

1 AMENDMENT TO SENATE BILL 1983

2 AMENDMENT NO. _____. Amend Senate Bill 1983 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pharmacy Practice Act of 1987 is amended
5 by changing Section 3 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7 (Section scheduled to be repealed on January 1, 2008)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",

1 "Medicine Store", "Prescriptions", "Drugs", "Medicines", or
2 any word or words of similar or like import, either in the
3 English language or any other language; or (4) where the
4 characteristic prescription sign (Rx) or similar design is
5 exhibited; or (5) any store, or shop, or other place with
6 respect to which any of the above words, objects, signs or
7 designs are used in any advertisement.

8 (b) "Drugs" means and includes (1) articles recognized
9 in the official United States Pharmacopoeia/National
10 Formulary (USP/NF), or any supplement thereto and being
11 intended for and having for their main use the diagnosis,
12 cure, mitigation, treatment or prevention of disease in man
13 or other animals, as approved by the United States Food and
14 Drug Administration, but does not include devices or their
15 components, parts, or accessories; and (2) all other articles
16 intended for and having for their main use the diagnosis,
17 cure, mitigation, treatment or prevention of disease in man
18 or other animals, as approved by the United States Food and
19 Drug Administration, but does not include devices or their
20 components, parts, or accessories; and (3) articles (other
21 than food) having for their main use and intended to affect
22 the structure or any function of the body of man or other
23 animals; and (4) articles having for their main use and
24 intended for use as a component or any articles specified in
25 clause (1), (2) or (3); but does not include devices or their
26 components, parts or accessories.

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

30 (d) "Practice of pharmacy" means the provision of
31 pharmaceutical care to patients as determined by the
32 pharmacist's professional judgment in the following areas,
33 which may include but are not limited to (1) patient
34 counseling, (2) interpretation and assisting in the

1 monitoring of appropriate drug use and prospective drug
2 utilization review, (3) providing information on the
3 therapeutic values, reactions, drug interactions, side
4 effects, uses, selection of medications and medical devices,
5 and outcome of drug therapy, (4) participation in drug
6 selection, drug monitoring, drug utilization review,
7 evaluation, administration, interpretation, application of
8 pharmacokinetic and laboratory data to design safe and
9 effective drug regimens, (5) drug research (clinical and
10 scientific), and (6) compounding and dispensing of drugs and
11 medical devices.

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

27 (f) "Person" means and includes a natural person,
28 copartnership, association, corporation, government entity,
29 or any other legal entity.

30 (g) "Department" means the Department of Professional
31 Regulation.

32 (h) "Board of Pharmacy" or "Board" means the State Board
33 of Pharmacy of the Department of Professional Regulation.

34 (i) "Director" means the Director of Professional

1 Regulation.

2 (j) "Drug product selection" means the interchange for a
3 prescribed pharmaceutical product in accordance with Section
4 25 of this Act and Section 3.14 of the Illinois Food, Drug
5 and Cosmetic Act.

6 (k) "Inpatient drug order" means an order issued by an
7 authorized prescriber for a resident or patient of a facility
8 licensed under the Nursing Home Care Act or the Hospital
9 Licensing Act, or "An Act in relation to the founding and
10 operation of the University of Illinois Hospital and the
11 conduct of University of Illinois health care programs",
12 approved July 3, 1931, as amended, or a facility which is
13 operated by the Department of Human Services (as successor to
14 the Department of Mental Health and Developmental
15 Disabilities) or the Department of Corrections.

16 (k-5) "Pharmacist" means an individual health care
17 professional and provider currently licensed by this State to
18 engage in the practice of pharmacy.

19 (l) "Pharmacist in charge" means the licensed pharmacist
20 whose name appears on a pharmacy license who is responsible
21 for all aspects of the operation related to the practice of
22 pharmacy.

23 (m) "Dispense" means the delivery of drugs and medical
24 devices, in accordance with applicable State and federal laws
25 and regulations, to the patient or the patient's
26 representative authorized to receive these products,
27 including the compounding, packaging, and labeling necessary
28 for delivery, and any recommending or advising concerning the
29 contents and therapeutic values and uses thereof. "Dispense"
30 does not mean the physical delivery to a patient or a
31 patient's representative in a home or institution by a
32 designee of a pharmacist or by common carrier. "Dispense"
33 also does not mean the physical delivery of a drug or medical
34 device to a patient or patient's representative by a

1 pharmacist's designee within a pharmacy or drugstore while
2 the pharmacist is on duty and the pharmacy is open.

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

8 (o) "Compounding" means the preparation, mixing,
9 assembling, packaging, or labeling of a drug or medical
10 device: (1) as the result of a practitioner's prescription
11 drug order or initiative that is dispensed pursuant to a
12 prescription in the course of professional practice; or (2)
13 for the purpose of, or incident to, research, teaching, or
14 chemical analysis; or (3) in anticipation of prescription
15 drug orders based on routine, regularly observed prescribing
16 patterns.

17 (p) "Confidential information" means information,
18 maintained by the pharmacist in the patient's records,
19 released only (i) to the patient or, as the patient directs,
20 to other practitioners and other pharmacists or (ii) to any
21 other person authorized by law to receive the information.

22 (q) "Prospective drug review" or "drug utilization
23 evaluation" means a screening for potential drug therapy
24 problems due to therapeutic duplication, drug-disease
25 contraindications, drug-drug interactions (including serious
26 interactions with nonprescription or over-the-counter drugs),
27 drug-food interactions, incorrect drug dosage or duration of
28 drug treatment, drug-allergy interactions, and clinical abuse
29 or misuse.

30 (r) "Patient counseling" means the communication between
31 a pharmacist or a student pharmacist under the direct
32 supervision of a pharmacist and a patient or the patient's
33 representative about the patient's medication or device for
34 the purpose of optimizing proper use of prescription

1 medications or devices. The offer to counsel by the
2 pharmacist or the pharmacist's designee, and subsequent
3 patient counseling by the pharmacist or student pharmacist,
4 shall be made in a face-to-face communication with the
5 patient or patient's representative unless, in the
6 professional judgment of the pharmacist, a face-to-face
7 communication is deemed inappropriate or unnecessary. In
8 that instance, the offer to counsel or patient counseling may
9 be made in a written communication, by telephone, or in a
10 manner determined by the pharmacist to be appropriate.

11 (s) "Patient profiles" or "patient drug therapy record"
12 means the obtaining, recording, and maintenance of patient
13 prescription and personal information.

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

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

29 (Source: P.A. 89-202, eff. 7-21-95; 89-507, eff. 7-1-97;
30 90-116, eff. 7-14-97; 90-253, eff. 7-29-97; 90-655, eff.
31 7-30-98; 90-742, eff. 8-13-98.)

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

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34 or other similar or related article, including any component

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

7 (v) "Unique identifier" means an electronic signature,
8 handwritten signature or initials, thumb print, or other
9 acceptable individual biometric or electronic identification
10 process as approved by the Department.

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

12 Section 95. No acceleration or delay. Where this Act
13 makes changes in a statute that is represented in this Act by
14 text that is not yet or no longer in effect (for example, a
15 Section represented by multiple versions), the use of that
16 text does not accelerate or delay the taking effect of (i)
17 the changes made by this Act or (ii) provisions derived from
18 any other Public Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."