

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.33 and 4.38 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following
8 Acts are repealed on January 1, 2023:

9 The Dietitian Nutritionist Practice Act.

10 The Elevator Safety and Regulation Act.

11 The Fire Equipment Distributor and Employee Regulation Act
12 of 2011.

13 The Funeral Directors and Embalmers Licensing Code.

14 The Naprapathic Practice Act.

15 The Pharmacy Practice Act.

16 The Professional Counselor and Clinical Professional
17 Counselor Licensing and Practice Act.

18 ~~The Wholesale Drug Distribution Licensing Act.~~

19 (Source: P.A. 101-621, eff. 12-20-19.)

20 (5 ILCS 80/4.38)

21 Sec. 4.38. Acts repealed on January 1, 2028. The following
22 Acts are repealed on January 1, 2028:

1 The Acupuncture Practice Act.

2 The Clinical Social Work and Social Work Practice Act.

3 The Home Medical Equipment and Services Provider License
4 Act.

5 The Illinois Petroleum Education and Marketing Act.

6 The Illinois Speech-Language Pathology and Audiology
7 Practice Act.

8 The Interpreter for the Deaf Licensure Act of 2007.

9 The Nurse Practice Act.

10 The Nursing Home Administrators Licensing and Disciplinary
11 Act.

12 The Physician Assistant Practice Act of 1987.

13 The Podiatric Medical Practice Act of 1987.

14 The Wholesale Drug Distribution Licensing Act.

15 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
16 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
17 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
18 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

19 Section 10. The Wholesale Drug Distribution Licensing Act
20 is amended by changing Sections 15, 27, 30, 35, 40, 50, 57, 70,
21 75, 80, 85, 100, 105, 110, 115, 120, 125, 135, 140, 155, 165,
22 and 200 and by adding Sections 15.5, 21, and 31 as follows:

23 (225 ILCS 120/15) (from Ch. 111, par. 8301-15)

24 (Section scheduled to be repealed on January 1, 2023)

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

2 "Address of record" means the designated address recorded
3 by the Department in the applicant's application file or
4 licensee's license file maintained by the Department's
5 licensure maintenance unit.

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

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

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

21 (2) The wholesale distributor is listed on the
22 manufacturer's current list of authorized distributors of
23 record, which is updated by the manufacturer on no less
24 than a monthly basis.

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

1 "Blood component" means that part of blood separated by
2 physical or mechanical means.

3 "Board" means the State Board of Pharmacy of the
4 Department of Professional Regulation.

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

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

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Drop shipment" means the sale of a prescription drug to a
20 wholesale distributor by the manufacturer of the prescription
21 drug or that manufacturer's co-licensed product partner, that
22 manufacturer's third-party ~~third party~~ logistics provider, or
23 that manufacturer's exclusive distributor or by an authorized
24 distributor of record that purchased the product directly from
25 the manufacturer or one of these entities whereby the
26 wholesale distributor or chain pharmacy warehouse takes title

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

12 "Drug sample" means a unit of a prescription drug that is
13 not intended to be sold and is intended to promote the sale of
14 the drug.

15 "Email address of record" means the designated email
16 address recorded by the Department in the applicant's
17 application file or the licensee's license file, as maintained
18 by the Department's licensure maintenance unit.

19 "Facility" means a facility of a wholesale distributor
20 where prescription drugs are stored, handled, repackaged, or
21 offered for sale, or a facility of a third-party logistics
22 provider where prescription drugs are stored or handled.

23 "FDA" means the United States Food and Drug
24 Administration.

25 "Manufacturer" means a person licensed or approved by the
26 FDA to engage in the manufacture of drugs or devices,

1 consistent with the definition of "manufacturer" set forth in
2 the FDA's regulations and guidances implementing the
3 Prescription Drug Marketing Act. "Manufacturer" does not
4 include anyone who is engaged in the packaging, repackaging,
5 or labeling of drugs only to the extent permitted under the
6 Illinois Drug Reuse Opportunity Program Act.

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

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

- 25 (1) a pharmacy or to other designated persons
26 authorized by law to dispense or administer the drug to a

1 patient;

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

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

10 (4) a chain pharmacy warehouse to the chain pharmacy
11 warehouse's intracompany pharmacy or other designated
12 persons authorized by law to dispense or administer the
13 drug to the patient;

14 (5) an authorized distributor of record to one other
15 authorized distributor of record to an office-based health
16 care practitioner authorized by law to dispense or
17 administer the drug to the patient; or

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

20 "Pedigree" means a document or electronic file containing
21 information that records each wholesale distribution of any
22 given prescription drug from the point of origin to the final
23 wholesale distribution point of any given prescription drug.

