

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 of 1987 is amended by  
5 changing Sections 14, 15, and 18 as follows:

6 (225 ILCS 85/14) (from Ch. 111, par. 4134)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 14. Structural and equipment requirements. No person  
9 shall establish or move to a new location any pharmacy unless  
10 the pharmacy is licensed with the Department and has on file  
11 with the Department a verified statement that:

12 (1) such pharmacy is or will be engaged in the practice  
13 of pharmacy; and

14 (2) other than a Division VI pharmacy, such pharmacy  
15 will have in stock and shall maintain sufficient drugs and  
16 materials as to protect the public it serves within 30 days  
17 after the issuance of the registration of the pharmacy.

18 Division I, II, III, IV, or V pharmacies shall be in a  
19 suitable, well-lighted and well-ventilated area with at least  
20 300 square feet of clean and sanitary contiguous space and  
21 shall be suitably equipped for compounding prescriptions,  
22 storage of drugs and sale of drugs and to otherwise conduct the  
23 practice of pharmacy. The space occupied shall be equipped with  
24 a sink with hot and cold water or facilities for heating water,  
25 proper sewage outlet, refrigeration storage equipment, and  
26 such fixtures, facilities, drugs, equipment and material,  
27 which shall include the current editions of the United States  
28 Pharmacopoeia/DI, Facts and Comparisons, or any other current  
29 compendium approved by the Department, and other such reference  
30 works, as will enable a pharmacist to practice pharmacy,  
31 including this Act and the rules promulgated under this Act.  
32 Such pharmacy shall have the following items: accurate weights

1 of 0.5 gr. to 4 oz. and 20 mg to 100 Gm; and a prescription  
2 balance equipped with balance indicator and with mechanical  
3 means of arresting the oscillations of the mechanism and which  
4 balance shall be sensitive to 0.5 grain (32 mg) or less or an  
5 alternative weighing device as approved by the Department, and  
6 such other measuring devices as may be necessary for the  
7 conduct of the practice of pharmacy.

8 The provisions of this Section with regard to 300 square  
9 feet of space shall apply to any pharmacy which is opened after  
10 the effective date of this Act. Nothing shall require a  
11 pharmacy in existence on the effective date of this Act which  
12 is comprised of less than 300 square feet to provide additional  
13 space to meet these requirements.

14 Any structural and equipment requirements for a Division VI  
15 pharmacy shall be set by rule.

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

17 (225 ILCS 85/15) (from Ch. 111, par. 4135)

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

19 Sec. 15. Pharmacy requirements. It shall be unlawful for  
20 the owner of any pharmacy, as defined in this Act, to operate  
21 or conduct the same, or to allow the same to be operated or  
22 conducted, unless:

23 (a) It has a licensed pharmacist, authorized to practice  
24 pharmacy in this State under the provisions of this Act, on  
25 duty whenever the practice of pharmacy is conducted;

26 (b) Security provisions for all drugs and devices, as  
27 determined by rule of the Department, are provided during the  
28 absence from the licensed pharmacy of all licensed pharmacists.  
29 Maintenance of security provisions is the responsibility of the  
30 licensed registered pharmacist in charge; and

31 (c) The pharmacy is licensed under this Act to do business.

32 The Department shall, by rule, provide requirements for  
33 each division of pharmacy license and shall, as well provide  
34 guidelines for the designation of a registered pharmacist in  
35 charge for each division.

1 Division I. Retail Licenses for pharmacies which are open  
2 to, or offer pharmacy services to, the general public.

3 Division II. Licenses for pharmacies whose primary  
4 pharmacy service is provided to patients or residents of  
5 facilities licensed under the Nursing Home Care Act or the  
6 Hospital Licensing Act, or "An Act in relation to the founding  
7 and operation of the University of Illinois Hospital and the  
8 conduct of University of Illinois health care programs",  
9 approved July 3, 1931, as amended, and which are not located in  
10 the facilities they serve.

11 Division III. Licenses for pharmacies which are located in  
12 a facility licensed under the Nursing Home Care Act or the  
13 Hospital Licensing Act, or "An Act in relation to the founding  
14 and operation of the University of Illinois Hospital and the  
15 conduct of University of Illinois health care programs",  
16 approved July 3, 1931, as amended, or a facility which is  
17 operated by the Department of Human Services (as successor to  
18 the Department of Mental Health and Developmental  
19 Disabilities) or the Department of Corrections, and which  
20 provide pharmacy services to residents or patients of the  
21 facility, as well as employees, prescribers and students of the  
22 facility.

