



Rep. Angelo Saviano

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LRB095 03945 RAS 42559 a

1 AMENDMENT TO HOUSE BILL 127

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 127, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Regulatory Sunset Act is amended by  
6 changing Sections 4.18 and 4.19b as follows:

7 (5 ILCS 80/4.18)

8 Sec. 4.18. Acts repealed ~~January 1, 2008~~ and December 31,  
9 2008. ~~(a) The following Acts are repealed on January 1, 2008:~~  
10 ~~The Structural Pest Control Act.~~ (b) The following Acts are  
11 repealed on December 31, 2008:

12 The Medical Practice Act of 1987.

13 The Environmental Health Practitioner Licensing Act.

14 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;  
15 94-1085, eff. 1-19-07; 95-187, eff. 8-16-07; 95-235, eff.  
16 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-639,

1 eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07;  
2 95-703, eff. 12-31-07; revised 1-7-08.)

3 (5 ILCS 80/4.19b)

4 Sec. 4.19b. Acts ~~Act~~ repealed on January 1, 2009 and  
5 December 31, 2009.

6 (a) The following Act is repealed on January 1, 2009:

7 The Interpreters for the Deaf Act.

8 (b) The following Act is repealed on December 31, 2009:

9 The Structural Pest Control Act.

10 (Source: P.A. 95-617, eff. 9-12-07.)

11 Section 10. The Nurse Practice Act is amended by changing  
12 Section 65-40 as follows:

13 (225 ILCS 65/65-40) (was 225 ILCS 65/15-20)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 65-40. Prescriptive authority.

16 (a) A collaborating physician or podiatrist may, but is not  
17 required to, delegate prescriptive authority to an advanced  
18 practice nurse as part of a written collaborative agreement.  
19 This authority may, but is not required to, include  
20 prescription of, selection of, orders for, administration of,  
21 storage of, acceptance of samples of, and dispensing over the  
22 counter medications, legend drugs, medical gases, and  
23 controlled substances categorized as any Schedule III through,

1 ~~III-N, IV, or~~ V controlled substances, as defined in Article II  
2 of the Illinois Controlled Substances Act, and other  
3 preparations, including, but not limited to, botanical and  
4 herbal remedies. The collaborating physician or podiatrist  
5 must have a valid current Illinois controlled substance license  
6 and federal registration to delegate authority to prescribe  
7 delegated controlled substances.

8 (b) To prescribe controlled substances under this Section,  
9 an advanced practice nurse must obtain a mid-level practitioner  
10 controlled substance license. Medication orders shall be  
11 reviewed periodically by the collaborating physician or  
12 podiatrist.

13 (c) The collaborating physician or podiatrist shall file  
14 with the Department notice of delegation of prescriptive  
15 authority and termination of such delegation, in accordance  
16 with rules of the Department. Upon receipt of this notice  
17 delegating authority to prescribe any Schedule III through,  
18 ~~III-N, IV, or~~ V controlled substances, the licensed advanced  
19 practice nurse shall be eligible to register for a mid-level  
20 practitioner controlled substance license under Section 303.05  
21 of the Illinois Controlled Substances Act.

22 (d) In addition to the requirements of subsections (a),  
23 (b), and (c) of this Section, a collaborating physician may,  
24 but is not required to, delegate authority to an advanced  
25 practice nurse to prescribe any Schedule II ~~or III-N~~ controlled  
26 substances, if all of the following conditions apply:

1 (1) No more than 5 Schedule II ~~or II-N~~ controlled  
2 substances by oral dosage may be delegated.

3 (2) Any delegation must be controlled substances that  
4 the collaborating physician prescribes.

5 (3) Any prescription must be limited to no more than a  
6 30-day oral dosage, with any continuation authorized only  
7 after prior approval of the collaborating physician.

8 (4) The advanced practice nurse must discuss the  
9 condition of any patients for whom a controlled substance  
10 is prescribed monthly with the delegating physician.

11 (e) Nothing in this Act shall be construed to limit the  
12 delegation of tasks or duties by a physician to a licensed  
13 practical nurse, a registered professional nurse, or other  
14 persons.

15 (Source: P.A. 95-639, eff. 10-5-07.)

16 Section 15. The Pharmacy Practice Act is amended by  
17 changing Section 4 as follows:

18 (225 ILCS 85/4) (from Ch. 111, par. 4124)

19 (Section scheduled to be repealed on January 1, 2018)

20 Sec. 4. Exemptions. Nothing contained in any Section of  
21 this Act shall apply to, or in any manner interfere with:

22 (a) the lawful practice of any physician licensed to  
23 practice medicine in all of its branches, dentist, podiatrist,  
24 veterinarian, or therapeutically or diagnostically certified

1 optometrist within the limits of his or her license, or prevent  
2 him or her from supplying to his or her bona fide patients such  
3 drugs, medicines, or poisons as may seem to him appropriate;

4 (b) the sale of compressed gases;