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

26 "Pharmacy distributor" means any pharmacy licensed in this

1 State or hospital pharmacy that is engaged in the delivery or
2 distribution of prescription drugs either to any other
3 pharmacy licensed in this State or to any other person or
4 entity including, but not limited to, a wholesale drug
5 distributor engaged in the delivery or distribution of
6 prescription drugs who is involved in the actual,
7 constructive, or attempted transfer of a drug in this State to
8 other than the ultimate consumer except as otherwise provided
9 for by law.

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

17 "Repackage" means repackaging or otherwise changing the
18 container, wrapper, or labeling to further the distribution of
19 a prescription drug, excluding that completed by the
20 pharmacist responsible for dispensing the product to a
21 patient.

22 "Secretary" means the Secretary of the Department of
23 Financial and Professional Regulation.

24 "Suspicious order" includes, but is not limited to, an
25 order of a controlled substance of unusual size, an order of a
26 controlled substance deviating substantially from a normal

1 pattern, and orders of controlled substances of unusual
2 frequency as defined by 21 USC 802.

3 "Third-party logistics provider" means anyone who
4 contracts with a prescription drug manufacturer to provide or
5 coordinate warehousing, distribution, or other services on
6 behalf of a manufacturer, but does not take title to the
7 prescription drug or have general responsibility to direct the
8 prescription drug's sale or disposition.

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

12 (1) Intracompany sales of prescription drugs, meaning

13 (i) any transaction or transfer between any division,
14 subsidiary, parent, or affiliated or related company under
15 the common ownership and control of a corporate entity or
16 (ii) any transaction or transfer between co-licensees of a
17 co-licensed product.

18 (2) The sale, purchase, distribution, trade, or
19 transfer of a prescription drug or offer to sell,
20 purchase, distribute, trade, or transfer a prescription
21 drug for emergency medical reasons.

22 (3) The distribution of prescription drug samples by
23 manufacturers' representatives.

24 (4) Drug returns, when conducted by a hospital, health
25 care entity, or charitable institution in accordance with
26 federal regulation.

1 (5) The sale of minimal quantities of prescription
2 drugs by licensed pharmacies to licensed practitioners for
3 office use or other licensed pharmacies.

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

7 (7) The sale, transfer, merger, or consolidation of
8 all or part of the business of a pharmacy or pharmacies
9 from or with another pharmacy or pharmacies, whether
10 accomplished as a purchase and sale of stock or business
11 assets.

12 (8) The sale, purchase, distribution, trade, or
13 transfer of a prescription drug from one authorized
14 distributor of record to one additional authorized
15 distributor of record when the manufacturer has stated in
16 writing to the receiving authorized distributor of record
17 that the manufacturer is unable to supply the prescription
18 drug and the supplying authorized distributor of record
19 states in writing that the prescription drug being
20 supplied had until that time been exclusively in the
21 normal distribution channel.

22 (9) The delivery of or the offer to deliver a
23 prescription drug by a common carrier solely in the common
24 carrier's usual course of business of transporting
25 prescription drugs when the common carrier does not store,
26 warehouse, or take legal ownership of the prescription

1 drug.

2 (10) The sale or transfer from a retail pharmacy, mail
3 order pharmacy, or chain pharmacy warehouse of expired,
4 damaged, returned, or recalled prescription drugs to the
5 original manufacturer, the originating wholesale
6 distributor, or a third party returns processor.

7 (11) The donation of drugs to the extent permitted
8 under the Illinois Drug Reuse Opportunity Program Act.

9 "Wholesale drug distributor" means anyone engaged in the
10 wholesale distribution of prescription drugs into, out of, or
11 within the State, including without limitation manufacturers;
12 repackers; own label distributors; jobbers; private label
13 distributors; brokers; warehouses, including manufacturers'
14 and distributors' warehouses; manufacturer's exclusive
15 distributors; and authorized distributors of record; drug
16 wholesalers or distributors; independent wholesale drug
17 traders; specialty wholesale distributors; and retail
18 pharmacies that conduct wholesale distribution; and chain
19 pharmacy warehouses that conduct wholesale distribution. In
20 order to be considered part of the normal distribution
21 channel, a wholesale distributor must also be an authorized
22 distributor of record.

23 (Source: P.A. 101-420, eff. 8-16-19; 102-389, eff. 1-1-22.)

24 (225 ILCS 120/15.5 new)

25 Sec. 15.5. Address of record; email address of record. All

1 applicants and licensees shall:

2 (1) provide a valid address and email address to the
3 Department, which shall serve as the address of record and
4 email address of record, respectively, at the time of
5 application for licensure or renewal of a license; and

6 (2) inform the Department of any change of address of
7 record or email address of record within 14 days after
8 such change either through the Department's website or by
9 contacting the Department's licensure maintenance unit.

10 (225 ILCS 120/21 new)

11 Sec. 21. Reports to Department. Each licensee that is
12 required to report suspicious orders under 21 USC 832 shall
13 also submit such suspicions order reports to the Department.

