

SB3764



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3764

Introduced 2/5/2026, by Sen. Mike Simmons

SYNOPSIS AS INTRODUCED:

720 ILCS 570/312

from Ch. 56 1/2, par. 1312

Amends the Illinois Controlled Substances Act. Provides that, notwithstanding the provisions of the Act that physicians may issue multiple prescriptions (3 sequential 30-day supplies) for the same Schedule II controlled substance, authorizing up to a 90-day supply, provides that prescriptions for non-opioid, non-narcotic controlled substances found in Schedule II, where a 90-day supply, but in no event more than a 90-day supply, may be dispensed at any one time.

LRB104 17696 RLC 31127 b

A BILL FOR

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 Section 312 as follows:

6 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

7 Sec. 312. Requirements for dispensing controlled
8 substances.

9 (a) A practitioner, in good faith, may dispense a Schedule
10 II controlled substance, which is a narcotic drug listed in
11 Section 206 of this Act; or which contains any quantity of
12 amphetamine or methamphetamine, their salts, optical isomers
13 or salts of optical isomers; phenmetrazine and its salts; or
14 pentazocine; and Schedule III, IV, or V controlled substances
15 to any person upon a written or electronic prescription of any
16 prescriber, dated and signed by the person prescribing (or
17 electronically validated in compliance with Section 311.5) on
18 the day when issued and bearing the name and address of the
19 patient for whom, or the owner of the animal for which the
20 controlled substance is dispensed, and the full name, address
21 and registry number under the laws of the United States
22 relating to controlled substances of the prescriber, if he or
23 she is required by those laws to be registered. If the

1 prescription is for an animal it shall state the species of
2 animal for which it is ordered. The practitioner filling the
3 prescription shall, unless otherwise permitted, write the date
4 of filling and his or her own signature on the face of the
5 written prescription or, alternatively, shall indicate such
6 filling using a unique identifier as defined in paragraph (v)
7 of Section 3 of the Pharmacy Practice Act. The written
8 prescription shall be retained on file by the practitioner who
9 filled it or pharmacy in which the prescription was filled for
10 a period of 2 years, so as to be readily accessible for
11 inspection or removal by any officer or employee engaged in
12 the enforcement of this Act. Whenever the practitioner's or
13 pharmacy's copy of any prescription is removed by an officer
14 or employee engaged in the enforcement of this Act, for the
15 purpose of investigation or as evidence, such officer or
16 employee shall give to the practitioner or pharmacy a receipt
17 in lieu thereof. If the specific prescription is machine or
18 computer generated and printed at the prescriber's office, the
19 date does not need to be handwritten. A prescription for a
20 Schedule II controlled substance shall not be issued for more
21 than a 30 day supply, except as provided in subsection (a-5),
22 and shall be valid for up to 90 days after the date of
23 issuance. A written prescription for Schedule III, IV or V
24 controlled substances shall not be filled or refilled more
25 than 6 months after the date thereof or refilled more than 5
26 times unless renewed, in writing, by the prescriber. A

1 pharmacy shall maintain a policy regarding the type of
2 identification necessary, if any, to receive a prescription in
3 accordance with State and federal law. The pharmacy must post
4 such information where prescriptions are filled.

5 (a-5) Physicians may issue multiple prescriptions (3
6 sequential 30-day supplies) for the same Schedule II
7 controlled substance, authorizing up to a 90-day supply, with
8 the exception of prescriptions for non-opioid, non-narcotic
9 controlled substances found in Schedule II, where a 90-day
10 supply, but in no event more than a 90-day supply, may be
11 dispensed at any one time. Before authorizing a 90-day supply
12 of a Schedule II controlled substance, the physician must meet
13 the following conditions:

14 (1) Each separate prescription must be issued for a
15 legitimate medical purpose by an individual physician
16 acting in the usual course of professional practice.

17 (2) The individual physician must provide written
18 instructions on each prescription (other than the first
19 prescription, if the prescribing physician intends for the
20 prescription to be filled immediately) indicating the
21 earliest date on which a pharmacy may fill that
22 prescription.

23 (3) The physician shall document in the medical record
24 of a patient the medical necessity for the amount and
25 duration of the 3 sequential 30-day prescriptions for
26 Schedule II narcotics.

1 (a-10) Prescribers who issue a prescription for an opioid
2 shall inform the patient that opioids are addictive and that
3 opioid antagonists are available by prescription or from a
4 pharmacy.