5 (c) the sale of patent or proprietary medicines and  
6 household remedies when sold in original and unbroken packages  
7 only, if such patent or proprietary medicines and household  
8 remedies be properly and adequately labeled as to content and  
9 usage and generally considered and accepted as harmless and  
10 nonpoisonous when used according to the directions on the  
11 label, and also do not contain opium or coca leaves, or any  
12 compound, salt or derivative thereof, or any drug which,  
13 according to the latest editions of the following authoritative  
14 pharmaceutical treatises and standards, namely, The United  
15 States Pharmacopoeia/National Formulary (USP/NF), the United  
16 States Dispensatory, and the Accepted Dental Remedies of the  
17 Council of Dental Therapeutics of the American Dental  
18 Association or any or either of them, in use on the effective  
19 date of this Act, or according to the existing provisions of  
20 the Federal Food, Drug, and Cosmetic Act and Regulations of the  
21 Department of Health and Human Services, Food and Drug  
22 Administration, promulgated thereunder now in effect, is  
23 designated, described or considered as a narcotic, hypnotic,  
24 habit forming, dangerous, or poisonous drug;

25 (d) the sale of poultry and livestock remedies in original  
26 and unbroken packages only, labeled for poultry and livestock

1 medication;

2 (e) the sale of poisonous substances or mixture of  
3 poisonous substances, in unbroken packages, for nonmedicinal  
4 use in the arts or industries or for insecticide purposes;  
5 provided, they are properly and adequately labeled as to  
6 content and such nonmedicinal usage, in conformity with the  
7 provisions of all applicable federal, state and local laws and  
8 regulations promulgated thereunder now in effect relating  
9 thereto and governing the same, and those which are required  
10 under such applicable laws and regulations to be labeled with  
11 the word "Poison", are also labeled with the word "Poison"  
12 printed thereon in prominent type and the name of a readily  
13 obtainable antidote with directions for its administration;

14 (f) the delegation of limited prescriptive authority by a  
15 physician licensed to practice medicine in all its branches to  
16 a physician assistant under Section 7.5 of the Physician  
17 Assistant Practice Act of 1987. This delegated authority under  
18 Section 7.5 of the Physician Assistant Practice Act of 1987 may  
19 but is not required to include prescription of controlled  
20 substances, as defined in Article II of the Illinois Controlled  
21 Substances Act, in accordance with written guidelines; and

22 (g) The delegation of prescriptive authority by a physician  
23 licensed to practice medicine in all its branches or a licensed  
24 podiatrist to an advanced practice nurse in accordance with a  
25 written collaborative agreement under Sections ~~Section~~ 65-35  
26 and 65-40 of the Nurse Practice Act. ~~This authority, which is~~

1 ~~delegated under Section 65-40 of the Nurse Practice Act, may~~  
2 ~~but is not required to include the prescription of Schedule~~  
3 ~~III, IV, or V controlled substances as defined in Article II of~~  
4 ~~the Illinois Controlled Substances Act.~~

5 (Source: P.A. 95-639, eff. 10-5-07.)

6 Section 20. The Structural Pest Control Act is amended by  
7 adding Section 26 as follows:

8 (225 ILCS 235/26 new)

9 Sec. 26. Continuation of Act; validation.

10 (a) The General Assembly finds and declares that:

11 (1) Public Act 94-754, which became effective on May  
12 10, 2006, changed the repeal date set for the Structural  
13 Pest Control Act within the Regulatory Sunset Act from  
14 January 1, 2007 to January 1, 2008.

15 (2) The Statute on Statutes sets forth general rules on  
16 the repeal of statutes and the construction of multiple  
17 amendments, but Section 1 of that Act also states that  
18 these rules will not be observed when the result would be  
19 "inconsistent with the manifest intent of the General  
20 Assembly or repugnant to the context of the statute".

21 (3) This amendatory Act of the 95th General Assembly  
22 manifests the intention of the General Assembly to remove  
23 the current repealer of the Structural Pest Control Act set  
24 forth in the Regulatory Sunset Act and have the Structural

1 Pest Control Act continue in effect beyond January 1, 2008.

2 (4) The Structural Pest Control Act was originally  
3 enacted to protect, promote, and preserve the public health  
4 and general welfare. Any construction of subsection (a) of  
5 Section 4.18 of the Regulatory Sunset Act that results in  
6 the repeal of the Structural Pest Control Act on January 1,  
7 2008 would be inconsistent with the manifest intent of the  
8 General Assembly and repugnant to the context of the  
9 Regulatory Sunset Act and the Structural Pest Control Act,  
10 and would create serious potential risks to the health and  
11 safety of the people of Illinois.

12 (b) It is hereby declared to have been the intent of the  
13 General Assembly that the Structural Pest Control Act not be  
14 subject to repeal on January 1, 2008.

15 (c) The Structural Pest Control Act shall be deemed to have  
16 been in continuous effect since May 10, 2006 (the effective  
17 date of Public Act 94-754), and it shall continue to be in  
18 effect henceforward until it is otherwise lawfully repealed.  
19 All previously enacted amendments to the Act taking effect on  
20 or after January 1, 2008, are hereby validated.

21 (d) All actions taken in reliance on or pursuant to the  
22 Structural Pest Control Act by the Department of Public Health  
23 or any other person or entity are hereby validated.

24 (e) In order to ensure the continuing effectiveness of the  
25 Structural Pest Control Act, it is set forth in full and  
26 re-enacted by this amendatory Act of the 95th General Assembly.



1 This re-enactment is intended as a continuation of the Act. It  
2 is not intended to supersede any amendment to the Act that is  
3 enacted by the 95th General Assembly.