14 (225 ILCS 120/27)

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

16 Sec. 27. Social security number, individual taxpayer
17 identification number, or unique identifying number ~~Security~~
18 ~~Number~~ on license application. In addition to any other
19 information required to be contained in the application, every
20 application for an original license under this Act shall
21 include the applicant's social security number, individual
22 taxpayer identification number, or other unique identifying
23 number deemed appropriate by the Department, ~~Social Security~~
24 ~~Number,~~ which shall be retained in the agency's records

1 pertaining to the license. As soon as practical, the
2 Department shall assign a customer's identification number to
3 each applicant for a license.

4 Every application for a renewal or restored license shall
5 require the applicant's customer identification number.

6 (Source: P.A. 97-400, eff. 1-1-12.)

7 (225 ILCS 120/30) (from Ch. 111, par. 8301-30)

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

9 Sec. 30. License applications; renewal ~~renewal application~~
10 procedures. An application for an original license or renewal
11 shall be made to the Department in writing or electronically
12 on forms prescribed by the Department and shall be accompanied
13 by the required fee, which shall not be refundable. Any such
14 application shall require such information as in the judgment
15 of the Department will enable the Board and Department to pass
16 on the qualifications of the applicant for a license.
17 ~~Application for renewal of any license required by this Act~~
18 ~~shall be mailed or emailed to each licensee at least 60 days~~
19 ~~before the license expires.~~ If the application for renewal
20 with the required fee is not received by the Department before
21 the expiration date, the existing license shall lapse and
22 become null and void. Failure to renew before the expiration
23 date is cause for a late payment penalty, discipline, or both.

24 (Source: P.A. 101-420, eff. 8-16-19.)

1 (225 ILCS 120/31 new)

2 Sec. 31. Expiration of license; renewal.

3 (a) The expiration date and renewal period for each
4 license issued under this Act shall be set by rule.

5 (b) Any licensee who shall engage in the practice for
6 which the license was issued while the license is expired or on
7 inactive status shall be considered to be practicing without a
8 license which shall be grounds for discipline under this Act.

9 (c) A wholesale drug distributor or third-party logistics
10 provider whose license has been expired for one year or more
11 may not have its license restored but must apply for a new
12 license and meet all requirements for licensure. Any wholesale
13 drug distributor or third-party logistics provider whose
14 license has been expired for less than one year may apply for
15 restoration of its license and shall have its license
16 restored.

17 (d) Anyone operating on an expired license is engaged in
18 unlawful practice and subject to discipline under this Act.

19 (225 ILCS 120/35) (from Ch. 111, par. 8301-35)

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

21 Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

22 (a) The Department shall provide by rule for a schedule of
23 fees for the administration and enforcement of this Act,
24 including but not limited to original licensure, renewal, and
25 restoration. The fees shall be nonrefundable.

1 (b) All fees collected under this Act shall be deposited
2 into the Illinois State Pharmacy Disciplinary Fund and shall
3 be appropriated to the Department for the ordinary and
4 contingent expenses of the Department in the administration of
5 this Act. Moneys in the Fund may be transferred to the
6 Professions Indirect Cost Fund as authorized by Section
7 2105-300 of the Department of Financial and Professional
8 Regulation Law (20 ILCS 2105/2105-300).

9 The moneys deposited into the Illinois State Pharmacy
10 Disciplinary Fund shall be invested to earn interest which
11 shall accrue to the Fund.

12 ~~The Department shall present to the Board for its review~~
13 ~~and comment all appropriation requests from the Illinois State~~
14 ~~Pharmacy Disciplinary Fund. The Department shall give due~~
15 ~~consideration to any comments of the Board in making~~
16 ~~appropriation requests.~~

17 (c) Any person who delivers a check or other payment to the
18 Department that is returned to the Department unpaid by the
19 financial institution upon which it is drawn shall pay to the
20 Department, in addition to the amount already owed to the
21 Department, a fine of \$50. The fines imposed by this Section
22 are in addition to any other discipline provided under this
23 Act for unlicensed practice or practice on a nonrenewed
24 license. The Department shall notify the person that payment
25 of fees and fines shall be paid to the Department by certified
26 check or money order within 30 calendar days of the

1 notification. If, after the expiration of 30 days from the
2 date of the notification, the person has failed to submit the
3 necessary remittance, the Department shall automatically
4 terminate the license or certificate or deny the application,
5 without hearing. If, after termination or denial, the person
6 seeks a license or certificate, he or she shall apply to the
7 Department for restoration or issuance of the license or
8 certificate and pay all fees and fines due to the Department.
9 The Department may establish a fee for the processing of an
10 application for restoration of a license or certificate to pay
11 all expenses of processing this application. The Secretary
12 ~~Director~~ may waive the fines due under this Section in
13 individual cases where the Secretary ~~Director~~ finds that the
14 fines would be unreasonable or unnecessarily burdensome.

