

1 AN ACT concerning criminal law.

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

4 Section 5. The Pharmacy Practice Act is amended by  
5 changing Section 19.1 as follows:

6 (225 ILCS 85/19.1)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 19.1. Dispensing opioid antagonists.

9 (a) Due to the recent rise in opioid-related deaths in  
10 Illinois and the existence of an opioid antagonist that can  
11 reverse the deadly effects of overdose, the General Assembly  
12 finds that in order to avoid further loss where possible, it is  
13 responsible to allow greater access of such an antagonist to  
14 those populations at risk of overdose.

15 (b) Notwithstanding any general or special law to the  
16 contrary, a licensed pharmacist shall ~~may~~ dispense an opioid  
17 antagonist in accordance with written, standardized procedures  
18 or protocols developed by the Department with the Department  
19 of Public Health and the Department of Human Services and ~~if~~  
20 ~~the procedures or protocols are~~ filed at the pharmacy before  
21 implementation and are available to the Department upon  
22 request.

23 (c) Before dispensing an opioid a pharmacist shall inform

1 patients that opioids are addictive and offer to dispense an  
2 opioid antagonist pursuant to this Section, a pharmacist shall  
3 complete a training program approved by the Department of  
4 Human Services pursuant to Section 5-23 of the Substance Use  
5 Disorder Act. The training program shall include, but not be  
6 limited to, proper documentation and quality assurance.

7 (d) For the purpose of this Section, "opioid antagonist"  
8 means a drug that binds to opioid receptors and blocks or  
9 inhibits the effect of opioids acting on those receptors,  
10 including, but not limited to, naloxone hydrochloride or any  
11 other similarly acting and equally safe drug approved by the  
12 U.S. Food and Drug Administration for the treatment of drug  
13 overdose.

14 (Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16;  
15 100-759, eff. 1-1-193.)

16 Section 10. The Illinois Controlled Substances Act is  
17 amended by changing Section 312 as follows:

18 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

19 Sec. 312. Requirements for dispensing controlled  
20 substances.

21 (a) A practitioner, in good faith, may dispense a Schedule  
22 II controlled substance, which is a narcotic drug listed in  
23 Section 206 of this Act; or which contains any quantity of  
24 amphetamine or methamphetamine, their salts, optical isomers

1 or salts of optical isomers; phenmetrazine and its salts; or  
2 pentazocine; and Schedule III, IV, or V controlled substances  
3 to any person upon a written or electronic prescription of any  
4 prescriber, dated and signed by the person prescribing (or  
5 electronically validated in compliance with Section 311.5) on  
6 the day when issued and bearing the name and address of the  
7 patient for whom, or the owner of the animal for which the  
8 controlled substance is dispensed, and the full name, address  
9 and registry number under the laws of the United States  
10 relating to controlled substances of the prescriber, if he or  
11 she is required by those laws to be registered. If the  
12 prescription is for an animal it shall state the species of  
13 animal for which it is ordered. The practitioner filling the  
14 prescription shall, unless otherwise permitted, write the date  
15 of filling and his or her own signature on the face of the  
16 written prescription or, alternatively, shall indicate such  
17 filling using a unique identifier as defined in paragraph (v)  
18 of Section 3 of the Pharmacy Practice Act. The written  
19 prescription shall be retained on file by the practitioner who  
20 filled it or pharmacy in which the prescription was filled for  
21 a period of 2 years, so as to be readily accessible for  
22 inspection or removal by any officer or employee engaged in  
23 the enforcement of this Act. Whenever the practitioner's or  
24 pharmacy's copy of any prescription is removed by an officer  
25 or employee engaged in the enforcement of this Act, for the  
26 purpose of investigation or as evidence, such officer or

1 employee shall give to the practitioner or pharmacy a receipt  
2 in lieu thereof. If the specific prescription is machine or  
3 computer generated and printed at the prescriber's office, the  
4 date does not need to be handwritten. A prescription for a  
5 Schedule II controlled substance shall not be issued for more  
6 than a 30 day supply, except as provided in subsection (a-5),  
7 and shall be valid for up to 90 days after the date of  
8 issuance. A written prescription for Schedule III, IV or V  
9 controlled substances shall not be filled or refilled more  
10 than 6 months after the date thereof or refilled more than 5  
11 times unless renewed, in writing, by the prescriber. A  
12 pharmacy shall maintain a policy regarding the type of  
13 identification necessary, if any, to receive a prescription in  
14 accordance with State and federal law. The pharmacy must post  
15 such information where prescriptions are filled.

16 (a-5) Physicians may issue multiple prescriptions (3  
17 sequential 30-day supplies) for the same Schedule II  
18 controlled substance, authorizing up to a 90-day supply.  
19 Before authorizing a 90-day supply of a Schedule II controlled  
20 substance, the physician must meet the following conditions:

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

24 (2) The individual physician must provide written  
25 instructions on each prescription (other than the first  
26 prescription, if the prescribing physician intends for the

1 prescription to be filled immediately) indicating the  
2 earliest date on which a pharmacy may fill that  
3 prescription.