5 (b) In lieu of a written prescription required by this
6 Section, a pharmacist, in good faith, may dispense Schedule
7 III, IV, or V substances to any person either upon receiving a
8 facsimile of a written, signed prescription transmitted by the
9 prescriber or the prescriber's agent or upon a lawful oral
10 prescription of a prescriber which oral prescription shall be
11 reduced promptly to writing by the pharmacist and such written
12 memorandum thereof shall be dated on the day when such oral
13 prescription is received by the pharmacist and shall bear the
14 full name and address of the ultimate user for whom, or of the
15 owner of the animal for which the controlled substance is
16 dispensed, and the full name, address, and registry number
17 under the law of the United States relating to controlled
18 substances of the prescriber prescribing if he or she is
19 required by those laws to be so registered, and the pharmacist
20 filling such oral prescription shall write the date of filling
21 and his or her own signature on the face of such written
22 memorandum thereof. The facsimile copy of the prescription or
23 written memorandum of the oral prescription shall be retained
24 on file by the proprietor of the pharmacy in which it is filled
25 for a period of not less than two years, so as to be readily
26 accessible for inspection by any officer or employee engaged

1 in the enforcement of this Act in the same manner as a written
2 prescription. The facsimile copy of the prescription or oral
3 prescription and the written memorandum thereof shall not be
4 filled or refilled more than 6 months after the date thereof or
5 be refilled more than 5 times, unless renewed, in writing, by
6 the prescriber.

7 (c) Except for any non-prescription targeted
8 methamphetamine precursor regulated by the Methamphetamine
9 Precursor Control Act, a controlled substance included in
10 Schedule V shall not be distributed or dispensed other than
11 for a medical purpose and not for the purpose of evading this
12 Act, and then:

13 (1) only personally by a person registered to dispense
14 a Schedule V controlled substance and then only to his or
15 her patients, or

16 (2) only personally by a pharmacist, and then only to
17 a person over 21 years of age who has identified himself or
18 herself to the pharmacist by means of 2 positive documents
19 of identification.

20 The dispenser shall record the name and address of the
21 purchaser, the name and quantity of the product, the date and
22 time of the sale, and the dispenser's signature.

23 No person shall purchase or be dispensed more than 120
24 milliliters or more than 120 grams of any Schedule V substance
25 which contains codeine, dihydrocodeine, or any salts thereof,
26 or ethylmorphine, or any salts thereof, in any 96-hour period.

1 The purchaser shall sign a form, approved by the Department of
2 Financial and Professional Regulation, attesting that he or
3 she has not purchased any Schedule V controlled substances
4 within the immediately preceding 96 hours.

5 All records of purchases and sales shall be maintained for
6 not less than 2 years.

7 No person shall obtain or attempt to obtain within any
8 consecutive 96-hour period any Schedule V substances of more
9 than 120 milliliters or more than 120 grams containing
10 codeine, dihydrocodeine or any of its salts, or ethylmorphine
11 or any of its salts. Any person obtaining any such
12 preparations or combination of preparations in excess of this
13 limitation shall be in unlawful possession of such controlled
14 substance.

15 A person qualified to dispense controlled substances under
16 this Act and registered thereunder shall at no time maintain
17 or keep in stock a quantity of Schedule V controlled
18 substances in excess of 4.5 liters for each substance; a
19 pharmacy shall at no time maintain or keep in stock a quantity
20 of Schedule V controlled substances as defined in excess of
21 4.5 liters for each substance, plus the additional quantity of
22 controlled substances necessary to fill the largest number of
23 prescription orders filled by that pharmacy for such
24 controlled substances in any one week in the previous year.
25 These limitations shall not apply to Schedule V controlled
26 substances which Federal law prohibits from being dispensed

1 without a prescription.

2 No person shall distribute or dispense butyl nitrite for
3 inhalation or other introduction into the human body for
4 euphoric or physical effect.

5 (d) Every practitioner shall keep a record or log of
6 controlled substances received by him or her and a record of
7 all such controlled substances administered, dispensed or
8 professionally used by him or her otherwise than by
9 prescription. It shall, however, be sufficient compliance with
10 this paragraph if any practitioner utilizing controlled
11 substances listed in Schedules III, IV and V shall keep a
12 record of all those substances dispensed and distributed by
13 him or her other than those controlled substances which are
14 administered by the direct application of a controlled
15 substance, whether by injection, inhalation, ingestion, or any
16 other means to the body of a patient or research subject. A
17 practitioner who dispenses, other than by administering, a
18 controlled substance in Schedule II, which is a narcotic drug
19 listed in Section 206 of this Act, or which contains any
20 quantity of amphetamine or methamphetamine, their salts,
21 optical isomers or salts of optical isomers, pentazocine, or
22 methaqualone shall do so only upon the issuance of a written
23 prescription blank or electronic prescription issued by a
24 prescriber.

