



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0194

Introduced 2/9/2021, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

225 ILCS 85/4

from Ch. 111, par. 4124

Amends the Pharmacy Practice Act. Provides that a student pharmacist or licensed pharmacy technician engaged in remote prescription processing of dialysate or devices necessary to perform home peritoneal renal dialysis at a licensed pharmacy shall be permitted to access an employer pharmacy's database from his or her home or other remote location while under the supervision of a pharmacist for the purpose of performing certain prescription processing functions, provided that the pharmacy establishes controls to protect the privacy and security of confidential records. Effective immediately.

LRB102 04364 SPS 14382 b

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 Pharmacy Practice Act is amended by
5 changing Section 4 as follows:

6 (225 ILCS 85/4) (from Ch. 111, par. 4124)

7 (Section scheduled to be repealed on January 1, 2023)

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

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

17 (b) the sale of compressed gases;

18 (c) the sale of patent or proprietary medicines and
19 household remedies when sold in original and unbroken
20 packages only, if such patent or proprietary medicines and
21 household remedies be properly and adequately labeled as
22 to content and usage and generally considered and accepted
23 as harmless and nonpoisonous when used according to the

1 directions on the label, and also do not contain opium or
2 coca leaves, or any compound, salt or derivative thereof,
3 or any drug which, according to the latest editions of the
4 following authoritative pharmaceutical treatises and
5 standards, namely, The United States
6 Pharmacopoeia/National Formulary (USP/NF), the United
7 States Dispensatory, and the Accepted Dental Remedies of
8 the Council of Dental Therapeutics of the American Dental
9 Association or any or either of them, in use on the
10 effective date of this Act, or according to the existing
11 provisions of the Federal Food, Drug, and Cosmetic Act and
12 Regulations of the Department of Health and Human
13 Services, Food and Drug Administration, promulgated
14 thereunder now in effect, is designated, described or
15 considered as a narcotic, hypnotic, habit forming,
16 dangerous, or poisonous drug;

17 (d) the sale of poultry and livestock remedies in
18 original and unbroken packages only, labeled for poultry
19 and livestock medication;

20 (e) the sale of poisonous substances or mixture of
21 poisonous substances, in unbroken packages, for
22 nonmedicinal use in the arts or industries or for
23 insecticide purposes; provided, they are properly and
24 adequately labeled as to content and such nonmedicinal
25 usage, in conformity with the provisions of all applicable
26 federal, state and local laws and regulations promulgated

1 thereunder now in effect relating thereto and governing
2 the same, and those which are required under such
3 applicable laws and regulations to be labeled with the
4 word "Poison", are also labeled with the word "Poison"
5 printed thereon in prominent type and the name of a
6 readily obtainable antidote with directions for its
7 administration;

8 (f) the delegation of limited prescriptive authority
9 by a physician licensed to practice medicine in all its
10 branches to a physician assistant under Section 7.5 of the
11 Physician Assistant Practice Act of 1987. This delegated
12 authority under Section 7.5 of the Physician Assistant
13 Practice Act of 1987 may, but is not required to, include
14 prescription of controlled substances, as defined in
15 Article II of the Illinois Controlled Substances Act, in
16 accordance with a written supervision agreement;

17 (g) the delegation of prescriptive authority by a
18 physician licensed to practice medicine in all its
19 branches or a licensed podiatric physician to an advanced
20 practice registered nurse in accordance with a written
21 collaborative agreement under Sections 65-35 and 65-40 of
22 the Nurse Practice Act; and

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

1 (1) the dialysate, comprised of dextrose or
2 icodextrin, or devices are approved or cleared by the
3 federal Food and Drug Administration, as required by
4 federal law;

5 (2) the dialysate or devices are lawfully held by
6 a manufacturer or the manufacturer's agent, which is
7 properly registered with the Board as a manufacturer,
8 third-party logistics provider, or wholesaler;

9 (3) the dialysate or devices are held and
10 delivered to the manufacturer or the manufacturer's
11 agent in the original, sealed packaging from the
12 manufacturing facility;

13 (4) the dialysate or devices are delivered only
14 upon receipt of a physician's prescription by a
15 licensed pharmacy in which the prescription is
16 processed in accordance with provisions set forth in
17 this Act, and the transmittal of an order from the
18 licensed pharmacy to the manufacturer or the
19 manufacturer's agent; and

20 (5) the manufacturer or the manufacturer's agent
21 delivers the dialysate or devices directly to: (i) a
22 patient with end-stage renal disease, or his or her
23 designee, for the patient's self-administration of the
24 dialysis therapy or (ii) a health care provider or
25 institution for administration or delivery of the
26 dialysis therapy to a patient with end-stage renal

1 disease.

2 This paragraph (h) does not include any other drugs
3 for peritoneal dialysis, except dialysate, as described in
4 item (1) of this paragraph (h). All records of sales and
5 distribution of dialysate to patients made pursuant to
6 this paragraph (h) must be retained in accordance with
7 Section 18 of this Act. A student pharmacist or licensed
8 pharmacy technician engaged in remote prescription
9 processing under Section 25.10 of this Act at a licensed
10 pharmacy described in item (4) of this paragraph (h) shall
11 be permitted to access an employer pharmacy's database
12 from his or her home or other remote location while under
13 the supervision of a pharmacist for the purpose of
14 performing certain prescription processing functions,
15 provided that the pharmacy establishes controls to protect
16 the privacy and security of confidential records.

17 (Source: P.A. 100-218, eff. 8-18-17; 100-513, eff. 1-1-18;
18 100-863, eff. 8-14-18; 101-420, eff. 8-16-19.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.