



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3232

by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Prescription Drug Repository Program Act. Requires the Department of Public Health to, by rule, establish a prescription drug repository program, under which any person 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 individuals in relation to the donation, acceptance, or dispensing of prescription drugs or supplies under the prescription drug repository program. Imposes conditions on any rulemaking authority. 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.

LRB101 09345 CPF 54441 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 "Controlled substance" means a drug, substance, or  
8 immediate precursor in Schedules I through V of 21 CFR 1308.

9 "Department" means the Department of Public Health.

10 "Dispense" has the meaning given to that term in the  
11 Pharmacy Practice Act.

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, by rule, establish and maintain a  
7 prescription drug repository program, under which any person  
8 may donate a prescription drug or supplies needed to administer  
9 a 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           (5) The prescription drug is not a controlled  
20 substance.

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

1           Section 25. Participation in program not required. Nothing  
2 in this Act requires that a pharmacy or pharmacist participate  
3 in the prescription drug repository program.

4           Section 30. Immunity.

5           (a) A manufacturer of a drug or supply acting reasonably  
6 and in good faith is not subject to criminal or civil liability  
7 for injury, death, or loss to a person or property for matters  
8 related to the donation, acceptance, or dispensing of a  
9 prescription drug or supply manufactured by the manufacturer  
10 that is donated by any person under this Act.

11           (b) A person acting reasonably and in good faith, including  
12 a pharmacist or other health professional, is immune from civil  
13 liability for injury to or the death of the individual to whom  
14 the prescription drug or supply is dispensed and may not be  
15 found guilty of unprofessional conduct for his or her acts or  
16 omissions related to donating, accepting, distributing, or  
17 dispensing a prescription drug or supply under this Act. The  
18 immunity granted under this subsection does not apply to acts  
19 or omissions outside the scope of the program.

20           Section 90. The Pharmacy Practice Act is amended by  
21 changing Section 4 as follows:

22           (225 ILCS 85/4) (from Ch. 111, par. 4124)

23           (Section scheduled to be repealed on January 1, 2020)

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

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

10          (b) the sale of compressed gases;

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

1 provisions of the Federal Food, Drug, and Cosmetic Act and  
2 Regulations of the Department of Health and Human Services,  
3 Food and Drug Administration, promulgated thereunder now  
4 in effect, is designated, described or considered as a  
5 narcotic, hypnotic, habit forming, dangerous, or poisonous  
6 drug;

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

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

23 (f) the delegation of limited prescriptive authority  
24 by a physician licensed to practice medicine in all its  
25 branches to a physician assistant under Section 7.5 of the  
26 Physician Assistant Practice Act of 1987. This delegated

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

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

12 (g-5) the donation or acceptance, or the packaging,  
13 repackaging, or labeling, of prescription drugs to the  
14 extent permitted or required under the Prescription Drug  
15 Repository Program Act; and

16 (h) the sale or distribution of dialysate or devices  
17 necessary to perform home peritoneal renal dialysis for  
18 patients with end-stage renal disease, provided that all of  
19 the following conditions are met:

20 (1) the dialysate, comprised of dextrose or  
21 icodextrin, or devices are approved or cleared by the  
22 federal Food and Drug Administration, as required by  
23 federal law;

24 (2) the dialysate or devices are lawfully held by a  
25 manufacturer or the manufacturer's agent, which is  
26 properly registered with the Board as a manufacturer or



1 wholesaler;

2 (3) the dialysate or devices are held and delivered  
3 to the manufacturer or the manufacturer's agent in the  
4 original, sealed packaging from the manufacturing  
5 facility;

6 (4) the dialysate or devices are delivered only  
7 upon receipt of a physician's prescription by a  
8 licensed pharmacy in which the prescription is  
9 processed in accordance with provisions set forth in  
10 this Act, and the transmittal of an order from the  
11 licensed pharmacy to the manufacturer or the  
12 manufacturer's agent; and

13 (5) the manufacturer or the manufacturer's agent  
14 delivers the dialysate or devices directly to: (i) a  
15 patient with end-stage renal disease, or his or her  
16 designee, for the patient's self-administration of the  
17 dialysis therapy or (ii) a health care provider or  
18 institution for administration or delivery of the  
19 dialysis therapy to a patient with end-stage renal  
20 disease.

21 This paragraph (h) does not include any other drugs for  
22 peritoneal dialysis, except dialysate, as described in  
23 item (1) of this paragraph (h). All records of sales and  
24 distribution of dialysate to patients made pursuant to this  
25 paragraph (h) must be retained in accordance with Section  
26 18 of this Act.

1 (Source: P.A. 100-218, eff. 8-18-17; 100-513, eff. 1-1-18;  
2 100-863, eff. 8-14-18.)

3 Section 95. The Wholesale Drug Distribution Licensing Act  
4 is amended by changing Section 15 as follows:

5 (225 ILCS 120/15) (from Ch. 111, par. 8301-15)

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

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

8 "Authentication" means the affirmative verification,  
9 before any wholesale distribution of a prescription drug  
10 occurs, that each transaction listed on the pedigree has  
11 occurred.