15 (d) (Blank). ~~The Department shall maintain a roster of the~~
16 ~~names and addresses of all registrants and of all persons~~
17 ~~whose licenses have been suspended or revoked. This roster~~
18 ~~shall be available upon written request and payment of the~~
19 ~~required fee.~~

20 (e) A manufacturer of controlled substances, wholesale
21 distributor of controlled substances, or third-party logistics
22 provider that is licensed under this Act and owned and
23 operated by the State is exempt from licensure, registration,
24 renewal, and other fees required under this Act. Nothing in
25 this subsection (e) shall be construed to prohibit the
26 Department from imposing any fine or other penalty allowed

1 under this Act.

2 (Source: P.A. 101-420, eff. 8-16-19.)

3 (225 ILCS 120/40) (from Ch. 111, par. 8301-40)

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

5 Sec. 40. Rules and regulations. The Department shall make
6 any rules and regulations, not inconsistent with law, as may
7 be necessary to carry out the purposes and enforce the
8 provisions of this Act. ~~Rules and regulations that incorporate~~
9 ~~and set detailed standards for meeting each of the license~~
10 ~~prerequisites set forth in Section 25 of this Act shall be~~
11 ~~adopted no later than September 14, 1992.~~ All rules and
12 regulations promulgated under this Section shall conform to
13 wholesale drug distributor licensing guidelines formally
14 adopted by the FDA at 21 C.F.R. Part 205. In case of conflict
15 between any rule or regulation adopted by the Department and
16 any FDA wholesale drug distributor or third-party logistics
17 provider guideline, the FDA guideline shall control.

18 (Source: P.A. 101-420, eff. 8-16-19.)

19 (225 ILCS 120/50) (from Ch. 111, par. 8301-50)

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

21 Sec. 50. Inspection powers; access to records.

22 (a) Any pharmacy investigator authorized by the Department
23 has the right of entry for inspection ~~during normal business~~
24 ~~hours~~ of premises purporting or appearing to be used by a

1 wholesale drug distributor in this State, including the
2 business premises of a person licensed pursuant to this Act.
3 This right of entry shall permit the authorized pharmacy
4 investigator unfettered access to the entire business
5 premises. Any attempt to hinder an authorized pharmacy
6 investigator from inspecting the business premises and
7 documenting the inspection shall be a violation of this Act.
8 The duly authorized investigators shall be required to show
9 appropriate identification before being given access to a
10 wholesale drug distributor's premises and delivery vehicles.

11 (b) With the exception of the most recent 12 months of
12 records that must be kept on the premises where the drugs are
13 stored, wholesale drug distributors may keep records regarding
14 purchase and sales transactions electronically at a central
15 location apart from the principal office of the wholesale drug
16 distributor or the location at which the drugs were stored and
17 from which they were shipped, provided that the records shall
18 be made readily available for inspection within 2 working days
19 of a request by the Department. The records may be kept in any
20 form permissible under federal law applicable to prescription
21 drugs record keeping.

22 (c) (Blank).

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

24 (225 ILCS 120/57)

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

1 Sec. 57. Pedigree.

2 (a) Each person who is engaged in the wholesale
3 distribution of prescription drugs, including repackagers, but
4 excluding the original manufacturer of the finished form of
5 the prescription drug, that leave or have ever left the normal
6 distribution channel shall, before each wholesale distribution
7 of the drug, provide a pedigree to the person who receives the
8 drug. A retail pharmacy, mail order pharmacy, or chain
9 pharmacy warehouse must comply with the requirements of this
10 Section only if the pharmacy or chain pharmacy warehouse
11 engages in the wholesale distribution of prescription drugs.
12 On or before July 1, 2009, the Department shall determine a
13 targeted implementation date for electronic track and trace
14 pedigree technology. This targeted implementation date shall
15 not be sooner than July 1, 2010. Beginning on the date
16 established by the Department, pedigrees may be implemented
17 through an approved and readily available system that
18 electronically tracks and traces the wholesale distribution of
19 each prescription drug starting with the sale by the
20 manufacturer through acquisition and sale by any wholesale
21 distributor and until final sale to a pharmacy or other
22 authorized person administering or dispensing the prescription
23 drug. This electronic tracking system shall be deemed to be
24 readily available only upon there being available a
25 standardized system originating with the manufacturers and
26 capable of being used on a wide scale across the entire

1 pharmaceutical chain, including manufacturers, wholesale
2 distributors, third-party logistics providers, and pharmacies.
3 Consideration must also be given to the large-scale
4 implementation of this technology across the supply chain and
5 the technology must be proven to have no negative impact on the
6 safety and efficacy of the pharmaceutical product.