4 (f) The Structural Pest Control Act applies to all  
5 claims, civil actions, and proceedings pending on or filed on  
6 or before the effective date of this Act.

7 Section 25. The Structural Pest Control Act is re-enacted  
8 as follows:

9 (225 ILCS 235/Act title) (Structural Pest Control Act.)

10 An Act to license and regulate structural pest control  
11 operators and certify pest control technicians, to make certain  
12 exemptions for the State and its political subdivisions and to  
13 provide penalties for the violation thereof.

14 (225 ILCS 235/1) (from Ch. 111 1/2, par. 2201)

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

16 Sec. 1. Short title). This Act shall be known and may be  
17 cited as the "Structural Pest Control Act".

18 (Source: P.A. 82-725.)

19 (225 ILCS 235/2) (from Ch. 111 1/2, par. 2202)

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

21 Sec. 2. Legislative intent. It is declared that there  
22 exists and may in the future exist within the State of Illinois

1 locations where pesticides are received, stored, formulated or  
2 prepared and subsequently used for the control of structural  
3 pests, and improper selection, formulation and application of  
4 pesticides may adversely affect the public health and general  
5 welfare.

6 It is further established that the use of certain  
7 pesticides is restricted or may in the future be restricted to  
8 use only by or under the supervision of persons certified in  
9 accordance with this Act.

10 It is recognized that pests can best be controlled through  
11 an integrated pest management program that combines preventive  
12 techniques, nonchemical pest control methods, and the  
13 appropriate use of pesticides with preference for products that  
14 are the least harmful to human health and the environment.  
15 Integrated pest management is a good practice in the management  
16 of pest populations, and it is prudent to employ pest control  
17 strategies that are the least hazardous to human health and the  
18 environment.

19 Therefore, the purpose of this Act is to protect, promote  
20 and preserve the public health and general welfare by providing  
21 for the establishment of minimum standards for selection,  
22 formulation and application of restricted pesticides and to  
23 provide for the licensure of commercial structural pest control  
24 businesses, the registration of persons who own or operate  
25 non-commercial structural pest control locations where  
26 restricted pesticides are used, and the certification of pest

1 control technicians.

2 It is also the purpose of this Act to reduce economic,  
3 health, and environmental risks by promoting the use of  
4 integrated pest management for structural pest control in  
5 schools and day care centers, by making guidelines on  
6 integrated pest management available to schools and day care  
7 centers.

8 (Source: P.A. 93-381, eff. 7-1-04.)

9 (225 ILCS 235/3) (from Ch. 111 1/2, par. 2203)

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

11 Sec. 3. Definitions. As used in this Act, unless the  
12 context otherwise requires, the terms specified in Sections  
13 3.01 through 3.27 have the meanings ascribed to them in those  
14 Sections.

15 (Source: P.A. 93-381, eff. 7-1-04.)

16 (225 ILCS 235/3.01) (from Ch. 111 1/2, par. 2203.01)

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

18 Sec. 3.01. "Department" means the Department of Public  
19 Health.

20 (Source: P.A. 82-725.)

21 (225 ILCS 235/3.02) (from Ch. 111 1/2, par. 2203.02)

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

23 Sec. 3.02. "Director" means the Director of Public Health.

1 (Source: P.A. 82-725.)

2 (225 ILCS 235/3.03) (from Ch. 111 1/2, par. 2203.03)

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

4 Sec. 3.03. "Person" means any individual, group of  
5 individuals, association, trust, partnership, corporation,  
6 person doing business under an assumed name, the State of  
7 Illinois, or department thereof, any other state-owned and  
8 operated institution, or any other entity.

9 (Source: P.A. 82-725.)

10 (225 ILCS 235/3.04) (from Ch. 111 1/2, par. 2203.04)

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

12 Sec. 3.04. "Commercial Structural Pest Control Business  
13 Location" means any location at or from which any person  
14 advertises or contracts to perform structural pest control  
15 services for hire or where a person is engaged or employed by  
16 that business to perform the services, store materials, keep  
17 records, or perform other pertinent activities, for the purpose  
18 of operating a structural pest control business at that  
19 business location, but does not include locations which exist  
20 solely for the purpose of accepting telephone calls and  
21 messages on behalf of the licensee.

22 (Source: P.A. 83-825.)

23 (225 ILCS 235/3.05) (from Ch. 111 1/2, par. 2203.05)

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

2 Sec. 3.05. "Licensee" means a person licensed in accordance  
3 with this Act.

4 (Source: P.A. 82-725.)

5 (225 ILCS 235/3.06) (from Ch. 111 1/2, par. 2203.06)

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

7 Sec. 3.06. "Certified Technician" means an individual who  
8 has met the qualifications set forth under Section 5 of this  
9 Act.

10 (Source: P.A. 82-725.)

11 (225 ILCS 235/3.07) (from Ch. 111 1/2, par. 2203.07)

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

13 Sec. 3.07. "Pests" include arthropods (insects, spiders,  
14 mites, ticks and related pests), wood infesting organisms,  
15 rats, mice, nuisance birds and any other obnoxious or  
16 undesirable animals in, on or under structures, but does not  
17 include bacteria or other micro-organisms on or in living man  
18 or other living animals.