12 "Authorized distributor of record" means a wholesale  
13 distributor with whom a manufacturer has established an ongoing  
14 relationship to distribute the manufacturer's prescription  
15 drug. An ongoing relationship is deemed to exist between a  
16 wholesale distributor and a manufacturer when the wholesale  
17 distributor, including any affiliated group of the wholesale  
18 distributor, as defined in Section 1504 of the Internal Revenue  
19 Code, complies with the following:

20 (1) The wholesale distributor has a written agreement  
21 currently in effect with the manufacturer evidencing the  
22 ongoing relationship; and

23 (2) The wholesale distributor is listed on the  
24 manufacturer's current list of authorized distributors of

1 record, which is updated by the manufacturer on no less  
2 than a monthly basis.

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

5 "Blood component" means that part of blood separated by  
6 physical or mechanical means.

7 "Board" means the State Board of Pharmacy of the Department  
8 of Professional Regulation.

9 "Chain pharmacy warehouse" means a physical location for  
10 prescription drugs that acts as a central warehouse and  
11 performs intracompany sales or transfers of the drugs to a  
12 group of chain or mail order pharmacies that have the same  
13 common ownership and control. Notwithstanding any other  
14 provision of this Act, a chain pharmacy warehouse shall be  
15 considered part of the normal distribution channel.

16 "Co-licensed partner or product" means an instance where  
17 one or more parties have the right to engage in the  
18 manufacturing or marketing of a prescription drug, consistent  
19 with the FDA's implementation of the Prescription Drug  
20 Marketing Act.

21 "Department" means the Department of Financial and  
22 Professional Regulation.

23 "Drop shipment" means the sale of a prescription drug to a  
24 wholesale distributor by the manufacturer of the prescription  
25 drug or that manufacturer's co-licensed product partner, that  
26 manufacturer's third party logistics provider, or that

1 manufacturer's exclusive distributor or by an authorized  
2 distributor of record that purchased the product directly from  
3 the manufacturer or one of these entities whereby the wholesale  
4 distributor or chain pharmacy warehouse takes title but not  
5 physical possession of such prescription drug and the wholesale  
6 distributor invoices the pharmacy, chain pharmacy warehouse,  
7 or other person authorized by law to dispense or administer  
8 such drug to a patient and the pharmacy, chain pharmacy  
9 warehouse, or other authorized person receives delivery of the  
10 prescription drug directly from the manufacturer, that  
11 manufacturer's third party logistics provider, or that  
12 manufacturer's exclusive distributor or from an authorized  
13 distributor of record that purchased the product directly from  
14 the manufacturer or one of these entities.

15 "Drug sample" means a unit of a prescription drug that is  
16 not intended to be sold and is intended to promote the sale of  
17 the drug.

18 "Facility" means a facility of a wholesale distributor  
19 where prescription drugs are stored, handled, repackaged, or  
20 offered for sale.

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

22 "Manufacturer" means a person licensed or approved by the  
23 FDA to engage in the manufacture of drugs or devices,  
24 consistent with the definition of "manufacturer" set forth in  
25 the FDA's regulations and guidances implementing the  
26 Prescription Drug Marketing Act. "Manufacturer" does not

1 include anyone who is engaged in the packaging, repackaging, or  
2 labeling of prescription drugs only to the extent required  
3 under the Prescription Drug Repository Program Act.

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

14 "Normal distribution channel" means a chain of custody for  
15 a prescription drug that goes, directly or by drop shipment,  
16 from (i) a manufacturer of the prescription drug, (ii) that  
17 manufacturer to that manufacturer's co-licensed partner, (iii)  
18 that manufacturer to that manufacturer's third party logistics  
19 provider, or (iv) that manufacturer to that manufacturer's  
20 exclusive distributor to:

21 (1) a pharmacy or to other designated persons  
22 authorized by law to dispense or administer the drug to a  
23 patient;

24 (2) a wholesale distributor to a pharmacy or other  
25 designated persons authorized by law to dispense or  
26 administer the drug to a patient;

1           (3) a wholesale distributor to a chain pharmacy  
2           warehouse to that chain pharmacy warehouse's intracompany  
3           pharmacy to a patient or other designated persons  
4           authorized by law to dispense or administer the drug to a  
5           patient;

6           (4) a chain pharmacy warehouse to the chain pharmacy  
7           warehouse's intracompany pharmacy or other designated  
8           persons authorized by law to dispense or administer the  
9           drug to the patient;

10          (5) an authorized distributor of record to one other  
11          authorized distributor of record to an office-based health  
12          care practitioner authorized by law to dispense or  
13          administer the drug to the patient; or

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

16          "Pedigree" means a document or electronic file containing  
17          information that records each wholesale distribution of any  
18          given prescription drug from the point of origin to the final  
19          wholesale distribution point of any given prescription drug.

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

22          "Pharmacy distributor" means any pharmacy licensed in this  
23          State or hospital pharmacy that is engaged in the delivery or  
24          distribution of prescription drugs either to any other pharmacy  
25          licensed in this State or to any other person or entity  
26          including, but not limited to, a wholesale drug distributor

1 engaged in the delivery or distribution of prescription drugs  
2 who is involved in the actual, constructive, or attempted  
3 transfer of a drug in this State to other than the ultimate  
4 consumer except as otherwise provided for by law.

5 "Prescription drug" means any human drug, including any  
6 biological product (except for blood and blood components  
7 intended for transfusion or biological products that are also  
8 medical devices), required by federal law or regulation to be  
9 dispensed only by a prescription, including finished dosage  
10 forms and bulk drug substances subject to Section 503 of the  
11 Federal Food, Drug and Cosmetic Act.