7 (b) Each person who is engaged in the wholesale
8 distribution of a prescription drug who is provided a pedigree
9 for a prescription drug and attempts to further distribute
10 that prescription drug, including repackagers, but excluding
11 the original manufacturer of the finished form of the
12 prescription drug, must affirmatively verify before any
13 distribution of a prescription drug occurs that each
14 transaction listed on the pedigree has occurred.

15 (c) The pedigree must include all necessary identifying
16 information concerning each sale in the chain of distribution
17 of the product from the manufacturer or the manufacturer's
18 third-party ~~third-party~~ logistics provider, co-licensed
19 product partner, or exclusive distributor through acquisition
20 and sale by any wholesale distributor or repackager, until
21 final sale to a pharmacy or other person dispensing or
22 administering the drug. This necessary chain of distribution
23 information shall include, without limitation all of the
24 following:

25 (1) The name, address, telephone number and, if
26 available, the e-mail address of each owner of the

1 prescription drug and each wholesale distributor of the
2 prescription drug.

3 (2) The name and address of each location from which
4 the product was shipped, if different from the owner's.

5 (3) Transaction dates.

6 (4) Certification that each recipient has
7 authenticated the pedigree.

8 (d) The pedigree must also include without limitation all
9 of the following information concerning the prescription drug:

10 (1) The name and national drug code number of the
11 prescription drug.

12 (2) The dosage form and strength of the prescription
13 drug.

14 (3) The size of the container.

15 (4) The number of containers.

16 (5) The lot number of the prescription drug.

17 (6) The name of the manufacturer of the finished
18 dosage form.

19 (e) Each pedigree or electronic file shall be maintained
20 by the purchaser and the wholesale distributor for at least 3
21 years from the date of sale or transfer and made available for
22 inspection or use within 5 business days upon a request of the
23 Department.

24 (Source: P.A. 101-420, eff. 8-16-19.)

25 (225 ILCS 120/70) (from Ch. 111, par. 8301-70)

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

2 Sec. 70. Immediate suspension of license or registration;
3 hearing. The Secretary ~~Director~~ may, upon receipt of a
4 written communication from the Secretary of Human Services or
5 the Director of Public Health that continuation of practice of
6 a person licensed or registered under this Act constitutes an
7 immediate danger to the public, immediately suspend the
8 license or registration of that person without a hearing. In
9 instances in which the Secretary ~~Director~~ immediately suspends
10 a license or registration under this Section, a hearing upon
11 the person's license must be convened by the Board within 15
12 days after the suspension and completed without appreciable
13 delay. The hearing shall be held to determine whether to
14 recommend to the Secretary ~~Director~~ that the person's license
15 be revoked, suspended, placed on probationary status, or
16 reinstated, or that the person be subject to other
17 disciplinary action. In the hearing, the written communication
18 and any other evidence submitted with the communication may be
19 introduced as evidence against the person. The person or his
20 or her counsel shall have the opportunity to discredit or
21 impeach such evidence and submit rebuttal evidence.

22 (Source: P.A. 89-507, eff. 7-1-97.)

23 (225 ILCS 120/75) (from Ch. 111, par. 8301-75)

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

25 Sec. 75. Automatic suspension. The determination by a

1 circuit court that a licensee is subject to involuntary
2 admission or judicial admission as provided in the Mental
3 Health and Developmental Disabilities Code operates as an
4 automatic suspension. The suspension shall end only upon (i) a
5 finding by a court that the patient is no longer subject to
6 involuntary admission or judicial admission and the issuance
7 of an order so finding and discharging the patient and (ii) the
8 recommendation of the Board to the Secretary ~~Director~~ that the
9 licensee be allowed to resume his or her practice.

10 (Source: P.A. 91-357, eff. 7-29-99.)

11 (225 ILCS 120/80) (from Ch. 111, par. 8301-80)

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

13 Sec. 80. Violations of Act.

14 (a) If any person violates the provisions of this Act, the
15 Secretary ~~Director~~ may, in the name of the People of the State
16 of Illinois through the Attorney General of the State of
17 Illinois or the State's Attorney of any county in which the
18 action is brought, petition for an order enjoining the
19 violation or for an order enforcing compliance with this Act.
20 Upon the filing of a verified petition in the court, the court
21 may issue a temporary restraining order, without notice or
22 bond, and may preliminarily and permanently enjoin the
23 violation. If it is established that the person has violated
24 or is violating the injunction, the Court may punish the
25 offender for contempt of court. Proceedings under this Section

1 shall be in addition to, and not in lieu of, all other remedies
2 and penalties provided by this Act.

3 (b) Whoever knowingly conducts business as a wholesale
4 drug distributor or third-party logistics provider in this
5 State without being appropriately licensed under this Act
6 shall be guilty of a Class A misdemeanor for a first violation
7 and for each subsequent conviction shall be guilty of a Class 4
8 felony.

