
22 warehouse's intracompany pharmacy or other designated
23 persons authorized by law to dispense or administer the
24 drug to the patient;

25 (5) an authorized distributor of record to one other
26 authorized distributor of record to an office-based health

1 care practitioner authorized by law to dispense or
2 administer the drug to the patient; or

3 (6) an authorized distributor to a pharmacy or other
4 persons licensed to dispense or administer the drug.

5 "Pedigree" means a document or electronic file containing
6 information that records each wholesale distribution of any
7 given prescription drug from the point of origin to the final
8 wholesale distribution point of any given prescription drug.

9 "Person" means and includes a natural person, partnership,
10 association, corporation, or any other legal business entity.

11 "Pharmacy distributor" means any pharmacy licensed in this
12 State or hospital pharmacy that is engaged in the delivery or
13 distribution of prescription drugs either to any other pharmacy
14 licensed in this State or to any other person or entity
15 including, but not limited to, a wholesale drug distributor
16 engaged in the delivery or distribution of prescription drugs
17 who is involved in the actual, constructive, or attempted
18 transfer of a drug in this State to other than the ultimate
19 consumer except as otherwise provided for by law.

20 "Prescription drug" means any human drug, including any
21 biological product (except for blood and blood components
22 intended for transfusion or biological products that are also
23 medical devices), required by federal law or regulation to be
24 dispensed only by a prescription, including finished dosage
25 forms and bulk drug substances subject to Section 503 of the
26 Federal Food, Drug and Cosmetic Act.

1 "Repackage" means repackaging or otherwise changing the
2 container, wrapper, or labeling to further the distribution of
3 a prescription drug, excluding that completed by the pharmacist
4 responsible for dispensing the product to a patient.

5 "Secretary" means the Secretary of Financial and
6 Professional Regulation.

7 "Third party logistics provider" means anyone who
8 contracts with a prescription drug manufacturer to provide or
9 coordinate warehousing, distribution, or other services on
10 behalf of a manufacturer, but does not take title to the
11 prescription drug or have general responsibility to direct the
12 prescription drug's sale or disposition. A third party
13 logistics provider must be licensed as a wholesale distributor
14 under this Act and, in order to be considered part of the
15 normal distribution channel, must also be an authorized
16 distributor of record.

17 "Wholesale distribution" means the distribution of
18 prescription drugs to persons other than a consumer or patient,
19 but does not include any of the following:

20 (1) Intracompany sales of prescription drugs, meaning
21 (i) any transaction or transfer between any division,
22 subsidiary, parent, or affiliated or related company under
23 the common ownership and control of a corporate entity or
24 (ii) any transaction or transfer between co-licensees of a
25 co-licensed product.

26 (2) The sale, purchase, distribution, trade, or

1 transfer of a prescription drug or offer to sell, purchase,
2 distribute, trade, or transfer a prescription drug for
3 emergency medical reasons.

4 (3) The distribution of prescription drug samples by
5 manufacturers' representatives.

6 (4) Drug returns, when conducted by a hospital, health
7 care entity, or charitable institution in accordance with
8 federal regulation.

9 (5) The sale of minimal quantities of prescription
10 drugs by licensed pharmacies to licensed practitioners for
11 office use or other licensed pharmacies.

12 (6) The sale, purchase, or trade of a drug, an offer to
13 sell, purchase, or trade a drug, or the dispensing of a
14 drug pursuant to a prescription.

15 (7) The sale, transfer, merger, or consolidation of all
16 or part of the business of a pharmacy or pharmacies from or
17 with another pharmacy or pharmacies, whether accomplished
18 as a purchase and sale of stock or business assets.

19 (8) The sale, purchase, distribution, trade, or
20 transfer of a prescription drug from one authorized
21 distributor of record to one additional authorized
22 distributor of record when the manufacturer has stated in
23 writing to the receiving authorized distributor of record
24 that the manufacturer is unable to supply the prescription
25 drug and the supplying authorized distributor of record
26 states in writing that the prescription drug being supplied

1 had until that time been exclusively in the normal
2 distribution channel.

