

1 AN ACT concerning pharmacies.

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 of 1987 is amended  
5 by changing Section 3 and adding Section 15.5 as follows:

6 (225 ILCS 85/3) (from Ch. 111, par. 4123)

7 (Section scheduled to be repealed on January 1, 2008)

8 (Text of Section before amendment by P.A. 92-880)

9 Sec. 3. Definitions. For the purpose of this Act, except  
10 where otherwise limited therein:

11 (a) "Pharmacy" or "drugstore" means and includes every  
12 store, shop, pharmacy department, or other place where  
13 pharmaceutical care is provided by a pharmacist (1) where  
14 drugs, medicines, or poisons are dispensed, sold or offered  
15 for sale at retail, or displayed for sale at retail; or (2)  
16 where prescriptions of physicians, dentists, veterinarians,  
17 podiatrists, or therapeutically certified optometrists,  
18 within the limits of their licenses, are compounded, filled,  
19 or dispensed; or (3) which has upon it or displayed within  
20 it, or affixed to or used in connection with it, a sign  
21 bearing the word or words "Pharmacist", "Druggist",  
22 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",  
23 "Medicine Store", "Prescriptions", "Drugs", "Medicines", or  
24 any word or words of similar or like import, either in the  
25 English language or any other language; or (4) where the  
26 characteristic prescription sign (Rx) or similar design is  
27 exhibited; or (5) any store, or shop, or other place with  
28 respect to which any of the above words, objects, signs or  
29 designs are used in any advertisement.

30 (b) "Drugs" means and includes (1) articles recognized  
31 in the official United States Pharmacopoeia/National

1     Formulary (USP/NF), or any supplement thereto and being  
2     intended for and having for their main use the diagnosis,  
3     cure, mitigation, treatment or prevention of disease in man  
4     or other animals, as approved by the United States Food and  
5     Drug Administration, but does not include devices or their  
6     components, parts, or accessories; and (2) all other articles  
7     intended for and having for their main use the diagnosis,  
8     cure, mitigation, treatment or prevention of disease in man  
9     or other animals, as approved by the United States Food and  
10    Drug Administration, but does not include devices or their  
11    components, parts, or accessories; and (3) articles (other  
12    than food) having for their main use and intended to affect  
13    the structure or any function of the body of man or other  
14    animals; and (4) articles having for their main use and  
15    intended for use as a component or any articles specified in  
16    clause (1), (2) or (3); but does not include devices or their  
17    components, parts or accessories.

18       (c) "Medicines" means and includes all drugs intended  
19    for human or veterinary use approved by the United States  
20    Food and Drug Administration.

21       (d) "Practice of pharmacy" means the provision of  
22    pharmaceutical care to patients as determined by the  
23    pharmacist's professional judgment in the following areas,  
24    which may include but are not limited to (1) patient  
25    counseling, (2) interpretation and assisting in the  
26    monitoring of appropriate drug use and prospective drug  
27    utilization review, (3) providing information on the  
28    therapeutic values, reactions, drug interactions, side  
29    effects, uses, selection of medications and medical devices,  
30    and outcome of drug therapy, (4) participation in drug  
31    selection, drug monitoring, drug utilization review,  
32    evaluation, administration, interpretation, application of  
33    pharmacokinetic and laboratory data to design safe and  
34    effective drug regimens, (5) drug research (clinical and

1 scientific), and (6) compounding and dispensing of drugs and  
2 medical devices.

3 (e) "Prescription" means and includes any written, oral,  
4 facsimile, or electronically transmitted order for drugs or  
5 medical devices, issued by a physician licensed to practice  
6 medicine in all its branches, dentist, veterinarian, or  
7 podiatrist, or therapeutically certified optometrist, within  
8 the limits of their licenses, by a physician assistant in  
9 accordance with subsection (f) of Section 4, or by an  
10 advanced practice nurse in accordance with subsection (g) of  
11 Section 4, containing the following: (1) name of the patient;  
12 (2) date when prescription was issued; (3) name and strength  
13 of drug or description of the medical device prescribed; and  
14 (4) quantity, (5) directions for use, (6) prescriber's name,  
15 address and signature, and (7) DEA number where required, for  
16 controlled substances. DEA numbers shall not be required on  
17 inpatient drug orders.

18 (f) "Person" means and includes a natural person,  
19 copartnership, association, corporation, government entity,  
20 or any other legal entity.

21 (g) "Department" means the Department of Professional  
22 Regulation.

23 (h) "Board of Pharmacy" or "Board" means the State Board  
24 of Pharmacy of the Department of Professional Regulation.

25 (i) "Director" means the Director of Professional  
26 Regulation.

27 (j) "Drug product selection" means the interchange for a  
28 prescribed pharmaceutical product in accordance with Section  
29 25 of this Act and Section 3.14 of the Illinois Food, Drug  
30 and Cosmetic Act.

31 (k) "Inpatient drug order" means an order issued by an  
32 authorized prescriber for a resident or patient of a facility  
33 licensed under the Nursing Home Care Act or the Hospital  
34 Licensing Act, or "An Act in relation to the founding and

1 operation of the University of Illinois Hospital and the  
2 conduct of University of Illinois health care programs",  
3 approved July 3, 1931, as amended, or a facility which is  
4 operated by the Department of Human Services (as successor to  
5 the Department of Mental Health and Developmental  
6 Disabilities) or the Department of Corrections.

7 (k-5) "Pharmacist" means an individual currently  
8 licensed by this State to engage in the practice of pharmacy.

9 (l) "Pharmacist in charge" means the licensed pharmacist  
10 whose name appears on a pharmacy license who is responsible  
11 for all aspects of the operation related to the practice of  
12 pharmacy.