4 (3) The physician shall document in the medical record  
5 of a patient the medical necessity for the amount and  
6 duration of the 3 sequential 30-day prescriptions for  
7 Schedule II narcotics.

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

12 (b) In lieu of a written prescription required by this  
13 Section, a pharmacist, in good faith, may dispense Schedule  
14 III, IV, or V substances to any person either upon receiving a  
15 facsimile of a written, signed prescription transmitted by the  
16 prescriber or the prescriber's agent or upon a lawful oral  
17 prescription of a prescriber which oral prescription shall be  
18 reduced promptly to writing by the pharmacist and such written  
19 memorandum thereof shall be dated on the day when such oral  
20 prescription is received by the pharmacist and shall bear the  
21 full name and address of the ultimate user for whom, or of the  
22 owner of the animal for which the controlled substance is  
23 dispensed, and the full name, address, and registry number  
24 under the law of the United States relating to controlled  
25 substances of the prescriber prescribing if he or she is  
26 required by those laws to be so registered, and the pharmacist

1 filling such oral prescription shall write the date of filling  
2 and his or her own signature on the face of such written  
3 memorandum thereof. The facsimile copy of the prescription or  
4 written memorandum of the oral prescription shall be retained  
5 on file by the proprietor of the pharmacy in which it is filled  
6 for a period of not less than two years, so as to be readily  
7 accessible for inspection by any officer or employee engaged  
8 in the enforcement of this Act in the same manner as a written  
9 prescription. The facsimile copy of the prescription or oral  
10 prescription and the written memorandum thereof shall not be  
11 filled or refilled more than 6 months after the date thereof or  
12 be refilled more than 5 times, unless renewed, in writing, by  
13 the prescriber.

14 (c) Except for any non-prescription targeted  
15 methamphetamine precursor regulated by the Methamphetamine  
16 Precursor Control Act, a controlled substance included in  
17 Schedule V shall not be distributed or dispensed other than  
18 for a medical purpose and not for the purpose of evading this  
19 Act, and then:

20 (1) only personally by a person registered to dispense  
21 a Schedule V controlled substance and then only to his or  
22 her patients, or

23 (2) only personally by a pharmacist, and then only to  
24 a person over 21 years of age who has identified himself or  
25 herself to the pharmacist by means of 2 positive documents  
26 of identification.

1           (3) the dispenser shall record the name and address of  
2           the purchaser, the name and quantity of the product, the  
3           date and time of the sale, and the dispenser's signature.

4           (4) no person shall purchase or be dispensed more than  
5           120 milliliters or more than 120 grams of any Schedule V  
6           substance which contains codeine, dihydrocodeine, or any  
7           salts thereof, or ethylmorphine, or any salts thereof, in  
8           any 96 hour period. The purchaser shall sign a form,  
9           approved by the Department of Financial and Professional  
10          Regulation, attesting that he or she has not purchased any  
11          Schedule V controlled substances within the immediately  
12          preceding 96 hours.

13          (5) (Blank).

14          (6) all records of purchases and sales shall be  
15          maintained for not less than 2 years.

16          (7) no person shall obtain or attempt to obtain within  
17          any consecutive 96 hour period any Schedule V substances  
18          of more than 120 milliliters or more than 120 grams  
19          containing codeine, dihydrocodeine or any of its salts, or  
20          ethylmorphine or any of its salts. Any person obtaining  
21          any such preparations or combination of preparations in  
22          excess of this limitation shall be in unlawful possession  
23          of such controlled substance.

24          (8) a person qualified to dispense controlled  
25          substances under this Act and registered thereunder shall  
26          at no time maintain or keep in stock a quantity of Schedule

1 V controlled substances in excess of 4.5 liters for each  
2 substance; a pharmacy shall at no time maintain or keep in  
3 stock a quantity of Schedule V controlled substances as  
4 defined in excess of 4.5 liters for each substance, plus  
5 the additional quantity of controlled substances necessary  
6 to fill the largest number of prescription orders filled  
7 by that pharmacy for such controlled substances in any one  
8 week in the previous year. These limitations shall not  
9 apply to Schedule V controlled substances which Federal  
10 law prohibits from being dispensed without a prescription.

11 (9) no person shall distribute or dispense butyl  
12 nitrite for inhalation or other introduction into the  
13 human body for euphoric or physical effect.