3 (9) The delivery of or the offer to deliver a
4 prescription drug by a common carrier solely in the common
5 carrier's usual course of business of transporting
6 prescription drugs when the common carrier does not store,
7 warehouse, or take legal ownership of the prescription
8 drug.

9 (10) The sale or transfer from a retail pharmacy, mail
10 order pharmacy, or chain pharmacy warehouse of expired,
11 damaged, returned, or recalled prescription drugs to the
12 original manufacturer, the originating wholesale
13 distributor, or a third party returns processor.

14 (11) The donation of prescription drugs to the extent
15 permitted under the Prescription Drug Repository Program
16 Act.

17 "Wholesale drug distributor" means anyone engaged in the
18 wholesale distribution of prescription drugs into, out of, or
19 within the State, including without limitation manufacturers;
20 repackers; own label distributors; jobbers; private label
21 distributors; brokers; warehouses, including manufacturers'
22 and distributors' warehouses; manufacturer's exclusive
23 distributors; and authorized distributors of record; drug
24 wholesalers or distributors; independent wholesale drug
25 traders; specialty wholesale distributors; third party
26 logistics providers; and retail pharmacies that conduct

1 wholesale distribution; and chain pharmacy warehouses that
2 conduct wholesale distribution. In order to be considered part
3 of the normal distribution channel, a wholesale distributor
4 must also be an authorized distributor of record.

5 (Source: P.A. 97-804, eff. 1-1-13.)

6 Section 92. The Senior Pharmaceutical Assistance Act is
7 amended by changing Section 10 as follows:

8 (320 ILCS 50/10)

9 Sec. 10. Definitions. In this Act:

10 "Manufacturer" includes:

11 (1) An entity that is engaged in (a) the production,
12 preparation, propagation, compounding, conversion, or
13 processing of prescription drug products (i) directly or
14 indirectly by extraction from substances of natural
15 origin, (ii) independently by means of chemical synthesis,
16 or (iii) by combination of extraction and chemical
17 synthesis; or (b) the packaging, repackaging, labeling or
18 re-labeling, or distribution of prescription drug
19 products.

20 (2) The entity holding legal title to or possession of
21 the national drug code number for the covered prescription
22 drug.

23 The term does not include a wholesale distributor of drugs,
24 drugstore chain organization, or retail pharmacy licensed by

1 the State. The term also does not include anyone who is engaged
2 in the packaging, repackaging, or labeling of prescription
3 drugs only to the extent required under the Prescription Drug
4 Repository Program Act.

5 "Prescription drug" means a drug that may be dispensed only
6 upon prescription by an authorized prescriber and that is
7 approved for safety and effectiveness as a prescription drug
8 under Section 505 or 507 of the Federal Food, Drug and Cosmetic
9 Act.

10 "Senior citizen" or "senior" means a person 65 years of age
11 or older.

12 (Source: P.A. 92-594, eff. 6-27-02.)

13 Section 93. The Illinois Food, Drug and Cosmetic Act is
14 amended by changing Section 16 as follows:

15 (410 ILCS 620/16) (from Ch. 56 1/2, par. 516)

16 Sec. 16. (a) The Director is hereby authorized to
17 promulgate regulations exempting from any labeling or
18 packaging requirement of this Act drugs and devices which are
19 (i) in accordance with the practice of the trade, to be
20 processed, labeled or repacked in substantial quantities at
21 establishments other than those where originally processed or
22 packaged on condition that such drugs and devices are not
23 adulterated or misbranded under the provisions of this Act upon
24 removal from such processing, labeling or repacking

1 establishment or (ii) packaged, repackaged, or labeled to the
2 extent required under the Prescription Drug Repository Program
3 Act.

4 (b) Drugs and device labeling or packaging exemptions
5 adopted under the Federal Act and supplements thereto or
6 revisions thereof shall apply to drugs and devices in Illinois
7 except insofar as modified or rejected by regulations
8 promulgated by the Director.

