

# HB3356



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3356

Introduced 2/22/2021, by Rep. Charles Meier

### SYNOPSIS AS INTRODUCED:

720 ILCS 570/312

from Ch. 56 1/2, par. 1312

Amends the Illinois Controlled Substances Act. Provides that an initial prescription for an opioid may only be issued for a 7-day supply. Defines "opioid".

LRB102 16963 RLC 22381 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 or electronic prescription of any  
16 prescriber, dated and signed by the person prescribing (or  
17 electronically validated in compliance with Section 311.5) on  
18 the day when issued and bearing the name and address of the  
19 patient for whom, or the owner of the animal for which the  
20 controlled substance is dispensed, and the full name, address  
21 and registry number under the laws of the United States  
22 relating to controlled substances of the prescriber, if he or  
23 she is required by those laws to be registered. If the

1 prescription is for an animal it shall state the species of  
2 animal for which it is ordered. The practitioner filling the  
3 prescription shall, unless otherwise permitted, write the date  
4 of filling and his or her own signature on the face of the  
5 written prescription or, alternatively, shall indicate such  
6 filling using a unique identifier as defined in paragraph (v)  
7 of Section 3 of the Pharmacy Practice Act. The written  
8 prescription shall be retained on file by the practitioner who  
9 filled it or pharmacy in which the prescription was filled for  
10 a period of 2 years, so as to be readily accessible for  
11 inspection or removal by any officer or employee engaged in  
12 the enforcement of this Act. Whenever the practitioner's or  
13 pharmacy's copy of any prescription is removed by an officer  
14 or employee engaged in the enforcement of this Act, for the  
15 purpose of investigation or as evidence, such officer or  
16 employee shall give to the practitioner or pharmacy a receipt  
17 in lieu thereof. If the specific prescription is machine or  
18 computer generated and printed at the prescriber's office, the  
19 date does not need to be handwritten. A prescription for a  
20 Schedule II controlled substance shall not be issued for more  
21 than a 30 day supply, except as provided in subsection  
22 (a-5) and (a-6), and shall be valid for up to 90 days after the  
23 date of issuance, except for opioids that may only be  
24 dispensed for the length of time provided in subsection (a-6).  
25 A written prescription for Schedule III, IV or V controlled  
26 substances shall not be filled or refilled more than 6 months

1 after the date thereof or refilled more than 5 times unless  
2 renewed, in writing, by the prescriber. A pharmacy shall  
3 maintain a policy regarding the type of identification  
4 necessary, if any, to receive a prescription in accordance  
5 with State and federal law. The pharmacy must post such  
6 information where prescriptions are filled.

7 (a-5) Physicians may issue multiple prescriptions (3  
8 sequential 30-day supplies) for the same Schedule II  
9 controlled substance, authorizing up to a 90-day supply.  
10 Before authorizing a 90-day supply of a Schedule II controlled  
11 substance, the physician must meet the following conditions:

12 (1) Each separate prescription must be issued for a  
13 legitimate medical purpose by an individual physician  
14 acting in the usual course of professional practice.

15 (2) The individual physician must provide written  
16 instructions on each prescription (other than the first  
17 prescription, if the prescribing physician intends for the  
18 prescription to be filled immediately) indicating the  
19 earliest date on which a pharmacy may fill that  
20 prescription.

21 (3) The physician shall document in the medical record  
22 of a patient the medical necessity for the amount and  
23 duration of the 3 sequential 30-day prescriptions for  
24 Schedule II narcotics.

25 (a-6) An initial prescription for an opioid may only be  
26 issued for a 7-day supply. In this subsection, "opioid" means

1 a narcotic drug or substance that is a Schedule II controlled  
2 substance under paragraph (1), (2), (3), or (5) of subsection  
3 (b) or under subsection (c) of Section 206 of this Act.

4 (b) In lieu of a written prescription required by this  
5 Section, a pharmacist, in good faith, may dispense Schedule  
6 III, IV, or V substances to any person either upon receiving a  
7 facsimile of a written, signed prescription transmitted by the  
8 prescriber or the prescriber's agent or upon a lawful oral  
9 prescription of a prescriber which oral prescription shall be  
10 reduced promptly to writing by the pharmacist and such written  
11 memorandum thereof shall be dated on the day when such oral  
12 prescription is received by the pharmacist and shall bear the  
13 full name and address of the ultimate user for whom, or of the  
14 owner of the animal for which the controlled substance is  
15 dispensed, and the full name, address, and registry number  
16 under the law of the United States relating to controlled  
17 substances of the prescriber prescribing if he or she is  
18 required by those laws to be so registered, and the pharmacist  
19 filling such oral prescription shall write the date of filling  
20 and his or her own signature on the face of such written  
21 memorandum thereof. The facsimile copy of the prescription or  
22 written memorandum of the oral prescription shall be retained  
23 on file by the proprietor of the pharmacy in which it is filled  
24 for a period of not less than two years, so as to be readily  
25 accessible for inspection by any officer or employee engaged  
26 in the enforcement of this Act in the same manner as a written

