



Sen. Chapin Rose

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10300SB1889sam001

LRB103 03306 SPS 59782 a

1 AMENDMENT TO SENATE BILL 1889

2 AMENDMENT NO. _____. Amend Senate Bill 1889 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pharmacy Practice Act is amended by
5 changing Sections 9 and 15.1 and by adding Section 9.7 as
6 follows:

7 (225 ILCS 85/9)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 9. Licensure as registered pharmacy technician.

10 (a) Any person shall be entitled to licensure as a
11 registered pharmacy technician who is of the age of 16 or over,
12 has not engaged in conduct or behavior determined to be
13 grounds for discipline under this Act, is attending or has
14 graduated from an accredited high school or comparable school
15 or educational institution or received a State of Illinois
16 High School Diploma, and has filed a written or electronic

1 application for licensure on a form to be prescribed and
2 furnished by the Department for that purpose. The Department
3 shall issue a license as a registered pharmacy technician to
4 any applicant who has qualified as aforesaid, and such license
5 shall be the sole authority required to assist licensed
6 pharmacists in the practice of pharmacy, under the supervision
7 of a licensed pharmacist. A registered pharmacy technician may
8 be delegated to perform any task within the practice of
9 pharmacy if specifically trained for that task, except for
10 patient counseling, drug regimen review, clinical conflict
11 resolution, ~~or~~ final prescription verification except where a
12 registered certified pharmacy technician verifies a
13 prescription dispensed by another pharmacy technician using
14 technology-assisted medication verification, or providing
15 patients prophylaxis drugs for human immunodeficiency virus
16 pre-exposure prophylaxis or post-exposure prophylaxis.

17 (b) Beginning on January 1, 2017, within 2 years after
18 initial licensure as a registered pharmacy technician, the
19 licensee must meet the requirements described in Section 9.5
20 of this Act and become licensed as a registered certified
21 pharmacy technician. If the licensee has not yet attained the
22 age of 18, then upon the next renewal as a registered pharmacy
23 technician, the licensee must meet the requirements described
24 in Section 9.5 of this Act and become licensed as a registered
25 certified pharmacy technician. This requirement does not apply
26 to pharmacy technicians registered prior to January 1, 2008.

1 (c) (Blank). ~~Any person registered as a pharmacy~~
2 ~~technician who is also enrolled in a first professional degree~~
3 ~~program in pharmacy in a school or college of pharmacy or a~~
4 ~~department of pharmacy of a university approved by the~~
5 ~~Department or has graduated from such a program within the~~
6 ~~last 18 months, shall be considered a "student pharmacist" and~~
7 ~~entitled to use the title "student pharmacist". A student~~
8 ~~pharmacist must meet all of the requirements for licensure as~~
9 ~~a registered pharmacy technician set forth in this Section~~
10 ~~excluding the requirement of certification prior to the second~~
11 ~~license renewal and pay the required registered pharmacy~~
12 ~~technician license fees. A student pharmacist may, under the~~
13 ~~supervision of a pharmacist, assist in the practice of~~
14 ~~pharmacy and perform any and all functions delegated to him or~~
15 ~~her by the pharmacist.~~

16 (d) Any person seeking licensure as a pharmacist who has
17 graduated from a pharmacy program outside the United States
18 must register as a pharmacy technician and shall be considered
19 a "student pharmacist" and be entitled to use the title
20 "student pharmacist" while completing the 1,200 clinical hours
21 of training approved by the Board of Pharmacy described and
22 for no more than 18 months after completion of these hours.
23 These individuals are not required to become registered
24 certified pharmacy technicians while completing their Board
25 approved clinical training, but must become licensed as a
26 pharmacist or become licensed as a registered certified

1 pharmacy technician before the second pharmacy technician
2 license renewal following completion of the Board approved
3 clinical training.

4 (e) The Department shall not renew the registered pharmacy
5 technician license of any person who has been licensed as a
6 registered pharmacy technician with the designation "student
7 pharmacist" who: (1) has dropped out of or been expelled from
8 an ACPE accredited college of pharmacy; (2) has failed to
9 complete his or her 1,200 hours of Board approved clinical
10 training within 24 months; or (3) has failed the pharmacist
11 licensure examination 3 times. The Department shall require
12 these individuals to meet the requirements of and become
13 licensed as a registered certified pharmacy technician.

