



Sen. Terry Link

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LRB094 11222 RAS 43474 a

1 AMENDMENT TO SENATE BILL 1739

2 AMENDMENT NO. _____. Amend Senate Bill 1739 as follows:

3 on page 15, by replacing lines 3 through 22 with the following:

4 "Sec. 20. Prohibited acts ~~drug purchases or receipt~~. It
5 shall be unlawful for a person to perform or cause the
6 performance of or to aid and abet any of the following acts in
7 this State:

8 (1) Failing to obtain a license in accordance with this
9 Act or operating without a valid license when a license is
10 required under this Act.

11 (2) Purchasing or otherwise receiving a prescription
12 drug from a pharmacy without meeting the requirements of
13 subsection (b) of Section 3 of this Act.

14 (3) Selling, distributing, or transferring a
15 prescription drug to a person that is not authorized to
16 receive the prescription drug under the laws of the
17 jurisdiction in which the person receives the prescription
18 drug in violation of subsection (c) of Section 3 of this
19 Act.

20 (4) Failing to deliver prescription drugs to specified
21 premises, as required under subsection (d) of Section 3 of
22 this Act.

23 (5) Accepting payment or credit for the sale of
24 prescription drugs in violation of subsection (e) of
25 Section 3 of this Act.

1 (6) Failing to maintain or provide pedigrees as
2 required under this Act.

3 (7) Failing to obtain, pass, or authenticate a
4 pedigree, as required under this Act.

5 (8) Providing the State or any of its representatives
6 or any federal official with false or fraudulent records or
7 making false or fraudulent statements regarding any matter
8 within the provisions of this Act.

9 (9) Obtaining or attempting to obtain a prescription
10 drug by fraud, deceit, misrepresentation, or engaging in
11 misrepresentation or fraud in the distribution of a
12 prescription drug.

13 (10) Except for the wholesale distribution by
14 manufacturers of a prescription drug that has been
15 delivered into commerce pursuant to an application
16 approved under federal law by the U.S. Food and Drug
17 Administration, manufacturing, repacking, selling,
18 transferring, delivering, holding, or offering for sale
19 any prescription drug that is adulterated, misbranded,
20 counterfeit, suspected of being counterfeit, or has
21 otherwise been rendered unfit for distribution.

22 (11) Except for the wholesale distribution by
23 manufacturers of a prescription drug that has been
24 delivered into commerce pursuant to an application
25 approved under federal law by the U.S. Food and Drug
26 Administration, adulterating, misbranding, or
27 counterfeiting any prescription drug.

28 (12) Receiving any prescription drug that has been
29 adulterated, misbranded, stolen, obtained by fraud or
30 deceit, counterfeited, or suspected of being
31 counterfeited, and delivering or proffering the delivery
32 of such drug for pay or otherwise.

33 (13) Altering, mutilating, destructing, obliterating,
34 or removing the whole or any part of the labeling of a

1 prescription drug or committing any other act with respect
2 to a prescription drug that results in the prescription
3 drug being misbranded."; and

4 on page 16, by replacing lines 1 through 5 with the following:

5 "Sec. 25. Wholesale drug distributor licensing
6 requirements. To engage in wholesale distribution in Illinois,
7 every wholesale distributor or pharmacy distributor who
8 engages in the wholesale distribution of prescription drugs
9 must be licensed by the state licensing authority in the state
10 in which it resides, and every non-resident wholesale
11 distributor must be licensed in a state if it ships
12 prescription drugs into that state and in accordance with this
13 Act, before engaging in wholesale distributions of wholesale
14 prescription drugs. The Department shall exempt manufacturers
15 from any licensing and other requirements of this Section to
16 the extent that the requirements are not required by federal
17 law or regulation, unless particular requirements are deemed
18 necessary and appropriate following rulemaking.

19 Except as set forth above, all ~~All~~ wholesale distributors
20 and pharmacy distributors, wherever located, who engage in
21 wholesale distribution into, out of, or within the State shall
22 be subject to the following requirements:"; and

23 on page 25, lines 3, 5, 9, and 17, by replacing "specified"
24 each time it appears with "prescription"; and

25 on page 25, line 8, by replacing "specific unit of specified"
26 with "prescription"; and

27 on page 25, lines 11 and 12, by replacing "specific unit of the
28 specified drug" with "prescription"; and

29 on page 25, line 14, by replacing "drug specified on the list"

1 with "prescription drug"; and

2 on page 25, lines 21 and 25, by replacing "specific unit of the
3 specified" each time it appears with "prescription"; and

4 on page 25, by replacing lines 27 through 36 with the
5 following:

6 "(e) The Department shall conduct a study concerning
7 electronic pedigrees, which shall be completed no later than
8 January 1, 2010. In conducting the study, the Department shall
9 consult with manufacturers, distributors, and pharmacies
10 responsible for the sale and distribution of prescription drug
11 products in the State. Based on the results of the study, the
12 Department shall determine a mandated implementation for
13 electronic pedigrees. The implementation date for the mandated
14 electronic pedigree shall not be sooner than December 31,
15 2010."; and

16 on page 26, by deleting lines 1 through 18; and

17 on page 31, by replacing lines 31 through 35 with the
18 following:

19 "Sec. 170. Penalties.

20 (a) Any person who engages in the wholesale distribution of
21 prescription drugs in violation of this Act is guilty of a
22 Class 1 felony, for which the maximum term of imprisonment
23 shall be 15 years or a fine of \$50,000 may be imposed, or both.

24 (b) Any person who knowingly engages in the wholesale
25 distribution of prescription drugs in violation of this Act is
26 guilty of a Class X felony, for which a fine of \$500,000 may be
27 imposed in addition to a term of imprisonment. ~~Any person who~~
28 ~~is found to have violated any provision of this Act is guilty~~
29 ~~of a Class A misdemeanor. On conviction of a second or~~
30 ~~subsequent offense, the violator shall be guilty of a Class 4~~

1 ~~felony. All criminal fines, monies, or property collected or~~
2 ~~received by the Department under this Section or any other~~
3 ~~State or federal statute, including, but not limited to,~~
4 ~~property forfeited to the Department under Section 505 of the~~
5 ~~Illinois Controlled Substances Act, shall be deposited into the~~
6 ~~Professional Regulation Evidence Fund.";~~ and

7 on page 32, by deleting lines 1 through 5.