



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2824

Introduced 1/20/2006, by Sen. Antonio Munoz

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 570/102

from Ch. 56 1/2, par. 1102

Creates the Naturopathic Medical Practice Act. Provides for the regulation of naturopathic physicians through licensure by the Department of Financial and Professional Regulation. Establishes the Board of Naturopathic Medicine, the Naturopathic Childbirth Attendance Advisory Committee, and the Naturopathic Formulary Committee. Sets forth provisions concerning licensure, scope of practice, duties of the Department, and administrative procedure. Amends the Illinois Controlled Substances Act to add naturopathic physicians who issue a prescription for a controlled substance in accordance with the naturopathic formulary to the definition of "prescriber".

LRB094 16430 RAS 51690 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 1. Short Title. This Act may be cited as the
5 Naturopathic Medical Practice Act.

6 Section 5. Purpose. The practice of naturopathic medicine
7 in the State of Illinois is declared to affect the public
8 health, safety, and welfare and to be subject to regulation and
9 control in the public interest. It is further declared to be a
10 matter of public interest and concern that naturopathic
11 physicians and the practice of naturopathic medicine, as
12 defined in this Act, merit and receive the confidence of the
13 public, that only qualified persons be authorized to practice
14 naturopathic medicine in the State of Illinois, and that no
15 person shall practice naturopathic medicine without a valid
16 existing license to do so. The General Assembly recognizes that
17 naturopathic physicians are a distinct health care profession
18 that affects the public health, safety, and welfare and
19 increases freedom of choice in health care. This Act shall be
20 liberally construed to best carry out these subjects and
21 purposes.

22 Section 10. Definitions. In this Act:

23 "Approved naturopathic medical program" means any of the
24 following:

25 (1) a naturopathic medical education program in the
26 United States accredited by the Council on Naturopathic
27 Medical Education, or an equivalent federally recognized
28 accrediting body for the naturopathic medical profession
29 recognized by the Board, that offers graduate-level
30 full-time didactic and supervised clinical training
31 leading to the degree of Doctor of Naturopathy or Doctor of

1 Naturopathic Medicine and is part of an institution of
2 higher education that is either accredited or is a
3 candidate for accreditation by a regional institutional
4 accrediting agency recognized by the United States
5 Secretary of Education;

6 (2) a full-time structured curriculum, having been not
7 less than 132 weeks in duration, requiring completion
8 within a period of not less than 35 months, and offered
9 prior to the existence of the CNME, in basic sciences and
10 supervised patient care comprising a doctoral naturopathic
11 medical education offered by a degree-granting college or
12 university that is reputable and in good standing in the
13 judgment of the Board; or

14 (3) a full-time structured curriculum, having been not
15 less than 132 weeks in duration and requiring completion
16 within a period of not less than 35 months, in basic
17 sciences and supervised patient care comprising a doctoral
18 naturopathic medical education offered by a
19 degree-granting college or university in Canada that is
20 reputable and in good standing in the judgment of the Board
21 and has provincial approval for participation in
22 government funded student aid programs; such course, as a
23 prerequisite to graduation therefrom, .

24 "Board" means the Board of Naturopathic Medicine appointed
25 by the Secretary.

26 "CNME" means the Council on Naturopathic Medical
27 Education.

28 "Committee" means the Naturopathic Childbirth Attendance
29 Advisory Committee.

30 "Council" means the Naturopathic Formulary Council
31 comprised of members appointed pursuant to this Act to
32 determine and authorize the formulary list.

33 "Department" means the Department of Financial and
34 Professional Regulation.

35 "Minor office procedures" means the methods used for the
36 repair of and provision of care incidental to superficial

1 lacerations and abrasions or superficial lesions and the
2 removal of foreign bodies located in the superficial tissues.

3 "Naturopathic childbirth attendance" means the specialty
4 practice of natural childbirth by a naturopathic physician that
5 meets the additional requirements set forth in this Act, that
6 includes the management of normal pregnancy, normal labor and
7 delivery, and the normal postpartum period, including normal
8 newborn care.

9 "Naturopathic formulary" means the list of natural
10 medicines, nonprescription and prescription that naturopathic
11 physicians use in the practice of the profession, as determined
12 by the Council and reviewed by the Board.

13 "Naturopathic medicine" means a system of primary health
14 care for the prevention, diagnosis, and treatment of human
15 health conditions, injury, and disease; the promotion or
16 restoration of health; and the support and stimulation of a
17 patient's inherent self-healing processes through patient
18 education and the use of natural therapies and therapeutic
19 substances.

20 "Naturopathic physician" means a practitioner of
21 naturopathic medicine who has been properly licensed for that
22 purpose by the Department under this Act. "Naturopathic
23 physician" includes all titles and designations associated
24 with the practice of naturopathic medicine, including, "doctor
25 of naturopathic medicine", "doctor of naturopathy",
26 "naturopathic doctor", "naturopath", "doctor of naturopathic
27 medicine", "doctor of naturopathy", "naturopathic medical
28 doctor", "N.D.", "ND", "N.M.D", and "NMD".

29 "Naturopathic residency" means a post-graduate medical
30 education program approved by the Council on Naturopathic
31 Medical Education, a subcommittee thereof, or an equivalent
32 agency, as recognized by the Board, that provides a structured
33 curriculum with diagnosis and management of patients under
34 appropriate levels of supervision for graduates of an approved
35 naturopathic medical program.

36 "Prescription drug" means any drug defined by Section

1 503(b) of the federal Food, Drug and Cosmetic Act with a label
2 that is required to bear the statement "RX only".

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 Section 15. Exemption from civil liability. Exemption from
6 civil liability for emergency care is as provided in the Good
7 Samaritan Act.

8 While serving upon any professional utilization committee,
9 professional review organization, peer review committee,
10 mediation committee, board of Secretaries considering matters
11 of peer review, or review committee sanctioned by the
12 profession, a person shall not be liable for civil damages as a
13 result of his or her acts, omissions, or decisions in
14 connection with his or her duties on such committees or boards,
15 except in cases involving willful or wanton misconduct.

16 Section 20. Exceptions.

17 (a) This Act does not prohibit or restrict any of the
18 following:

19 (1) Any person licensed to practice medicine in all of
20 its branches under the Medical Practice Act of 1987 who
21 engages in the practice for which he or she is licensed.

22 (2) The practice of a profession by individuals who are
23 licensed, certified, or registered under the laws of this
24 State who are performing services within their authorized
25 scope of practice.

26 (3) The practice of naturopathic medicine by an
27 individual employed by the government of the United States
28 while the individual is engaged in the performance of
29 duties prescribed by the laws and regulations of the United
30 States.

31 (4) The practice of naturopathic medicine by students
32 enrolled in an approved naturopathic medical college. The
33 performance of services shall be pursuant to a course of
34 instruction or assignments from an instructor and under the

1 supervision of the instructor, who shall be a naturopathic
2 physician licensed under this Act or a duly licensed
3 professional in the instructed field.

4 (5) Any person treating himself or herself or his or
5 her family members based on religious or health beliefs.

6 (6) Any person who sells vitamins and herbs who
7 provides information about such products.

8 (7) Any person or practitioner who recommends any
9 therapy that is within the scope of practice of
10 naturopathic physicians and that is within that
11 individual's legal rights or scope of practice granted by
12 the existing laws of this State.