1 prescription. The facsimile copy of the prescription or oral  
2 prescription and the written memorandum thereof shall not be  
3 filled or refilled more than 6 months after the date thereof or  
4 be refilled more than 5 times, unless renewed, in writing, by  
5 the prescriber.

6 (c) Except for any non-prescription targeted  
7 methamphetamine precursor regulated by the Methamphetamine  
8 Precursor Control Act, a controlled substance included in  
9 Schedule V shall not be distributed or dispensed other than  
10 for a medical purpose and not for the purpose of evading this  
11 Act, and then:

12 (1) only personally by a person registered to dispense  
13 a Schedule V controlled substance and then only to his or  
14 her patients, or

15 (2) only personally by a pharmacist, and then only to  
16 a person over 21 years of age who has identified himself or  
17 herself to the pharmacist by means of 2 positive documents  
18 of identification.

19 (3) the dispenser shall record the name and address of  
20 the purchaser, the name and quantity of the product, the  
21 date and time of the sale, and the dispenser's signature.

22 (4) no person shall purchase or be dispensed more than  
23 120 milliliters or more than 120 grams of any Schedule V  
24 substance which contains codeine, dihydrocodeine, or any  
25 salts thereof, or ethylmorphine, or any salts thereof, in  
26 any 96 hour period. The purchaser shall sign a form,

1 approved by the Department of Financial and Professional  
2 Regulation, attesting that he or she has not purchased any  
3 Schedule V controlled substances within the immediately  
4 preceding 96 hours.

5 (5) (Blank).

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

8 (7) no person shall obtain or attempt to obtain within  
9 any consecutive 96 hour period any Schedule V substances  
10 of more than 120 milliliters or more than 120 grams  
11 containing codeine, dihydrocodeine or any of its salts, or  
12 ethylmorphine or any of its salts. Any person obtaining  
13 any such preparations or combination of preparations in  
14 excess of this limitation shall be in unlawful possession  
15 of such controlled substance.

16 (8) a person qualified to dispense controlled  
17 substances under this Act and registered thereunder shall  
18 at no time maintain or keep in stock a quantity of Schedule  
19 V controlled substances in excess of 4.5 liters for each  
20 substance; a pharmacy shall at no time maintain or keep in  
21 stock a quantity of Schedule V controlled substances as  
22 defined in excess of 4.5 liters for each substance, plus  
23 the additional quantity of controlled substances necessary  
24 to fill the largest number of prescription orders filled  
25 by that pharmacy for such controlled substances in any one  
26 week in the previous year. These limitations shall not

1 apply to Schedule V controlled substances which Federal  
2 law prohibits from being dispensed without a prescription.

3 (9) no person shall distribute or dispense butyl  
4 nitrite for inhalation or other introduction into the  
5 human body for euphoric or physical effect.

6 (d) Every practitioner shall keep a record or log of  
7 controlled substances received by him or her and a record of  
8 all such controlled substances administered, dispensed or  
9 professionally used by him or her otherwise than by  
10 prescription. It shall, however, be sufficient compliance with  
11 this paragraph if any practitioner utilizing controlled  
12 substances listed in Schedules III, IV and V shall keep a  
13 record of all those substances dispensed and distributed by  
14 him or her other than those controlled substances which are  
15 administered by the direct application of a controlled  
16 substance, whether by injection, inhalation, ingestion, or any  
17 other means to the body of a patient or research subject. A  
18 practitioner who dispenses, other than by administering, a  
19 controlled substance in Schedule II, which is a narcotic drug  
20 listed in Section 206 of this Act, or which contains any  
21 quantity of amphetamine or methamphetamine, their salts,  
22 optical isomers or salts of optical isomers, pentazocine, or  
23 methaqualone shall do so only upon the issuance of a written  
24 prescription blank or electronic prescription issued by a  
25 prescriber.

26 (e) Whenever a manufacturer distributes a controlled



1 substance in a package prepared by him or her, and whenever a  
2 wholesale distributor distributes a controlled substance in a  
3 package prepared by him or her or the manufacturer, he or she  
4 shall securely affix to each package in which that substance  
5 is contained a label showing in legible English the name and  
6 address of the manufacturer, the distributor and the quantity,  
7 kind and form of controlled substance contained therein. No  
8 person except a pharmacist and only for the purposes of  
9 filling a prescription under this Act, shall alter, deface or  
10 remove any label so affixed.