9 (c) A drug intended for use by man which (A) is a
10 habit-forming drug to which Section 15 (d) applies; or (B)
11 because of its toxicity or other potentiality for harmful
12 effect or the method of its use or the collateral measures
13 necessary to its use is not safe for use except under the
14 supervision of a practitioner licensed by law to administer
15 such drug; or (C) is limited by an approved application under
16 Section 505 of the Federal Act or Section 17 of this Act to use
17 under the professional supervision of a practitioner licensed
18 by law to administer such drug, shall be dispensed only in
19 accordance with the provisions of the "Illinois Controlled
20 Substances Act". The act of dispensing a drug contrary to the
21 provisions of this paragraph shall be deemed to be an act which
22 results in a drug being misbranded while held for sale.

23 (d) Any drug dispensed by filling or refilling a written or
24 oral prescription of a practitioner licensed by law to
25 administer such drug shall be exempt from the requirements of
26 Section 15, except subsections (a), (k) and (l) and clauses (2)

1 and (3) of subsection (i), and the packaging requirements of
2 subsections (g), (h) and (q), if the drug bears a label
3 containing the proprietary name or names, or if there is none,
4 the established name or names of the drugs, the dosage and
5 quantity, unless the prescribing practitioner, in the interest
6 of the health of the patient, directs otherwise in writing, the
7 name and address of the dispenser, the serial number and date
8 of the prescription or of its filling, the name of the
9 prescriber and, if stated in the prescription, the name of the
10 patient, and the directions for use and the cautionary
11 statements, if any, contained in such prescription. This
12 exemption shall not apply to any drug dispensed in the course
13 of the conduct of business of dispensing drugs pursuant to
14 diagnosis by mail, or to a drug dispensed in violation of
15 subsection (a) of this Section.

16 (e) The Director may by regulation remove drugs subject to
17 Section 15 (d) and Section 17 from the requirements of
18 subsection (c) of this Section when such requirements are not
19 necessary for the protection of the public health.

20 (f) A drug which is subject to subsection (c) of this
21 Section shall be deemed to be misbranded if at any time before
22 dispensing its label fails to bear the statement "Caution:
23 Federal Law Prohibits Dispensing Without Prescription" or
24 "Caution: State Law Prohibits Dispensing Without
25 Prescription". A drug to which subsection (c) of this Section
26 does not apply shall be deemed to be misbranded if at any time

1 prior to dispensing its label bears the caution statement
2 quoted in the preceding sentence.

3 (g) Nothing in this Section shall be construed to relieve
4 any person from any requirement prescribed by or under
5 authority of law with respect to controlled substances now
6 included or which may hereafter be included within the
7 classifications of controlled substances cannabis as defined
8 in applicable Federal laws relating to controlled substances or
9 cannabis or the Cannabis Control Act.

10 (Source: P.A. 84-1308.)

11 Section 94. The Illinois Controlled Substances Act is
12 amended by changing Section 102 as follows:

13 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

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

16 (a) "Addict" means any person who habitually uses any drug,
17 chemical, substance or dangerous drug other than alcohol so as
18 to endanger the public morals, health, safety or welfare or who
19 is so far addicted to the use of a dangerous drug or controlled
20 substance other than alcohol as to have lost the power of self
21 control with reference to his or her addiction.

22 (b) "Administer" means the direct application of a
23 controlled substance, whether by injection, inhalation,
24 ingestion, or any other means, to the body of a patient,

1 research subject, or animal (as defined by the Humane
2 Euthanasia in Animal Shelters Act) by:

3 (1) a practitioner (or, in his or her presence, by his
4 or her authorized agent),

5 (2) the patient or research subject pursuant to an
6 order, or

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

9 (c) "Agent" means an authorized person who acts on behalf
10 of or at the direction of a manufacturer, distributor,
11 dispenser, prescriber, or practitioner. It does not include a
12 common or contract carrier, public warehouseman or employee of
13 the carrier or warehouseman.