13 (b) This Act shall not be construed to prohibit the
14 practice of naturopathic medicine by persons who are licensed
15 to practice naturopathic medicine in any other state or
16 district in the United States who enter this State to consult
17 with a naturopathic physician licensed under this Act;
18 provided, however, that the consultation is limited to
19 examination, recommendation, or testimony in litigation.

20 Section 25. Title and designation.

21 (a) Licensees shall use the title "naturopathic physician"
22 and the recognized abbreviation "N.D.".

23 (b) Naturopathic physicians shall have the exclusive right
24 to use the terms: "naturopathic physician", "naturopathic
25 doctor", "naturopath", "doctor of naturopathic medicine",
26 "doctor of naturopathy", "naturopathic medical doctor",
27 "naturopathic medicine", "naturopathic health care",
28 "naturopathy", "N.D.", "ND", "N.M.D." and "NMD".

29 (c) No person shall represent himself or herself to the
30 public as a naturopathic physician, a doctor of naturopathic
31 medicine, a doctor of naturopathy, or as being otherwise
32 authorized to practice naturopathic medicine in this State
33 without first obtaining from the Department a license to
34 practice naturopathic medicine under this Act.

35 (d) The titles and designations set forth in this Section

1 identify naturopathic physicians and are restricted to
2 describing and identifying licensed practitioners.

3 Section 30. Powers and duties of the Department and the
4 Secretary.

5 (a) The Department shall exercise the powers and duties
6 prescribed by the Civil Administrative Code of Illinois for the
7 administration of licensing acts and shall exercise such other
8 powers and duties conferred by this Act.

9 (b) The Department may adopt rules consistent with the
10 provisions of this Act, for the administration and enforcement
11 thereof and may prescribe forms that shall be issued in
12 connection therewith.

13 (c) The Department shall adopt the competency-based
14 national examination approved by the Board as the naturopathic
15 licensing examination.

16 (d) The Secretary shall consider the recommendations of the
17 Board on questions involving standards of professional
18 conduct, discipline, and qualifications of candidates and
19 licensees under this Act.

20 (e) The Department may, at any time, seek the expert advice
21 and knowledge of the Board on any matter relating to the
22 administration or enforcement of this Act. Notice of proposed
23 rulemaking shall be transmitted to the Board and the Department
24 shall review the response of the Board and any recommendations
25 made in response.

26 (f) The Secretary shall issue licenses, and renewals
27 thereof, to all persons who meet the qualifications for
28 licensure as determined by the Board.

29 (g) The Department shall establish rules for continuing
30 education as recommended by the Board.

31 (h) The Secretary shall consult the Board on matters
32 involving all of the following:

33 (1) The qualifications of candidates who apply for
34 licensure to practice naturopathic medicine in Illinois.

35 (2) The content of any clinical, practical, or

1 residency requirement.

2 (3) The content of rules and proposed rules governing
3 the practice of naturopathic medicine in Illinois.

4 (4) The investigation of complaints from naturopathic
5 physicians and the public and the technical aspects of the
6 complaint;

7 (5) The requirements for issuance and renewal of
8 naturopathic medical licenses.

9 Section 35. Naturopathic Medical Licensing Board.

10 (a) There is hereby created the Naturopathic Medical
11 Licensing Board, which shall consist of 7 members appointed by
12 the Secretary, 5 of whom shall be licensed naturopathic
13 physicians who are in good standing in this State, are
14 residents of this State, and have been engaged in the practice
15 or instruction of naturopathic medicine for at least 3 years
16 and 2 of whom shall be residents of this State who are not, and
17 never have been, licensed health care practitioners and hold no
18 interest in naturopathic education, naturopathic business, or
19 naturopathic practice.

20 (b) The Secretary shall take into consideration
21 recommendations from the Illinois Association of Naturopathic
22 Physicians in determining the names of naturopathic physicians
23 eligible to serve on the Board.

24 (c) Members shall serve for terms of 4 years and shall
25 serve until a successor is appointed, except that, for the
26 purpose of staggering terms, the Secretary shall initially
27 appoint to the Board 3 members for terms of 4 years each, 2
28 members for terms of 3 years each, and 2 members for terms of 2
29 years each.

30 (d) Appointments to fill vacancies shall be made in the
31 same manner as original appointments, for the unexpired portion
32 of the vacated term.

33 (e) The Secretary may remove any member of the Board for
34 cause prior to the expiration of the member's term.

35 (f) The Board, within 30 days after its appointment, and at

1 least annually thereafter, shall hold a meeting and elect a
2 chairperson and vice-chairperson. The Board may hold
3 additional meetings at the call of the chair or at the written
4 request of any 2 members of the Board. The Board may appoint
5 committees as it deems necessary to carry out its duties.

6 (g) A majority of the Board shall constitute a quorum. A
7 vacancy in the membership of the Board shall not impair the
8 right of the quorum to exercise the rights and perform all of
9 the duties of the Board.

10 (h) Members of the Board shall be immune from suit in any
11 action based upon any disciplinary proceedings or other
12 activities performed in good faith as members of the Board.

13 (i) The members of the Board shall each receive as
14 compensation a reasonable sum as determined by the Secretary
15 for each day actually engaged in the duties of office and all
16 legitimate and necessary expenses incurred in attending the
17 meetings of the Board.

18 Section 40. Duties of the Board.

19 (a) The Board may recommend such rules as are necessary to
20 carry out the purposes of this Act and recommend disciplinary
21 action as provided for under this Act.

22 (b) The Board shall determine the qualifications of persons
23 applying for licensure and define, by rule, the appropriate
24 scope of naturopathic medicine in this State, provided however,
25 that the scope of practice may not exceed that defined in this
26 Act.

27 (c) The Board shall review the content of rules and
28 proposed rules governing the practice of naturopathic medicine
29 in Illinois.

30 (d) The Board shall evaluate the content of any clinical,
31 practical, or residency requirement.

32 (e) The Board shall grant approval for naturopathic
33 childbirth attendance privileges to those licensees who apply,
34 provided that such applicants can document training and
35 experience equal to or greater than that required by the

1 Childbirth Attendance Advisory Committee.

2 (f) The Board shall establish, by rule, examination
3 standards, dates, and locations.

4 (g) The Board shall recommend the minimum amount and type
5 of continuing education to be required for each naturopathic
6 physician seeking licensure renewal.

7 Section 45. Naturopathic Formulary Council.

8 (a) There is hereby established a Naturopathic Formulary
9 Council, separate and distinct from the Board, to be composed
10 of 5 members, 2 of whom shall be naturopathic physicians
11 licensed under this Act and appointed by the Board, 2 of whom
12 shall be pharmacists licensed under Illinois Pharmacy Practice
13 Act and appointed by the Board from a list of nominees provided
14 by the State Board of Pharmacy, and one of whom shall be a
15 physician licensed under the Medical Practice Act of 1987 and
16 appointed by the Board from a list of nominees provided by the
17 Medical Licensing Board.

18 (b) It shall be the duty of the Council to establish a
19 formulary for use by naturopathic physicians. Immediately upon
20 adoption or revision of the formulary, the Council shall
21 transmit the approved formulary to the Department and the
22 Department shall adopt the formulary by temporary rule.

23 (c) The formulary will be reviewed annually by the Council,
24 or at any time at the request of the Board.