19 (Source: P.A. 84-362.)

20 (225 ILCS 235/3.08) (from Ch. 111 1/2, par. 2203.08)

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

22 Sec. 3.08. "Structure" means any edifice, building or other  
23 constructed entity including the contents therein, any patio or

1 terrace connected thereto and the land on which it is situated,  
2 and including any portion of land within the given  
3 proprietorship which might constitute a potential harborage  
4 for pests which could affect the edifice or building or its  
5 contents, any portion of land upon which work has begun for the  
6 erection of an edifice, any vehicle used as a common carrier,  
7 any dock, wharf, railroad siding or refuse area.

8 (Source: P.A. 85-227.)

9 (225 ILCS 235/3.09) (from Ch. 111 1/2, par. 2203.09)

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

11 Sec. 3.09. "Structural Pest Control" means and includes the  
12 on-site identification of an infestation in, on or under a  
13 structure or the use of any method or device or the application  
14 of any substance to prevent, repel, mitigate, curb, control or  
15 eradicate any pest in, on or under a structure or within a part  
16 of, or materials used in building, a structure; the use of any  
17 pesticide, including insecticides, fungicides and other wood  
18 treatment products, attractants, repellents, rodenticides,  
19 fumigants or mechanical devices for preventing, controlling,  
20 eradicating, identifying, mitigating, diminishing or curbing  
21 insects, vermin, rats, mice or other pests in, on or under a  
22 structure or within a part of, or materials used in building, a  
23 structure; vault fumigation and fumigation of box cars, trucks,  
24 ships, airplanes, docks, warehouses and common carriers or  
25 soliciting to perform any of the foregoing functions.

1 (Source: P.A. 85-227.)

2 (225 ILCS 235/3.11) (from Ch. 111 1/2, par. 2203.11)

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

4 Sec. 3.11. "Commercial Structural Pest Control Business"  
5 means any business in the course of which any person advertises  
6 or contracts to perform structural pest control services on  
7 property under the ownership or control of another in exchange  
8 for any consideration.

9 (Source: P.A. 82-725.)

10 (225 ILCS 235/3.12) (from Ch. 111 1/2, par. 2203.12)

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

12 Sec. 3.12. "Non-commercial Structural Pest Control" means  
13 structural pest control performed by a person who is not, and  
14 is not employed by, a commercial structural pest control  
15 business.

16 (Source: P.A. 82-725.)

17 (225 ILCS 235/3.13) (from Ch. 111 1/2, par. 2203.13)

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

19 Sec. 3.13. "Non-commercial Structural Pest Control  
20 Location" means any location from which a person, who is not  
21 engaged in commercial structural pest control, performs  
22 structural pest control activities which are confined to  
23 structures directly associated with the activity, business,

1 product or service of such person.

2 (Source: P.A. 82-725.)

3 (225 ILCS 235/3.14) (from Ch. 111 1/2, par. 2203.14)

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

5 Sec. 3.14. "Restricted Pesticide" means any substance or  
6 mixture of substances intended for preventing, destroying,  
7 repelling, or mitigating any pest, the use of which has been  
8 categorized as restricted under subparagraph (C) of paragraph  
9 (1) of subsection (d) of Section 3 of the Federal Insecticide,  
10 Fungicide, Rodenticide Act as amended or under the Illinois  
11 Pesticide Act.

12 (Source: P.A. 85-177.)

13 (225 ILCS 235/3.15) (from Ch. 111 1/2, par. 2203.15)

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

15 Sec. 3.15. "Registrant" means a person registered in  
16 accordance with the provisions of this Act.

17 (Source: P.A. 82-725.)

18 (225 ILCS 235/3.16) (from Ch. 111 1/2, par. 2203.16)

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

20 Sec. 3.16. "Supervision" means the direction and  
21 management by certified personnel of the activities of  
22 non-certified personnel in use and storage of general use or  
23 restricted pesticides.



1 (Source: P.A. 83-1452.)

2 (225 ILCS 235/3.17) (from Ch. 111 1/2, par. 2203.17)

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

4 Sec. 3.17. "Sub-category" means a specific area of pest  
5 control in which a pest control technician may be separately  
6 certified as specified by this Act or by rule promulgated  
7 thereunder.

8 (Source: P.A. 82-725.)

9 (225 ILCS 235/3.18) (from Ch. 111 1/2, par. 2203.18)

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

11 Sec. 3.18. "Planned Use Inspection" means an inspection of  
12 a certified or non-certified technician to observe the  
13 procedures for preparation, application and disposal of  
14 pesticides to ensure that they are performed in accordance with  
15 this Act, the "Illinois Pesticide Act", as amended, the  
16 "Environmental Protection Act", as amended, the rules and  
17 regulations of the Illinois Pollution Control Board, and other  
18 applicable State law.

19 (Source: P.A. 85-177.)

20 (225 ILCS 235/3.19) (from Ch. 111 1/2, par. 2203.19)

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

22 Sec. 3.19. "Label" means the written, printed or graphic  
23 matter on or attached to the pesticide or device or any of its

1 containers or wrappings.

2 (Source: P.A. 83-825.)

