



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1414

Introduced 2/6/2023, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

720 ILCS 570/311.6

Amends the Illinois Controlled Substances Act. Provides that, notwithstanding any other provision of law, a prescriber shall not be required to issue prescriptions electronically if he or she certifies to the Department of Financial and Professional Regulation that he or she will not issue more than 100 (rather than 25) prescriptions during a 12-month period. Provides that prescriptions in both oral and written form for controlled substances shall be included in determining whether the prescriber will reach the limit of 100 (rather than 25) prescriptions. Provides that the Department of Financial and Professional Regulation shall consider various factors in determining exemptions from the requirement of a prescriber to issue electronic prescriptions. Provides that any prescriber who makes a good faith effort to prescribe electronically, but for reasons not within the prescriber's control is unable to prescribe electronically, is exempt from any disciplinary action.

LRB103 24837 RLC 52324 b

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 311.6 as follows:

6 (720 ILCS 570/311.6)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 311.6. Electronic Opioid prescriptions; exemptions.

10 (a) Electronic prescriptions. Notwithstanding any other
11 provision of law, a prescription for a substance classified in
12 Schedule II, III, IV, or V must be sent electronically, in
13 accordance with Section 316. Prescriptions sent in accordance
14 with this subsection (a) must be accepted by the dispenser in
15 electronic format.

16 (b) Electronic prescriptions not required. Notwithstanding
17 any other provision of this Section or any other provision of
18 law, a prescriber shall not be required to issue prescriptions
19 electronically if he or she certifies to the Department of
20 Financial and Professional Regulation that he or she will not
21 issue more than 100 ~~25~~ prescriptions during a 12-month period.
22 Prescriptions in both oral and written form for controlled
23 substances shall be included in determining whether the

1 prescriber will reach the limit of 100 ~~25~~ prescriptions.

2 (b-5) Exemptions. The Department when developing rules for
3 exemptions from subsection (a) shall consider the following:

4 (1) prescribers who do not have electronic health
5 records in their practice;

6 (2) prescribers who may have financial difficulties in
7 buying or managing an electronic prescription option,
8 whether it is an electronic health record or some other
9 e-Rx product;

10 (3) temporary technological or electrical failure that
11 prevents an electronic prescription from being issued;

12 (4) prescriptions that the practitioner reasonably
13 determines would be impractical for the patient to obtain
14 medications prescribed by an electronic data transmission
15 prescription in a timely manner and the delay would
16 adversely impact the patient's medical condition;

17 (5) the patient or the patient's representative does
18 not know which pharmacy the patient prefers or is
19 available, the patient is out of the patient's home area,
20 or needs to fill a prescription across state lines;

21 (6) the prescription is for an individual who:

22 (A) resides in a nursing or assisted living
23 facility;

24 (B) is receiving hospice or palliative care;

25 (C) is receiving care at an outpatient renal
26 dialysis facility and the prescription is related to

1 the care provided;

2 (D) is receiving care through the United States
3 Department of Veterans Affairs;

4 (E) is incarcerated in a state, detained, or
5 confined in a correctional facility;

6 (7) prescriptions that include elements that are not
7 supported by the most recent version of the National
8 Council for Prescription Drug Programs prescriber or
9 pharmacist interface SCRIPT standard;

10 (8) prescriptions issued for compounded preparations
11 containing 2 or more components;

12 (9) the prescription prescribes a drug under a
13 research protocol;

14 (10) non-patient specific prescriptions dispensed
15 under a standing order, approved protocol for drug
16 therapy, collaborative drug management, or comprehensive
17 medication management, or in response to a public health
18 emergency or other circumstances in which the practitioner
19 may issue a non-patient specific prescription; and

20 (11) prescriptions issued when the prescriber and
21 dispenser are the same entity.

22 (c) Rules. The Department of Financial and Professional
23 Regulation shall adopt rules for the administration of this
24 Section that include language to require pharmacies to
25 accommodate paper prescriptions issued consistent with the
26 exemptions provided in subsection (b-5). ~~These rules shall~~

1 ~~provide for the implementation of any such exemption to the~~
2 ~~requirements under this Section that the Department of~~
3 ~~Financial and Professional Regulation may deem appropriate,~~
4 ~~including the exemption provided for in subsection (b).~~

5 (d) Disciplinary action. Any prescriber who makes a good
6 faith effort to prescribe electronically, but for reasons not
7 within the prescriber's control is unable to prescribe
8 electronically, is exempt from any disciplinary action.

9 (Source: P.A. 102-490, eff. 1-1-24 (See Section 55 of P.A.
10 102-1109 for effective date of P.A. 102-490).)