25 (e) Whenever a manufacturer distributes a controlled
26 substance in a package prepared by him or her, and whenever a

1 wholesale distributor distributes a controlled substance in a
2 package prepared by him or her or the manufacturer, he or she
3 shall securely affix to each package in which that substance
4 is contained a label showing in legible English the name and
5 address of the manufacturer, the distributor and the quantity,
6 kind and form of controlled substance contained therein. No
7 person except a pharmacist and only for the purposes of
8 filling a prescription under this Act, shall alter, deface or
9 remove any label so affixed.

10 (f) Whenever a practitioner dispenses any controlled
11 substance except a non-prescription Schedule V product or a
12 non-prescription targeted methamphetamine precursor regulated
13 by the Methamphetamine Precursor Control Act, he or she shall
14 affix to the container in which such substance is sold or
15 dispensed, a label indicating the date of initial filling, the
16 practitioner's name and address, the name of the patient, the
17 name of the prescriber, the directions for use and cautionary
18 statements, if any, contained in any prescription or required
19 by law, the proprietary name or names or the established name
20 of the controlled substance, and the dosage and quantity,
21 except as otherwise authorized by regulation by the Department
22 of Financial and Professional Regulation. No person shall
23 alter, deface or remove any label so affixed as long as the
24 specific medication remains in the container.

25 (g) A person to whom or for whose use any controlled
26 substance has been prescribed or dispensed by a practitioner,

1 or other persons authorized under this Act, and the owner of
2 any animal for which such substance has been prescribed or
3 dispensed by a veterinarian, may lawfully possess such
4 substance only in the container in which it was delivered to
5 him or her by the person dispensing such substance.

6 (h) The responsibility for the proper prescribing or
7 dispensing of controlled substances that are under the
8 prescriber's direct control is upon the prescriber. The
9 responsibility for the proper filling of a prescription for
10 controlled substance drugs rests with the pharmacist. An order
11 purporting to be a prescription issued to any individual,
12 which is not in the regular course of professional treatment
13 nor part of an authorized methadone maintenance program, nor
14 in legitimate and authorized research instituted by any
15 accredited hospital, educational institution, charitable
16 foundation, or federal, state or local governmental agency,
17 and which is intended to provide that individual with
18 controlled substances sufficient to maintain that individual's
19 or any other individual's, habitual or customary use,
20 dependence, or diversion of that controlled substance is not a
21 prescription within the meaning and intent of this Act; and
22 the person issuing it, shall be subject to the penalties
23 provided for violations of the law relating to controlled
24 substances.

25 (i) A prescriber shall not pre-print or cause to be
26 pre-printed a prescription for any controlled substance; nor

1 shall any practitioner issue, fill or cause to be issued or
2 filled, a pre-printed prescription for any controlled
3 substance.

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

8 (j) No person shall manufacture, dispense, deliver,
9 possess with intent to deliver, prescribe, or administer or
10 cause to be administered under his or her direction any
11 anabolic steroid, for any use in humans other than the
12 treatment of disease in accordance with the order of a
13 physician licensed to practice medicine in all its branches
14 for a valid medical purpose in the course of professional
15 practice. The use of anabolic steroids for the purpose of
16 hormonal manipulation that is intended to increase muscle
17 mass, strength or weight without a medical necessity to do so,
18 or for the intended purpose of improving physical appearance
19 or performance in any form of exercise, sport, or game, is not
20 a valid medical purpose or in the course of professional
21 practice.

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

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

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

5 (3) If the controlled substances consist of
6 prescription medicines, the inner container must be
7 labeled to show the name and address of the pharmacy or
8 practitioner dispensing the prescription.

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

11 (1) Notwithstanding any other provision of this Act to the
12 contrary, emergency medical services personnel may administer
13 Schedule II, III, IV, or V controlled substances to a person in
14 the scope of their employment without a written, electronic,
15 or oral prescription of a prescriber.

16 (Source: P.A. 102-1040, eff. 1-1-23; 103-154, eff. 6-30-23;
17 103-881, eff. 1-1-25.)