12 "Repackage" means repackaging or otherwise changing the  
13 container, wrapper, or labeling to further the distribution of  
14 a prescription drug, excluding that completed by the pharmacist  
15 responsible for dispensing the product to a patient.

16 "Secretary" means the Secretary of Financial and  
17 Professional Regulation.

18 "Third party logistics provider" means anyone who  
19 contracts with a prescription drug manufacturer to provide or  
20 coordinate warehousing, distribution, or other services on  
21 behalf of a manufacturer, but does not take title to the  
22 prescription drug or have general responsibility to direct the  
23 prescription drug's sale or disposition. A third party  
24 logistics provider must be licensed as a wholesale distributor  
25 under this Act and, in order to be considered part of the  
26 normal distribution channel, must also be an authorized

1 distributor of record.

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

5 (1) Intracompany sales of prescription drugs, meaning

6 (i) any transaction or transfer between any division,  
7 subsidiary, parent, or affiliated or related company under  
8 the common ownership and control of a corporate entity or

9 (ii) any transaction or transfer between co-licensees of a  
10 co-licensed product.

11 (2) The sale, purchase, distribution, trade, or  
12 transfer of a prescription drug or offer to sell, purchase,  
13 distribute, trade, or transfer a prescription drug for  
14 emergency medical reasons.

15 (3) The distribution of prescription drug samples by  
16 manufacturers' representatives.

17 (4) Drug returns, when conducted by a hospital, health  
18 care entity, or charitable institution in accordance with  
19 federal regulation.

20 (5) The sale of minimal quantities of prescription  
21 drugs by licensed pharmacies to licensed practitioners for  
22 office use or other licensed pharmacies.

23 (6) The sale, purchase, or trade of a drug, an offer to  
24 sell, purchase, or trade a drug, or the dispensing of a  
25 drug pursuant to a prescription.

26 (7) The sale, transfer, merger, or consolidation of all



1 or part of the business of a pharmacy or pharmacies from or  
2 with another pharmacy or pharmacies, whether accomplished  
3 as a purchase and sale of stock or business assets.

4 (8) The sale, purchase, distribution, trade, or  
5 transfer of a prescription drug from one authorized  
6 distributor of record to one additional authorized  
7 distributor of record when the manufacturer has stated in  
8 writing to the receiving authorized distributor of record  
9 that the manufacturer is unable to supply the prescription  
10 drug and the supplying authorized distributor of record  
11 states in writing that the prescription drug being supplied  
12 had until that time been exclusively in the normal  
13 distribution channel.

14 (9) The delivery of or the offer to deliver a  
15 prescription drug by a common carrier solely in the common  
16 carrier's usual course of business of transporting  
17 prescription drugs when the common carrier does not store,  
18 warehouse, or take legal ownership of the prescription  
19 drug.

20 (10) The sale or transfer from a retail pharmacy, mail  
21 order pharmacy, or chain pharmacy warehouse of expired,  
22 damaged, returned, or recalled prescription drugs to the  
23 original manufacturer, the originating wholesale  
24 distributor, or a third party returns processor.

25 (11) The donation of prescription drugs to the extent  
26 permitted under the Prescription Drug Repository Program

1       Act.

2       "Wholesale drug distributor" means anyone engaged in the  
3       wholesale distribution of prescription drugs into, out of, or  
4       within the State, including without limitation manufacturers;  
5       repackers; own label distributors; jobbers; private label  
6       distributors; brokers; warehouses, including manufacturers'  
7       and distributors' warehouses; manufacturer's exclusive  
8       distributors; and authorized distributors of record; drug  
9       wholesalers or distributors; independent wholesale drug  
10      traders; specialty wholesale distributors; third party  
11      logistics providers; and retail pharmacies that conduct  
12      wholesale distribution; and chain pharmacy warehouses that  
13      conduct wholesale distribution. In order to be considered part  
14      of the normal distribution channel, a wholesale distributor  
15      must also be an authorized distributor of record.

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

17           Section 100. The Senior Pharmaceutical Assistance Act is  
18      amended by changing Section 10 as follows:

19           (320 ILCS 50/10)

20           Sec. 10. Definitions. In this Act:

21           "Manufacturer" includes:

22                   (1) An entity that is engaged in (a) the production,  
23                   preparation, propagation, compounding, conversion, or  
24                   processing of prescription drug products (i) directly or

1 indirectly by extraction from substances of natural  
2 origin, (ii) independently by means of chemical synthesis,  
3 or (iii) by combination of extraction and chemical  
4 synthesis; or (b) the packaging, repackaging, labeling or  
5 re-labeling, or distribution of prescription drug  
6 products.

7 (2) The entity holding legal title to or possession of  
8 the national drug code number for the covered prescription  
9 drug.

10 The term does not include a wholesale distributor of drugs,  
11 drugstore chain organization, or retail pharmacy licensed by  
12 the State. The term also does not include anyone who is engaged  
13 in the packaging, repackaging, or labeling of prescription  
14 drugs only to the extent required under the Prescription Drug  
15 Repository Program Act.

16 "Prescription drug" means a drug that may be dispensed only  
17 upon prescription by an authorized prescriber and that is  
18 approved for safety and effectiveness as a prescription drug  
19 under Section 505 or 507 of the Federal Food, Drug and Cosmetic  
20 Act.

21 "Senior citizen" or "senior" means a person 65 years of age  
22 or older.

