



Rep. Amy L. Grant

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10300HB1879ham002

LRB103 28151 RLC 72414 a

1 AMENDMENT TO HOUSE BILL 1879

2 AMENDMENT NO. _____. Amend House Bill 1879 by replacing
3 everything after the enacting clause with the following:

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

1 electronically validated in compliance with Section 311.5) on
2 the day when issued and bearing the name and address of the
3 patient for whom, or the owner of the animal for which the
4 controlled substance is dispensed, and the full name, address
5 and registry number under the laws of the United States
6 relating to controlled substances of the prescriber, if he or
7 she is required by those laws to be registered. If the
8 prescription is for an animal it shall state the species of
9 animal for which it is ordered. The practitioner filling the
10 prescription shall, unless otherwise permitted, write the date
11 of filling and his or her own signature on the face of the
12 written prescription or, alternatively, shall indicate such
13 filling using a unique identifier as defined in paragraph (v)
14 of Section 3 of the Pharmacy Practice Act. The written
15 prescription shall be retained on file by the practitioner who
16 filled it or pharmacy in which the prescription was filled for
17 a period of 2 years, so as to be readily accessible for
18 inspection or removal by any officer or employee engaged in
19 the enforcement of this Act. Whenever the practitioner's or
20 pharmacy's copy of any prescription is removed by an officer
21 or employee engaged in the enforcement of this Act, for the
22 purpose of investigation or as evidence, such officer or
23 employee shall give to the practitioner or pharmacy a receipt
24 in lieu thereof. If the specific prescription is machine or
25 computer generated and printed at the prescriber's office, the
26 date does not need to be handwritten. A prescription for a

1 Schedule II controlled substance shall not be issued for more
2 than a 30 day supply, except as provided in subsection (a-5),
3 and shall be valid for up to 90 days after the date of
4 issuance. A written prescription for Schedule III, IV or V
5 controlled substances shall not be filled or refilled more
6 than 6 months after the date thereof or refilled more than 5
7 times unless renewed, in writing, by the prescriber. A
8 pharmacy shall maintain a policy regarding the type of
9 identification necessary, if any, to receive a prescription in
10 accordance with State and federal law. The pharmacy must post
11 such information where prescriptions are filled.

12 (a-5) Physicians may issue multiple prescriptions (3
13 sequential 30-day supplies) for the same Schedule II
14 controlled substance, authorizing up to a 90-day supply.
15 Before authorizing a 90-day supply of a Schedule II controlled
16 substance, the physician must meet the following conditions:

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

20 (2) The individual physician must provide written
21 instructions on each prescription (other than the first
22 prescription, if the prescribing physician intends for the
23 prescription to be filled immediately) indicating the
24 earliest date on which a pharmacy may fill that
25 prescription.

26 (3) The physician shall document in the medical record

1 of a patient the medical necessity for the amount and
2 duration of the 3 sequential 30-day prescriptions for
3 Schedule II narcotics.

4 (a-10) Prescribers who issue a prescription for an opioid
5 shall inform the patient that opioids are addictive and that
6 opioid antagonists are available by prescription or from a
7 pharmacy.

8 (b) In lieu of a written prescription required by this
9 Section, a pharmacist, in good faith, may dispense Schedule
10 III, IV, or V substances to any person either upon receiving a
11 facsimile of a written, signed prescription transmitted by the
12 prescriber or the prescriber's agent or upon a lawful oral
13 prescription of a prescriber which oral prescription shall be
14 reduced promptly to writing by the pharmacist and such written
15 memorandum thereof shall be dated on the day when such oral
16 prescription is received by the pharmacist and shall bear the
17 full name and address of the ultimate user for whom, or of the
18 owner of the animal for which the controlled substance is
19 dispensed, and the full name, address, and registry number
20 under the law of the United States relating to controlled
21 substances of the prescriber prescribing if he or she is
22 required by those laws to be so registered, and the pharmacist
23 filling such oral prescription shall write the date of filling
24 and his or her own signature on the face of such written
25 memorandum thereof. The facsimile copy of the prescription or
26 written memorandum of the oral prescription shall be retained

1 on file by the proprietor of the pharmacy in which it is filled
2 for a period of not less than two years, so as to be readily
3 accessible for inspection by any officer or employee engaged
4 in the enforcement of this Act in the same manner as a written
5 prescription. The facsimile copy of the prescription or oral
6 prescription and the written memorandum thereof shall not be
7 filled or refilled more than 6 months after the date thereof or
8 be refilled more than 5 times, unless renewed, in writing, by
9 the prescriber.

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

16 (1) only personally by a person registered to dispense
17 a Schedule V controlled substance and then only to his or
18 her patients, or

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

23 The dispenser shall record the name and address of the
24 purchaser, the name and quantity of the product, the date and
25 time of the sale, and the dispenser's signature.

26 No person shall purchase or be dispensed more than 120

1 milliliters or more than 120 grams of any Schedule V substance
2 which contains codeine, dihydrocodeine, or any salts thereof,
3 or ethylmorphine, or any salts thereof, in any 96-hour period.
4 The purchaser shall sign a form, approved by the Department of
5 Financial and Professional Regulation, attesting that he or
6 she has not purchased any Schedule V controlled substances
7 within the immediately preceding 96 hours.