3 (225 ILCS 235/3.20) (from Ch. 111 1/2, par. 2203.20)

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

5 Sec. 3.20. "Labeling" means the label and all other  
6 written, printed or graphic matters: (a) on the pesticide or  
7 device or any of its containers or wrappings, (b) accompanying  
8 the pesticide or device or referring to it in any other media  
9 used to disseminate information to the public, (c) to which  
10 reference is made to the pesticide or device except when  
11 references are made to current official publications of the U.  
12 S. Environmental Protection Agency, Departments of  
13 Agriculture, Health and Human Services or other federal  
14 Government institutions, the State experiment station or  
15 colleges of agriculture or other similar state institutions  
16 authorized to conduct research in the field of pesticides.

17 (Source: P.A. 83-825.)

18 (225 ILCS 235/3.21) (from Ch. 111 1/2, par. 2203.21)

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

20 Sec. 3.21. "FIFRA" means the "Federal Insecticide,  
21 Fungicide and Rodenticide Act".

22 (Source: P.A. 83-825.)

23 (225 ILCS 235/3.22) (from Ch. 111 1/2, par. 2203.22)

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

2 Sec. 3.22. "General Use Pesticide" means any substance or  
3 mixture of substances intended for preventing, destroying,  
4 repelling or mitigating any pest, as defined in Section 3.07 of  
5 this Act, the use of which has been categorized as general  
6 under subparagraph (B) of paragraph (1) of subsection (d) of  
7 Section 3 of FIFRA.

8 (Source: P.A. 83-1452.)

9 (225 ILCS 235/3.23) (from Ch. 111 1/2, par. 2203.23)

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

11 Sec. 3.23. "USEPA" means the United States Environmental  
12 Protection Agency.

13 (Source: P.A. 83-825.)

14 (225 ILCS 235/3.24) (from Ch. 111 1/2, par. 2203.24)

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

16 Sec. 3.24. "Device" means any instrument or contrivance,  
17 other than a firearm or equipment for application of pesticides  
18 when sold separately from pesticides, which is intended for  
19 trapping, repelling, destroying, or mitigating any pest, other  
20 than bacteria, virus, or other microorganisms on or living in  
21 man or other living animals.

22 (Source: P.A. 83-825.)

23 (225 ILCS 235/3.25) (from Ch. 111 1/2, par. 2203.25)

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

2 Sec. 3.25. "Integrated pest management" is defined as a  
3 pest management system that includes the following elements:

4 (a) identifying pests and their natural enemies;

5 (b) establishing an ongoing monitoring and recordkeeping  
6 system for regular sampling and assessment of pest and natural  
7 enemy populations;

8 (c) determining the pest population levels that can be  
9 tolerated based on aesthetic, economic, and health concerns,  
10 and setting action thresholds where pest populations or  
11 environmental conditions warrant remedial action;

12 (d) the prevention of pest problems through improved  
13 sanitation, management of waste, addition of physical  
14 barriers, and the modification of habitats that attract or  
15 harbor pests;

16 (e) reliance to the greatest extent possible on nontoxic,  
17 biological, cultural or mechanical pest management methods, or  
18 on the use of natural control agents;

19 (f) when necessary, the use of chemical pesticides, with  
20 preference for products that are the least harmful to human  
21 health and the environment; and

22 (g) recordkeeping and reporting of pest populations,  
23 surveillance techniques, and remedial actions taken.

24 (Source: P.A. 87-1106.)

25 (225 ILCS 235/3.26)

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

2 Sec. 3.26. "School" means any structure used as a public  
3 school in this State.

4 (Source: P.A. 91-525, eff. 8-1-00.)

5 (225 ILCS 235/3.27)

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

7 Sec. 3.27. "Day care center" means any structure used as a  
8 licensed day care center in this State.

9 (Source: P.A. 93-381, eff. 7-1-04.)

10 (225 ILCS 235/4) (from Ch. 111 1/2, par. 2204)

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

12 Sec. 4. Licensing requirements).

13 (a) It shall be unlawful for any person to engage in a  
14 commercial structural pest control business at any location in  
15 this State after October 21, 1977, unless such person is  
16 licensed by the Department. A person shall have a separate  
17 license for each commercial structural pest control business  
18 location. It shall also be unlawful for any person to engage in  
19 a commercial pest control business in Illinois from any  
20 location outside this State unless such person is licensed by  
21 this Department. The licensee may use its state identification  
22 number in all forms of advertising.

23 (b) It shall be unlawful for any person who owns or  
24 operates a non-commercial structural pest control location to

1 engage in non-commercial structural pest control using  
2 restricted pesticides in this State after October 21, 1977,  
3 unless registered by the Department.

4 (c) No person shall be licensed or registered as a  
5 commercial or non-commercial structural pest control business  
6 at any location without complying with the certification  
7 requirements as prescribed in Section 5 of this Act.

8 (d) If a licensee or registrant changes its location of  
9 operation during the year of issuance, the Department shall be  
10 notified in writing of the new location within 15 days. The  
11 license or registration shall be surrendered and a replacement  
12 issued for a fee of \$10.

13 (e) All licenses and registrations issued under this Act  
14 shall expire on December 31 of the year issued, except that an  
15 original license or registration issued after October 1 and  
16 before December 31 shall expire on December 31 of the following  
17 year. A license or registration may be renewed by making  
18 application on a form prescribed by the Department and by  
19 paying the fee required by this Act. Renewal applications shall  
20 be filed with the Department prior to December 1 of each year.

