

# SB2131



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2131

Introduced 5/6/2015, by Sen. Dan Kotowski

#### SYNOPSIS AS INTRODUCED:

225 ILCS 85/26

Amends the Pharmacy Practice Act. Provides that pharmacists may not interchange an atypical anti-psychotic drug or targeted immune modulator without notification and documented consent by the prescribing practitioner and the patient or patient's parent, legal guardian, or spouse. Provides that if the pharmacist does substitute a drug, then the pharmacist shall provide written notice to the patient no later than the time the prescription is dispensed. Provides that these provisions shall not be construed to prohibit generic drug substitution as provided for in the Pharmacy Practice Act. Effective immediately.

LRB099 12255 MLM 35166 b

A BILL FOR

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 changing  
5 Section 26 as follows:

6 (225 ILCS 85/26)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 26. Anti-epileptic, atypical anti-psychotic, and  
9 targeted immune modulator (TIM) drug product change selection  
10 prohibited.

11 (a) The General Assembly finds that this Section is  
12 necessary for the immediate preservation of the public peace,  
13 health, and safety.

14 (b) In this Section:

15 "Anti-epileptic drug" means (i) any drug prescribed for the  
16 treatment of epilepsy or (ii) a drug used to treat or prevent  
17 seizures.

18 "Epilepsy" means a neurological condition characterized by  
19 recurrent seizures.

20 "Seizure" means a brief disturbance in the electrical  
21 activity of the brain.

22 (c) When the prescribing physician has indicated on the  
23 original prescription "may not substitute", a pharmacist may

1 not interchange an anti-epileptic drug or formulation of an  
2 anti-epileptic drug for the treatment of epilepsy, an atypical  
3 anti-psychotic drug, or targeted immune modulator (TIM)  
4 without notification and the documented consent of the  
5 prescribing practitioner ~~physician~~ and the patient or the  
6 patient's parent, legal guardian, or spouse. This Section does  
7 not apply to medication orders issued for anti-epileptic drugs,  
8 atypical anti-psychotic drugs, or targeted immune modulators  
9 for any in-patient care in a licensed hospital.

10 (d) If a pharmacist substitutes any ~~generic~~ prescription in  
11 place of any other ~~a brand-name~~ anti-epileptic drug, atypical  
12 anti-psychotic drug, or targeted immune modulator, then the  
13 pharmacist shall provide written notice to the patient no later  
14 than the time the prescription is dispensed.

15 (e) Nothing in this Section shall be construed to prohibit  
16 generic drug substitution as provided for in Section 25 of this  
17 Act.

18 (Source: P.A. 97-456, eff. 1-1-12.)

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