

**HB0488**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HB0488**

Introduced 2/4/2009, by Rep. Lou Lang

**SYNOPSIS AS INTRODUCED:**

720 ILCS 570/312

from Ch. 56 1/2, par. 1312

Amends the Illinois Controlled Substances Act. Provides that any written prescription for a Schedule II controlled substance may be filled within 90 (rather than 7) days after issuance.

LRB096 04248 RLC 14294 b

**A BILL FOR**

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 Illinois Controlled Substances Act is  
5 amended by changing Section 312 as follows:

6 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

7 Sec. 312. Requirements for dispensing controlled  
8 substances.

9 (a) A practitioner, in good faith, may dispense a Schedule  
10 II controlled substance, which is a narcotic drug listed in  
11 Section 206 of this Act; or which contains any quantity of  
12 amphetamine or methamphetamine, their salts, optical isomers  
13 or salts of optical isomers; phenmetrazine and its salts; or  
14 pentazocine; and Schedule III, IV, or V controlled substances  
15 to any person upon a written prescription of any prescriber,  
16 dated and signed by the person prescribing on the day when  
17 issued and bearing the name and address of the patient for  
18 whom, or the owner of the animal for which the controlled  
19 substance is dispensed, and the full name, address and registry  
20 number under the laws of the United States relating to  
21 controlled substances of the prescriber, if he is required by  
22 those laws to be registered. If the prescription is for an  
23 animal it shall state the species of animal for which it is

1 ordered. The practitioner filling the prescription shall write  
2 the date of filling and his own signature on the face of the  
3 written prescription. The written prescription shall be  
4 retained on file by the practitioner who filled it or pharmacy  
5 in which the prescription was filled for a period of 2 years,  
6 so as to be readily accessible for inspection or removal by any  
7 officer or employee engaged in the enforcement of this Act.  
8 Whenever the practitioner's or pharmacy's copy of any  
9 prescription is removed by an officer or employee engaged in  
10 the enforcement of this Act, for the purpose of investigation  
11 or as evidence, such officer or employee shall give to the  
12 practitioner or pharmacy a receipt in lieu thereof. A  
13 prescription for a Schedule II controlled substance shall not  
14 be filled more than 90 7 days after the date of issuance. A  
15 written prescription for Schedule III, IV or V controlled  
16 substances shall not be filled or refilled more than 6 months  
17 after the date thereof or refilled more than 5 times unless  
18 renewed, in writing, by the prescriber.

19 (b) In lieu of a written prescription required by this  
20 Section, a pharmacist, in good faith, may dispense Schedule  
21 III, IV, or V substances to any person either upon receiving a  
22 facsimile of a written, signed prescription transmitted by the  
23 prescriber or the prescriber's agent or upon a lawful oral  
24 prescription of a prescriber which oral prescription shall be  
25 reduced promptly to writing by the pharmacist and such written  
26 memorandum thereof shall be dated on the day when such oral

1 prescription is received by the pharmacist and shall bear the  
2 full name and address of the ultimate user for whom, or of the  
3 owner of the animal for which the controlled substance is  
4 dispensed, and the full name, address, and registry number  
5 under the law of the United States relating to controlled  
6 substances of the prescriber prescribing if he is required by  
7 those laws to be so registered, and the pharmacist filling such  
8 oral prescription shall write the date of filling and his own  
9 signature on the face of such written memorandum thereof. The  
10 facsimile copy of the prescription or written memorandum of the  
11 oral prescription shall be retained on file by the proprietor  
12 of the pharmacy in which it is filled for a period of not less  
13 than two years, so as to be readily accessible for inspection  
14 by any officer or employee engaged in the enforcement of this  
15 Act in the same manner as a written prescription. The facsimile  
16 copy of the prescription or oral prescription and the written  
17 memorandum thereof shall not be filled or refilled more than 6  
18 months after the date thereof or be refilled more than 5 times,  
19 unless renewed, in writing, by the prescriber.

20 (c) Except for any non-prescription targeted  
21 methamphetamine precursor regulated by the Methamphetamine  
22 Precursor Control Act, a controlled substance included in  
23 Schedule V shall not be distributed or dispensed other than for  
24 a medical purpose and not for the purpose of evading this Act,  
25 and then:

26 (1) only personally by a person registered to dispense

1 a Schedule V controlled substance and then only to his  
2 patients, or

3 (2) only personally by a pharmacist, and then only to a  
4 person over 21 years of age who has identified himself to  
5 the pharmacist by means of 2 positive documents of  
6 identification.

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

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

19 (5) a copy of the records of sale, including all  
20 information required by paragraph (3), shall be forwarded  
21 to the Department of Professional Regulation at its  
22 principal office by the 15th day of the following month.

