



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 636

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 636 by replacing  
3 everything after the enacting clause with the following:

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

6 (225 ILCS 85/4) (from Ch. 111, par. 4124)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 4. Exemptions. Nothing contained in any Section of  
9 this Act shall apply to, or in any manner interfere with:

10 (a) the lawful practice of any physician licensed to  
11 practice medicine in all of its branches, dentist, podiatric  
12 physician, veterinarian, or therapeutically or diagnostically  
13 certified optometrist within the limits of his or her license,  
14 or prevent him or her from supplying to his or her bona fide  
15 patients such drugs, medicines, or poisons as may seem to him  
16 appropriate;

1 (b) the sale of compressed gases;

2 (c) the sale of patent or proprietary medicines and  
3 household remedies when sold in original and unbroken packages  
4 only, if such patent or proprietary medicines and household  
5 remedies be properly and adequately labeled as to content and  
6 usage and generally considered and accepted as harmless and  
7 nonpoisonous when used according to the directions on the  
8 label, and also do not contain opium or coca leaves, or any  
9 compound, salt or derivative thereof, or any drug which,  
10 according to the latest editions of the following authoritative  
11 pharmaceutical treatises and standards, namely, The United  
12 States Pharmacopoeia/National Formulary (USP/NF), the United  
13 States Dispensatory, and the Accepted Dental Remedies of the  
14 Council of Dental Therapeutics of the American Dental  
15 Association or any or either of them, in use on the effective  
16 date of this Act, or according to the existing provisions of  
17 the Federal Food, Drug, and Cosmetic Act and Regulations of the  
18 Department of Health and Human Services, Food and Drug  
19 Administration, promulgated thereunder now in effect, is  
20 designated, described or considered as a narcotic, hypnotic,  
21 habit forming, dangerous, or poisonous drug;

22 (d) the sale of poultry and livestock remedies in original  
23 and unbroken packages only, labeled for poultry and livestock  
24 medication;

25 (e) the sale of poisonous substances or mixture of  
26 poisonous substances, in unbroken packages, for nonmedicinal

1 use in the arts or industries or for insecticide purposes;  
2 provided, they are properly and adequately labeled as to  
3 content and such nonmedicinal usage, in conformity with the  
4 provisions of all applicable federal, state and local laws and  
5 regulations promulgated thereunder now in effect relating  
6 thereto and governing the same, and those which are required  
7 under such applicable laws and regulations to be labeled with  
8 the word "Poison", are also labeled with the word "Poison"  
9 printed thereon in prominent type and the name of a readily  
10 obtainable antidote with directions for its administration;

11 (f) the delegation of limited prescriptive authority by a  
12 physician licensed to practice medicine in all its branches to  
13 a physician assistant under Section 7.5 of the Physician  
14 Assistant Practice Act of 1987. This delegated authority under  
15 Section 7.5 of the Physician Assistant Practice Act of 1987  
16 may, but is not required to, include prescription of controlled  
17 substances, as defined in Article II of the Illinois Controlled  
18 Substances Act, in accordance with a written supervision  
19 agreement; ~~and~~

20 (g) the delegation of prescriptive authority by a physician  
21 licensed to practice medicine in all its branches or a licensed  
22 podiatric physician to an advanced practice nurse in accordance  
23 with a written collaborative agreement under Sections 65-35 and  
24 65-40 of the Nurse Practice Act; and-

25 (h) the sale or distribution of dialysate or devices  
26 necessary to perform home peritoneal renal dialysis for

1 patients with end-stage renal disease, provided that all of the  
2 following conditions are met:

3 (1) the dialysate, comprised of dextrose or  
4 icodextrin, or devices are approved or cleared by the  
5 federal Food and Drug Administration, as required by  
6 federal law;

7 (2) the dialysate or devices are lawfully held by a  
8 manufacturer or the manufacturer's agent, which is  
9 properly registered with the Board as a manufacturer or  
10 wholesaler;

11 (3) the dialysate or devices are held and delivered to  
12 the manufacturer or the manufacturer's agent in the  
13 original, sealed packaging from the manufacturing  
14 facility;

15 (4) the dialysate or devices are delivered only upon  
16 receipt of a physician's prescription by a licensed  
17 pharmacy in which the prescription is processed in  
18 accordance with provisions set forth in this Act, and the  
19 transmittal of an order from the licensed pharmacy to the  
20 manufacturer or the manufacturer's agent; and

21 (5) the manufacturer or the manufacturer's agent  
22 delivers the dialysate or devices directly to: (i) a  
23 patient with end-stage renal disease, or his or her  
24 designee, for the patient's self-administration of the  
25 dialysis therapy or (ii) a health care provider or  
26 institution for administration or delivery of the dialysis

1       therapy to a patient with end-stage renal disease.

2       This paragraph (h) does not include any other drugs for  
3 peritoneal dialysis, except dialysate, as described in item (1)  
4 of this paragraph (h). All records of sales and distribution of  
5 dialysate to patients made pursuant to this paragraph (h) must  
6 be retained in accordance with Section 18 of this Act.

7       (Source: P.A. 98-214, eff. 8-9-13.)

8       Section 99. Effective date. This Act takes effect upon  
9 becoming law.".