HB4294

LRB10221704SPS30823b

102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4294

Introduced 1/5/2022, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 570/102 from Ch. 56 1/2, par. 1102

Creates the Naturopathic Medical Practice Act. Provides for the licensure of naturopathic physicians. Creates the Naturopathic Physician Medical Board. Provides that the Board shall oversee the licensure of naturopathic physicians and matters relating to training and licensure of naturopathic physicians. Provides for membership of the Board and duties of the Board. Requires the Board to adopt rules concerning specified matters. Contains provisions concerning definitions; qualifications for licensure; approval of naturopathic medical educational programs; display of license; scope of practice; referral requirements; prohibited conduct by licensees; exemptions from the Act; title protection; license expiration, renewal, denial, revocation, and continuing education; and issuance of first licenses. Amends the Illinois Controlled Substances Act. Adds internal references to naturopathic physicians. Effective immediately.

LRB102 21704 SPS 30823 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Naturopathic Medical Practice Act.

Section 5. Purpose and findings. The practice of naturopathic medicine in the State of Illinois is declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest that naturopathic physicians and the practice of naturopathic medicine, as defined in this Act, merit the confidence of the public, that only qualified persons be authorized to practice naturopathic medicine in the State of Illinois, and that no person shall practice naturopathic medicine without a valid existing license to do so.

Illinois is facing an unprecedented physician shortage in urban counties and an even higher shortage in rural counties. The COVID-19 pandemic is increasing that shortage exponentially. Naturopathic physicians with a proper scope of practice can help fill this void.

The General Assembly recognizes that naturopathic physicians comprise a distinct health care profession that

affects the public health, safety, and welfare and that licensure of naturopathic physicians will increase freedom of choice in health care and help address the physician shortage in Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.

Section 10. Definitions. In this Act:

"Approved naturopathic medical educational program" means an educational program that the Board has approved as meeting the requirements of Section 20 of this Act that prepares naturopathic physicians for the practice of naturopathic medicine.

"Association" means an entity that is approved by the American Association of Naturopathic Physicians, which entity represents the interests of naturopathic physicians in this State.

"Board" means the Naturopathic Physician Medical Board established pursuant to Section 55 of this Act.

"Clinical laboratory procedure" means the use of venipuncture consistent with naturopathic medical practice, commonly used diagnostic modalities consistent with naturopathic practice, the recording of a patient's health history, physical examination, ordering and interpretation of radiographic diagnostics and other standard imaging and examination of body orifices, excluding endoscopy and colonoscopy. "Clinical laboratory procedure" includes the

practice of obtaining samples of human tissues, except surgical excision beyond surgical excision that is authorized as a minor office procedure.

"Drug" has the same meaning as set forth in Section 102 of the Illinois Controlled Substances Act.

"Homeopathic medicine" means a system of medicine based on the use of infinitesimal doses of substances capable of producing symptoms similar to those of the disease treated, as listed in the Homeopathic Pharmacopoeia of the United States.

"Hygiene" means the use of preventive techniques, including personal hygiene for asepsis, public health, and safety.

"Laboratory examination" means:

(1) phlebotomy;

(2) a clinical laboratory procedure;

(3) an orificial examination;

(4) a physiological function test; and

(5) a screening or test that is consistent with naturopathic education and training.

"Legend drug" has the same meaning as set forth in Section 3.23 of the Illinois Food, Drug and Cosmetic Act.

"License" means a license issued by the Board to an individual pursuant to this Act and rules authorizing that individual to practice naturopathic medicine in this State.

"Licensee" means a naturopathic physician licensed by the Board to practice naturopathic medicine in this State.

"Minor office procedure" means minor surgical care and procedures, including:

(1) surgical care incidental to superficial laceration, lesion, or abrasion, excluding surgical care to treat a lesion suspected of malignancy;

(2) the removal of foreign bodies located in superficial structures, excluding the globe of the eye;

(3) trigger point therapy;

(4) dermal stimulation;

(5) allergy testing and treatment; and

(6) the use of antiseptics and topical or local anesthetics.

"Naturopathic medicine" means:

(1) a system of health care for the prevention, diagnosis and treatment of human health conditions, injury, and disease;

(2) the promotion or restoration of health; and

(3) the support and stimulation of a patient's inherent self-healing processes through patient education and the use of naturopathic therapies and therapeutic substances.

