



Rep. Kelly M. Cassidy

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LRB104 18996 RLC 37823 a

1 AMENDMENT TO SENATE BILL 3213

2 AMENDMENT NO. _____. Amend Senate Bill 3213 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pharmacy Practice Act is amended by
5 changing Section 19 as follows:

6 (225 ILCS 85/19) (from Ch. 111, par. 4139)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 19. Nothing contained in this Act shall be construed
9 to prohibit a pharmacist licensed in this State from filling
10 or refilling a valid prescription for prescription drugs which
11 is on file in a pharmacy licensed in any state and has been
12 transferred from one pharmacy to another by any means,
13 including by way of electronic data processing equipment upon
14 the following conditions and exceptions:

15 (1) Prior to dispensing pursuant to any such
16 prescription, the dispensing pharmacist shall:

1 (a) Advise the patient that the prescription on
2 file at such other pharmacy must be canceled before he
3 or she will be able to fill or refill it.

4 (b) Determine that the prescription is valid and
5 on file at such other pharmacy and that such
6 prescription may be filled or refilled, as requested,
7 in accordance with the prescriber's intent expressed
8 on such prescription.

9 (c) Notify the pharmacy where the prescription is
10 on file that the prescription must be canceled.

11 (d) Record in writing or electronically the
12 prescription order, the name of the pharmacy at which
13 the prescription was on file, the prescription number,
14 the name of the drug and the original amount
15 dispensed, the date of original dispensing, and the
16 number of remaining authorized refills.

17 (e) Obtain the consent of the prescriber to the
18 refilling of the prescription when the prescription,
19 in the professional judgment of the dispensing
20 pharmacist, so requires.

21 (2) Upon receipt of a request for prescription
22 information set forth in subparagraph (d) of paragraph (1)
23 of this Section, if the requested pharmacist is satisfied
24 in his professional judgment that such request is valid
25 and legal, the requested pharmacist shall:

26 (a) Provide such information accurately and

1 completely.

2 (b) Record electronically or, if in writing, on
3 the face of the prescription, the name of the
4 requesting pharmacy and pharmacist and the date of
5 request.

6 (c) Cancel the prescription on file by writing the
7 word "void" on its face or the electronic equivalent,
8 if not in written format. No further prescription
9 information shall be given or medication dispensed
10 pursuant to such original prescription.

11 (3) In the event that, after the information set forth
12 in subparagraph (d) of paragraph (1) of this Section has
13 been provided, a prescription is not dispensed by the
14 requesting pharmacist, then such pharmacist shall provide
15 notice of this fact to the pharmacy from which such
16 information was obtained; such notice shall then cancel
17 the prescription in the same manner as set forth in
18 subparagraph (c) of paragraph (2) of this Section.

19 (4) When filling or refilling a valid prescription on
20 file in another state, the dispensing pharmacist shall be
21 required to follow all the requirements of Illinois law
22 which apply to the dispensing of prescription drugs. If
23 anything in Illinois law prevents the filling or refilling
24 of the original prescription it shall be unlawful to
25 dispense pursuant to this Section.

26 (5) Prescriptions for drugs in Schedules II, III, IV,

1 and V of the Illinois Controlled Substances Act may be
2 transferred only once and may not be further transferred,
3 consistent with 21 CFR 1306. However, pharmacies
4 electronically sharing a real-time, online database may
5 transfer up to the maximum refills permitted by the law
6 and the prescriber's authorization.

7 (6) Upon a patient's request, a pharmacy must transfer
8 the prescription to another pharmacy, including Schedule
9 II controlled substances, if the prescription has been
10 received but not yet filled. However, the transfer is not
11 required if:

12 (a) the prescriber prohibits transfer in writing
13 on the prescription and documents a clinical reason
14 prohibiting transfer on the prescription; or

15 (b) the transfer is otherwise prohibited by
16 federal law.

17 Transfers may occur electronically or by facsimile
18 when permitted by federal law, and a licensed pharmacy
19 technician may perform the transfer if delegated by a
20 pharmacist.

21 (Source: P.A. 100-497, eff. 9-8-17.)

22 Section 10. The Illinois Controlled Substances Act is
23 amended by changing Section 311.6 as follows:

24 (720 ILCS 570/311.6)

1 Sec. 311.6. Prescriptions for substance classified in
2 Schedule II, III, IV, or V sent electronically; exceptions.

3 (a) Notwithstanding any other provision of law, a
4 prescription for a substance classified in Schedule II, III,
5 IV, or V must be sent electronically, in accordance with
6 Section 316. Prescriptions sent in accordance with this
7 subsection (a) must be accepted by the dispenser in electronic
8 format.