14 (c-1) "Anabolic Steroids" means any drug or hormonal
15 substance, chemically and pharmacologically related to
16 testosterone (other than estrogens, progestins,
17 corticosteroids, and dehydroepiandrosterone), and includes:

18 (i) 3[beta] ,17-dihydroxy-5a-androstane,

19 (ii) 3[alpha] ,17[beta] -dihydroxy-5a-androstane,

20 (iii) 5[alpha] -androstane-3,17-dione,

21 (iv) 1-androstenediol (3[beta] ,

22 17[beta] -dihydroxy-5[alpha] -androst-1-ene),

23 (v) 1-androstenediol (3[alpha] ,

24 17[beta] -dihydroxy-5[alpha] -androst-1-ene),

25 (vi) 4-androstenediol

26 (3[beta] ,17[beta] -dihydroxy-androst-4-ene),

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

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

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

- 1 dihydroxyestr-4-ene),
2 (xlv) 19-nor-5-androstenediol (3[beta] , 17[beta] -
3 dihydroxyestr-5-ene),
4 (xlvi) 19-nor-5-androstenediol (3[alpha] , 17[beta] -
5 dihydroxyestr-5-ene),
6 (xlvii) 19-nor-4,9(10)-androstadienedione
7 (estra-4,9(10)-diene-3,17-dione),
8 (xlviii) 19-nor-4-androstenedione (estr-4-
9 en-3,17-dione),
10 (xlix) 19-nor-5-androstenedione (estr-5-
11 en-3,17-dione),
12 (l) norbolethone (13[beta] , 17a-diethyl-17[beta] -
13 hydroxygon-4-en-3-one),
14 (li) norclostebol (4-chloro-17[beta] -
15 hydroxyestr-4-en-3-one),
16 (lii) norethandrolone (17[alpha] -ethyl-17[beta] -
17 hydroxyestr-4-en-3-one),
18 (liii) normethandrolone (17[alpha] -methyl-17[beta] -
19 hydroxyestr-4-en-3-one),
20 (liv) oxandrolone (17[alpha] -methyl-17[beta] -hydroxy-
21 2-oxa-5[alpha] -androstan-3-one),
22 (lv) oxymesterone (17[alpha] -methyl-4,17[beta] -
23 dihydroxyandrost-4-en-3-one),
24 (lvi) oxymetholone (17[alpha] -methyl-2-hydroxymethylene-
25 17[beta] -hydroxy-(5[alpha] -androstan-3-one),
26 (lvii) stanozolol (17[alpha] -methyl-17[beta] -hydroxy-

1 (5[alpha] -androst-2-eno[3,2-c] -pyrazole),
2 (lviii) stenbolone (17[beta] -hydroxy-2-methyl-
3 (5[alpha] -androst-1-en-3-one),
4 (lix) testolactone (13-hydroxy-3-oxo-13,17-
5 secoandrosta-1,4-dien-17-oic
6 acid lactone),
7 (lx) testosterone (17[beta] -hydroxyandrost-
8 4-en-3-one),
9 (lxi) tetrahydrogestrinone (13[beta] , 17[alpha] -
10 diethyl-17[beta] -hydroxygon-
11 4,9,11-trien-3-one),
12 (lxii) trenbolone (17[beta] -hydroxyestr-4,9,
13 11-trien-3-one).

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

1 (d) "Administration" means the Drug Enforcement
2 Administration, United States Department of Justice, or its
3 successor agency.

4 (d-5) "Clinical Director, Prescription Monitoring Program"
5 means a Department of Human Services administrative employee
6 licensed to either prescribe or dispense controlled substances
7 who shall run the clinical aspects of the Department of Human
8 Services Prescription Monitoring Program and its Prescription
9 Information Library.

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

26 (e) "Control" means to add a drug or other substance, or

1 immediate precursor, to a Schedule whether by transfer from
2 another Schedule or otherwise.

3 (f) "Controlled Substance" means (i) a drug, substance, or
4 immediate precursor in the Schedules of Article II of this Act
5 or (ii) a drug or other substance, or immediate precursor,
6 designated as a controlled substance by the Department through
7 administrative rule. The term does not include distilled
8 spirits, wine, malt beverages, or tobacco, as those terms are
9 defined or used in the Liquor Control Act and the Tobacco
10 Products Tax Act.

