



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4475

Introduced 2/4/2020, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

225 ILCS 85/15.1

Amends the Pharmacy Practice Act. Provides that provisions relating to pharmacist working hours shall not apply when an emergency, as deemed by the professional judgement of the pharmacist in charge (rather than the pharmacist), necessitates that a pharmacist, student pharmacist, or pharmacy technician work longer than 12 continuous hours, work without taking required meal breaks, or have a break interrupted in order to minimize immediate health risks for patients.

LRB101 17585 SPS 67004 b

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 15.1 as follows:

6 (225 ILCS 85/15.1)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 15.1. Pharmacy working conditions.

9 (a) A pharmacy licensed under this Act shall not require a
10 pharmacist, student pharmacist, or pharmacy technician to work
11 longer than 12 continuous hours per day, inclusive of the
12 breaks required under subsection (b).

13 (b) A pharmacist who works 6 continuous hours or longer per
14 day shall be allowed to take, at a minimum, one 30-minute
15 uninterrupted meal break and one 15-minute break during that
16 6-hour period. If such pharmacist is required to work 12
17 continuous hours per day, at a minimum, he or she qualifies for
18 an additional 15-minute break. A pharmacist who is entitled to
19 take such breaks shall not be required to work more than 5
20 continuous hours, excluding a 15-minute break, before being
21 given the opportunity to take a 30-minute uninterrupted meal
22 break. If the pharmacy has a private break room available, or
23 if there is a private break room in the establishment or

1 business in which the pharmacy is located, a pharmacist who is
2 entitled to breaks must be given access to that private break
3 room and allowed to spend his or her break time in that room.

4 (c) A pharmacy may, but is not required to, close when a
5 pharmacist is allowed to take a break under subsection (b). If
6 the pharmacy does not close, the pharmacist shall either remain
7 within the licensed pharmacy or within the establishment in
8 which the licensed pharmacy is located in order to be available
9 for emergencies. In addition, the following applies:

10 (1) pharmacy technicians, student pharmacists, and
11 other supportive staff authorized by the pharmacist on duty
12 may continue to perform duties as allowed under this Act;

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

17 (3) only prescriptions that have received final
18 verification by a pharmacist may be dispensed while the
19 pharmacist is on break, except those prescriptions that
20 require counseling by a pharmacist, including all new
21 prescriptions and those refill prescriptions for which a
22 pharmacist has determined that counseling is necessary,
23 may be dispensed only if the following conditions are met:

24 (i) the patient or other individual who is picking
25 up the prescription on behalf of the patient is told
26 that the pharmacist is on a break and is offered the

1 chance to wait until the pharmacist returns from break
2 in order to receive counseling;

3 (ii) if the patient or other individual who is
4 picking up the prescription on behalf of the patient
5 declines to wait, a telephone number at which the
6 patient or other individual who is picking up the
7 prescription on behalf of the patient can be reached is
8 obtained;

9 (iii) after returning from the break, the
10 pharmacist makes a reasonable effort to contact the
11 patient or other individual who is picking up the
12 prescription on behalf of the patient and provide
13 counseling; and

14 (iv) the pharmacist documents the counseling that
15 was provided or documents why counseling was not
16 provided after a minimum of 2 attempts, including a
17 description of the efforts made to contact the patient
18 or other individual who is picking up the prescription
19 on behalf of the patient; the documentation shall be
20 retained by the pharmacy and made available for
21 inspection by the Board or its authorized
22 representatives for at least 2 years.

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

1 (e) A pharmacy shall keep and maintain a complete and
2 accurate record showing its pharmacists' daily break periods.

3 (f) Subsections (a) and (b) shall not apply when an
4 emergency, as deemed by the professional judgment of the
5 pharmacist in charge, necessitates that a pharmacist, student
6 pharmacist, or pharmacy technician work longer than 12
7 continuous hours, work without taking required meal breaks, or
8 have a break interrupted in order to minimize immediate health
9 risks for patients.

10 (Source: P.A. 101-621, eff. 1-1-20.)