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

24 Section 105. The Illinois Food, Drug and Cosmetic Act is  
25 amended by changing Section 16 as follows:

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

2 Sec. 16. (a) The Director is hereby authorized to  
3 promulgate regulations exempting from any labeling or  
4 packaging requirement of this Act drugs and devices which are  
5 (i) in accordance with the practice of the trade, to be  
6 processed, labeled or repacked in substantial quantities at  
7 establishments other than those where originally processed or  
8 packaged on condition that such drugs and devices are not  
9 adulterated or misbranded under the provisions of this Act upon  
10 removal from such processing, labeling or repacking  
11 establishment or (ii) packaged, repackaged, or labeled to the  
12 extent required under the Prescription Drug Repository Program  
13 Act.

14 (b) Drugs and device labeling or packaging exemptions  
15 adopted under the Federal Act and supplements thereto or  
16 revisions thereof shall apply to drugs and devices in Illinois  
17 except insofar as modified or rejected by regulations  
18 promulgated by the Director.

19 (c) A drug intended for use by man which (A) is a  
20 habit-forming drug to which Section 15 (d) applies; or (B)  
21 because of its toxicity or other potentiality for harmful  
22 effect or the method of its use or the collateral measures  
23 necessary to its use is not safe for use except under the  
24 supervision of a practitioner licensed by law to administer  
25 such drug; or (C) is limited by an approved application under

1 Section 505 of the Federal Act or Section 17 of this Act to use  
2 under the professional supervision of a practitioner licensed  
3 by law to administer such drug, shall be dispensed only in  
4 accordance with the provisions of the "Illinois Controlled  
5 Substances Act". The act of dispensing a drug contrary to the  
6 provisions of this paragraph shall be deemed to be an act which  
7 results in a drug being misbranded while held for sale.

8 (d) Any drug dispensed by filling or refilling a written or  
9 oral prescription of a practitioner licensed by law to  
10 administer such drug shall be exempt from the requirements of  
11 Section 15, except subsections (a), (k) and (l) and clauses (2)  
12 and (3) of subsection (i), and the packaging requirements of  
13 subsections (g), (h) and (q), if the drug bears a label  
14 containing the proprietary name or names, or if there is none,  
15 the established name or names of the drugs, the dosage and  
16 quantity, unless the prescribing practitioner, in the interest  
17 of the health of the patient, directs otherwise in writing, the  
18 name and address of the dispenser, the serial number and date  
19 of the prescription or of its filling, the name of the  
20 prescriber and, if stated in the prescription, the name of the  
21 patient, and the directions for use and the cautionary  
22 statements, if any, contained in such prescription. This  
23 exemption shall not apply to any drug dispensed in the course  
24 of the conduct of business of dispensing drugs pursuant to  
25 diagnosis by mail, or to a drug dispensed in violation of  
26 subsection (a) of this Section.

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

5           (f) A drug which is subject to subsection (c) of this  
6 Section shall be deemed to be misbranded if at any time before  
7 dispensing its label fails to bear the statement "Caution:  
8 Federal Law Prohibits Dispensing Without Prescription" or  
9 "Caution: State Law Prohibits Dispensing Without  
10 Prescription". A drug to which subsection (c) of this Section  
11 does not apply shall be deemed to be misbranded if at any time  
12 prior to dispensing its label bears the caution statement  
13 quoted in the preceding sentence.

14           (g) Nothing in this Section shall be construed to relieve  
15 any person from any requirement prescribed by or under  
16 authority of law with respect to controlled substances now  
17 included or which may hereafter be included within the  
18 classifications of controlled substances cannabis as defined  
19 in applicable Federal laws relating to controlled substances or  
20 cannabis or the Cannabis Control Act.

21           (Source: P.A. 84-1308.)

22           Section 110. The Illinois Controlled Substances Act is  
23 amended by changing Section 102 as follows:

24           (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

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

3           (a) "Addict" means any person who habitually uses any drug,  
4 chemical, substance or dangerous drug other than alcohol so as  
5 to endanger the public morals, health, safety or welfare or who  
6 is so far addicted to the use of a dangerous drug or controlled  
7 substance other than alcohol as to have lost the power of self  
8 control with reference to his or her addiction.

9           (b) "Administer" means the direct application of a  
10 controlled substance, whether by injection, inhalation,  
11 ingestion, or any other means, to the body of a patient,  
12 research subject, or animal (as defined by the Humane  
13 Euthanasia in Animal Shelters Act) by:

14                 (1) a practitioner (or, in his or her presence, by his  
15 or her authorized agent),

16                 (2) the patient or research subject pursuant to an  
17 order, or

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

20           (c) "Agent" means an authorized person who acts on behalf  
21 of or at the direction of a manufacturer, distributor,  
22 dispenser, prescriber, or practitioner. It does not include a  
23 common or contract carrier, public warehouseman or employee of  
24 the carrier or warehouseman.