9 (c) Whenever in the opinion of the Department any person
10 not licensed in good standing under this Act violates any
11 provision of this Act, the Department may issue a rule to show
12 cause why an order to cease and desist should not be entered
13 against him. The rule shall clearly set forth the grounds
14 relied upon by the Department and shall provide a period of 7
15 days from the date of the rule to file an answer to the
16 satisfaction of the Department. Failure to answer to the
17 satisfaction of the Department shall cause an order to cease
18 and desist to be issued immediately.

19 (Source: P.A. 101-420, eff. 8-16-19.)

20 (225 ILCS 120/85) (from Ch. 111, par. 8301-85)

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

22 Sec. 85. Investigations; notice of disciplinary hearing.
23 The Department may investigate the actions of any applicant or
24 of any person or persons holding or claiming to hold a license
25 or registration. Before suspending, revoking, placing on

1 probationary status, or taking any other disciplinary action
2 as the Department may deem proper with regard to any license or
3 certificate, at least 30 days before the date set for the
4 hearing, the Department shall (i) notify the accused in
5 writing of any charges made and the time and place for a
6 hearing of the charges before the Board, (ii) direct him or her
7 to file a written answer to the charges with the Board under
8 oath within 20 days after the service of the notice, and (iii)
9 inform the accused that if he or she fails to file an answer
10 default will be taken against him or her and his or her license
11 or certificate may be suspended, revoked, placed on
12 probationary status, or have other disciplinary action,
13 including limiting the scope, nature or extent of business, as
14 provided for in this Act. The written notice may be served by
15 personal delivery, email to the respondent's email address of
16 record, or mail to the respondent's address of record ~~or~~
17 ~~certified or registered mail to the respondent at the address~~
18 ~~of last notification to the Department.~~ At the time and place
19 fixed in the notice, the Board shall proceed to hear the
20 charges and the parties or their counsel shall be accorded
21 ample opportunity to present any statements, testimony,
22 evidence and argument that may be pertinent to the charges or
23 to their defense. The hearing may be continued from time to
24 time. In case the accused person, after receiving notice,
25 fails to file an answer, his or her license or certificate may
26 in the discretion of the Secretary ~~Director~~, having received

1 first the recommendation of the Board, be suspended, revoked,
2 placed on probationary status, or the Secretary ~~Director~~ may
3 take whatever disciplinary action as he or she may deem proper
4 as provided in this Act, including limiting the scope, nature,
5 or extent of the person's practice, without a hearing, if the
6 act or acts charged constitute sufficient grounds for such
7 action under this Act.

8 (Source: P.A. 87-594.)

9 (225 ILCS 120/100) (from Ch. 111, par. 8301-100)

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

11 Sec. 100. Subpoena power; administration of oaths. The
12 Department shall have power to subpoena and bring before it
13 any person in this State and to take testimony, either orally
14 or by deposition or both, with the same fees and mileage and in
15 the same manner as prescribed by law in judicial proceedings
16 in civil cases in circuit courts of this State. The Department
17 may subpoena and compel the production of documents, papers,
18 files, books, and records in connection with any hearing or
19 investigation.

20 The Secretary, hearing officer, and ~~Director~~ and any
21 member of the Board shall each have power to administer oaths
22 to witnesses at any hearing which the Department is authorized
23 to conduct under this Act, and any other oaths required or
24 authorized to be administered by the Department under this
25 Act.

1 (Source: P.A. 87-594.)

2 (225 ILCS 120/105) (from Ch. 111, par. 8301-105)

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

4 Sec. 105. Report of findings and recommendation. At the
5 conclusion of the hearing, the Board shall present to the
6 Secretary ~~Director~~ a written report of its findings of fact,
7 conclusions of law, and recommendations. The report shall
8 contain a finding whether or not the accused person violated
9 this Act or failed to comply with the conditions required in
10 this Act. The Board shall specify the nature of the violation
11 or failure to comply and shall make its recommendations to the
12 Secretary ~~Director~~.

13 The report of findings of fact, conclusion of law, and
14 recommendations of the Board shall be the basis for the
15 Department's order for refusal or for the granting of a
16 license or registration. The finding is not admissible in
17 evidence against the person in a criminal prosecution brought
18 for the violation of this Act, but the hearing and finding are
19 not a bar to a criminal prosecution brought for the violation
20 of this Act.

21 (Source: P.A. 87-594.)