21 (f) No license or registration shall be transferable from  
22 one person to another.

23 (Source: P.A. 83-825.)

24 (225 ILCS 235/5) (from Ch. 111 1/2, par. 2205)

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

1           Sec. 5. Certification requirements. No individual shall  
2 apply any general use or restricted pesticide while engaged in  
3 commercial structural pest control in this State unless  
4 certified, or supervised by someone who is certified, by the  
5 Department in accordance with this Section.

6           No individual shall apply any restricted pesticide while  
7 engaged in non-commercial structural pest control in this State  
8 unless certified, or supervised by someone who is certified, by  
9 the Department in accordance with this Section. In addition,  
10 any individual at any non-commercial structural pest control  
11 location using general use pesticides shall comply with the  
12 labeling requirements of the pesticides used at that location.

13           Each commercial structural pest control location shall be  
14 required to employ at least one certified technician at each  
15 location. In addition, each non-commercial structural pest  
16 control location utilizing restricted pesticides shall be  
17 required to employ at least one certified technician at each  
18 location. Individuals who are not certified technicians may  
19 work under the supervision of a certified technician employed  
20 at the commercial or non-commercial location who shall be  
21 responsible for their pest control activities. Any technician  
22 providing supervision for the use of restricted pesticides must  
23 be certified in the sub-category for which he is providing  
24 supervision.

25           A. Any individual engaging in commercial structural pest  
26 control and utilizing general use pesticides shall meet the

1 following requirements:

2 1. He has a high school diploma or a GED certificate;

3 2. He has filed an original application, paid the fee  
4 required for examination, and successfully passed the  
5 General Standards examination.

6 B. Any individual engaging in commercial or non-commercial  
7 structural pest control and utilizing restricted pesticides in  
8 any one of the sub-categories in Section 7 of this Act shall  
9 meet the following requirements:

10 1. He has a high school diploma or a GED certificate;

11 2. He has:

12 a. six months of practical experience in one or  
13 more sub-categories in structural pest control; or

14 b. successfully completed a minimum of 16 semester  
15 hours, or their equivalent, in entomology or related  
16 fields from a recognized college or university; or

17 c. successfully completed a pest control course,  
18 approved by the Department, from a recognized  
19 educational institution or other entity.

20 Each applicant shall have filed an original application and  
21 paid the fee required for examination. Every applicant who  
22 successfully passes the General Standards examination and at  
23 least one sub-category examination shall be certified in each  
24 sub-category which he has successfully passed.

25 A certified technician who wishes to be certified in  
26 sub-categories for which he has not been previously certified



1 may apply for any sub-category examination provided he meets  
2 the requirements set forth in this Section, files an original  
3 application, and pays the fee for examination.

4 An applicant who fails to pass the General Standards  
5 examination or any sub-category examination may reapply for  
6 that examination, provided that he files an application and  
7 pays the fee required for an original examination.  
8 Re-examination applications shall be on forms prescribed by the  
9 Department.

10 (Source: P.A. 87-703.)

11 (225 ILCS 235/5.01) (from Ch. 111 1/2, par. 2205.01)

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

13 Sec. 5.01. Upon the payment of the required fee, an  
14 applicant who is certified in another state, may, without  
15 examination, be granted a certificate as a certified structural  
16 pest control technician by the Department in those  
17 sub-categories for which he has been certified by another  
18 state, provided that the Department finds that the requirements  
19 for certification of structural pest control technicians in  
20 that state were, at the date of certification, substantially  
21 equal to the requirements then in force in this State and  
22 provided that the same privilege of certification is similarly  
23 granted by said state to technicians certified by the State of  
24 Illinois.

25 (Source: P.A. 82-725.)

1 (225 ILCS 235/5.02) (from Ch. 111 1/2, par. 2205.02)

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

3 Sec. 5.02. Upon submission of an application and the  
4 required fee, a structural pest control technician certified or  
5 licensed as a structural pest control technician by another  
6 state is eligible for and may be issued an Illinois structural  
7 pest control technician's certificate upon successful  
8 completion of the examination administered in accordance with  
9 the provisions of this Act, provided that the state in which  
10 the applicant is certified or licensed has license or  
11 certification requirements substantially equal to those of the  
12 State of Illinois and does not have a reciprocal agreement with  
13 the State of Illinois.

14 (Source: P.A. 82-725.)

15 (225 ILCS 235/6) (from Ch. 111 1/2, par. 2206)

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

17 Sec. 6. Certificate renewal). A certified technician's  
18 certificate shall be valid for a period of 3 years and must be  
19 renewed by January 1 of each third year. A certificate may be  
20 renewed by application upon a form prescribed by the  
21 Department, provided that the certified technician furnishes  
22 evidence that he has attended during the 3 year period, a  
23 minimum of 9 classroom hours, in increments of 3 hours or more,  
24 of training at Department approved pest control training

1 seminars and pays the fee required by this Act. Renewal  
2 applications shall be filed with the Department prior to  
3 December 1 preceding the date of expiration.

4 Certified technician's certificates are not transferable  
5 from one person to another person, and no licensee or  
6 registrant shall use the certificate of a certified technician  
7 to secure or hold a license or registration unless the holder  
8 of such certificate is actively engaged in the direction of  
9 pest control operations of the licensee or registrant.