11 (f) Whenever a practitioner dispenses any controlled  
12 substance except a non-prescription Schedule V product or a  
13 non-prescription targeted methamphetamine precursor regulated  
14 by the Methamphetamine Precursor Control Act, he or she shall  
15 affix to the container in which such substance is sold or  
16 dispensed, a label indicating the date of initial filling, the  
17 practitioner's name and address, the name of the patient, the  
18 name of the prescriber, the directions for use and cautionary  
19 statements, if any, contained in any prescription or required  
20 by law, the proprietary name or names or the established name  
21 of the controlled substance, and the dosage and quantity,  
22 except as otherwise authorized by regulation by the Department  
23 of Financial and Professional Regulation. No person shall  
24 alter, deface or remove any label so affixed as long as the  
25 specific medication remains in the container.

26 (g) A person to whom or for whose use any controlled

1 substance has been prescribed or dispensed by a practitioner,  
2 or other persons authorized under this Act, and the owner of  
3 any animal for which such substance has been prescribed or  
4 dispensed by a veterinarian, may lawfully possess such  
5 substance only in the container in which it was delivered to  
6 him or her by the person dispensing such substance.

7 (h) The responsibility for the proper prescribing or  
8 dispensing of controlled substances that are under the  
9 prescriber's direct control is upon the prescriber. The  
10 responsibility for the proper filling of a prescription for  
11 controlled substance drugs rests with the pharmacist. An order  
12 purporting to be a prescription issued to any individual,  
13 which is not in the regular course of professional treatment  
14 nor part of an authorized methadone maintenance program, nor  
15 in legitimate and authorized research instituted by any  
16 accredited hospital, educational institution, charitable  
17 foundation, or federal, state or local governmental agency,  
18 and which is intended to provide that individual with  
19 controlled substances sufficient to maintain that individual's  
20 or any other individual's physical or psychological addiction,  
21 habitual or customary use, dependence, or diversion of that  
22 controlled substance is not a prescription within the meaning  
23 and intent of this Act; and the person issuing it, shall be  
24 subject to the penalties provided for violations of the law  
25 relating to controlled substances.

26 (i) A prescriber shall not pre-print or cause to be

1 pre-printed a prescription for any controlled substance; nor  
2 shall any practitioner issue, fill or cause to be issued or  
3 filled, a pre-printed prescription for any controlled  
4 substance.

5 (i-5) A prescriber may use a machine or electronic device  
6 to individually generate a printed prescription, but the  
7 prescriber is still required to affix his or her manual  
8 signature.

9 (j) No person shall manufacture, dispense, deliver,  
10 possess with intent to deliver, prescribe, or administer or  
11 cause to be administered under his or her direction any  
12 anabolic steroid, for any use in humans other than the  
13 treatment of disease in accordance with the order of a  
14 physician licensed to practice medicine in all its branches  
15 for a valid medical purpose in the course of professional  
16 practice. The use of anabolic steroids for the purpose of  
17 hormonal manipulation that is intended to increase muscle  
18 mass, strength or weight without a medical necessity to do so,  
19 or for the intended purpose of improving physical appearance  
20 or performance in any form of exercise, sport, or game, is not  
21 a valid medical purpose or in the course of professional  
22 practice.

23 (k) Controlled substances may be mailed if all of the  
24 following conditions are met:

25 (1) The controlled substances are not outwardly  
26 dangerous and are not likely, of their own force, to cause

1 injury to a person's life or health.

2 (2) The inner container of a parcel containing  
3 controlled substances must be marked and sealed as  
4 required under this Act and its rules, and be placed in a  
5 plain outer container or securely wrapped in plain paper.

6 (3) If the controlled substances consist of  
7 prescription medicines, the inner container must be  
8 labeled to show the name and address of the pharmacy or  
9 practitioner dispensing the prescription.

10 (4) The outside wrapper or container must be free of  
11 markings that would indicate the nature of the contents.

12 (1) Notwithstanding any other provision of this Act to the  
13 contrary, emergency medical services personnel may administer  
14 Schedule II, III, IV, or V controlled substances to a person in  
15 the scope of their employment without a written, electronic,  
16 or oral prescription of a prescriber.

17 (Source: P.A. 99-78, eff. 7-20-15; 99-480, eff. 9-9-15;  
18 100-280, eff. 1-1-18.)