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

12 (1) the chemical structure of which is substantially
13 similar to the chemical structure of a controlled substance
14 in Schedule I or II;

15 (2) which has a stimulant, depressant, or
16 hallucinogenic effect on the central nervous system that is
17 substantially similar to or greater than the stimulant,
18 depressant, or hallucinogenic effect on the central
19 nervous system of a controlled substance in Schedule I or
20 II; or

21 (3) with respect to a particular person, which such
22 person represents or intends to have a stimulant,
23 depressant, or hallucinogenic effect on the central
24 nervous system that is substantially similar to or greater
25 than the stimulant, depressant, or hallucinogenic effect
26 on the central nervous system of a controlled substance in

1 Schedule I or II.

2 (g) "Counterfeit substance" means a controlled substance,
3 which, or the container or labeling of which, without
4 authorization bears the trademark, trade name, or other
5 identifying mark, imprint, number or device, or any likeness
6 thereof, of a manufacturer, distributor, or dispenser other
7 than the person who in fact manufactured, distributed, or
8 dispensed the substance.

9 (h) "Deliver" or "delivery" means the actual, constructive
10 or attempted transfer of possession of a controlled substance,
11 with or without consideration, whether or not there is an
12 agency relationship. The term does not include the donation of
13 prescription drugs to the extent permitted under the
14 Prescription Drug Repository Program Act.

15 (i) "Department" means the Illinois Department of Human
16 Services (as successor to the Department of Alcoholism and
17 Substance Abuse) or its successor agency.

18 (j) (Blank).

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

21 (l) "Department of Financial and Professional Regulation"
22 means the Department of Financial and Professional Regulation
23 of the State of Illinois or its successor agency.

24 (m) "Depressant" means any drug that (i) causes an overall
25 depression of central nervous system functions, (ii) causes
26 impaired consciousness and awareness, and (iii) can be

1 habit-forming or lead to a substance abuse problem, including
2 but not limited to alcohol, cannabis and its active principles
3 and their analogs, benzodiazepines and their analogs,
4 barbiturates and their analogs, opioids (natural and
5 synthetic) and their analogs, and chloral hydrate and similar
6 sedative hypnotics.

7 (n) (Blank).

8 (o) "Director" means the Director of the Illinois State
9 Police or his or her designated agents.

10 (p) "Dispense" means to deliver a controlled substance to
11 an ultimate user or research subject by or pursuant to the
12 lawful order of a prescriber, including the prescribing,
13 administering, packaging, labeling, or compounding necessary
14 to prepare the substance for that delivery.

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

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

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

19 (t) "Drug" means (1) substances recognized as drugs in the
20 official United States Pharmacopoeia, Official Homeopathic
21 Pharmacopoeia of the United States, or official National
22 Formulary, or any supplement to any of them; (2) substances
23 intended for use in diagnosis, cure, mitigation, treatment, or
24 prevention of disease in man or animals; (3) substances (other
25 than food) intended to affect the structure of any function of
26 the body of man or animals and (4) substances intended for use

1 as a component of any article specified in clause (1), (2), or
2 (3) of this subsection. It does not include devices or their
3 components, parts, or accessories.

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

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

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

1 (1) lack of consistency of prescriber-patient
2 relationship,

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

5 (3) quantities beyond those normally prescribed,

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

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

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

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

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

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

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

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

1 (2) which is an immediate chemical intermediary used or
2 likely to be used in the manufacture of such controlled
3 substance; and

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

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

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

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

1 following factors in addition to any other factor that may be
2 relevant:

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

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

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

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

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

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

26 Nothing in this subsection (y) or in this Act prohibits the

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

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

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

19 (1) by an ultimate user, the preparation or compounding
20 of a controlled substance for his or her own use; or

21 (2) by a practitioner, or his or her authorized agent
22 under his or her supervision, the preparation,
23 compounding, packaging, or labeling of a controlled
24 substance:

25 (a) as an incident to his or her administering or
26 dispensing of a controlled substance in the course of

1 his or her professional practice; ~~or~~

2 (b) as an incident to lawful research, teaching or
3 chemical analysis and not for sale; or.

