

# SB1889



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1889

Introduced 2/9/2023, by Sen. Chapin Rose

### SYNOPSIS AS INTRODUCED:

225 ILCS 85/15.1

Amends the Pharmacy Practice Act. Provides that when a pharmacist is not present in the pharmacy, a registered pharmacy technician, a registered certified pharmacy technician, a student pharmacist, and other supportive staff shall dispense prescriptions that have received final verification by a pharmacist.

LRB103 03306 AMQ 48312 b

A BILL FOR

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  
5 changing Section 15.1 as follows:

6 (225 ILCS 85/15.1)

7 (Section scheduled to be repealed on January 1, 2028)

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  
14 per 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  
7 remain within the licensed pharmacy or within the  
8 establishment in which the licensed pharmacy is located in  
9 order to be available for emergencies. In addition, the  
10 following applies:

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

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

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

26 (i) the patient or other individual who is picking

1 up the prescription on behalf of the patient is told  
2 that the pharmacist is on a break and is offered the  
3 chance to wait until the pharmacist returns from break  
4 in order to receive counseling;

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

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

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

25 (c-5) When a pharmacist is not present in the pharmacy, a  
26 registered pharmacy technician, a registered certified

1 pharmacy technician, a student pharmacist, and other  
2 supportive staff shall dispense prescriptions that have  
3 received final verification by a pharmacist, except those  
4 prescriptions that require counseling by a pharmacist,  
5 including all new prescriptions and those refill prescriptions  
6 for which a pharmacist has determined that counseling is  
7 necessary.

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

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

14 (f) Subsections (a) and (b) shall not apply when an  
15 emergency, as deemed by the professional judgment of the  
16 pharmacist, necessitates that a pharmacist, student  
17 pharmacist, or pharmacy technician work longer than 12  
18 continuous hours, work without taking required meal breaks, or  
19 have a break interrupted in order to minimize immediate health  
20 risks for patients.

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