8 All records of purchases and sales shall be maintained for
9 not less than 2 years.

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

18 A person qualified to dispense controlled substances under
19 this Act and registered thereunder shall at no time maintain
20 or keep in stock a quantity of Schedule V controlled
21 substances in excess of 4.5 liters for each substance; a
22 pharmacy shall at no time maintain or keep in stock a quantity
23 of Schedule V controlled substances as defined in excess of
24 4.5 liters for each substance, plus the additional quantity of
25 controlled substances necessary to fill the largest number of
26 prescription orders filled by that pharmacy for such

1 controlled substances in any one week in the previous year.
2 These limitations shall not apply to Schedule V controlled
3 substances which Federal law prohibits from being dispensed
4 without a prescription.

5 No person shall distribute or dispense butyl nitrite for
6 inhalation or other introduction into the human body for
7 euphoric or physical effect.

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

1 prescriber.

2 (d-1) Any person, other than the person for whom a
3 Schedule II controlled substance is prescribed, who receives
4 the prescribed Schedule II controlled substance at a pharmacy
5 shall provide:

6 (1) identifying information of the person for whom the
7 controlled substance is prescribed; and

8 (2) photo identification given to the pharmacy which
9 shall keep a photo copy in the file of the person for whom
10 the controlled substance is prescribed for a period of 90
11 days.

12 (e) Whenever a manufacturer distributes a controlled
13 substance in a package prepared by him or her, and whenever a
14 wholesale distributor distributes a controlled substance in a
15 package prepared by him or her or the manufacturer, he or she
16 shall securely affix to each package in which that substance
17 is contained a label showing in legible English the name and
18 address of the manufacturer, the distributor and the quantity,
19 kind and form of controlled substance contained therein. No
20 person except a pharmacist and only for the purposes of
21 filling a prescription under this Act, shall alter, deface or
22 remove any label so affixed.

23 (f) Whenever a practitioner dispenses any controlled
24 substance except a non-prescription Schedule V product or a
25 non-prescription targeted methamphetamine precursor regulated
26 by the Methamphetamine Precursor Control Act, he or she shall

1 affix to the container in which such substance is sold or
2 dispensed, a label indicating the date of initial filling, the
3 practitioner's name and address, the name of the patient, the
4 name of the prescriber, the directions for use and cautionary
5 statements, if any, contained in any prescription or required
6 by law, the proprietary name or names or the established name
7 of the controlled substance, and the dosage and quantity,
8 except as otherwise authorized by regulation by the Department
9 of Financial and Professional Regulation. No person shall
10 alter, deface or remove any label so affixed as long as the
11 specific medication remains in the container.

12 (g) A person to whom or for whose use any controlled
13 substance has been prescribed or dispensed by a practitioner,
14 or other persons authorized under this Act, and the owner of
15 any animal for which such substance has been prescribed or
16 dispensed by a veterinarian, may lawfully possess such
17 substance only in the container in which it was delivered to
18 him or her by the person dispensing such substance.

19 (h) The responsibility for the proper prescribing or
20 dispensing of controlled substances that are under the
21 prescriber's direct control is upon the prescriber. The
22 responsibility for the proper filling of a prescription for
23 controlled substance drugs rests with the pharmacist. An order
24 purporting to be a prescription issued to any individual,
25 which is not in the regular course of professional treatment
26 nor part of an authorized methadone maintenance program, nor

1 in legitimate and authorized research instituted by any
2 accredited hospital, educational institution, charitable
3 foundation, or federal, state or local governmental agency,
4 and which is intended to provide that individual with
5 controlled substances sufficient to maintain that individual's
6 or any other individual's physical or psychological addiction,
7 habitual or customary use, dependence, or diversion of that
8 controlled substance is not a prescription within the meaning
9 and intent of this Act; and the person issuing it, shall be
10 subject to the penalties provided for violations of the law
11 relating to controlled substances.

12 (i) A prescriber shall not pre-print or cause to be
13 pre-printed a prescription for any controlled substance; nor
14 shall any practitioner issue, fill or cause to be issued or
15 filled, a pre-printed prescription for any controlled
16 substance.

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

21 (j) No person shall manufacture, dispense, deliver,
22 possess with intent to deliver, prescribe, or administer or
23 cause to be administered under his or her direction any
24 anabolic steroid, for any use in humans other than the
25 treatment of disease in accordance with the order of a
26 physician licensed to practice medicine in all its branches

1 for a valid medical purpose in the course of professional
2 practice. The use of anabolic steroids for the purpose of
3 hormonal manipulation that is intended to increase muscle
4 mass, strength or weight without a medical necessity to do so,
5 or for the intended purpose of improving physical appearance
6 or performance in any form of exercise, sport, or game, is not
7 a valid medical purpose or in the course of professional
8 practice.

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

11 (1) The controlled substances are not outwardly
12 dangerous and are not likely, of their own force, to cause
13 injury to a person's life or health.

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

18 (3) If the controlled substances consist of
19 prescription medicines, the inner container must be
20 labeled to show the name and address of the pharmacy or
21 practitioner dispensing the prescription.

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

24 (l) Notwithstanding any other provision of this Act to the
25 contrary, emergency medical services personnel may administer
26 Schedule II, III, IV, or V controlled substances to a person in

1 the scope of their employment without a written, electronic,
2 or oral prescription of a prescriber.

3 (Source: P.A. 102-1040, eff. 1-1-23; 103-154, eff. 6-30-23.)".