"Naturopathic physical medicine" means the use of one or more of the following physical agents in a manner consistent with naturopathic medical practice on a part or the whole of the body, by hand or by mechanical means, in the resolution of a human ailment or conditions:

(1) air;

(2) water;

(3) heat;

(4) cold;

(5) sound;

(6) light;

(7) electromagnetism;

(8) colon hydrotherapy;

(9) soft tissue therapy;

(10) joint mobilization;

(11) therapeutic exercise; or

(12) naturopathic manipulation.

"Naturopathic physician" means an individual licensed pursuant to this Act as a naturopathic physician to practice naturopathic medicine in this State.

"Naturopathic therapy" means the use of:

(1) naturopathic physical medicine;

(2) suggestion;

(3) hygiene;

(4) a therapeutic substance;

(5) nutrition and food science;

(6) homeopathic medicine;

(7) a clinical laboratory procedure; or

(8) a minor office procedure.

"Nutrition and food science" means the prevention and treatment of disease or other human conditions through the use

of food, water, herbs, roots, bark, or natural food elements.

"Prescription" has the same meaning as set forth in Section 3 of the Pharmacy Practice Act.

"Professional examination" means a competency based national naturopathic physician licensing examination administered by the North American Board of Naturopathic Examiners or its successor agency, which Board has been nationally recognized to administer a naturopathic examination that represents federal standards of education and training.

"Suggestion" means a technique using:

(1) biofeedback;

(2) hypnosis;

(3) health education; or

(4) health counseling.

"Therapeutic substance" means any of the following exemplified in a standard naturopathic medical text, journal, or pharmacopeia:

(1) a vitamin;

(2) a mineral;

(3) a nutraceutical;

(4) a botanical medicine;

(5) oxygen;

(6) a homeopathic medicine;

(7) a hormone;

(8) a hormonal or pharmaceutical contraceptive device; or

(9) other physiologic substance.

Section 15. Qualifications for licensure. The Board shall license an applicant who:

(1) submits, in accordance with rules of the Board, the following items to the Board:

(A) an application for licensure designed and approved by the Board and submitted in accordance with rules of the Board;

(B) an application fee submitted in an amount and manner established by rules of the Board;

(C) evidence that the applicant has graduated from an approved naturopathic medical educational program;

(D) evidence that the applicant has passed a professional examination;

(E) evidence that the applicant has passed a pharmacy examination authorized by rules of the Board and administered by the North American Board of Naturopathic Examiners or its successor;

(F) evidence that the applicant has passed a minor surgery examination authorized by rules of the Board and administered by the North American Board of Naturopathic Examiners or its successor; and

(G) evidence of professional liability insurance with policy limits not less than prescribed by the Board;

(2) is determined by the Board to be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation; and

(3) has not had a license to practice naturopathic medicine or other health care license, registration, or certificate refused, revoked, or suspended by any other jurisdiction for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license, registration, or certification has been restored to good standing by that jurisdiction.

Section 20. Approved naturopathic medical educational program. The Board shall establish, by rule, guidelines for an approved naturopathic medical educational program, which guidelines shall meet the following requirements and the Board's specifications for the education of naturopathic physicians. The approved naturopathic medical educational program shall:

(1) offer graduate-level, full-time didactic and supervised clinical training;

(2) be accredited, or have achieved candidacy status for accreditation, by the Council on Naturopathic Medical Education or an equivalent federally recognized accrediting body for naturopathic medical programs that is also recognized by the Board; and

(3) be conducted by an institution of higher education, or a division of an institution of higher education, that:

(A) is accredited or is a candidate for accreditation by a regional or national institutional accrediting agency recognized by the United States Secretary of Education or a diploma-granting, degree-equivalent college or university; or

(B) meets equivalent standards for recognition of accreditation established by rules of the Board for medical education programs offered in Canada.

Section 25. Display of license. A licensee shall display the licensee's license in the licensee's place of business in a location clearly visible to the licensee's patients and shall also display evidence of the licensee having completed an approved naturopathic medical educational program.