25 (d) The formulary list may not go beyond the scope of
26 natural medicines, prescription substances and devices covered
27 by approved naturopathic education and training and existing
28 naturopathic formularies, or continuing education approved by
29 the Board.

30 (e) The naturopathic formulary shall not include medicines
31 and devices that are inconsistent with the training provided by
32 approved naturopathic medical programs.

33 (f) Nothing in this Act shall allow a naturopathic
34 physician to dispense, administer, or prescribe any legend drug
35 or device as defined in the Illinois Controlled Substance Act,

1 unless such prescription drug or legend device is specifically
2 included in the naturopathic formulary.

3 Section 50. Naturopathic childbirth attendance.

4 (a) The Secretary shall establish a Naturopathic
5 Childbirth Attendance Advisory Committee to issue
6 recommendations concerning the practice of naturopathic
7 childbirth attendance based upon a review of naturopathic
8 medical education and training. The Committee shall be
9 comprised of 4 members, one of whom shall be a medical doctor
10 with a clinical specialty or board certification in obstetrics,
11 one of whom shall be a certified nurse midwife, and 2 of whom
12 shall be naturopathic physicians with clinical experience in
13 natural childbirth.

14 (b) The Committee shall review naturopathic education and
15 training and make specific recommendations to the Department
16 regarding the practice of naturopathic childbirth attendance
17 and qualifications for the practice of naturopathic childbirth
18 attendance. The Department shall adopt these recommendations
19 as rule for use in reviewing all naturopathic physician
20 applicants seeking privileges to perform naturopathic
21 childbirth attendance.

22 (c) A person must pass the North American Registry of
23 Midwives (NARM) examination, or an examination that is
24 determined by the Committee to be equivalent, to practice
25 naturopathic childbirth attendance.

26 (d) The Committee shall make recommendations to the Board
27 concerning the practice of naturopathic childbirth attendance.

28 Section 55. Qualifications for licensure.

29 (a) Applicants for a license to practice naturopathic
30 medicine under this Act must submit the following to the Board:

31 (1) an application for licensure designed and approved
32 by the Department;

33 (2) an application fee established by the Department;

34 (3) documentation attesting to the applicant's good,

1 ethical, and professional reputation;

2 (4) evidence that the applicant is a graduate of an
3 approved naturopathic medical program, in accordance with
4 the requirements of this Act, and that he or she has
5 successfully passed a competency-based national
6 naturopathic licensing examination administered by the
7 North American Board of Naturopathic Examiners or an
8 equivalent agency, as recognized by the Board; and

9 (5) in the case of graduates of degree-granting
10 approved naturopathic medical programs, evidence of
11 successful passage of a State competency examination
12 approved by the Board or a Canadian provincial examination.

13 (b) The Department shall adopt rules instituting a
14 naturopathic medicine residency program of no less than one
15 year post-doctoral duration with medical schools, teaching
16 hospitals, clinics, and private practices. These rules shall be
17 consistent with the residency standards of the CNME. The Board
18 shall recommend the time upon which residency shall become a
19 prerequisite for licensure, and this recommendation shall
20 include an assessment of the availability of an adequate number
21 of CNME-approved residencies. The Department shall implement a
22 mandatory residency program within a reasonable amount of time
23 after the effective date of this Act and shall present a
24 progress report to the Department on or before October 1, 2007.

25 Section 60. Scope of practice.

26 (a) A naturopathic physician may order and perform physical
27 and laboratory examinations consistent with naturopathic
28 education and training, for diagnostic purposes, including,
29 but not limited to, phlebotomy, clinical laboratory tests,
30 orificial examinations, and physiological function tests.

31 (b) A naturopathic physician may order diagnostic imaging
32 studies consistent with naturopathic training.

33 (c) A naturopathic physician may dispense, administer,
34 order, and prescribe or perform any of the following:

35 (1) Food, extracts of food, nutraceuticals, vitamins,

1 amino acids, minerals, enzymes, botanicals and their
2 extracts, botanical medicines, homeopathic medicines, all
3 dietary supplements, and nonprescription drugs, as defined
4 by the federal Food, Drug, and Cosmetic Act.

5 (2) Prescription substances as determined by the
6 Naturopathic Formulary Council.

7 (3) Hot or cold hydrotherapy, naturopathic physical
8 medicine, electromagnetic energy, colon hydrotherapy, and
9 therapeutic exercise.

10 (4) Devices, including, but not limited to,
11 therapeutic devices, barrier contraception, and durable
12 medical equipment.

13 (5) Health education and health counseling.

14 (6) Repair and care incidental to superficial
15 lacerations and abrasions.

16 (7) Removal of foreign bodies located in the
17 superficial tissues.

18 (8) Musculoskeletal manipulation consistent with
19 naturopathic education and training, not to exceed level 4
20 high velocity manipulation.

21 (d) A naturopathic physician may utilize routes of
22 administration that include oral, nasal, auricular, ocular,
23 rectal, vaginal, transdermal, intradermal, subcutaneous,
24 intravenous, and intramuscular and are consistent with the
25 education and training of a naturopathic physician.

26 (e) A naturopathic physician may perform those therapies in
27 which he or she is trained and educated, and are approved by
28 the Board.

29 Section 65. Prohibitions. A naturopathic physician
30 licensed under this Act may not do any of the following:

31 (1) Prescribe, dispense, or administer any controlled
32 substance or device identified in the federal Controlled
33 Substance Act, as amended, except as authorized by this
34 Act.

35 (2) Perform surgical procedures other than those minor

1 office procedures authorized by this Act.

2 (3) Practice or claim to practice as a medical doctor,
3 osteopath, dentist, podiatrist, optometrist, psychologist,
4 advanced practice professional nurse, physician assistant,
5 chiropractor, physical therapist, acupuncturist, or any
6 other health care professional not authorized under this
7 Act, unless licensed to do so.

8 (4) Use general or spinal anesthetics.

9 (5) Administer ionizing radioactive substances for
10 therapeutic purposes.

11 (6) Perform surgical procedures using a laser device.

12 (7) Perform surgical procedures involving the eye,
13 ear, tendons, nerves, veins, or arteries extending beyond
14 superficial tissue.

15 (8) Induce or perform abortions.

16 (9) Treat any lesion suspicious of malignancy or
17 requiring surgical removal. Lesions suspicious of
18 malignancy or requiring surgical removal shall be referred
19 to an appropriately licensed health care professional.
20 Nothing in this Act shall prohibit treatment of a person
21 with suspicious or malignant lesions in collaboration with
22 a physician licensed to practice medicine in all of its
23 branches.

24 (10) Perform acupuncture, unless licensed as an
25 acupuncturist, as defined in the Illinois Acupuncture
26 Practice Act.

27 Section 70. Licensure without examination. The Department
28 may issue a license without examination to any applicant who
29 submits an application for licensure, together with the
30 appropriate fee, and proof acceptable to the Department of
31 current licensure in good standing in another state, the
32 District of Columbia, or a territory of the United States whose
33 standards for licensure are at least equivalent to those of
34 this State.

35 Any applicant seeking a license without examination under

1 this Section shall provide proof of licensure in good standing
2 in all states in which he or she is licensed.

3 Section 75. License expiration; renewal. The expiration
4 date and renewal period for each license issued under this Act
5 shall be set by rule. The Department shall adopt rules for
6 continuing education required for the renewal of licenses.

