



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB3184

Introduced 2/15/2018, by Sen. Scott M. Bennett

#### SYNOPSIS AS INTRODUCED:

720 ILCS 570/406.3 new

Amends the Illinois Controlled Substances Act. Creates the offense of unauthorized request or possession of a prescriber's Illinois controlled substance license or United States Drug Enforcement Administration registration. Provides that a person commits the offense when he or she knowingly: (1) requests the license number or registration number other than for: (A) prescribing or dispensing controlled substances; (B) insurance processing related to controlled substances; (C) professional employment; or (D) collecting credentials data under the Health Care Professional Credentials Data Collection Act; (2) possesses without authorization the prescriber's Illinois controlled substance license or United States Drug Enforcement Administration registration or prescriber's Illinois controlled substance license number or United States Drug Enforcement Administration registration number; or (3) uses the prescriber's Illinois controlled substance license number or United States Drug Enforcement Administration registration number to obtain any medication or to create a fraudulent prescription or order. Provides that a violation is a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. Provides that the fine for the first offense may not exceed \$100,000 and the fine for each subsequent offense may not exceed \$200,000. Adds a purpose clause concerning the opioid crisis.

LRB100 20115 RLC 35398 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1. Opioid crisis. In response to the opioid crisis,  
5 myriad federal and state actions have been declared:

6 (1) On October 26, 2017, the President of the United States  
7 directed the United States Department of Health and Human  
8 Services to declare the opioid crisis a public health  
9 emergency, and directed all relevant executive agencies to use  
10 all appropriate emergency authorities to address America's  
11 deadly opioid crisis.

12 (2) On September 6, 2017, Illinois Governor Bruce Rauner  
13 unveiled the Illinois Opioid Crisis Action plan, which seeks to  
14 reduce the anticipated number of opioid-related deaths by 33%  
15 in 3 years. Prevention, which is one of the 3 areas of focus  
16 for the plan, is addressed in the plan through the priority of  
17 safer prescribing and dispensing of opioids.

18 (3) Drug Enforcement Administration numbers can be found in  
19 electronic health records, which are vulnerable to snooping by  
20 rogue employees and cyberattacks.

21 (4) Drug Enforcement Administration numbers can also be  
22 found on every page of a prescriber's prescription pad, thus  
23 requiring someone who wants to forge a prescription to first  
24 obtain a prescriber's legitimate Drug Enforcement

1 Administration number.

2 (5) Drug Enforcement Administration numbers are intended  
3 to be used to identify authorized prescribers of controlled  
4 substances. These numbers are often used by insurance companies  
5 and pharmacies, including mail order pharmacies, as a means of  
6 identifying providers for non-narcotic prescriptions and other  
7 administrative requirements.

8 (6) Unauthorized use of a prescriber's Drug Enforcement  
9 Administration number exposes prescribers to identity theft,  
10 billing fraud, and criminal investigation. This can mean that a  
11 prescriber is stripped of his or her license or his or her Drug  
12 Enforcement Administration prescribing privileges.

13 (7) It is in the interest of public health, and in keeping  
14 with the federal and State government's treatment of opioid  
15 addiction as a critical problem, that Drug Enforcement  
16 Administration numbers only be accessible for their intended  
17 purpose, which is the prescription on controlled substances.  
18 The more accessible Drug Enforcement Administration and other  
19 identification numbers are, the more likely it is that they  
20 will be used to request an illegal narcotic prescription.

21 Section 5. The Illinois Controlled Substances Act is  
22 amended by adding Section 406.3 as follows:

23 (720 ILCS 570/406.3 new)

24 Sec. 406.3. Unauthorized request or possession of a

1 prescriber's Illinois controlled substance license or United  
2 States Drug Enforcement Administration registration.

3 (a) A person commits unauthorized request or possession of  
4 a prescriber's Illinois controlled substance license or United  
5 States Drug Enforcement Administration registration when he or  
6 she knowingly:

7 (1) requests the license number or registration number  
8 other than for:

9 (A) prescribing or dispensing controlled  
10 substances;

11 (B) insurance processing related to controlled  
12 substances;

13 (C) professional employment; or

14 (D) collecting credentials data under the Health  
15 Care Professional Credentials Data Collection Act;

16 (2) possesses without authorization the prescriber's  
17 Illinois controlled substance license or United States  
18 Drug Enforcement Administration registration or  
19 prescriber's Illinois controlled substance license number  
20 or United States Drug Enforcement Administration  
21 registration number; or

22 (3) uses the prescriber's Illinois controlled  
23 substance license number or United States Drug Enforcement  
24 Administration registration number to obtain any  
25 medication or to create a fraudulent prescription or order.

26 (b) Knowledge shall be determined by an evaluation of all

1 circumstances surrounding possession or use of the  
2 prescriber's Illinois controlled substance license number or  
3 United States Drug Enforcement Administration registration  
4 number.

5 (c) Sentence. Unauthorized request or possession of a  
6 prescriber's Illinois controlled substance license or United  
7 States Drug Enforcement Administration registration is a Class  
8 4 felony for the first offense and a Class 3 felony for each  
9 subsequent offense. The fine for the first offense may not  
10 exceed \$100,000. The fine for each subsequent offense may not  
11 exceed \$200,000.