25           (c-1) "Anabolic Steroids" means any drug or hormonal  
26 substance, chemically and pharmacologically related to

1 testosterone (other than estrogens, progestins,  
2 corticosteroids, and dehydroepiandrosterone), and includes:

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

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

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

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

7 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

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

9 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

10 (vi) 4-androstenediol

11 (3[beta],17[beta]-dihydroxy-androst-4-ene),

12 (vii) 5-androstenediol

13 (3[beta],17[beta]-dihydroxy-androst-5-ene),

14 (viii) 1-androstenedione

15 ([5alpha]-androst-1-en-3,17-dione),

16 (ix) 4-androstenedione

17 (androst-4-en-3,17-dione),

18 (x) 5-androstenedione

19 (androst-5-en-3,17-dione),

20 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-

21 hydroxyandrost-4-en-3-one),

22 (xii) boldenone (17[beta]-hydroxyandrost-

23 1,4,-diene-3-one),

24 (xiii) boldione (androsta-1,4-

25 diene-3,17-dione),

26 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17



1 [beta]-hydroxyandrost-4-en-3-one),  
2 (xv) clostebol (4-chloro-17[beta]-  
3 hydroxyandrost-4-en-3-one),  
4 (xvi) dehydrochloromethyltestosterone (4-chloro-  
5 17[beta]-hydroxy-17[alpha]-methyl-  
6 androst-1,4-dien-3-one),  
7 (xvii) desoxymethyltestosterone  
8 (17[alpha]-methyl-5[alpha]  
9 -androst-2-en-17[beta]-ol) (a.k.a., madol),  
10 (xviii) [delta]1-dihydrotestosterone (a.k.a.  
11 '1-testosterone') (17[beta]-hydroxy-  
12 5[alpha]-androst-1-en-3-one),  
13 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
14 androstan-3-one),  
15 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
16 5[alpha]-androstan-3-one),  
17 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
18 hydroxyestr-4-ene),  
19 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-  
20 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),  
21 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
22 17[beta]-dihydroxyandrost-1,4-dien-3-one),  
23 (xxiv) furazabol (17[alpha]-methyl-17[beta]-  
24 hydroxyandrostano[2,3-c]-furazan),  
25 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,  
26 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-

1 androst-4-en-3-one),  
2 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-  
3 dihydroxy-estr-4-en-3-one),  
4 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
5 hydroxy-5-androstan-3-one),  
6 (xxix) mesterolone (1-methyl-17[beta]-hydroxy-  
7 [5a]-androstan-3-one),  
8 (xxx) methandienone (17[alpha]-methyl-17[beta]-  
9 hydroxyandrost-1,4-dien-3-one),  
10 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
11 dihydroxyandrost-5-ene),  
12 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-  
13 5[alpha]-androst-1-en-3-one),  
14 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-  
15 dihydroxy-5a-androstane,  
16 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
17 -5a-androstane,  
18 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-  
19 dihydroxyandrost-4-ene),  
20 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
21 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
22 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-  
23 hydroxyestra-4,9(10)-dien-3-one),  
24 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-  
25 hydroxyestra-4,9-11-trien-3-one),  
26 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-

1 hydroxyandrost-4-en-3-one),  
2 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-  
3 hydroxyestr-4-en-3-one),  
4 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
5 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
6 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
7 1-testosterone'),  
8 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),  
9 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-  
10 dihydroxyestr-4-ene),  
11 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
12 dihydroxyestr-4-ene),  
13 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-  
14 dihydroxyestr-5-ene),  
15 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
16 dihydroxyestr-5-ene),  
17 (xlvii) 19-nor-4,9(10)-androstadienedione  
18 (estra-4,9(10)-diene-3,17-dione),  
19 (xlviii) 19-nor-4-androstenedione (estr-4-  
20 en-3,17-dione),  
21 (xlix) 19-nor-5-androstenedione (estr-5-  
22 en-3,17-dione),  
23 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-  
24 hydroxygon-4-en-3-one),  
25 (li) norclostebol (4-chloro-17[beta]-  
26 hydroxyestr-4-en-3-one),

- 1 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-  
2 hydroxyestr-4-en-3-one),  
3 (liii) normethandrolone (17[alpha]-methyl-17[beta]-  
4 hydroxyestr-4-en-3-one),  
5 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-  
6 2-oxa-5[alpha]-androstan-3-one),  
7 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-  
8 dihydroxyandrost-4-en-3-one),  
9 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-  
10 17[beta]-hydroxy-(5[alpha]-androstan-3-one),  
11 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
12 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
13 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
14 (5[alpha]-androst-1-en-3-one),  
15 (lix) testolactone (13-hydroxy-3-oxo-13,17-  
16 secoandrosta-1,4-dien-17-oic  
17 acid lactone),  
18 (lx) testosterone (17[beta]-hydroxyandrost-  
19 4-en-3-one),  
20 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
21 diethyl-17[beta]-hydroxygon-  
22 4,9,11-trien-3-one),  
23 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
24 11-trien-3-one).

25 Any person who is otherwise lawfully in possession of an  
26 anabolic steroid, or who otherwise lawfully manufactures,

1 distributes, dispenses, delivers, or possesses with intent to  
2 deliver an anabolic steroid, which anabolic steroid is  
3 expressly intended for and lawfully allowed to be administered  
4 through implants to livestock or other nonhuman species, and  
5 which is approved by the Secretary of Health and Human Services  
6 for such administration, and which the person intends to  
7 administer or have administered through such implants, shall  
8 not be considered to be in unauthorized possession or to  
9 unlawfully manufacture, distribute, dispense, deliver, or  
10 possess with intent to deliver such anabolic steroid for  
11 purposes of this Act.

12 (d) "Administration" means the Drug Enforcement  
13 Administration, United States Department of Justice, or its  
14 successor agency.