7 Section 80. Fees. The fees assessed under this Act shall be
8 determined by rule. All fees and fines collected under this Act
9 shall be deposited into the General Professions Dedicated Fund.
10 All moneys in the Fund shall be used by the Department, as
11 appropriated, for the ordinary and contingent expenses of the
12 Department.

13 Section 85. Mandated reporting.

14 (a) The following persons shall report to the Department,
15 in writing and within 30 days after becoming aware of such
16 information, any information that the person has reason to
17 believe indicates that a naturopathic physician is or may be
18 medically or legally incompetent, engaged in the unauthorized
19 practice of naturopathic medicine, guilty of unprofessional
20 conduct, or mentally or physically unable to engage safely in
21 the practice of naturopathic medicine:

- 22 (1) naturopathic physicians licensed under this Act;
23 (2) licensed health care providers;
24 (3) employees of licensed health care institutions in
25 the State;
26 (4) State agency employees; and
27 (5) State law enforcement personnel.

28 (b) A naturopathic physician's voluntary resignation from
29 the staff of a health care institution, voluntary limitation of
30 staff privileges, or failure to reapply for hospital privileges
31 at such an institution, shall be promptly reported to the
32 Department by the health care institution and the licensee, if
33 such action occurs while the licensee is under investigation by

1 the institution or a committee thereof for any reason related
2 to possible medical incompetence, unprofessional conduct, or
3 mental or physical impairment.

4 (c) Upon receiving a credible complaint or report
5 concerning a licensee, or on its own motion, the Department may
6 investigate any evidence of a licensee's medical incompetence,
7 unprofessional conduct, or inability to engage safely in the
8 practice of medicine due to mental or physical illness.

9 (d) Any person, institution, agency, or organization
10 required to report under this Section who does so in good faith
11 shall not be subject to civil damages or criminal prosecution
12 for so reporting.

13 (e) Within 10 days after receipt of a report mandated under
14 this Section, the Secretary shall acknowledge receipt of all
15 reports and any complaint against a licensee submitted to the
16 Department. Within 10 days thereafter, the Secretary shall
17 inform any person or entity whose report or complaint has
18 resulted in action by the Department, of the final disposition
19 of the matter.

20 (f) Any person or entity who fails to make a report as
21 mandated under this Section may be assessed by the Secretary,
22 in his or her discretion and after consultation with the Board,
23 a civil penalty. Assessment of a civil penalty pursuant to this
24 subsection shall be supported by substantial evidence and may
25 be appealed to the circuit court. On appeal, the circuit court
26 may receive any relevant evidence supporting or opposing the
27 assessment and may affirm or reverse the Secretary's decision.

28 Section 90. Refusal of licensure.

29 (a) The Department may refuse to issue or renew a license
30 on any of the following grounds:

31 (1) The conviction of a felony, a criminal conviction
32 record, or a pending criminal charge relating to an
33 offense, the circumstances of which substantially relate
34 to the practice of naturopathic medicine.

35 (2) Impairment related to drugs or alcohol that would

1 limit an applicant's ability to undertake the practice of
2 naturopathic medicine in a manner consistent with the
3 safety of the public.

4 (3) Mental incompetence that impairs an applicant's
5 ability to undertake the practice of naturopathic medicine
6 in a manner consistent with the safety of the public, as
7 determined by a physician.

8 (b) The Department shall not reinstate the license of a
9 naturopathic physician until such time as the Department is
10 satisfied that such person has complied with all the terms and
11 conditions set forth in the final order and that such person is
12 capable of safely engaging in the practice of naturopathic
13 medicine.

14 Section 95. Disciplinary action. The following acts
15 constitute grounds for denial of a license or disciplinary
16 action:

17 (1) Attempting to obtain, obtaining, or renewing a
18 license to practice naturopathic medicine by bribery, or by
19 fraudulent misrepresentation.

20 (2) Having a license to practice naturopathic medicine
21 revoked, suspended, or otherwise acted against, including
22 the denial of licensure, by the licensing authority of
23 another state, territory, or country.

24 (3) Being convicted or found guilty, regardless of
25 adjudication, of a crime in any jurisdiction which directly
26 relates to the practice of naturopathic medicine or to the
27 ability to practice naturopathic medicine. Any plea of nolo
28 contendere shall be considered a conviction for purposes of
29 this Act.

30 (4) False, deceptive, or misleading advertising.

31 (5) Advertising, practicing, or attempting to practice
32 under a name other than one's own.

33 (6) Aiding, assisting, procuring, or advising any
34 unlicensed person to practice naturopathic medicine
35 contrary to this Act or a rule of the Department or the

1 Board.

2 (7) Making or filing a report which the licensee knows
3 to be false, intentionally or negligently failing to file a
4 report or record required by State or federal law, or
5 willfully impeding or obstructing such filing or inducing
6 another person to do so. Such reports or records shall
7 include only those which are signed in the capacity as a
8 licensed naturopathic physician.

9 (8) Paying or receiving any commission, bonus,
10 kickback, or rebate, or engaging in any split-fee
11 arrangement in any form whatsoever with a physician,
12 organization, agency, or person, either directly or
13 indirectly, for patients referred to providers of health
14 care goods and services, including, but not limited to,
15 hospitals, nursing homes, clinical laboratories,
16 ambulatory surgical centers, or pharmacies. The provisions
17 of this paragraph shall not be construed to prevent a
18 doctor of naturopathic medicine or naturopathic physician
19 from receiving a fee for professional consultation
20 services.

21 (9) Exercising influence within a patient-physician
22 relationship for the purposes of engaging a patient in
23 sexual activity. A patient shall be presumed to be
24 incapable of giving free, full, and informed consent to
25 sexual activity with her or his naturopathic physician.

26 (10) Failing to keep written medical records
27 justifying the course of treatment of the patient,
28 including, but not limited to, patient histories,
29 examination results, test results, imaging results, and
30 records of the prescribing, dispensing, and administering
31 of drugs.

32 (11) Gross or repeated malpractice or the failure to
33 practice naturopathic medicine with that level of care,
34 skill, and treatment that is recognized by a reasonably
35 prudent similarly situated naturopathic physician as being
36 acceptable under similar conditions and circumstances.

1 (12) Delegating professional responsibilities to a
2 person while knowing or having reason to know that the
3 person is not qualified by training, experience, or
4 licensure to perform such responsibilities.

5 (13) Violating any provision of this Act or any rules
6 adopted pursuant to this Act.

7 (14) Selling, fraudulently obtaining, or furnishing
8 any naturopathic diploma, license, record, or registration
9 or aiding or abetting in the same.

10 (15) Practicing naturopathic medicine under the cover
11 of any diploma, license, record, or registration illegally
12 or fraudulently obtained or secured or issued unlawfully or
13 upon fraudulent representations.

14 (16) Advertising the practice of naturopathic medicine
15 under a name other than one's own or under an assumed name.

16 (17) Falsely impersonating another practitioner of a
17 like or different name.

18 (18) Practicing or advertising the practice of
19 naturopathic medicine or using in connection with one's own
20 name any designation tending to imply or to designate a
21 person as a practitioner of naturopathic medicine without
22 then being lawfully licensed and authorized to practice
23 naturopathic medicine in this State.

24 (19) Practicing naturopathic medicine under a
25 suspended or revoked license.