4 (3) the packaging, repackaging, or labeling of
5 prescription drugs only to the extent required under the
6 Prescription Drug Repository Program Act.

7 (z-1) (Blank).

8 (z-5) "Medication shopping" means the conduct prohibited
9 under subsection (a) of Section 314.5 of this Act.

10 (z-10) "Mid-level practitioner" means (i) a physician
11 assistant who has been delegated authority to prescribe through
12 a written delegation of authority by a physician licensed to
13 practice medicine in all of its branches, in accordance with
14 Section 7.5 of the Physician Assistant Practice Act of 1987,
15 (ii) an advanced practice nurse who has been delegated
16 authority to prescribe through a written delegation of
17 authority by a physician licensed to practice medicine in all
18 of its branches or by a podiatrist, in accordance with Section
19 65-40 of the Nurse Practice Act, or (iii) an animal euthanasia
20 agency.

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,
4 podiatrist, veterinarian, scientific investigator, pharmacist,
5 physician assistant, advanced practice nurse, licensed
6 practical nurse, registered nurse, hospital, laboratory, or
7 pharmacy, or other person licensed, registered, or otherwise
8 lawfully permitted by the United States or this State to
9 distribute, dispense, conduct research with respect to,
10 administer or use in teaching or chemical analysis, a
11 controlled substance in the course of professional practice or
12 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, podiatrist
20 or veterinarian who issues a prescription, a physician
21 assistant who issues a prescription for a controlled substance
22 in accordance with Section 303.05, a written delegation, and a
23 written supervision agreement required under Section 7.5 of the
24 Physician Assistant Practice Act of 1987, or an advanced
25 practice nurse with prescriptive authority delegated under
26 Section 65-40 of the Nurse Practice Act and in accordance with

1 Section 303.05, a written delegation, and a written
2 collaborative agreement under Section 65-35 of the Nurse
3 Practice Act.

4 (nn) "Prescription" means a written, facsimile, or oral
5 order, or an electronic order that complies with applicable
6 federal requirements, of a physician licensed to practice
7 medicine in all its branches, dentist, podiatrist or
8 veterinarian for any controlled substance, of an optometrist
9 for a Schedule III, IV, or V controlled substance in accordance
10 with Section 15.1 of the Illinois Optometric Practice Act of
11 1987, of a physician assistant for a controlled substance in
12 accordance with Section 303.05, a written delegation, and a
13 written supervision agreement required under Section 7.5 of the
14 Physician Assistant Practice Act of 1987, or of an advanced
15 practice nurse with prescriptive authority delegated under
16 Section 65-40 of the Nurse Practice Act who issues a
17 prescription for a controlled substance in accordance with
18 Section 303.05, a written delegation, and a written
19 collaborative agreement under Section 65-35 of the Nurse
20 Practice Act when required by law.

21 (nn-5) "Prescription Information Library" (PIL) means an
22 electronic library that contains reported controlled substance
23 data.

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

1 (oo) "Production" or "produce" means manufacture,
2 planting, cultivating, growing, or harvesting of a controlled
3 substance other than methamphetamine.

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

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

9 (qq-5) "Secretary" means, as the context requires, either
10 the Secretary of the Department or the Secretary of the
11 Department of Financial and Professional Regulation, and the
12 Secretary's designated agents.

13 (rr) "State" includes the State of Illinois and any state,
14 district, commonwealth, territory, insular possession thereof,
15 and any area subject to the legal authority of the United
16 States of America.

17 (rr-5) "Stimulant" means any drug that (i) causes an
18 overall excitation of central nervous system functions, (ii)
19 causes impaired consciousness and awareness, and (iii) can be
20 habit-forming or lead to a substance abuse problem, including
21 but not limited to amphetamines and their analogs,
22 methylphenidate and its analogs, cocaine, and phencyclidine
23 and its analogs.