15 (d-5) "Clinical Director, Prescription Monitoring Program"  
16 means a Department of Human Services administrative employee  
17 licensed to either prescribe or dispense controlled substances  
18 who shall run the clinical aspects of the Department of Human  
19 Services Prescription Monitoring Program and its Prescription  
20 Information Library.

21 (d-10) "Compounding" means the preparation and mixing of  
22 components, excluding flavorings, (1) as the result of a  
23 prescriber's prescription drug order or initiative based on the  
24 prescriber-patient-pharmacist relationship in the course of  
25 professional practice or (2) for the purpose of, or incident  
26 to, research, teaching, or chemical analysis and not for sale

1 or dispensing. "Compounding" includes the preparation of drugs  
2 or devices in anticipation of receiving prescription drug  
3 orders based on routine, regularly observed dispensing  
4 patterns. Commercially available products may be compounded  
5 for dispensing to individual patients only if both of the  
6 following conditions are met: (i) the commercial product is not  
7 reasonably available from normal distribution channels in a  
8 timely manner to meet the patient's needs and (ii) the  
9 prescribing practitioner has requested that the drug be  
10 compounded.

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

14 (f) "Controlled Substance" means (i) a drug, substance,  
15 immediate precursor, or synthetic drug in the Schedules of  
16 Article II of this Act or (ii) a drug or other substance, or  
17 immediate precursor, designated as a controlled substance by  
18 the Department through administrative rule. The term does not  
19 include distilled spirits, wine, malt beverages, or tobacco, as  
20 those terms are defined or used in the Liquor Control Act of  
21 1934 and the Tobacco Products Tax Act of 1995.

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

23 (1) the chemical structure of which is substantially  
24 similar to the chemical structure of a controlled substance  
25 in Schedule I or II;

26 (2) which has a stimulant, depressant, or

1 hallucinogenic effect on the central nervous system that is  
2 substantially similar to or greater than the stimulant,  
3 depressant, or hallucinogenic effect on the central  
4 nervous system of a controlled substance in Schedule I or  
5 II; or

6 (3) with respect to a particular person, which such  
7 person represents or intends to have a stimulant,  
8 depressant, or hallucinogenic effect on the central  
9 nervous system that is substantially similar to or greater  
10 than the stimulant, depressant, or hallucinogenic effect  
11 on the central nervous system of a controlled substance in  
12 Schedule I or II.

13 (g) "Counterfeit substance" means a controlled substance,  
14 which, or the container or labeling of which, without  
15 authorization bears the trademark, trade name, or other  
16 identifying mark, imprint, number or device, or any likeness  
17 thereof, of a manufacturer, distributor, or dispenser other  
18 than the person who in fact manufactured, distributed, or  
19 dispensed the substance.

20 (h) "Deliver" or "delivery" means the actual, constructive  
21 or attempted transfer of possession of a controlled substance,  
22 with or without consideration, whether or not there is an  
23 agency relationship. "Deliver" or "delivery" does not include  
24 the donation of prescription drugs to the extent permitted  
25 under the Prescription Drug Repository Program Act.

26 (i) "Department" means the Illinois Department of Human

1 Services (as successor to the Department of Alcoholism and  
2 Substance Abuse) or its successor agency.

3 (j) (Blank).

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

6 (l) "Department of Financial and Professional Regulation"  
7 means the Department of Financial and Professional Regulation  
8 of the State of Illinois or its successor agency.

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

18 (n) (Blank).

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

21 (p) "Dispense" means to deliver a controlled substance to  
22 an ultimate user or research subject by or pursuant to the  
23 lawful order of a prescriber, including the prescribing,  
24 administering, packaging, labeling, or compounding necessary  
25 to prepare the substance for that delivery.

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



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

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

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

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

19 (t-4) "Emergency medical services personnel" has the  
20 meaning ascribed to it in the Emergency Medical Services (EMS)  
21 Systems Act.

22 (t-5) "Euthanasia agency" means an entity certified by the  
23 Department of Financial and Professional Regulation for the  
24 purpose of animal euthanasia that holds an animal control  
25 facility license or animal shelter license under the Animal  
26 Welfare Act. A euthanasia agency is authorized to purchase,

1 store, possess, and utilize Schedule II nonnarcotic and  
2 Schedule III nonnarcotic drugs for the sole purpose of animal  
3 euthanasia.

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

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

19 (1) lack of consistency of prescriber-patient  
20 relationship,

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

23 (3) quantities beyond those normally prescribed,

24 (4) unusual dosages (recognizing that there may be  
25 clinical circumstances where more or less than the usual  
26 dose may be used legitimately),

1           (5) unusual geographic distances between patient,  
2           pharmacist and prescriber,

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

4           (u-0.5) "Hallucinogen" means a drug that causes markedly  
5           altered sensory perception leading to hallucinations of any  
6           type.

7           (u-1) "Home infusion services" means services provided by a  
8           pharmacy in compounding solutions for direct administration to  
9           a patient in a private residence, long-term care facility, or  
10          hospice setting by means of parenteral, intravenous,  
11          intramuscular, subcutaneous, or intraspinal infusion.

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

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

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

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

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

25          (w) "Instructional activities" means the acts of teaching,  
26          educating or instructing by practitioners using controlled

1 substances within educational facilities approved by the State  
2 Board of Education or its successor agency.