26 Section 100. Returned checks; fines. Any person who
27 delivers a check or other payment to the Department that is
28 returned to the Department unpaid by the financial institution
29 upon which it is drawn shall pay to the Department, in addition
30 to the amount already owed to the Department, a fine of \$50.
31 The fines imposed by this Section are in addition to any other
32 discipline provided under this Act for unlicensed practice or
33 practice on a nonrenewed license. The Department shall notify
34 the person that fees and fines shall be paid to the Department
35 by certified check or money order within 30 calendar days of

1 the notification. If, after the expiration of 30 days from the
2 date of the notification, the person has failed to submit the
3 necessary remittance, the Department shall automatically
4 terminate the license or deny the application, without hearing.
5 If, after termination or denial, the person seeks a license, he
6 or she shall apply to the Department for restoration or
7 issuance of the license and pay all fees and fines due to the
8 Department. The Department may establish a fee for the
9 processing of an application for restoration of a license to
10 defray all expenses of processing the application. The
11 Secretary may waive the fines due under this Section in
12 individual cases where the Secretary finds that the fines would
13 be unreasonable or unnecessarily burdensome.

14 Section 105. Injunctions; cease and desist orders.

15 (a) If any person violates any provision of this Act, the
16 Secretary may, in the name of the People of the State of
17 Illinois, through the Attorney General of the State of Illinois
18 or the State's Attorney of any county in which the action is
19 brought, petition for an order enjoining the violation or for
20 an order enforcing compliance with this Act. Upon the filing of
21 a verified petition in court, the court may issue a temporary
22 restraining order, without notice or bond, and may
23 preliminarily and permanently enjoin the violation. If it is
24 established that the person has violated or is violating the
25 injunction, the Court may punish the offender for contempt of
26 court. Proceedings under this Section shall be in addition to,
27 and not in lieu of, all other remedies and penalties provided
28 by this Act.

29 (b) If any person practices as a naturopathic physician or
30 holds himself or herself out as a naturopathic physician
31 without being licensed under the provisions of this Act then
32 any licensed naturopathic physician, any interested party, or
33 any person injured thereby may, in addition to the Secretary,
34 petition for relief as provided in subsection (a) of this
35 Section.

1 (c) Whenever in the opinion of the Department any person
2 violates any provision of this Act, the Department may issue a
3 rule to show cause why an order to cease and desist should not
4 be entered against that person. The rule shall clearly set
5 forth the grounds relied upon by the Department and shall
6 provide a period of 7 days after the date of the rule to file an
7 answer to the satisfaction of the Department. Failure to answer
8 to the satisfaction of the Department shall cause an order to
9 cease and desist to be issued immediately.

10 Section 110. Violation; penalty. Whoever knowingly
11 practices or offers to practice naturopathic medicine in this
12 State without being licensed for that purpose shall be guilty
13 of a Class A misdemeanor.

14 Section 115. Investigation; notice; hearing. The
15 Department may investigate the actions of any applicant or of
16 any person or persons holding or claiming to hold a license.
17 Before refusing to issue, refusing to renew, or taking any
18 disciplinary action regarding a license, the Department shall,
19 at least 30 days prior to the date set for the hearing, notify
20 in writing the applicant for, or holder of, a license of the
21 nature of any charges and that a hearing will be held on a date
22 designated. The Department shall direct the applicant or
23 licensee to file a written answer with the Committee under oath
24 within 20 days after the service of the notice and inform the
25 applicant or licensee that failure to file an answer shall
26 result in default being taken against the applicant or licensee
27 and that the license may be suspended, revoked, or placed on
28 probationary status, or that other disciplinary action may be
29 taken, including limiting the scope, nature, or extent of
30 practice, as the Secretary may deem proper. Written notice may
31 be served by personal delivery or certified or registered mail
32 to the respondent at the address of his or her last
33 notification to the Department. If the person fails to file an
34 answer after receiving notice, his or her license may, in the

1 discretion of the Department, be suspended, revoked, or placed
2 on probationary status, or the Department may take any
3 disciplinary action deemed proper, including limiting the
4 scope, nature, or extent of the person's practice or the
5 imposition of a fine, without a hearing, if the act or acts
6 charged constitute sufficient grounds for such action under
7 this Act. At the time and place fixed in the notice, the
8 Committee shall proceed to hear the charges and the parties or
9 their counsel shall be accorded ample opportunity to present
10 such statements, testimony, evidence and argument as may be
11 pertinent to the charges or to their defense. The Committee may
12 continue a hearing from time to time.

13 Section 120. Formal hearing; preservation of record. The
14 Department, at its expense, shall preserve a record of all
15 proceedings at the formal hearing of any case. The notice of
16 hearing, complaint, and all other documents in the nature of
17 pleadings and written motions filed in the proceedings, the
18 transcript of testimony, the report of the Committee or hearing
19 officer, and order of the Department shall be the record of the
20 proceeding. The Department shall furnish a transcript of the
21 record to any person interested in the hearing upon payment of
22 the fee required under Section 2105-115 of the Department of
23 Professional Regulation Law (20 ILCS 2105/2105-115).

24 Section 125. Witnesses; production of documents; contempt.
25 Any circuit court may, upon application of the Department or
26 its designee or of the applicant or licensee against whom
27 proceedings under Section 95 of this Act are pending, enter an
28 order requiring the attendance of witnesses and their testimony
29 and the production of documents, papers, files, books, and
30 records in connection with any hearing or investigation. The
31 court may compel obedience to its order by proceedings for
32 contempt.

33 Section 130. Subpoena; oaths. The Department shall have

1 power to subpoena and bring before it any person in this State
2 and to take testimony either orally or by deposition or both
3 with the same fees and mileage and in the same manner as
4 prescribed in civil cases in circuit courts of this State.

5 The Secretary, the designated hearing officer, and every
6 member of the Committee has power to administer oaths to
7 witnesses at any hearing that the Department is authorized to
8 conduct and any other oaths authorized in any Act administered
9 by the Department. Any circuit court may, upon application of
10 the Department or its designee or upon application of the
11 person against whom proceedings under this Act are pending,
12 enter an order requiring the attendance of witnesses and their
13 testimony, and the production of documents, papers, files,
14 books and records in connection with any hearing or
15 investigation. The court may compel obedience to its order by
16 proceedings for contempt.

17 Section 135. Findings of facts, conclusions of law, and
18 recommendations. At the conclusion of the hearing the
19 Committee shall present to the Secretary a written report of
20 its findings of fact, conclusions of law, and recommendations.
21 The report shall contain a finding whether or not the accused
22 person violated this Act or failed to comply with the
23 conditions required in this Act. The Committee shall specify
24 the nature of the violation or failure to comply and shall make
25 its recommendations to the Secretary.

26 The report of findings of fact, conclusions of law, and
27 recommendations of the Committee shall be the basis for the
28 Department's order. If the Secretary disagrees in any regard
29 with the report of the Committee, the Secretary may issue an
30 order in contravention of the report. The finding is not
31 admissible in evidence against the person in a criminal
32 prosecution brought for the violation of this Act, but the
33 hearing and findings are not a bar to a criminal prosecution
34 brought for the violation of this Act.