24 (ss) "Ultimate user" means a person who lawfully possesses
25 a controlled substance for his or her own use or for the use of
26 a member of his or her household or for administering to an

1 animal owned by him or her or by a member of his or her
2 household.

3 (Source: P.A. 96-189, eff. 8-10-09; 96-268, eff. 8-11-09;
4 97-334, eff. 1-1-12.)

5 Section 95. The Cannabis and Controlled Substances Tort
6 Claims Act is amended by changing Section 3 as follows:

7 (740 ILCS 20/3) (from Ch. 70, par. 903)

8 Sec. 3. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 "Cannabis" includes marihuana, hashish, and other
11 substances that are identified as including any parts of the
12 plant Cannabis Sativa, whether growing or not, the seeds of
13 that plant, the resin extracted from any part of that plant,
14 and any compound, manufacture, salt, derivative, mixture, or
15 preparation of that plant, its seeds, or resin, including
16 tetrahydrocannabinol (THC) and all other cannabinol
17 derivatives, including its naturally occurring or
18 synthetically produced ingredients, whether produced directly
19 or indirectly by extraction, independently by means of chemical
20 synthesis, or by a combination of extraction and chemical
21 synthesis. "Cannabis" does not include the mature stalks of
22 that plant, fiber produced from those stalks, oil or cake made
23 from the seeds of that plant, any other compound, manufacture,
24 salt, derivative, mixture, or preparation of mature stalks

1 (except the extracted resin), fiber, oil or cake, or the
2 sterilized seeds of that plant that are incapable of
3 germination.

4 "Controlled substance" means a drug, substance, or
5 immediate precursor in the Schedules of Article II of the
6 Illinois Controlled Substances Act.

7 "Counterfeit substance" means a controlled substance or
8 the container or labeling of a controlled substance that,
9 without authorization, bears the trademark, trade name, or
10 other identifying mark, imprint, number, device, or any
11 likeness thereof of a manufacturer, distributor, or dispenser
12 other than the person who in fact manufactured, distributed, or
13 dispensed the substance.

14 "Deliver" or "delivery" means the actual, constructive, or
15 attempted transfer of possession of a controlled substance or
16 cannabis, with or without consideration, whether or not there
17 is an agency relationship. The term does not include the
18 donation of prescription drugs to the extent permitted under
19 the Prescription Drug Repository Program Act.

20 "Manufacture" means the production, preparation,
21 propagation, compounding, conversion, or processing of a
22 controlled substance, either directly or indirectly, by
23 extraction from substances of natural origin, independently by
24 means of chemical synthesis, or by a combination of extraction
25 and chemical synthesis, and includes any packaging or
26 repackaging of the substance or labeling of its container,

1 except that the term does not include:

2 (1) by an ultimate user, the preparation or compounding
3 of a controlled substance for his own use;

4 (2) by a practitioner or his authorized agent under his
5 supervision, the preparation, compounding, packaging, or
6 labeling of a controlled substance:

7 (A) as an incident to his administering or
8 dispensing of a controlled substance in the course of
9 his professional practice; or

10 (B) as an incident to lawful research, teaching or
11 chemical analysis and not for sale; ~~or~~

12 (3) the preparation, compounding, packaging, or
13 labeling of cannabis as an incident to lawful research,
14 teaching, or chemical analysis and not for sale; or ~~or~~

15 (4) the packaging, repackaging, or labeling of
16 prescription drugs only to the extent required under the
17 Prescription Drug Repository Program Act.

18 "Owner" means a person who has possession of or any
19 interest whatsoever in the property involved.

20 "Person" means an individual, a corporation, a government,
21 a governmental subdivision or agency, a business trust, an
22 estate, a trust, a partnership or association, or any other
23 entity.

24 "Production" means planting, cultivating, tending, or
25 harvesting.

26 "Property" means real property, including things growing

1 on, affixed to, and found in land, and tangible or intangible
2 personal property, including rights, services, privileges,
3 interests, claims, and securities.

4 (Source: P.A. 96-328, eff. 8-11-09.)