10 A certified technician who has not renewed his certificate  
11 for a period of not more than one year after its expiration may  
12 secure a renewal upon payment of the renewal fee, late filing  
13 charge and the furnishing of evidence of training as may be  
14 required by the Department. If a technician has not renewed his  
15 certificate for a period of more than one year after its  
16 expiration, he shall file an application for examination, pay  
17 all required fees, and successfully pass the examination before  
18 his certificate is renewed.

19 (Source: P.A. 93-922, eff. 1-1-05.)

20 (225 ILCS 235/7) (from Ch. 111 1/2, par. 2207)

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

22 Sec. 7. Written examination required). Applications for  
23 examination shall be in the form prescribed by the Department  
24 and shall be accompanied by the required fee. The Department  
25 shall conduct written examinations at least 4 times each year

1 and may require a practical demonstration by each applicant.  
2 The written examination shall be prepared from suggested study  
3 materials.

4 All applicants shall be tested and required to attain a  
5 passing grade on a General Standards examination which  
6 evaluates their general knowledge of label and labeling  
7 comprehension, safety, environment, equipment, application  
8 techniques, laws and regulations, and pests and pesticides.  
9 Applicants who pass the General Standards examination may also,  
10 if qualified, be examined in any one or more of the other  
11 sub-categories in which they desire to use restricted  
12 pesticides:

13 (a) Insects (excluding termites and other wood destroying  
14 organisms), rodents and other pests including those pests in  
15 food manufacturing, food processing, food storage and grain  
16 handling;

17 (b) Termites and other wood destroying organisms;

18 (c) Bird control;

19 (d) Fumigation;

20 (e) Food manufacturing, food processing and food storage  
21 facilities;

22 (f) Institutional and multi-unit residential housing pest  
23 control;

24 (g) Public health pest control; and

25 (h) Wood products pest control, which includes the  
26 application of restricted use wood treatment pesticides by

1 individuals working for commercial wood treatment companies or  
2 non-commercial wood treatment plants using pressure, as well as  
3 nonpressure, treatment methods to control or prevent wood  
4 degradation by wood destroying organisms which include but are  
5 not limited to insects, and by fungi or bacteria which cause  
6 surface molding, surface staining, sap staining, brown rot,  
7 white rot and soft rot.

8 An applicant who is examined and certified in  
9 sub-categories (a), (b), (c), (d) and (h) shall be qualified to  
10 use restricted pesticides in performing structural pest  
11 control activities in commercial and non-commercial structural  
12 pest control in those sub-categories in which he has been  
13 certified.

14 An applicant who is examined and certified in  
15 sub-categories (e), (f), or (g) shall be permitted to apply  
16 restricted pesticides only to structures of the non-commercial  
17 structural pest control registrant of which he is an employee.

18 (Source: P.A. 85-227.)

19 (225 ILCS 235/8) (from Ch. 111 1/2, par. 2208)

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

21 Sec. 8. Change of certified technician). When the licensee  
22 or registrant is without a certified technician the licensee or  
23 registrant shall notify the Director in writing within 7 days  
24 and shall employ a technician certified in accordance with  
25 Section 5 of this Act no later than 45 days from the time the

1 position of certified technician becomes vacant. All  
2 structural pest control operations shall be suspended until  
3 such time that the licensee or registrant obtains the services  
4 of a certified technician.

5 (Source: P.A. 84-362.)

6 (225 ILCS 235/9) (from Ch. 111 1/2, par. 2209)

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

8 Sec. 9. Fees and required insurance. The fees required by  
9 this Act are as follows:

10 (a) For an original license and each renewal - \$100.

11 (b) For an original registration and each renewal -  
12 \$50.

13 (c) For each certificate renewal - \$40.

14 (d) For an application for examination including an  
15 original certificate - \$40.

16 (e) Any person who fails to file a renewal application  
17 by the date of expiration of a license, certification or  
18 registration shall be assessed a late filing charge of \$75.

19 (f) For duplicate copies of certificates, licenses or  
20 registrations - \$10.

21 All fees shall be paid by check or money order. Any fee  
22 required by this Act is not refundable in the event that the  
23 original application or application for renewal is denied.  
24 Every application for an original license shall be accompanied  
25 by a certificate of insurance issued by an insurance company

1 authorized to do business in the State of Illinois or by a risk  
2 retention or purchasing group formed pursuant to the federal  
3 Liability Risk Retention Act of 1986, which provides primary,  
4 first dollar public liability coverage of the applicant or  
5 licensee for personal injuries for not less than \$100,000 per  
6 person, or \$300,000 per occurrence, and, in addition, for not  
7 less than \$50,000 per occurrence for property damage, resulting  
8 from structural pest control. The insurance policy shall be in  
9 effect at all times during the license year and a new  
10 certificate of insurance shall be filed with the Department  
11 within 30 days after the renewal of the insurance policy.  
12 Applicants for registration or registration renewal shall not  
13 be required to provide evidence of public liability insurance  
14 coverage.

