



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4525

Introduced 1/31/2024, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Wholesale Prescription Drug Importation Program Act. Requires the Department of Public Health to establish the Wholesale Prescription Drug Importation Program. Provides that the Department shall implement the program by: contracting with one or more prescription drug wholesalers and Canadian suppliers to import prescription drugs and provide prescription drug cost savings to consumers in this State; developing a registration process for health benefit plan issuers, health care providers, and pharmacies to obtain and dispense prescription drugs imported under the program; developing a list of prescription drugs, including the prices of those drugs, that meet certain requirements set forth under the Act and publishing the list on the Department's website; establishing an outreach and marketing plan to generate program awareness; ensuring the program and the prescription drug wholesalers that contract with this State comply with certain federal tracking, tracing, verification, and identification requirements; and other actions. Sets forth eligibility criteria for prescription drugs that may be imported into the State under the program. Contains provisions concerning anticompetitive behavior monitoring; program funding; program expansion; audit procedures; annual reporting requirements; the adoption of rules to implement the Act; and federal waiver or authorization requirements. Effective July 1, 2024.

LRB103 36423 RPS 66525 b

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 Wholesale Prescription Drug Importation Program Act.

6 Section 5. Definitions. As used in this Act:

7 "Canadian supplier" means a manufacturer, wholesale  
8 distributor, or pharmacy that is appropriately licensed or  
9 permitted under Canadian federal or provincial laws and rules  
10 to manufacture, distribute, or dispense prescription drugs.

11 "Department" means the Department of Public Health.

12 "Director" means the Director of Public Health.

13 "Prescription drug wholesaler" means a person or entity  
14 licensed as a wholesale drug distributor under the Wholesale  
15 Drug Distribution Licensing Act, that contracts with this  
16 State to import prescription drugs under the program.

17 "Program" means the Wholesale Prescription Drug  
18 Importation Program.

19 Section 10. Wholesale Prescription Drug Importation  
20 Program.

21 (a) The Department shall establish the Wholesale  
22 Prescription Drug Importation Program to provide lower cost

1 prescription drugs available outside of the United States to  
2 consumers in this State at the lower cost.

3 (b) The Department shall implement the program by:

4 (1) contracting with one or more prescription drug  
5 wholesalers and Canadian suppliers to import prescription  
6 drugs and provide prescription drug cost savings to  
7 consumers in this State;

8 (2) developing a registration process for health  
9 benefit plan issuers, health care providers, and  
10 pharmacies to obtain and dispense prescription drugs  
11 imported under the program;

12 (3) developing a list of prescription drugs, including  
13 the prices of those drugs, that meet the requirements of  
14 Section 15 and publishing the list on the Department's  
15 website;

16 (4) establishing an outreach and marketing plan to  
17 generate program awareness;

18 (5) establishing and administering a telephone call  
19 center or electronic portal to provide information about  
20 the program;

21 (6) ensuring the program and the prescription drug  
22 wholesalers that contract with this State under paragraph  
23 (1) comply with the tracking, tracing, verification, and  
24 identification requirements of 21 U.S.C. 360eee-1;

25 (7) prohibiting the distribution, dispensing, or sale  
26 of prescription drugs imported under this Act outside the

1 boundaries of this State; and

2 (8) performing any other duties the Director  
3 determines necessary to implement the program.

4 (c) The Department shall ensure that the program meets the  
5 requirements of 21 U.S.C. 384.

6 (d) In developing the program, the Department may consult  
7 with interested parties.

8 Section 15. Eligible prescription drugs. A prescription  
9 drug may be imported into this State under the program only if  
10 the drug:

11 (1) meets the United States Food and Drug  
12 Administration's standards related to prescription drug  
13 safety, effectiveness, misbranding, and adulteration;

14 (2) does not violate any federal patent laws through  
15 its importation;

16 (3) is expected to generate cost savings for  
17 consumers; and

18 (4) is not:

19 (A) listed as a controlled substance under State  
20 or federal law;

21 (B) a biological product;

22 (C) an infused drug;

23 (D) an intravenously injected drug;

24 (E) a drug that is inhaled during surgery; or

25 (F) a parenteral drug.

1           Section 20. Program expansion. In its discretion, the  
2 Department may by rule expand the Program to import  
3 prescription drugs from any other country that is allowed  
4 under federal law to import prescription drugs into the United  
5 States.

6           Section 25. Anticompetitive behavior monitoring. The  
7 Department, in consultation with the Attorney General, shall  
8 identify and monitor any potential anticompetitive activities  
9 in industries affected by the program.

10          Section 30. Program funding. In addition to money  
11 appropriated by the General Assembly, the Department may  
12 impose a fee on each prescription drug sold under the program  
13 or establish another funding method to administer the program.

14          Section 35. Audit procedures. The Director, by rule, shall  
15 develop procedures to effectively audit a prescription drug  
16 wholesaler participating in the program.

17          Section 40. Annual reporting. Not later than December 1,  
18 2025, and each December 1 thereafter, the Department shall  
19 submit a report to the Governor and the General Assembly  
20 regarding the operation of the program during the preceding  
21 State fiscal year, including:

1           (1) which prescription drugs and Canadian suppliers  
2           are included in the program;

3           (2) the number of health benefit plan issuers, health  
4           care providers, and pharmacies participating in the  
5           program;

6           (3) the number of prescriptions dispensed through the  
7           program;

8           (4) the estimated cost savings to consumers, health  
9           plans, employers, and this State since the establishment  
10          of the program and during the preceding State fiscal year;

11          (5) information regarding the implementation of the  
12          audit procedures under Section 35; and

13          (6) any other information:

14                (A) the Governor or the General Assembly requests;

15                or

16                (B) the Department considers necessary.

17          Section 45. Rules. As soon as practicable after the  
18          effective date of this Act, the Director shall adopt any rules  
19          necessary to implement this Act.

20          Section 50. Federal waiver or authorization. If, before  
21          implementing any provision of this Act, a State agency  
22          determines that a waiver or authorization from a federal  
23          agency is necessary for implementation of that provision, the  
24          agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until  
2 the waiver or authorization is granted.

3 Section 99. Effective date. This Act takes effect July 1,  
4 2024.