14 (f) The Department may take any action set forth in
15 Section 30 of this Act with regard to a license pursuant to
16 this Section.

17 (g) Any person who is enrolled in a non-traditional
18 Pharm.D. program at an ACPE accredited college of pharmacy and
19 is licensed as a registered pharmacist under the laws of
20 another United States jurisdiction shall be permitted to
21 engage in the program of practice experience required in the
22 academic program by virtue of such license. Such person shall
23 be exempt from the requirement of licensure as a registered
24 pharmacy technician or registered certified pharmacy
25 technician while engaged in the program of practice experience
26 required in the academic program.

1 An applicant for licensure as a registered pharmacy
2 technician may assist a pharmacist in the practice of pharmacy
3 for a period of up to 60 days prior to the issuance of a
4 license if the applicant has submitted the required fee and an
5 application for licensure to the Department. The applicant
6 shall keep a copy of the submitted application on the premises
7 where the applicant is assisting in the practice of pharmacy.
8 The Department shall forward confirmation of receipt of the
9 application with start and expiration dates of practice
10 pending licensure.

11 (h) Supportive staff who solely perform clerical work are
12 not required to be licensed as a registered pharmacy
13 technician. It shall be the responsibility of the pharmacy,
14 the pharmacist-in-charge, and the pharmacy technician to
15 ensure supportive staff are properly trained. The pharmacy or
16 pharmacist-in-charge shall alert the Department's chief
17 pharmacy coordinator when supportive staff have been
18 terminated for threatening patient safety or diversion, in
19 accordance with the requirements of subsection (b) of Section
20 30.1. As used in this subsection, "clerical work" includes,
21 without limitation, operating registers at the point of sale,
22 sorting pre-packaged drugs in pharmacies specializing in
23 centralized prescription filling, and selling prescriptions
24 that have received final verification by a pharmacist in
25 accordance with subsection (c-5) of Section 15.1. "Clerical
26 work" does not include data entry, packaging, labeling, or

1 storage.

2 (Source: P.A. 101-621, eff. 1-1-20; 102-882, eff. 1-1-23;
3 102-1051, eff. 1-1-23; 102-1100, eff. 1-1-23; revised
4 12-14-22.)

5 (225 ILCS 85/9.7 new)

6 Sec. 9.7. Student pharmacist. Any person who is also
7 enrolled in a first professional degree program in pharmacy in
8 a school or college of pharmacy or a department of pharmacy of
9 a university approved by the Department, or has graduated from
10 such a program within the last 18 months, shall be considered a
11 "student pharmacist" and entitled to use the title "student
12 pharmacist". A student pharmacist must meet all of the
13 requirements for licensure as a registered pharmacy technician
14 set forth in Section 9, except for the requirement of
15 certification prior to the second license renewal, and pay the
16 required license fees. A student pharmacist may, under the
17 supervision of a pharmacist, assist in the practice of
18 pharmacy and perform any and all functions delegated to him or
19 her by the pharmacist.

20 (225 ILCS 85/15.1)

21 (Section scheduled to be repealed on January 1, 2028)

22 Sec. 15.1. Pharmacy working conditions.

23 (a) A pharmacy licensed under this Act shall not require a
24 pharmacist, student pharmacist, or pharmacy technician to work

1 longer than 12 continuous hours per day, inclusive of the
2 breaks required under subsection (b).

3 (b) A pharmacist who works 6 continuous hours or longer
4 per day shall be allowed to take, at a minimum, one 30-minute
5 uninterrupted meal break and one 15-minute break during that
6 6-hour period. If such pharmacist is required to work 12
7 continuous hours per day, at a minimum, he or she qualifies for
8 an additional 15-minute break. A pharmacist who is entitled to
9 take such breaks shall not be required to work more than 5
10 continuous hours, excluding a 15-minute break, before being
11 given the opportunity to take a 30-minute uninterrupted meal
12 break. If the pharmacy has a private break room available, or
13 if there is a private break room in the establishment or
14 business in which the pharmacy is located, a pharmacist who is
15 entitled to breaks must be given access to that private break
16 room and allowed to spend his or her break time in that room.