22 (225 ILCS 120/110) (from Ch. 111, par. 8301-110)

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

24 Sec. 110. Hearing officers; appointment. Notwithstanding

1 any other provision of this Act, the Secretary Director shall
2 have the authority to appoint any attorney duly licensed to
3 practice law in the State of Illinois to serve as the hearing
4 officer in any action before the Board for refusal to issue or
5 renew a license, or the discipline of a licensee. ~~The Director~~
6 ~~shall notify the Board of any such appointment. The hearing~~
7 ~~officer shall have full authority to conduct the hearing.~~
8 ~~There shall be present at least one member of the Board at any~~
9 ~~such hearing.~~ The hearing officer shall report his findings of
10 fact, conclusions of law, and recommendations to the Board and
11 the Secretary Director. The Board shall have 60 days from
12 receipt of the report to review the report of the hearing
13 officer and present its findings of fact, conclusions of law,
14 and recommendations to the Secretary Director. If the Board
15 fails to present its report within the 60 day period, the
16 Secretary Director may issue an order based on report of the
17 hearing officer and the record of the proceedings or issue an
18 order remanding the matter back to the hearing officer for
19 additional proceedings in accordance with the order. If the
20 Secretary disagrees with the recommendation of the Board or
21 the hearing officer, the Secretary may issue an order in
22 contravention of the recommendation. ~~However, if the Board~~
23 ~~does present its report within the specified 60 days, the~~
24 ~~Director's order shall be based upon the report of the Board.~~

25 (Source: P.A. 87-594.)

1 (225 ILCS 120/115) (from Ch. 111, par. 8301-115)

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

3 Sec. 115. Motion for rehearing. In any case involving the
4 refusal to issue, renew, or discipline of a license or
5 registration, a copy of the Board's report shall be served
6 upon the respondent by the Department, either personally or as
7 provided in this Act for the service of the notice of hearing.
8 Within 20 days after service, the respondent may present to
9 the Department a motion in writing for a rehearing, which
10 shall specify the particular grounds for rehearing. If no
11 motion for rehearing is filed, then upon the expiration of the
12 time specified for filing a motion, or if a motion for
13 rehearing is denied, then upon denial the Secretary ~~Director~~
14 may enter an order in accordance with recommendations of the
15 Board. If the respondent orders from the reporting service and
16 pays for a transcript of the record within the time for filing
17 a motion for rehearing, the 20-day ~~20-day~~ period within which a
18 motion may be filed shall commence upon the delivery of the
19 transcript to the respondent.

20 (Source: P.A. 87-594.)

21 (225 ILCS 120/120) (from Ch. 111, par. 8301-120)

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

23 Sec. 120. Rehearing by order of Secretary ~~Director~~.
24 Whenever the Secretary ~~Director~~ is satisfied that substantial
25 justice has not been done in the revocation, suspension, or

1 refusal to issue or renew a license or registration, the
2 Secretary ~~Director~~ may order a rehearing by the same hearing
3 office or Board.

4 (Source: P.A. 87-594.)

5 (225 ILCS 120/125) (from Ch. 111, par. 8301-125)

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

7 Sec. 125. Duties of the Board ~~Board recommendations to~~
8 ~~Director; disagreement.~~ The Board shall exercise the rights,
9 powers, and duties which have been vested in the Board under
10 this Act, and any other duties conferred upon the Board by law.
11 ~~None of the disciplinary functions, powers, and duties~~
12 ~~enumerated in this Act shall be exercised by the Department~~
13 ~~except upon the action and report in writing of the Board,~~
14 ~~except as otherwise provided in this Act.~~

15 ~~In all instances under this Act in which the Board has~~
16 ~~rendered a recommendation to the Director with respect to a~~
17 ~~particular license or certificate, the Director shall, in the~~
18 ~~event that he or she disagrees with or takes action contrary to~~
19 ~~the recommendation of the Board, file with the Board and~~
20 ~~Secretary of State his or her specific written reasons for~~
21 ~~disagreement with the Board. These reasons shall be filed~~
22 ~~within 30 days after the Director taking the contrary~~
23 ~~position.~~

24 ~~The action and report in writing of a majority of the Board~~
25 ~~is sufficient authority upon which the Director may act.~~

1 (Source: P.A. 87-594.)

2 (225 ILCS 120/135) (from Ch. 111, par. 8301-135)

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

4 Sec. 135. Disciplinary consent orders. Notwithstanding the
5 provisions of this Act concerning the conduct of hearings and
6 recommendations for disciplinary actions, the Secretary
7 ~~Director~~ shall have the authority to negotiate agreements with
8 licensees ~~and registrants~~ resulting in disciplinary consent
9 orders. Consent orders may provide for any of the forms of
10 discipline otherwise provided in this Act. Consent orders
11 shall provide that they were not entered into a result of any
12 coercion by the Department. ~~The Director shall forward copies~~
13 ~~of all final consent orders to the Board within 30 days after~~
14 ~~their entry.~~

15 (Source: P.A. 87-594.)

16 (225 ILCS 120/140) (from Ch. 111, par. 8301-140)

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

18 Sec. 140. Orders; prima facie proof. An order or a
19 certified copy thereof, over the seal of the Department and
20 purporting to be signed by the Secretary ~~Director~~, shall be
21 prima facie proof that:

22 (a) the signature is the genuine signature of the
23 Secretary ~~Director~~;

24 (b) the Secretary ~~Director~~ is duly appointed and

1 qualified; and

2 (c) the Board and its members are qualified to act.