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

25 (7) no person shall obtain or attempt to obtain within  
26 any consecutive 96 hour period any Schedule V substances of

1 more than 120 milliliters or more than 120 grams containing  
2 codeine, dihydrocodeine or any of its salts, or  
3 ethylmorphine or any of its salts. Any person obtaining any  
4 such preparations or combination of preparations in excess  
5 of this limitation shall be in unlawful possession of such  
6 controlled substance.

7 (8) a person qualified to dispense controlled  
8 substances under this Act and registered thereunder shall  
9 at no time maintain or keep in stock a quantity of Schedule  
10 V controlled substances defined and listed in Section 212  
11 (b) (1), (2) or (3) in excess of 4.5 liters for each  
12 substance; a pharmacy shall at no time maintain or keep in  
13 stock a quantity of Schedule V controlled substances as  
14 defined in excess of 4.5 liters for each substance, plus  
15 the additional quantity of controlled substances necessary  
16 to fill the largest number of prescription orders filled by  
17 that pharmacy for such controlled substances in any one  
18 week in the previous year. These limitations shall not  
19 apply to Schedule V controlled substances which Federal law  
20 prohibits from being dispensed without a prescription.

21 (9) no person shall distribute or dispense butyl  
22 nitrite for inhalation or other introduction into the human  
23 body for euphoric or physical effect.

24 (d) Every practitioner shall keep a record of controlled  
25 substances received by him and a record of all such controlled  
26 substances administered, dispensed or professionally used by

1 him otherwise than by prescription. It shall, however, be  
2 sufficient compliance with this paragraph if any practitioner  
3 utilizing controlled substances listed in Schedules III, IV and  
4 V shall keep a record of all those substances dispensed and  
5 distributed by him other than those controlled substances which  
6 are administered by the direct application of a controlled  
7 substance, whether by injection, inhalation, ingestion, or any  
8 other means to the body of a patient or research subject. A  
9 practitioner who dispenses, other than by administering, a  
10 controlled substance in Schedule II, which is a narcotic drug  
11 listed in Section 206 of this Act, or which contains any  
12 quantity of amphetamine or methamphetamine, their salts,  
13 optical isomers or salts of optical isomers, pentazocine, or  
14 methaqualone shall do so only upon the issuance of a written  
15 prescription blank by a prescriber.

16 (e) Whenever a manufacturer distributes a controlled  
17 substance in a package prepared by him, and whenever a  
18 wholesale distributor distributes a controlled substance in a  
19 package prepared by him or the manufacturer, he shall securely  
20 affix to each package in which that substance is contained a  
21 label showing in legible English the name and address of the  
22 manufacturer, the distributor and the quantity, kind and form  
23 of controlled substance contained therein. No person except a  
24 pharmacist and only for the purposes of filling a prescription  
25 under this Act, shall alter, deface or remove any label so  
26 affixed.

1           (f) Whenever a practitioner dispenses any controlled  
2 substance except a non-prescription targeted methamphetamine  
3 precursor regulated by the Methamphetamine Precursor Control  
4 Act, he shall affix to the container in which such substance is  
5 sold or dispensed, a label indicating the date of initial  
6 filling, the practitioner's name and address, the name of the  
7 patient, the name of the prescriber, the directions for use and  
8 cautionary statements, if any, contained in any prescription or  
9 required by law, the proprietary name or names or the  
10 established name of the controlled substance, and the dosage  
11 and quantity, except as otherwise authorized by regulation by  
12 the Department of Professional Regulation. No person shall  
13 alter, deface or remove any label so affixed.

14           (g) A person to whom or for whose use any controlled  
15 substance has been prescribed or dispensed by a practitioner,  
16 or other persons authorized under this Act, and the owner of  
17 any animal for which such substance has been prescribed or  
18 dispensed by a veterinarian, may lawfully possess such  
19 substance only in the container in which it was delivered to  
20 him by the person dispensing such substance.

21           (h) The responsibility for the proper prescribing or  
22 dispensing of controlled substances is upon the prescriber and  
23 the responsibility for the proper filling of a prescription for  
24 controlled substance drugs rests with the pharmacist. An order  
25 purporting to be a prescription issued to any individual, which  
26 is not in the regular course of professional treatment nor part



1 of an authorized methadone maintenance program, nor in  
2 legitimate and authorized research instituted by any  
3 accredited hospital, educational institution, charitable  
4 foundation, or federal, state or local governmental agency, and  
5 which is intended to provide that individual with controlled  
6 substances sufficient to maintain that individual's or any  
7 other individual's physical or psychological addiction,  
8 habitual or customary use, dependence, or diversion of that  
9 controlled substance is not a prescription within the meaning  
10 and intent of this Act; and the person issuing it, shall be  
11 subject to the penalties provided for violations of the law  
12 relating to controlled substances.

13 (i) A prescriber shall not preprint or cause to be  
14 preprinted a prescription for any controlled substance; nor  
15 shall any practitioner issue, fill or cause to be issued or  
16 filled, a preprinted prescription for any controlled  
17 substance.

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

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

5 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)