1 Section 140. Hearing officer. The Secretary shall have the
2 authority to appoint any attorney duly licensed to practice law
3 in the State of Illinois to serve as the hearing officer in any
4 action for Departmental refusal to issue, renew, or license an
5 applicant, or disciplinary action against a licensee. The
6 hearing officer shall have full authority to conduct the
7 hearing. The hearing officer shall report his or her findings
8 of fact, conclusions of law, and recommendations to the
9 Committee and the Secretary. The Committee shall have 60
10 calendar days from receipt of the report to review the report
11 of the hearing officer and present its findings of fact,
12 conclusions of law, and recommendations to the Secretary. If
13 the Committee fails to present its report within the 60
14 calendar day period, the Secretary may issue an order based on
15 the report of the hearing officer. If the Secretary disagrees
16 with the recommendation of the Committee or hearing officer, he
17 or she may issue an order in contravention of that
18 recommendation.

19 Section 145. Service of report; rehearing; order. In any
20 case involving the discipline of a license, a copy of the
21 Committee's report shall be served upon the respondent by the
22 Department, either personally or as provided in this Act for
23 the service of the notice of hearing. Within 20 days after the
24 service, the respondent may present to the Department a motion
25 in writing for a rehearing that shall specify the particular
26 grounds for rehearing. If no motion for rehearing is filed,
27 then upon the expiration of the time specified for filing a
28 motion, or if a motion for rehearing is denied, then upon the
29 denial the Secretary may enter an order in accordance with this
30 Act. If the respondent orders from the reporting service and
31 pays for a transcript of the record within the time for filing
32 a motion for rehearing, the 20 calendar day period within which
33 the motion may be filed shall commence upon the delivery of the
34 transcript to the respondent.

1 Section 150. Substantial justice to be done; rehearing.
2 Whenever the Secretary is satisfied that substantial justice
3 has not been done in the revocation, suspension, or refusal to
4 issue or renew a license, the Secretary may order a rehearing
5 by the same or another hearing officer or by the Committee.

6 Section 155. Order or certified copy as prima facie proof.
7 An order or a certified copy thereof, over the seal of the
8 Department and purporting to be signed by the Secretary, shall
9 be prima facie proof:

10 (a) that the signature is the genuine signature of the
11 Secretary;

12 (b) that such Secretary is duly appointed and qualified;

13 (c) that the Committee and its members are qualified to
14 act.

15 Section 160. Restoration of license. At any time after the
16 suspension or revocation of any license the Department may
17 restore the license to the accused person, unless after an
18 investigation and a hearing the Department determines that
19 restoration is not in the public interest.

20 Section 165. Surrender of license. Upon the revocation or
21 suspension of any license, the licensee shall immediately
22 surrender the license to the Department. If the licensee fails
23 to do so, the Department shall have the right to seize the
24 license.

25 Section 170. Imminent danger to public; summary
26 suspension. The Secretary may summarily suspend the license of
27 a naturopathic physician without a hearing, simultaneously
28 with the institution of proceedings for a hearing provided for
29 in this Act, if the Secretary finds that evidence in his or her
30 possession indicates that continuation in practice would
31 constitute an imminent danger to the public. In the event that
32 the Secretary summarily suspends a license without a hearing, a

1 hearing by the Department must be held within 30 days after the
2 suspension has occurred.

3 Section 175. Review under Administrative Review Law. All
4 final administrative decisions of the Department are subject to
5 judicial review under the Administrative Review Law and its
6 rules. The term "administrative decision" is defined as in
7 Section 3 101 of the Code of Civil Procedure.

8 Section 180. The Department shall not be required to
9 certify any record to the Court or file any answer in court or
10 otherwise appear in any court in a judicial review proceeding,
11 unless there is filed in the court, with the complaint, a
12 receipt from the Department acknowledging payment of the costs
13 of furnishing and certifying the record. Failure on the part
14 of the plaintiff to file a receipt in court shall be grounds
15 for dismissal of the action.

16 Section 185. Administrative Procedure Act. The Illinois
17 Administrative Procedure Act is expressly adopted and
18 incorporated in this Act as if all of the provisions of that
19 Act were included in this Act, except that the provision of
20 paragraph (d) of Section 10 65 of the Illinois Administrative
21 Procedure Act, which provides that at hearings the licensee has
22 the right to show compliance with all lawful requirements for
23 retention, continuation, or renewal of the license, is
24 specifically excluded. For the purpose of this Act, the notice
25 required under Section 10 25 of the Administrative Procedure
26 Act is deemed sufficient when mailed to the last known address
27 of a party.

28 Section 190. Severability. If any provision of this Act or
29 its application to any person or circumstance is held invalid,
30 the remainder of the act or the application of the provision to
31 other persons or circumstances is not affected.

1 Section 195. The Illinois Controlled Substances Act is
2 amended by changing Section 102 as follows:

3 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

4 Sec. 102. Definitions. As used in this Act, unless the
5 context otherwise requires:

6 (a) "Addict" means any person who habitually uses any drug,
7 chemical, substance or dangerous drug other than alcohol so as
8 to endanger the public morals, health, safety or welfare or who
9 is so far addicted to the use of a dangerous drug or controlled
10 substance other than alcohol as to have lost the power of self
11 control with reference to his addiction.

12 (b) "Administer" means the direct application of a
13 controlled substance, whether by injection, inhalation,
14 ingestion, or any other means, to the body of a patient,
15 research subject, or animal (as defined by the Humane
16 Euthanasia in Animal Shelters Act) by:

17 (1) a practitioner (or, in his presence, by his
18 authorized agent),

19 (2) the patient or research subject at the lawful
20 direction of the practitioner, or

21 (3) a euthanasia technician as defined by the Humane
22 Euthanasia in Animal Shelters Act.

23 (c) "Agent" means an authorized person who acts on behalf
24 of or at the direction of a manufacturer, distributor, or
25 dispenser. It does not include a common or contract carrier,
26 public warehouseman or employee of the carrier or warehouseman.

27 (c-1) "Anabolic Steroids" means any drug or hormonal
28 substance, chemically and pharmacologically related to
29 testosterone (other than estrogens, progestins, and
30 corticosteroids) that promotes muscle growth, and includes:

31 (i) boldenone,

32 (ii) chlorotestosterone,

33 (iii) chostebol,

34 (iv) dehydrochlormethyltestosterone,

35 (v) dihydrotestosterone,

1 (vi) drostanolone,
2 (vii) ethylestrenol,
3 (viii) fluoxymesterone,
4 (ix) formebulone,
5 (x) mesterolone,
6 (xi) methandienone,
7 (xii) methandranone,
8 (xiii) methandriol,
9 (xiv) methandrostenolone,
10 (xv) methenolone,
11 (xvi) methyltestosterone,
12 (xvii) mibolerone,
13 (xviii) nandrolone,
14 (xix) norethandrolone,
15 (xx) oxandrolone,
16 (xxi) oxymesterone,
17 (xxii) oxymetholone,
18 (xxiii) stanolone,
19 (xxiv) stanozolol,
20 (xxv) testolactone,
21 (xxvi) testosterone,
22 (xxvii) trenbolone, and
23 (xxviii) any salt, ester, or isomer of a drug or
24 substance described or listed in this paragraph, if
25 that salt, ester, or isomer promotes muscle growth.

26 Any person who is otherwise lawfully in possession of an
27 anabolic steroid, or who otherwise lawfully manufactures,
28 distributes, dispenses, delivers, or possesses with intent to
29 deliver an anabolic steroid, which anabolic steroid is
30 expressly intended for and lawfully allowed to be administered
31 through implants to livestock or other nonhuman species, and
32 which is approved by the Secretary of Health and Human Services
33 for such administration, and which the person intends to
34 administer or have administered through such implants, shall
35 not be considered to be in unauthorized possession or to
36 unlawfully manufacture, distribute, dispense, deliver, or

1 possess with intent to deliver such anabolic steroid for
2 purposes of this Act.