Section 30. Scope of practice. A licensee may practice naturopathic medicine to provide primary care in alignment with naturopathic medical education to:

(1) perform physical examinations;

(2) order laboratory examinations;

(3) order diagnostic imaging studies;

(4) interpret the results of laboratory examinations for diagnostic purposes;

(5) order and, based on a radiologist's report, take action on diagnostic imaging studies in a manner consistent with naturopathic training;

(6) prescribe, administer, dispense, and order food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts, botanical medicines, homeopathic medicines, dietary supplements, and nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic Act;

(7) prescribe, administer, dispense, and order all legend drugs and all drugs within Schedules II-V of the Controlled Substances Act;

(8) administer intramuscular, intravenous, subcutaneous, intra-articular and intradermal injections of substances appropriate to naturopathic medicine;

(9) use routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, intra-articular, and intramuscular consistent with the education and training of a naturopathic physician;

(10) perform naturopathic physical medicine;

(11) employ the use of naturopathic therapy;

(12) use therapeutic devices, barrier contraception, intrauterine devices, hormonal and pharmaceutical contraception, and durable medical equipment;

(13) administer vaccinations upon completion of

appropriate training set forth by rule and approved by the Department on appropriate vaccine storage, proper administration, and addressing contraindications and adverse reactions; and

(14) perform minor office procedures.

Section 35. Referral requirement. A licensee shall refer to a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 any patient whose medical condition is determined, at the time of evaluation or treatment, to be beyond the scope of practice of the licensee.

Section 40. Prohibitions. A licensee shall not:

(1) perform surgery outside of the scope of minor office procedures permitted in the employment of naturopathic therapy;

(2) use general or spinal anesthetics;

(3) administer ionizing radioactive substances for therapeutic purposes;

(4) perform a surgical procedure using a laser device;

(5) perform a surgical procedure involving any of the following areas of the body that extend beyond superficial tissue:

(A) eyes;

(B) ears;

(C) tendons;

(D) nerves;

(E) veins; or

(F) arteries;

(6) perform a surgical abortion;

(7) treat any lesion suspected of malignancy or requiring surgical removal; or

(8) perform acupuncture.

Section 45. Exemptions. Nothing in this Act shall be construed to prohibit or to restrict:

(1) the practice of a health care profession by an individual who is licensed, certified, or registered under other laws of this State and who is performing services within the individual's authorized scope of practice;

(2) the practice of naturopathic medicine by a student enrolled in an approved naturopathic medical educational program if the practice of naturopathic medicine by a student is performed pursuant to a course of instruction or an assignment from an instructor at an accredited university or college by an instructor duly licensed as a health care provider in Illinois;

(3) any person that sells a vitamin or herb from providing information about the vitamin or herb;

(4) the practice of naturopathic medicine by persons who are licensed to practice in any other state or

district in the United States and who enter this State to consult with a naturopathic physician of this State if the consultation is limited to examination, recommendation, or testimony in litigation; or

(5) any person or practitioner who is not licensed as a naturopathic physician from recommending ayurvedic medicine, herbal remedies, nutritional advice, homeopathy, or other therapy that is within the scope of practice of naturopathic medicine; however, the person or practitioner shall not:

(A) use a title protected pursuant to Section 50 of this Act;

(B) represent or assume the character or appearance of a licensee; or

(C) otherwise use a name, title, or other designation that indicates or implies that the person is a licensee.

Section 50. Protected titles.

(a) A licensee shall use the title "naturopathic physician", "naturopathic doctor", or "naturopathic medical doctor" and the recognized abbreviations "N.D." and "N.M.D.".

(b) A licensee has the exclusive right to use the following terms in reference to the licensee's self:

(1) "naturopathic physician";

(2) "naturopathic doctor";

(3) "naturopathic medical doctor";

(4) "doctor of naturopathic medicine";

(5) "doctor of naturopathy";

(6) "naturopath";

(7) "N.D.";

(8) "ND";

(9) "NMD"; and

(10) "N.M.D.".

(c) An individual represents the individual's self to be a naturopathic physician or a naturopathic doctor when the individual uses or adopts any of the following terms in reference to the individual's self:

(1) "naturopathic physician";

(2) "naturopathic doctor";

(3) "naturopathic medical doctor";

(4) "doctor of naturopathic medicine";

(5) "doctor of naturopathy";

(6) "naturopath";

(7) "N.D.";

(8) "ND";

(9) "NMD"; and

(10) "N.M.D.".