13 (m) "Dispense" means the delivery of drugs and medical  
14 devices, in accordance with applicable State and federal laws  
15 and regulations, to the patient or the patient's  
16 representative authorized to receive these products,  
17 including the compounding, packaging, and labeling necessary  
18 for delivery, and any recommending or advising concerning the  
19 contents and therapeutic values and uses thereof. "Dispense"  
20 does not mean the physical delivery to a patient or a  
21 patient's representative in a home or institution by a  
22 designee of a pharmacist or by common carrier. "Dispense"  
23 also does not mean the physical delivery of a drug or medical  
24 device to a patient or patient's representative by a  
25 pharmacist's designee within a pharmacy or drugstore while  
26 the pharmacist is on duty and the pharmacy is open.

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

32 (o) "Compounding" means the preparation, mixing,  
33 assembling, packaging, or labeling of a drug or medical  
34 device: (1) as the result of a practitioner's prescription

1 drug order or initiative that is dispensed pursuant to a  
2 prescription in the course of professional practice; or (2)  
3 for the purpose of, or incident to, research, teaching, or  
4 chemical analysis; or (3) in anticipation of prescription  
5 drug orders based on routine, regularly observed prescribing  
6 patterns.

7 (p) "Confidential information" means information,  
8 maintained by the pharmacist in the patient's records,  
9 released only (i) to the patient or, as the patient directs,  
10 to other practitioners and other pharmacists or (ii) to any  
11 other person authorized by law to receive the information.

12 (q) "Prospective drug review" or "drug utilization  
13 evaluation" means a screening for potential drug therapy  
14 problems due to therapeutic duplication, drug-disease  
15 contraindications, drug-drug interactions (including serious  
16 interactions with nonprescription or over-the-counter drugs),  
17 drug-food interactions, incorrect drug dosage or duration of  
18 drug treatment, drug-allergy interactions, and clinical abuse  
19 or misuse.

20 (r) "Patient counseling" means the communication between  
21 a pharmacist or a student pharmacist under the direct  
22 supervision of a pharmacist and a patient or the patient's  
23 representative about the patient's medication or device for  
24 the purpose of optimizing proper use of prescription  
25 medications or devices. The offer to counsel by the  
26 pharmacist or the pharmacist's designee, and subsequent  
27 patient counseling by the pharmacist or student pharmacist,  
28 shall be made in a face-to-face communication with the  
29 patient or patient's representative unless, in the  
30 professional judgment of the pharmacist, a face-to-face  
31 communication is deemed inappropriate or unnecessary. In  
32 that instance, the offer to counsel or patient counseling may  
33 be made in a written communication, by telephone, or in a  
34 manner determined by the pharmacist to be appropriate.

1 (s) "Patient profiles" or "patient drug therapy record"  
2 means the obtaining, recording, and maintenance of patient  
3 prescription and personal information.

4 (t) "Pharmaceutical care" includes, but is not limited  
5 to, the act of monitoring drug use and other patient care  
6 services intended to achieve outcomes that improve the  
7 patient's quality of life but shall not include the sale of  
8 over-the-counter drugs by a seller of goods and services who  
9 does not dispense prescription drugs.

10 (u) "Medical device" means an instrument, apparatus,  
11 implement, machine, contrivance, implant, in vitro reagent,  
12 or other similar or related article, including any component  
13 part or accessory, required under federal law to bear the  
14 label "Caution: Federal law requires dispensing by or on the  
15 order of a physician". A seller of goods and services who,  
16 only for the purpose of retail sales, compounds, sells,  
17 rents, or leases medical devices shall not, by reasons  
18 thereof, be required to be a licensed pharmacy.

19 (Source: P.A. 89-202, eff. 7-21-95; 89-507, eff. 7-1-97;  
20 90-116, eff. 7-14-97; 90-253, eff. 7-29-97; 90-655, eff.  
21 7-30-98; 90-742, eff. 8-13-98.)

22 (Text of Section after amendment by P.A. 92-880)

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29 for sale at retail, or displayed for sale at retail; or (2)  
30 where prescriptions of physicians, dentists, veterinarians,  
31 podiatrists, or therapeutically certified optometrists,  
32 within the limits of their licenses, are compounded, filled,  
33 or dispensed; or (3) which has upon it or displayed within  
34 it, or affixed to or used in connection with it, a sign

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26 part or accessory, required under federal law to bear the  
27 label "Caution: Federal law requires dispensing by or on the  
28 order of a physician". A seller of goods and services who,  
29 only for the purpose of retail sales, compounds, sells,  
30 rents, or leases medical devices shall not, by reasons  
31 thereof, be required to be a licensed pharmacy.

32 (v) "Unique identifier" means an electronic signature,  
33 handwritten signature or initials, thumb print, or other  
34 acceptable individual biometric or electronic identification

1 process as approved by the Department.

2 (Source: P.A. 92-880, eff. 1-1-04.)

3 (225 ILCS 85/15.5 new)

4 Sec. 15.5. Prescription information.

5 (a) Uncoordinated multiple controlled substances and  
6 drug seeking tendencies pose a significant threat to the  
7 health, safety, and welfare of patients. To address this  
8 threat, the General Assembly believes a physician who  
9 prescribes controlled substances should be provided with  
10 prescription information from pharmacies.

11 (b) Upon request, a pharmacist shall provide a physician  
12 licensed to practice medicine in all its branches who is  
13 prepared to prescribe or has prescribed a controlled  
14 substance for a patient with information from the patient's  
15 most recent patient profile, including information about any  
16 prescriptions for controlled substances.