3 (d) "Administration" means the Drug Enforcement
4 Administration, United States Department of Justice, or its
5 successor agency.

6 (e) "Control" means to add a drug or other substance, or
7 immediate precursor, to a Schedule under Article II of this Act
8 whether by transfer from another Schedule or otherwise.

9 (f) "Controlled Substance" means a drug, substance, or
10 immediate precursor in the Schedules of Article II of this Act.

11 (g) "Counterfeit substance" means a controlled substance,
12 which, or the container or labeling of which, without
13 authorization bears the trademark, trade name, or other
14 identifying mark, imprint, number or device, or any likeness
15 thereof, of a manufacturer, distributor, or dispenser other
16 than the person who in fact manufactured, distributed, or
17 dispensed the substance.

18 (h) "Deliver" or "delivery" means the actual, constructive
19 or attempted transfer of possession of a controlled substance,
20 with or without consideration, whether or not there is an
21 agency relationship.

22 (i) "Department" means the Illinois Department of Human
23 Services (as successor to the Department of Alcoholism and
24 Substance Abuse) or its successor agency.

25 (j) "Department of State Police" means the Department of
26 State Police of the State of Illinois or its successor agency.

27 (k) "Department of Corrections" means the Department of
28 Corrections of the State of Illinois or its successor agency.

29 (l) "Department of Professional Regulation" means the
30 Department of Professional Regulation of the State of Illinois
31 or its successor agency.

32 (m) "Depressant" or "stimulant substance" means:

33 (1) a drug which contains any quantity of (i)
34 barbituric acid or any of the salts of barbituric acid
35 which has been designated as habit forming under section
36 502 (d) of the Federal Food, Drug, and Cosmetic Act (21

1 U.S.C. 352 (d)); or

2 (2) a drug which contains any quantity of (i)
3 amphetamine or methamphetamine and any of their optical
4 isomers; (ii) any salt of amphetamine or methamphetamine or
5 any salt of an optical isomer of amphetamine; or (iii) any
6 substance which the Department, after investigation, has
7 found to be, and by rule designated as, habit forming
8 because of its depressant or stimulant effect on the
9 central nervous system; or

10 (3) lysergic acid diethylamide; or

11 (4) any drug which contains any quantity of a substance
12 which the Department, after investigation, has found to
13 have, and by rule designated as having, a potential for
14 abuse because of its depressant or stimulant effect on the
15 central nervous system or its hallucinogenic effect.

16 (n) (Blank).

17 (o) "Director" means the Director of the Department of
18 State Police or the Department of Professional Regulation or
19 his designated agents.

20 (p) "Dispense" means to deliver a controlled substance to
21 an ultimate user or research subject by or pursuant to the
22 lawful order of a prescriber, including the prescribing,
23 administering, packaging, labeling, or compounding necessary
24 to prepare the substance for that delivery.

25 (q) "Dispenser" means a practitioner who dispenses.

26 (r) "Distribute" means to deliver, other than by
27 administering or dispensing, a controlled substance.

28 (s) "Distributor" means a person who distributes.

29 (t) "Drug" means (1) substances recognized as drugs in the
30 official United States Pharmacopoeia, Official Homeopathic
31 Pharmacopoeia of the United States, or official National
32 Formulary, or any supplement to any of them; (2) substances
33 intended for use in diagnosis, cure, mitigation, treatment, or
34 prevention of disease in man or animals; (3) substances (other
35 than food) intended to affect the structure of any function of
36 the body of man or animals and (4) substances intended for use

1 as a component of any article specified in clause (1), (2), or
2 (3) of this subsection. It does not include devices or their
3 components, parts, or accessories.

4 (t-5) "Euthanasia agency" means an entity certified by the
5 Department of Professional Regulation for the purpose of animal
6 euthanasia that holds an animal control facility license or
7 animal shelter license under the Animal Welfare Act. A
8 euthanasia agency is authorized to purchase, store, possess,
9 and utilize Schedule II nonnarcotic and Schedule III
10 nonnarcotic drugs for the sole purpose of animal euthanasia.

11 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
12 substances (nonnarcotic controlled substances) that are used
13 by a euthanasia agency for the purpose of animal euthanasia.

14 (u) "Good faith" means the prescribing or dispensing of a
15 controlled substance by a practitioner in the regular course of
16 professional treatment to or for any person who is under his
17 treatment for a pathology or condition other than that
18 individual's physical or psychological dependence upon or
19 addiction to a controlled substance, except as provided herein:
20 and application of the term to a pharmacist shall mean the
21 dispensing of a controlled substance pursuant to the
22 prescriber's order which in the professional judgment of the
23 pharmacist is lawful. The pharmacist shall be guided by
24 accepted professional standards including, but not limited to
25 the following, in making the judgment:

26 (1) lack of consistency of doctor-patient
27 relationship,

28 (2) frequency of prescriptions for same drug by one
29 prescriber for large numbers of patients,

30 (3) quantities beyond those normally prescribed,

31 (4) unusual dosages,

32 (5) unusual geographic distances between patient,
33 pharmacist and prescriber,

34 (6) consistent prescribing of habit-forming drugs.

35 (u-1) "Home infusion services" means services provided by a
36 pharmacy in compounding solutions for direct administration to

1 a patient in a private residence, long-term care facility, or
2 hospice setting by means of parenteral, intravenous,
3 intramuscular, subcutaneous, or intraspinal infusion.

4 (v) "Immediate precursor" means a substance:

5 (1) which the Department has found to be and by rule
6 designated as being a principal compound used, or produced
7 primarily for use, in the manufacture of a controlled
8 substance;

9 (2) which is an immediate chemical intermediary used or
10 likely to be used in the manufacture of such controlled
11 substance; and

12 (3) the control of which is necessary to prevent,
13 curtail or limit the manufacture of such controlled
14 substance.

15 (w) "Instructional activities" means the acts of teaching,
16 educating or instructing by practitioners using controlled
17 substances within educational facilities approved by the State
18 Board of Education or its successor agency.

19 (x) "Local authorities" means a duly organized State,
20 County or Municipal peace unit or police force.

21 (y) "Look-alike substance" means a substance, other than a
22 controlled substance which (1) by overall dosage unit
23 appearance, including shape, color, size, markings or lack
24 thereof, taste, consistency, or any other identifying physical
25 characteristic of the substance, would lead a reasonable person
26 to believe that the substance is a controlled substance, or (2)
27 is expressly or impliedly represented to be a controlled
28 substance or is distributed under circumstances which would
29 lead a reasonable person to believe that the substance is a
30 controlled substance. For the purpose of determining whether
31 the representations made or the circumstances of the
32 distribution would lead a reasonable person to believe the
33 substance to be a controlled substance under this clause (2) of
34 subsection (y), the court or other authority may consider the
35 following factors in addition to any other factor that may be
36 relevant:

1 (a) statements made by the owner or person in control
2 of the substance concerning its nature, use or effect;

3 (b) statements made to the buyer or recipient that the
4 substance may be resold for profit;

5 (c) whether the substance is packaged in a manner
6 normally used for the illegal distribution of controlled
7 substances;

8 (d) whether the distribution or attempted distribution
9 included an exchange of or demand for money or other
10 property as consideration, and whether the amount of the
11 consideration was substantially greater than the
12 reasonable retail market value of the substance.