(d) An individual shall not represent the individual's self to the public as a naturopathic physician, naturopathic doctor, naturopathic medical doctor, a doctor of naturopathic medicine, a doctor of naturopathy, or as being otherwise

authorized to practice naturopathic medicine in this State, unless the individual is a licensee.

Section 55. Naturopathic Physician Medical Board.

(a) The Naturopathic Physician Medical Board shall oversee:

(1) licensure of naturopathic physicians; and

(2) matters relating to training and licensure of naturopathic physicians.

(b) Within 90 days after the effective date of this Act, the Governor shall appoint an initial Board consisting of 2 members for terms of 4 years each, 3 members for terms of 3 years each, and 4 members for terms of 2 years each. The initial Board shall consist of 9 voting members as follows:

(1) five licensed naturopathic physicians who are residents of Illinois and are members of the Illinois Association of Naturopathic Physicians;

(2) two practicing physicians licensed to practice medicine in all of its branches with experience working with naturopathic physicians; and

(3) two public members that are residents of this State who are not, and never have been, a licensed health care practitioner and who do not have an interest in naturopathic education, naturopathic medicine, or naturopathic business or practice.

(c) As the terms of the initial Board members expire, the

Governor shall appoint successors for terms of 4 years each as follows:

(1) five naturopathic physicians licensed pursuant to this Act;

(2) two practicing physicians licensed to practice medicine in all of its branches with experience working with naturopathic physicians; and

(3) two public members that are residents of this State who are not, and never have been, a licensed health care practitioner and who do not have an interest in naturopathic education, naturopathic medicine or naturopathic business or practice.

(d) Within 30 days after the Board is established, the Board shall call the first meeting, at which meeting members shall elect a chair. At least once during each calendar quarter thereafter, the Board shall hold a meeting at the call of the chair. The Board may hold additional meetings at the call of the chair or at the written request of any 2 members of the Board.

(e) Vacancies on the Board shall be filled from a list of not fewer than 3 candidates provided by the Illinois Association of Naturopathic Physicians.

(f) A majority of the Board membership shall constitute a quorum.

(g) Members of the Board shall serve without compensation but may, at the discretion of the Board, be reimbursed for

their expenses incurred in performing their duties.

(h) The Department of Financial and Professional Regulation shall provide administrative and other support to the Board.

Section 60. Board duties. The Board shall adopt rules:

(1) regulating the licensure of naturopathic physicians and determining the hours of continuing education units required for maintaining licensure as a naturopathic physician;

(2) prescribing the manner in which records of examinations and treatments shall be kept and maintained;

(3) establishing standards for professional responsibility and conduct;

(4) identifying disciplinary actions and circumstances that require disciplinary action;

(5) developing a means to provide information to all licensees in this State;

(6) providing for the investigation of complaints against licensees or persons holding themselves out as naturopathic physicians in this State;

(7) providing for the publication of information for the public about licensees and the practice of naturopathic medicine in this State;

(8) providing for an orderly process for reinstatement of a license;

(9) establishing criteria for advertising or promotional materials;

(10) establishing continuing education hours and content;

(11) establishing procedures and standards for reviewing licensing examination scores; and

(12) establishing procedures for reviewing transcripts demonstrating completion of the approved naturopathic medical educational program;

(13) establishing and maintaining a list of naturopathic medical education programs that meet the requirements of Section 20;

(14) establishing the requirements for issuance and renewal of licenses; and

(15) any other matter necessary to implement this Act.

Section 65. License expiration, renewal, denial, revocation, and continuing education.

(a) A license issued or renewed pursuant to this Act shall expire in a time frame determined by the Board.

(b) The Board may renew the license of any licensee who, upon the expiration of the licensee's license:

(1) has submitted an application for renewal;

(2) has paid the renewal fee established by rules of the Board;

(3) meets the qualifications for licensure set forth

in this Act and rules of the Board; and

(4) meets the continuing education requirements established by the Board.

(c) If the Board intends to refuse to issue or renew, revoke, or suspend a license, the Board shall grant the applicant or licensee an opportunity for a hearing.