23 Division IV. Licenses for pharmacies which provide or offer  
24 for sale radioactive materials.

25 Division V. Licenses for pharmacies which hold licenses in  
26 Division II or Division III which also provide pharmacy  
27 services to the general public, or pharmacies which are located  
28 in or whose primary pharmacy service is to ambulatory care  
29 facilities or schools of veterinary medicine or other such  
30 institution or facility.

31 Division VI. Licenses for pharmacies that provide pharmacy  
32 services to patients of institutions serviced by pharmacies  
33 with a Division II or Division III license, without using their  
34 own supply of drugs. Division VI pharmacies may provide  
35 pharmacy services only in cooperation with an institution's  
36 pharmacy or pharmacy provider. Nothing in this paragraph shall

1 constitute a change to the practice of pharmacy as defined in  
2 Section 3 of this Act. Nothing in this amendatory Act of the  
3 94th General Assembly shall in any way alter the definition or  
4 operation of any other division of pharmacy as provided in this  
5 Act.

6 The Director may waive the requirement for a pharmacist to  
7 be on duty at all times for State facilities not treating human  
8 ailments.

9 It shall be unlawful for any person, who is not a licensed  
10 pharmacy or health care facility, to purport to be such or to  
11 use in name, title, or sign designating, or in connection with  
12 that place of business, any of the words: "pharmacy",  
13 "pharmacist", "pharmacy department", "apothecary", "druggist",  
14 "drug", "drugs", "medicines", "medicine store", "drug  
15 sundries", "prescriptions filled", or any list of words  
16 indicating that drugs are compounded or sold to the lay public,  
17 or prescriptions are dispensed therein. Each day during which,  
18 or a part which, such representation is made or appears or such  
19 a sign is allowed to remain upon or in such a place of business  
20 shall constitute a separate offense under this Act.

21 The holder of any license or certificate of registration  
22 shall conspicuously display it in the pharmacy in which he is  
23 engaged in the practice of pharmacy. The registered pharmacist  
24 in charge shall conspicuously display his name in such  
25 pharmacy. The pharmacy license shall also be conspicuously  
26 displayed.

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

28 (225 ILCS 85/18) (from Ch. 111, par. 4138)

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

30 Sec. 18. Record retention.

31 (a) Except as provided in subsection (b), there ~~There~~ shall  
32 be kept in every drugstore or pharmacy a suitable book, file,  
33 or electronic record keeping system in which shall be preserved  
34 for a period of not less than 5 years the original of every  
35 written prescription and the original transcript or copy of

1 every verbal prescription filled, compounded, or dispensed, in  
2 such pharmacy; and such book or file of prescriptions shall at  
3 all reasonable times be open to inspection to the pharmacy  
4 coordinator and the duly authorized agents or employees of the  
5 Department.

6 Every prescription filled or refilled shall contain the  
7 unique identifier of the person authorized to practice pharmacy  
8 under the provision of this Act who fills or refills the  
9 prescription.

10 Records kept pursuant to this Section may be maintained in  
11 an alternative data retention system, such as a direct digital  
12 imaging system, provided that:

13 (1) the records maintained in the alternative data  
14 retention system contain all of the information required in  
15 a manual record;

16 (2) the data processing system is capable of producing  
17 a hard copy of the electronic record on the request of the  
18 Board, its representative, or other authorized local,  
19 State, or federal law enforcement or regulatory agency; and

20 (3) the digital images are recorded and stored only by  
21 means of a technology that does not allow subsequent  
22 revision or replacement of the images.

23 As used in this Section, "digital imaging system" means a  
24 system, including people, machines, methods of organization,  
25 and procedures, that provides input, storage, processing,  
26 communications, output, and control functions for digitized  
27 representations of original prescription records.

28 Inpatient drug orders may be maintained within an  
29 institution in a manner approved by the Department.

30 (b) The record retention requirements for a Division VI  
31 pharmacy shall be set by rule.

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

33 Section 99. Effective date. This Act takes effect upon  
34 becoming law.