13 Clause (1) of this subsection (y) shall not apply to a
14 noncontrolled substance in its finished dosage form that was
15 initially introduced into commerce prior to the initial
16 introduction into commerce of a controlled substance in its
17 finished dosage form which it may substantially resemble.

18 Nothing in this subsection (y) prohibits the dispensing or
19 distributing of noncontrolled substances by persons authorized
20 to dispense and distribute controlled substances under this
21 Act, provided that such action would be deemed to be carried
22 out in good faith under subsection (u) if the substances
23 involved were controlled substances.

24 Nothing in this subsection (y) or in this Act prohibits the
25 manufacture, preparation, propagation, compounding,
26 processing, packaging, advertising or distribution of a drug or
27 drugs by any person registered pursuant to Section 510 of the
28 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

29 (y-1) "Mail-order pharmacy" means a pharmacy that is
30 located in a state of the United States, other than Illinois,
31 that delivers, dispenses or distributes, through the United
32 States Postal Service or other common carrier, to Illinois
33 residents, any substance which requires a prescription.

34 (z) "Manufacture" means the production, preparation,
35 propagation, compounding, conversion or processing of a
36 controlled substance other than methamphetamine, either

1 directly or indirectly, by extraction from substances of
2 natural origin, or independently by means of chemical
3 synthesis, or by a combination of extraction and chemical
4 synthesis, and includes any packaging or repackaging of the
5 substance or labeling of its container, except that this term
6 does not include:

7 (1) by an ultimate user, the preparation or compounding
8 of a controlled substance for his own use; or

9 (2) by a practitioner, or his authorized agent under
10 his supervision, the preparation, compounding, packaging,
11 or labeling of a controlled substance:

12 (a) as an incident to his administering or
13 dispensing of a controlled substance in the course of
14 his professional practice; or

15 (b) as an incident to lawful research, teaching or
16 chemical analysis and not for sale.

17 (z-1) (Blank).

18 (aa) "Narcotic drug" means any of the following, whether
19 produced directly or indirectly by extraction from substances
20 of natural origin, or independently by means of chemical
21 synthesis, or by a combination of extraction and chemical
22 synthesis:

23 (1) opium and opiate, and any salt, compound,
24 derivative, or preparation of opium or opiate;

25 (2) any salt, compound, isomer, derivative, or
26 preparation thereof which is chemically equivalent or
27 identical with any of the substances referred to in clause
28 (1), but not including the isoquinoline alkaloids of opium;

29 (3) opium poppy and poppy straw;

30 (4) coca leaves and any salts, compound, isomer, salt
31 of an isomer, derivative, or preparation of coca leaves
32 including cocaine or ecgonine, and any salt, compound,
33 isomer, derivative, or preparation thereof which is
34 chemically equivalent or identical with any of these
35 substances, but not including decocainized coca leaves or
36 extractions of coca leaves which do not contain cocaine or

1 ecgonine (for the purpose of this paragraph, the term
2 "isomer" includes optical, positional and geometric
3 isomers).

4 (bb) "Nurse" means a registered nurse licensed under the
5 Nursing and Advanced Practice Nursing Act.

6 (cc) (Blank).

7 (dd) "Opiate" means any substance having an addiction
8 forming or addiction sustaining liability similar to morphine
9 or being capable of conversion into a drug having addiction
10 forming or addiction sustaining liability.

11 (ee) "Opium poppy" means the plant of the species *Papaver*
12 *somniferum* L., except its seeds.

13 (ff) "Parole and Pardon Board" means the Parole and Pardon
14 Board of the State of Illinois or its successor agency.

15 (gg) "Person" means any individual, corporation,
16 mail-order pharmacy, government or governmental subdivision or
17 agency, business trust, estate, trust, partnership or
18 association, or any other entity.

19 (hh) "Pharmacist" means any person who holds a certificate
20 of registration as a registered pharmacist, a local registered
21 pharmacist or a registered assistant pharmacist under the
22 Pharmacy Practice Act of 1987.

23 (ii) "Pharmacy" means any store, ship or other place in
24 which pharmacy is authorized to be practiced under the Pharmacy
25 Practice Act of 1987.

26 (jj) "Poppy straw" means all parts, except the seeds, of
27 the opium poppy, after mowing.

28 (kk) "Practitioner" means a physician licensed to practice
29 medicine in all its branches, dentist, podiatrist,
30 veterinarian, scientific investigator, pharmacist, physician
31 assistant, advanced practice nurse, licensed practical nurse,
32 registered nurse, hospital, laboratory, or pharmacy, or other
33 person licensed, registered, or otherwise lawfully permitted
34 by the United States or this State to distribute, dispense,
35 conduct research with respect to, administer or use in teaching
36 or chemical analysis, a controlled substance in the course of

1 professional practice or research.

2 (ll) "Pre-printed prescription" means a written
3 prescription upon which the designated drug has been indicated
4 prior to the time of issuance.

5 (mm) "Prescriber" means a physician licensed to practice
6 medicine in all its branches, dentist, podiatrist or
7 veterinarian who issues a prescription, a physician assistant
8 who issues a prescription for a Schedule III, IV, or V
9 controlled substance in accordance with Section 303.05 and the
10 written guidelines required under Section 7.5 of the Physician
11 Assistant Practice Act of 1987, ~~or~~ an advanced practice nurse
12 with prescriptive authority in accordance with Section 303.05
13 and a written collaborative agreement under Sections 15-15 and
14 15-20 of the Nursing and Advanced Practice Nursing Act, or a
15 naturopathic physician who issues a prescription for a
16 controlled substance in accordance with the naturopathic
17 formulary established under Section 45 of the Naturopathic
18 Medical Practice Act.

19 (nn) "Prescription" means a lawful written, facsimile, or
20 verbal order of a physician licensed to practice medicine in
21 all its branches, dentist, podiatrist or veterinarian for any
22 controlled substance, of a physician assistant for a Schedule
23 III, IV, or V controlled substance in accordance with Section
24 303.05 and the written guidelines required under Section 7.5 of
25 the Physician Assistant Practice Act of 1987, or of an advanced
26 practice nurse who issues a prescription for a Schedule III,
27 IV, or V controlled substance in accordance with Section 303.05
28 and a written collaborative agreement under Sections 15-15 and
29 15-20 of the Nursing and Advanced Practice Nursing Act.

30 (oo) "Production" or "produce" means manufacture,
31 planting, cultivating, growing, or harvesting of a controlled
32 substance other than methamphetamine.

33 (pp) "Registrant" means every person who is required to
34 register under Section 302 of this Act.

35 (qq) "Registry number" means the number assigned to each
36 person authorized to handle controlled substances under the

1 laws of the United States and of this State.

2 (rr) "State" includes the State of Illinois and any state,
3 district, commonwealth, territory, insular possession thereof,
4 and any area subject to the legal authority of the United
5 States of America.

6 (ss) "Ultimate user" means a person who lawfully possesses
7 a controlled substance for his own use or for the use of a
8 member of his household or for administering to an animal owned
9 by him or by a member of his household.

10 (Source: P.A. 93-596, eff. 8-26-03; 93-626, eff. 12-23-03;
11 94-556, eff. 9-11-05.)