17 (c) A pharmacy may, but is not required to, close when a
18 pharmacist is allowed to take a break under subsection (b). If
19 the pharmacy does not close, the pharmacist shall either
20 remain within the licensed pharmacy or within the
21 establishment in which the licensed pharmacy is located in
22 order to be available for emergencies. In addition, the
23 following applies:

24 (1) pharmacy technicians, student pharmacists, and
25 other supportive staff authorized by the pharmacist on
26 duty may continue to perform duties as allowed under this

1 Act;

2 (2) no duties reserved to pharmacists and student
3 pharmacists under this Act, or that require the
4 professional judgment of a pharmacist, may be performed by
5 pharmacy technicians or other supportive staff; and

6 (3) only prescriptions that have received final
7 verification by a pharmacist may be sold ~~dispensed~~ while
8 the pharmacist is on break, except those prescriptions
9 that require counseling by a pharmacist, including all new
10 prescriptions and those refill prescriptions for which a
11 pharmacist has determined that counseling is necessary,
12 may be sold ~~dispensed~~ only if the following conditions are
13 met:

14 (i) the patient or other individual who is picking
15 up the prescription on behalf of the patient is told
16 that the pharmacist is on a break and is offered the
17 chance to wait until the pharmacist returns from break
18 in order to receive counseling;

19 (ii) if the patient or other individual who is
20 picking up the prescription on behalf of the patient
21 declines to wait, a telephone number at which the
22 patient or other individual who is picking up the
23 prescription on behalf of the patient can be reached
24 is obtained;

25 (iii) after returning from the break, the
26 pharmacist makes a reasonable effort to contact the

1 patient or other individual who is picking up the
2 prescription on behalf of the patient and provide
3 counseling; and

4 (iv) the pharmacist documents the counseling that
5 was provided or documents why counseling was not
6 provided after a minimum of 2 attempts, including a
7 description of the efforts made to contact the patient
8 or other individual who is picking up the prescription
9 on behalf of the patient; the documentation shall be
10 retained by the pharmacy and made available for
11 inspection by the Board or its authorized
12 representatives for at least 2 years.

13 (c-5) When a pharmacist is not present in the pharmacy, a
14 registered pharmacy technician, registered certified pharmacy
15 technician, student pharmacist, or other supportive staff
16 shall sell prescriptions that have received final verification
17 by a pharmacist. A registered pharmacy technician, registered
18 certified pharmacy technician, student pharmacist, or other
19 supportive staff shall connect a patient to a pharmacist to
20 provide counseling by audio or video technology for any
21 prescription that requires counseling by a pharmacist. If the
22 pharmacy does not have audio and video technology to connect
23 the patient or other individual who is picking up the
24 prescription on behalf of the patient to a pharmacist to
25 provide counseling, then a telephone number at which the
26 patient or other individual who is picking up the prescription

1 on behalf of the patient can be reached shall be obtained . The
2 pharmacist, upon returning to duty, shall attempt to contact
3 the patient or other individual in accordance with items (iii)
4 and (iv) of subsection (c). It shall be the responsibility of
5 the pharmacy and pharmacist-in-charge to ensure that all
6 staff, including supportive staff, are trained in selling
7 pre-verified prescriptions. Training shall include, at a
8 minimum, recordkeeping requirements, patient counseling
9 protocols as described in this subsection (c-5), pharmacy
10 safety protocols, and patient privacy standards. The
11 prescription record shall contain the names, initials, or
12 other unique identifier of both the pharmacist who verified
13 the prescription and the staff member who sold the
14 prescription.

15 (d) In a pharmacy staffed by 2 or more pharmacists, the
16 pharmacists shall stagger breaks so that at least one
17 pharmacist remains on duty during all times that the pharmacy
18 remains open for the transaction of business.

19 (e) (Blank). ~~A pharmacy shall keep and maintain a complete~~
20 ~~and accurate record showing its pharmacists' daily break~~
21 ~~periods.~~

22 (f) Subsections (a) and (b) shall not apply when an
23 emergency, as deemed by the professional judgment of the
24 pharmacist, necessitates that a pharmacist, student
25 pharmacist, or pharmacy technician work longer than 12
26 continuous hours, work without taking required meal breaks, or

1 have a break interrupted in order to minimize immediate health
2 risks for patients.
3 (Source: P.A. 101-621, eff. 1-1-20.)".