9 (b) Beginning on January 1, 2024 (the effective date of
10 Public Act 103-425) until December 31, 2028, notwithstanding
11 any other provision of this Section or any other provision of
12 law, a prescriber shall not be required to issue prescriptions
13 electronically if he or she certifies to the Department of
14 Financial and Professional Regulation that he or she will not
15 issue more than 150 prescriptions during a 12-month period.
16 Prescriptions in both oral and written form for controlled
17 substances shall be included in determining whether the
18 prescriber will reach the limit of 150 prescriptions.
19 Beginning January 1, 2029, notwithstanding any other provision
20 of this Section or any other provision of law, a prescriber
21 shall not be required to issue prescriptions electronically if
22 he or she certifies to the Department of Financial and
23 Professional Regulation that he or she will not issue more
24 than 50 prescriptions during a 12-month period. Prescriptions
25 in both oral and written form for controlled substances shall
26 be included in determining whether the prescriber will reach

1 the limit of 50 prescriptions.

2 (b-5) Notwithstanding any other provision of this Section
3 or any other provision of law, a prescriber shall not be
4 required to issue prescriptions electronically under the
5 following circumstances:

6 (1) prior to January 1, 2026, the prescriber
7 demonstrates financial difficulties in buying or managing
8 an electronic prescription option, whether it is an
9 electronic health record or some other electronic
10 prescribing product;

11 (2) on and after January 1, 2026, the prescriber
12 provides proof of a waiver from the Centers for Medicare
13 and Medicaid Services for the Electronic Prescribing for
14 Controlled Substances Program due to demonstrated economic
15 hardship for the previous compliance year;

16 (3) there is a temporary technological or electrical
17 failure that prevents an electronic prescription from
18 being issued;

19 (4) the prescription is for a drug that the
20 practitioner reasonably determines would be impractical
21 for the patient to obtain in a timely manner if prescribed
22 by an electronic data transmission prescription and the
23 delay would adversely impact the patient's medical
24 condition;

25 (4.5) prescriptions issued prior to January 1, 2028
26 that may need to be filled outside of typical retail

1 pharmacy operating hours;

2 (4.6) prescriptions issued prior to January 1, 2028
3 that may be difficult to obtain because the prescriber
4 knows of drug shortages or pharmacy inventory limitations;

5 (5) the prescription is for an individual who:

6 (A) resides in a nursing or assisted living
7 facility;

8 (B) is receiving hospice or palliative care;

9 (C) is receiving care at an outpatient renal
10 dialysis facility and the prescription is related to
11 the care provided;

12 (D) is receiving care through the United States
13 Department of Veterans Affairs; or

14 (E) is incarcerated in a state, detained, or
15 confined in a correctional facility;

16 (6) the prescription prescribes a drug under a
17 research protocol;

18 (7) the prescription is a non-patient specific
19 prescription dispensed under a standing order, approved
20 protocol for drug therapy, collaborative drug management,
21 or comprehensive medication management, or in response to
22 a public health emergency or other circumstance in which
23 the practitioner may issue a non-patient specific
24 prescription;

25 (8) the prescription is issued when the prescriber and
26 dispenser are the same entity;

1 (9) the prescription is issued for a compound
2 prescription containing 2 or more compounds; or

3 (10) the prescription is issued by a licensed
4 veterinarian within 7 years after November 17, 2023 (the
5 effective date of Public Act 103-563).

6 (c) The Department of Financial and Professional
7 Regulation may adopt rules for the administration of this
8 Section to the requirements under this Section that the
9 Department of Financial and Professional Regulation may deem
10 appropriate.

11 (d) Any prescriber who makes a good faith effort to
12 prescribe electronically, but for reasons not within the
13 prescriber's control is unable to prescribe electronically,
14 may be exempt from any disciplinary action.

15 (e) Any pharmacist who dispenses in good faith based upon
16 a valid prescription that is not prescribed electronically may
17 be exempt from any disciplinary action. A pharmacist is not
18 required to ensure or responsible for ensuring the
19 prescriber's compliance under subsection (b), nor may any
20 other entity or organization require a pharmacist to ensure
21 the prescriber's compliance with that subsection. A pharmacist
22 may not refuse to fill a valid prescription solely because it
23 is not prescribed electronically.

24 (f) It shall be a violation of this Section for any
25 prescriber or dispenser to adopt a policy contrary to this
26 Section.

1 (g) A compliance action with respect to this Section
2 initiated by the Department of Financial and Professional
3 Regulation prior to December 31, 2030 is limited to a
4 non-disciplinary warning letter or citation, unless the
5 prescriber or dispenser fails to abide by the initial
6 non-disciplinary warning letter or citation, has acted in bad
7 faith, or a pattern of practice in violation of this Section
8 occurs.

9 (Source: P.A. 103-425, eff. 1-1-24; 103-563, eff. 11-17-23;
10 103-732, eff. 8-2-24; 104-424, eff. 8-15-25.)".