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

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

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

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

25 (c) whether the substance is packaged in a manner  
26 normally used for the illegal distribution of controlled

1 substances;

2 (d) whether the distribution or attempted distribution  
3 included an exchange of or demand for money or other  
4 property as consideration, and whether the amount of the  
5 consideration was substantially greater than the  
6 reasonable retail market value of the substance.

7 Clause (1) of this subsection (y) shall not apply to a  
8 noncontrolled substance in its finished dosage form that was  
9 initially introduced into commerce prior to the initial  
10 introduction into commerce of a controlled substance in its  
11 finished dosage form which it may substantially resemble.

12 Nothing in this subsection (y) prohibits the dispensing or  
13 distributing of noncontrolled substances by persons authorized  
14 to dispense and distribute controlled substances under this  
15 Act, provided that such action would be deemed to be carried  
16 out in good faith under subsection (u) if the substances  
17 involved were controlled substances.

18 Nothing in this subsection (y) or in this Act prohibits the  
19 manufacture, preparation, propagation, compounding,  
20 processing, packaging, advertising or distribution of a drug or  
21 drugs by any person registered pursuant to Section 510 of the  
22 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

23 (y-1) "Mail-order pharmacy" means a pharmacy that is  
24 located in a state of the United States that delivers,  
25 dispenses or distributes, through the United States Postal  
26 Service or other common carrier, to Illinois residents, any

1 substance which requires a prescription.

2 (z) "Manufacture" means the production, preparation,  
3 propagation, compounding, conversion or processing of a  
4 controlled substance other than methamphetamine, either  
5 directly or indirectly, by extraction from substances of  
6 natural origin, or independently by means of chemical  
7 synthesis, or by a combination of extraction and chemical  
8 synthesis, and includes any packaging or repackaging of the  
9 substance or labeling of its container, except that this term  
10 does not include:

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

13 (2) by a practitioner, or his or her authorized agent  
14 under his or her supervision, the preparation,  
15 compounding, packaging, or labeling of a controlled  
16 substance:

17 (a) as an incident to his or her administering or  
18 dispensing of a controlled substance in the course of  
19 his or her professional practice; or

20 (b) as an incident to lawful research, teaching or  
21 chemical analysis and not for sale; or-

22 (3) the packaging, repackaging, or labeling of  
23 prescription drugs only to the extent required under the  
24 Prescription Drug Repository Program Act.

25 (z-1) (Blank).

26 (z-5) "Medication shopping" means the conduct prohibited

1 under subsection (a) of Section 314.5 of this Act.

2 (z-10) "Mid-level practitioner" means (i) a physician  
3 assistant who has been delegated authority to prescribe through  
4 a written delegation of authority by a physician licensed to  
5 practice medicine in all of its branches, in accordance with  
6 Section 7.5 of the Physician Assistant Practice Act of 1987,  
7 (ii) an advanced practice registered nurse who has been  
8 delegated authority to prescribe through a written delegation  
9 of authority by a physician licensed to practice medicine in  
10 all of its branches or by a podiatric physician, in accordance  
11 with Section 65-40 of the Nurse Practice Act, (iii) an advanced  
12 practice registered nurse certified as a nurse practitioner,  
13 nurse midwife, or clinical nurse specialist who has been  
14 granted authority to prescribe by a hospital affiliate in  
15 accordance with Section 65-45 of the Nurse Practice Act, (iv)  
16 an animal euthanasia agency, or (v) a prescribing psychologist.

17 (aa) "Narcotic drug" means any of the following, whether  
18 produced directly or indirectly by extraction from substances  
19 of vegetable origin, or independently by means of chemical  
20 synthesis, or by a combination of extraction and chemical  
21 synthesis:

22 (1) opium, opiates, derivatives of opium and opiates,  
23 including their isomers, esters, ethers, salts, and salts  
24 of isomers, esters, and ethers, whenever the existence of  
25 such isomers, esters, ethers, and salts is possible within  
26 the specific chemical designation; however the term

1 "narcotic drug" does not include the isoquinoline  
2 alkaloids of opium;

3 (2) (blank);

4 (3) opium poppy and poppy straw;

5 (4) coca leaves, except coca leaves and extracts of  
6 coca leaves from which substantially all of the cocaine and  
7 ecgonine, and their isomers, derivatives and salts, have  
8 been removed;

9 (5) cocaine, its salts, optical and geometric isomers,  
10 and salts of isomers;

11 (6) ecgonine, its derivatives, their salts, isomers,  
12 and salts of isomers;

13 (7) any compound, mixture, or preparation which  
14 contains any quantity of any of the substances referred to  
15 in subparagraphs (1) through (6).

16 (bb) "Nurse" means a registered nurse licensed under the  
17 Nurse Practice Act.

18 (cc) (Blank).

19 (dd) "Opiate" means any substance having an addiction  
20 forming or addiction sustaining liability similar to morphine  
21 or being capable of conversion into a drug having addiction  
22 forming or addiction sustaining liability.

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

25 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
26 solution or other liquid form of medication intended for



1 administration by mouth, but the term does not include a form  
2 of medication intended for buccal, sublingual, or transmucosal  
3 administration.

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

6 (gg) "Person" means any individual, corporation,  
7 mail-order pharmacy, government or governmental subdivision or  
8 agency, business trust, estate, trust, partnership or  
9 association, or any other entity.

10 (hh) "Pharmacist" means any person who holds a license or  
11 certificate of registration as a registered pharmacist, a local  
12 registered pharmacist or a registered assistant pharmacist  
13 under the Pharmacy Practice Act.