Section 70. Issuance of first licenses. On a schedule determined by the Board, the Board shall issue licenses to those applicants who have met the requirements of this Act and Board rules adopted in accordance with this Act.

Section 100. The Illinois Controlled Substances Act is amended by changing Section 102 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his or her addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation,

ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his or her presence, by his or her authorized agent),

(2) the patient or research subject pursuant to an order, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, dispenser, prescriber, or practitioner. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes:

(i) 3[beta],17-dihydroxy-5a-androstane,

(ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

(iii) 5[alpha]-androstan-3,17-dione,

(iv) 1-androstenediol (3[beta], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(v) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(vi) 4-androstenediol

(3[beta],17[beta]-dihydroxy-androst-4-ene),

(vii) 5-androstenediol

(3[beta],17[beta]-dihydroxy-androst-5-ene),

(viii) 1-androstenedione

([5alpha]-androst-1-en-3,17-dione),

(ix) 4-androstenedione

(androst-4-en-3,17-dione),

(x) 5-androstenedione

(androst-5-en-3,17-dione),

(xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-hydroxyandrost-4-en-3-one),

(xii) boldenone (17[beta]-hydroxyandrost-1,4,-diene-3-one),

(xiii) boldione (androsta-1,4-diene-3,17-dione),

(xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one),

(xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one),

(xvi) dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methyl-androst-1,4-dien-3-one),

(xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol)(a.k.a., madol),

(xviii) [delta]1-dihydrotestosterone (a.k.a.

'1-testosterone') (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),

(xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one),

(xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one),

(xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene),

(xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-1[beta],17[beta]-dihydroxyandrost-4-en-3-one),

(xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha], 17[beta]-dihydroxyandrost-1,4-dien-3-one),

(xxiv) furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan),

(xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,

(xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one),

(xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one),

(xxviii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one),

(xxix) mesterolone (1amethyl-17[beta]-hydroxy-[5a]-androstan-3-one),

(xxx) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one),

(xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-

dihydroxyandrost-5-ene),

(xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),

(xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane,

(xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5a-androstane,

(xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene),

(xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),

(xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one),

(xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one),

(xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one),

(xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-hydroxyestr-4-en-3-one),

(xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one)(a.k.a. '17-[alpha]-methyl-1-testosterone'),

(xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),

(xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene),

(xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene),

(xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene),

(xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene),

(xlvii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione),

(xlviii) 19-nor-4-androstenedione (estr-4-en-3,17-dione),

(xlix) 19-nor-5-androstenedione (estr-5-en-3,17-dione),

(l) norbolethone (13[beta], 17a-diethyl-17[beta]-hydroxygon-4-en-3-one),

(li) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one),

(lii) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one),

(liii) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one),

(liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one),

(lv) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one),

(lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-(5[alpha]-androstan-3-one),

(lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-2-eno[3,2-c]-pyrazole),

(lviii) stenbolone (17[beta]-hydroxy-2-methyl-5[alpha]-androst-1-en-3-one),

(lix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone),

(lx) testosterone (17[beta]-hydroxyandrost-4-en-3-one),

(lxi) tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one),

(lxii) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one).

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for

purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(d-5) "Clinical Director, Prescription Monitoring Program" means a Department of Human Services administrative employee licensed to either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library.

(d-10) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if both of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means (i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995.

(f-5) "Controlled substance analog" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect

on the central nervous system of a controlled substance in Schedule I or II.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship. "Deliver" or "delivery" does not include the donation of drugs to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) (Blank).

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Financial and Professional Regulation" means the Department of Financial and Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" means any drug that (i) causes an overall depression of central nervous system functions, (ii) causes

impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including, but not limited to, alcohol, cannabis and its active principles and their analogs, benzodiazepines and their analogs, barbiturates and their analogs, opioids (natural and synthetic) and their analogs, and chloral hydrate and similar sedative hypnotics.

(n) (Blank).