14 (d) Every practitioner shall keep a record or log of  
15 controlled substances received by him or her and a record of  
16 all such controlled substances administered, dispensed or  
17 professionally used by him or her otherwise than by  
18 prescription. It shall, however, be sufficient compliance with  
19 this paragraph if any practitioner utilizing controlled  
20 substances listed in Schedules III, IV and V shall keep a  
21 record of all those substances dispensed and distributed by  
22 him or her other than those controlled substances which are  
23 administered by the direct application of a controlled  
24 substance, whether by injection, inhalation, ingestion, or any  
25 other means to the body of a patient or research subject. A  
26 practitioner who dispenses, other than by administering, a

1 controlled substance in Schedule II, which is a narcotic drug  
2 listed in Section 206 of this Act, or which contains any  
3 quantity of amphetamine or methamphetamine, their salts,  
4 optical isomers or salts of optical isomers, pentazocine, or  
5 methaqualone shall do so only upon the issuance of a written  
6 prescription blank or electronic prescription issued by a  
7 prescriber.

8 (e) Whenever a manufacturer distributes a controlled  
9 substance in a package prepared by him or her, and whenever a  
10 wholesale distributor distributes a controlled substance in a  
11 package prepared by him or her or the manufacturer, he or she  
12 shall securely affix to each package in which that substance  
13 is contained a label showing in legible English the name and  
14 address of the manufacturer, the distributor and the quantity,  
15 kind and form of controlled substance contained therein. No  
16 person except a pharmacist and only for the purposes of  
17 filling a prescription under this Act, shall alter, deface or  
18 remove any label so affixed.

19 (f) Whenever a practitioner dispenses any controlled  
20 substance except a non-prescription Schedule V product or a  
21 non-prescription targeted methamphetamine precursor regulated  
22 by the Methamphetamine Precursor Control Act, he or she shall  
23 affix to the container in which such substance is sold or  
24 dispensed, a label indicating the date of initial filling, the  
25 practitioner's name and address, the name of the patient, the  
26 name of the prescriber, the directions for use and cautionary

1 statements, if any, contained in any prescription or required  
2 by law, the proprietary name or names or the established name  
3 of the controlled substance, and the dosage and quantity,  
4 except as otherwise authorized by regulation by the Department  
5 of Financial and Professional Regulation. No person shall  
6 alter, deface or remove any label so affixed as long as the  
7 specific medication remains in the container.

8 (g) A person to whom or for whose use any controlled  
9 substance has been prescribed or dispensed by a practitioner,  
10 or other persons authorized under this Act, and the owner of  
11 any animal for which such substance has been prescribed or  
12 dispensed by a veterinarian, may lawfully possess such  
13 substance only in the container in which it was delivered to  
14 him or her by the person dispensing such substance.

15 (h) The responsibility for the proper prescribing or  
16 dispensing of controlled substances that are under the  
17 prescriber's direct control is upon the prescriber. The  
18 responsibility for the proper filling of a prescription for  
19 controlled substance drugs rests with the pharmacist. An order  
20 purporting to be a prescription issued to any individual,  
21 which is not in the regular course of professional treatment  
22 nor part of an authorized methadone maintenance program, nor  
23 in legitimate and authorized research instituted by any  
24 accredited hospital, educational institution, charitable  
25 foundation, or federal, state or local governmental agency,  
26 and which is intended to provide that individual with

1 controlled substances sufficient to maintain that individual's  
2 or any other individual's physical or psychological addiction,  
3 habitual or customary use, dependence, or diversion of that  
4 controlled substance is not a prescription within the meaning  
5 and intent of this Act; and the person issuing it, shall be  
6 subject to the penalties provided for violations of the law  
7 relating to controlled substances.

8 (i) A prescriber shall not pre-print or cause to be  
9 pre-printed a prescription for any controlled substance; nor  
10 shall any practitioner issue, fill or cause to be issued or  
11 filled, a pre-printed prescription for any controlled  
12 substance.

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

17 (j) No person shall manufacture, dispense, deliver,  
18 possess with intent to deliver, prescribe, or administer or  
19 cause to be administered under his or her direction any  
20 anabolic steroid, for any use in humans other than the  
21 treatment of disease in accordance with the order of a  
22 physician licensed to practice medicine in all its branches  
23 for a valid medical purpose in the course of professional  
24 practice. The use of anabolic steroids for the purpose of  
25 hormonal manipulation that is intended to increase muscle  
26 mass, strength or weight without a medical necessity to do so,

1 or for the intended purpose of improving physical appearance  
2 or performance in any form of exercise, sport, or game, is not  
3 a valid medical purpose or in the course of professional  
4 practice.

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

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

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

14 (3) If the controlled substances consist of  
15 prescription medicines, the inner container must be  
16 labeled to show the name and address of the pharmacy or  
17 practitioner dispensing the prescription.

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

20 (l) Notwithstanding any other provision of this Act to the  
21 contrary, emergency medical services personnel may administer  
22 Schedule II, III, IV, or V controlled substances to a person in  
23 the scope of their employment without a written, electronic,  
24 or oral prescription of a prescriber.

25 (Source: P.A. 99-78, eff. 7-20-15; 99-480, eff. 9-9-15;  
26 100-280, eff. 1-1-18.)

1           Section 99. Effective date. This Act takes effect January  
2    1, 2023.