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

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

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

22 (jj) "Poppy straw" means all parts, except the seeds, of  
23 the opium poppy, after mowing.

24 (kk) "Practitioner" means a physician licensed to practice  
25 medicine in all its branches, dentist, optometrist, podiatric  
26 physician, veterinarian, scientific investigator, pharmacist,

1 physician assistant, advanced practice registered nurse,  
2 licensed practical nurse, registered nurse, emergency medical  
3 services personnel, hospital, laboratory, or pharmacy, or  
4 other person licensed, registered, or otherwise lawfully  
5 permitted by the United States or this State to distribute,  
6 dispense, conduct research with respect to, administer or use  
7 in teaching or chemical analysis, a controlled substance in the  
8 course of professional practice or research.

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

14 (mm) "Prescriber" means a physician licensed to practice  
15 medicine in all its branches, dentist, optometrist,  
16 prescribing psychologist licensed under Section 4.2 of the  
17 Clinical Psychologist Licensing Act with prescriptive  
18 authority delegated under Section 4.3 of the Clinical  
19 Psychologist Licensing Act, podiatric physician, or  
20 veterinarian who issues a prescription, a physician assistant  
21 who issues a prescription for a controlled substance in  
22 accordance with Section 303.05, a written delegation, and a  
23 written collaborative agreement required under Section 7.5 of  
24 the Physician Assistant Practice Act of 1987, an advanced  
25 practice registered nurse with prescriptive authority  
26 delegated under Section 65-40 of the Nurse Practice Act and in

1 accordance with Section 303.05, a written delegation, and a  
2 written collaborative agreement under Section 65-35 of the  
3 Nurse Practice Act, an advanced practice registered nurse  
4 certified as a nurse practitioner, nurse midwife, or clinical  
5 nurse specialist who has been granted authority to prescribe by  
6 a hospital affiliate in accordance with Section 65-45 of the  
7 Nurse Practice Act and in accordance with Section 303.05, or an  
8 advanced practice registered nurse certified as a nurse  
9 practitioner, nurse midwife, or clinical nurse specialist who  
10 has full practice authority pursuant to Section 65-43 of the  
11 Nurse Practice Act.

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

1 Nurse Practice Act who issues a prescription for a controlled  
2 substance in accordance with Section 303.05, a written  
3 delegation, and a written collaborative agreement under  
4 Section 65-35 of the Nurse Practice Act, of an advanced  
5 practice registered nurse certified as a nurse practitioner,  
6 nurse midwife, or clinical nurse specialist who has been  
7 granted authority to prescribe by a hospital affiliate in  
8 accordance with Section 65-45 of the Nurse Practice Act and in  
9 accordance with Section 303.05 when required by law, or of an  
10 advanced practice registered nurse certified as a nurse  
11 practitioner, nurse midwife, or clinical nurse specialist who  
12 has full practice authority pursuant to Section 65-43 of the  
13 Nurse Practice Act.

14 (nn-5) "Prescription Information Library" (PIL) means an  
15 electronic library that contains reported controlled substance  
16 data.

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

20 (oo) "Production" or "produce" means manufacture,  
21 planting, cultivating, growing, or harvesting of a controlled  
22 substance other than methamphetamine.

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

25 (qq) "Registry number" means the number assigned to each  
26 person authorized to handle controlled substances under the

1 laws of the United States and of this State.

2 (qq-5) "Secretary" means, as the context requires, either  
3 the Secretary of the Department or the Secretary of the  
4 Department of Financial and Professional Regulation, and the  
5 Secretary's designated agents.

6 (rr) "State" includes the State of Illinois and any state,  
7 district, commonwealth, territory, insular possession thereof,  
8 and any area subject to the legal authority of the United  
9 States of America.

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

17 (rr-10) "Synthetic drug" includes, but is not limited to,  
18 any synthetic cannabinoids or piperazines or any synthetic  
19 cathinones as provided for in Schedule I.

20 (ss) "Ultimate user" means a person who lawfully possesses  
21 a controlled substance for his or her own use or for the use of  
22 a member of his or her household or for administering to an  
23 animal owned by him or her or by a member of his or her  
24 household.

25 (Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15;  
26 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16;

1 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513, eff.  
2 1-1-18; 100-789, eff. 1-1-19; 100-863, eff. 8-14-18.)

3 Section 115. The Cannabis and Controlled Substances Tort  
4 Claims Act is amended by changing Section 3 as follows:

5 (740 ILCS 20/3) (from Ch. 70, par. 903)

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

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

1 germination.

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

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

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

18 "Manufacture" means the production, preparation,  
19 propagation, compounding, conversion, or processing of a  
20 controlled substance, either directly or indirectly, by  
21 extraction from substances of natural origin, independently by  
22 means of chemical synthesis, or by a combination of extraction  
23 and chemical synthesis, and includes any packaging or  
24 repackaging of the substance or labeling of its container,  
25 except that the term does not include:

26 (1) by an ultimate user, the preparation or compounding

1 of a controlled substance for his own use;

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

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

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

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

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

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

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

22 "Production" means planting, cultivating, tending, or  
23 harvesting.

24 "Property" means real property, including things growing  
25 on, affixed to, and found in land, and tangible or intangible  
26 personal property, including rights, services, privileges,



1 interests, claims, and securities.

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

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Statutes amended in order of appearance

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