3 (Source: P.A. 91-357, eff. 7-29-99.)

4 (225 ILCS 120/155) (from Ch. 111, par. 8301-155)

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

6 Sec. 155. Temporary suspension of license; hearing. The
7 Secretary ~~Director~~ may temporarily suspend licensure as a
8 wholesale drug distributor or third-party logistics provider,
9 without a hearing, simultaneously with the institution of
10 proceedings for a hearing provided for in Section 85 of this
11 Act, if the Secretary ~~Director~~ finds that evidence in his or
12 her possession indicates that a continuation in business would
13 constitute an imminent danger to the public. In the event that
14 the Secretary ~~Director~~ temporarily suspends a license or
15 certificate without a hearing, a hearing by the Department
16 must be held within 10 days after the suspension has occurred
17 and be concluded without appreciable delay.

18 (Source: P.A. 101-420, eff. 8-16-19.)

19 (225 ILCS 120/165) (from Ch. 111, par. 8301-165)

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

21 Sec. 165. Certification of record; ~~receipt for costs.~~ The
22 Department shall not be required to certify any record to the
23 court, to file an answer in court, or to otherwise appear in
24 any court in a judicial review proceeding unless and until the

1 Department has received from the plaintiff payment of the
2 costs of furnishing and certifying the record, which costs
3 shall be determined by the Department. Failure on the part of
4 the plaintiff to file a receipt in court shall be grounds for
5 dismissal of the action. During the pendency and hearing of
6 any and all judicial proceedings incident to the disciplinary
7 action, the sanctions imposed upon the accused by the
8 Department because of acts or omissions related to the
9 delivery of direct patient care as specified in the
10 Department's final administrative decision, shall, as a matter
11 of public policy, remain in full force and effect in order to
12 protect the public pending final resolution of any of the
13 proceedings.

14 ~~The Department shall not be required to certify any record to~~
15 ~~the court or file any answer in court or otherwise appear in~~
16 ~~any court in a judicial review proceeding, unless there is~~
17 ~~filed in the court, with the complaint, a receipt from the~~
18 ~~Department acknowledging payment of the costs of furnishing~~
19 ~~and certifying the record, which costs shall be computed at~~
20 ~~the rate of 25 cents per page of such record. Failure on the~~
21 ~~part of the plaintiff to file a receipt in court shall be~~
22 ~~grounds for dismissal of the action.~~

23 (Source: P.A. 87-594.)

24 (225 ILCS 120/200)

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

1 Sec. 200. Drugs in shortage.

2 (a) For the purpose of this Section, "drug in shortage"
3 means a drug, as defined in Section 356c of the Federal Food,
4 Drug, and Cosmetic Act, listed on the drug shortage list
5 maintained by the U.S. Food and Drug Administration in
6 accordance with Section 356e of the Federal Food, Drug, and
7 Cosmetic Act.

8 (b) Any person engaged in the wholesale distribution of a
9 drug in shortage in this State must be licensed by the
10 Department.

11 (c) It is unlawful for any person, other than a
12 manufacturer, a manufacturer's exclusive distributor, a
13 third-party ~~third party~~ logistics provider, or an authorized
14 distributor of record, to purchase or receive a drug in
15 shortage from any person not licensed by the Department. This
16 subsection (c) does not apply to the return of drugs or the
17 purchase or receipt of drugs pursuant to any of the
18 distributions that are specifically excluded from the
19 definition of "wholesale distribution" in Section 15 of the
20 Wholesale Drug Distribution Licensing Act.

21 (d) A person found to have violated a provision of this
22 Section shall be subject to administrative fines, orders for
23 restitution, and orders for disgorgement.

24 (e) The Department shall create a centralized, searchable
25 database of those entities licensed to engage in wholesale
26 distribution, including manufacturers, wholesale

1 distributors, and pharmacy distributors, to enable purchasers
2 of a drug in shortage to easily verify the licensing status of
3 an entity offering such drugs.

4 (f) The Department shall establish a system for reporting
5 the reasonable suspicion that a violation of this Act has been
6 committed by a distributor of a drug in shortage. Reports made
7 through this system shall be referred to the Office of the
8 Attorney General and the appropriate State's Attorney's office
9 for further investigation and prosecution.

10 (g) The Department shall adopt rules to carry out the
11 provisions of this Section.

12 (h) Nothing in this Section prohibits one hospital
13 pharmacy from purchasing or receiving a drug in shortage from
14 another hospital pharmacy in the event of a medical emergency.
15 (Source: P.A. 98-355, eff. 8-16-13.)

16 (225 ILCS 120/3 rep.)

17 Section 15. The Wholesale Drug Distribution Licensing Act
18 is amended by repealing Section 3.

19 Section 99. Effective date. This Section and Section 5
20 take effect upon becoming law.

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