(o) "Director" means the Director of the Illinois State Police or his or her designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of

the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-3) "Electronic health record" or "EHR" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(t-3.5) "Electronic health record system" or "EHR system" means any computer-based system or combination of federally certified Health IT Modules (defined at 42 CFR 170.102 or its successor) used as a repository for electronic health records and accessed or updated by a prescriber or authorized surrogate in the ordinary course of his or her medical practice. For purposes of connecting to the Prescription Information Library maintained by the Bureau of Pharmacy and Clinical Support Systems or its successor, an EHR system may connect to the Prescription Information Library directly or through all or part of a computer program or system that is a federally certified Health IT Module maintained by a third party and used by the EHR system to secure access to the database.

(t-4) "Emergency medical services personnel" has the meaning ascribed to it in the Emergency Medical Services (EMS) Systems Act.

(t-5) "Euthanasia agency" means an entity certified by the

Department of Financial and Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards, including, but not limited to, the following, in making the judgment:

(1) lack of consistency of prescriber-patient relationship,

(2) frequency of prescriptions for same drug by one

prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs.

(u-0.5) "Hallucinogen" means a drug that causes markedly altered sensory perception leading to hallucinations of any type.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(u-5) "Illinois State Police" means the Illinois State Police or its successor agency.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control

of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of

the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his or her own use;

(2) by a practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(b) as an incident to lawful research, teaching or

chemical analysis and not for sale; or

(3) the packaging, repackaging, or labeling of drugs only to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

(z-1) (Blank).

(z-5) "Medication shopping" means the conduct prohibited under subsection (a) of Section 314.5 of this Act.

(z-10) "Mid-level practitioner" means (i) a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, (ii) an advanced practice registered nurse who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatric physician, in accordance with Section 65-40 of the Nurse Practice Act, (iii) an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act, (iv) an animal euthanasia agency, or (v) a prescribing psychologist.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical

synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation; however the term "narcotic drug" does not include the isoquinoline alkaloids of opium;

(2) (blank);

(3) opium poppy and poppy straw;

(4) coca leaves, except coca leaves and extracts of coca leaves from which substantially all of the cocaine and ecgonine, and their isomers, derivatives and salts, have been removed;

(5) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(6) ecgonine, its derivatives, their salts, isomers, and salts of isomers;

(7) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (1) through (6).

(bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction

forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ee-5) "Oral dosage" means a tablet, capsule, elixir, or solution or other liquid form of medication intended for administration by mouth, but the term does not include a form of medication intended for buccal, sublingual, or transmucosal administration.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act.

(ii-5) "Pharmacy shopping" means the conduct prohibited under subsection (b) of Section 314.5 of this Act.

(ii-10) "Physician" (except when the context otherwise

requires) means a person licensed to practice medicine in all of its branches.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatric physician, naturopathic physician, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice registered nurse, licensed practical nurse, registered nurse, emergency medical services personnel, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance; the term does not mean a written prescription that is individually generated by machine or computer in the prescriber's office.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical

Psychologist Licensing Act, podiatric physician, naturopathic physician, or veterinarian who issues a prescription, a physician assistant who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05, or an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act.

(nn) "Prescription" means a written, facsimile, or oral order, or an electronic order that complies with applicable federal requirements, of a physician licensed to practice medicine in all its branches, dentist, podiatric physician, naturopathic physician, or veterinarian for any controlled substance, of an optometrist in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a

prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, of a physician assistant for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, of an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05 when required by law, or of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act.

(nn-5) "Prescription Information Library" (PIL) means an electronic library that contains reported controlled substance data.

(nn-10) "Prescription Monitoring Program" (PMP) means the

entity that collects, tracks, and stores reported data on controlled substances and select drugs pursuant to Section 316.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(qq-5) "Secretary" means, as the context requires, either the Secretary of the Department or the Secretary of the Department of Financial and Professional Regulation, and the Secretary's designated agents.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(rr-5) "Stimulant" means any drug that (i) causes an overall excitation of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including, but not limited to, amphetamines and their analogs, methylphenidate and its analogs, cocaine, and phencyclidine and its analogs.

(rr-10) "Synthetic drug" includes, but is not limited to, any synthetic cannabinoids or piperazines or any synthetic cathinones as provided for in Schedule I.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(Source: P.A. 101-666, eff. 1-1-22; 102-389, eff. 1-1-22; 102-538, eff. 8-20-21; revised 9-22-21.)

Section 999. Effective date. This Act takes effect upon becoming law.