15 All administrative civil fines and fees collected pursuant  
16 to this Act shall be deposited into the Pesticide Control Fund  
17 established pursuant to the Illinois Pesticide Act. The amount  
18 annually collected as administrative civil fines and fees shall  
19 be appropriated by the General Assembly to the Department for  
20 the purposes of conducting a public education program on the  
21 proper use of pesticides and for other activities related to  
22 enforcement of this Act and the Illinois Pesticide Act.

23 (Source: P.A. 87-703.)

24 (225 ILCS 235/10) (from Ch. 111 1/2, par. 2210)

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

1           Sec. 10. Powers and duties of the Department). The  
2 Department has the following powers and duties:

3           (a) To prescribe and furnish application forms, licenses,  
4 registrations, certificates and any other forms necessary  
5 under this Act;

6           (b) To suspend, revoke or refuse to issue or renew  
7 registrations, licenses or certificates for cause;

8           (c) To prescribe examinations which reasonably test the  
9 knowledge of the practical and scientific aspects of structural  
10 pest control of an applicant for certification as a certified  
11 technician;

12           (d) To conduct hearings concerning the suspension,  
13 revocation or refusal to issue or renew certificates,  
14 registrations or licenses;

15           (e) To promulgate rules and regulations necessary for the  
16 administration of this Act;

17           (f) To prohibit the use of specific materials and methods  
18 in the application of pesticides when necessary to protect  
19 health and property or prevent injury to desirable plants and  
20 animals, including pollinating insects, birds and aquatic  
21 life. In issuing such regulations, the Director shall give  
22 consideration to pertinent research findings and to  
23 recommendations of other agencies of the State and of the  
24 Federal government;

25           (g) To conduct inspections, which may include planned use  
26 inspections, during business hours, the purpose of which shall



1 be reduced to writing, to determine satisfactory compliance  
2 with this Act, after consent of the person, licensee or  
3 registrant has been obtained or after an order for such  
4 inspection has been issued by the court;

5 (h) To cause investigations to be made when the Department  
6 has reasonable grounds for believing that a violation of any  
7 provision of this Act or rules or regulations promulgated  
8 thereunder has occurred or is occurring; and

9 (i) To conduct a public education program to improve  
10 citizen awareness and participation in the reporting of  
11 pesticide misuse to better protect the public from such  
12 dangerous chemicals. Such program shall include, as a minimum,  
13 the dissemination of information to the public and the news  
14 media on the requirements of this Act and the Illinois  
15 Pesticide Act and the methods of reporting cases of improper  
16 pesticide application and use to the Department.

17 (Source: P.A. 85-177.)

18 (225 ILCS 235/10.1) (from Ch. 111 1/2, par. 2210.1)

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

20 Sec. 10.1. Structural Pest Control Advisory Council. The  
21 Governor shall appoint a Structural Pest Control Advisory  
22 Council consisting of 10 members to consult with and advise the  
23 Department. Their functions shall be to advise the Department  
24 in the preparation of rules necessary to carry out the  
25 provisions of the Act, offer suggestions for examination

1 questions, provide suggestions for the efficient  
2 administration of the Act, develop criteria for issuance of  
3 administrative fines, and perform other duties as may be  
4 prescribed by the Director. Membership on the council shall be  
5 as follows:

6 (a) One member shall be an Illinois certified  
7 technician representing the food industry.

8 (b) One member shall be an Illinois certified  
9 technician representing a noncommercial industry other  
10 than the food industry but regulated under this Act.

11 (c) Three members shall be Illinois certified  
12 technicians representing the commercial structural pest  
13 control industry. To the extent possible, these 3 members  
14 shall represent a geographical balance in the State.

15 (d) One member shall be a representative of a local  
16 health department.

17 (e) One member shall be a representative of an Illinois  
18 college or university with expertise in entomology,  
19 biology, or chemistry as it relates to structural pest  
20 control.

21 (f) One member shall be a member of the general public.

22 (g) One member shall be a representative of an Illinois  
23 chapter of a national environmental, wildlife, or  
24 conservation group or association.

25 (h) One member shall be a representative of the  
26 Illinois Department of Agriculture.

1           The term of office for each member of the council shall be  
2 4 calendar years with no representative serving more than 2  
3 consecutive terms.

4           The Council shall be chaired by the Director, or his or her  
5 authorized representative, and shall meet at least twice  
6 annually, or whenever a majority of the council members vote to  
7 hold a meeting to discuss their duties as previously indicated.  
8 (Source: P.A. 87-703.)

9           (225 ILCS 235/10.2) (from Ch. 111 1/2, par. 2210.2)

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

11           Sec. 10.2. Integrated pest management guidelines;  
12 notification; training of designated persons; request for  
13 copies.

14           (a) The Department shall prepare guidelines for an  
15 integrated pest management program for structural pest control  
16 practices at school buildings and other school facilities and  
17 day care centers. Such guidelines shall be made available to  
18 schools, day care centers and the public upon request.

19           (b) When economically feasible, each school and day care  
20 center is required to develop and implement an integrated pest  
21 management program that incorporates the guidelines developed  
22 by the Department. Each school and day care center must notify  
23 the Department, within one year after the effective date of  
24 this amendatory Act of the 95th General Assembly and every 5  
25 years thereafter, on forms provided by the Department that the

1 school or day care center has developed and is implementing an  
2 integrated pest management program. In implementing an  
3 integrated pest management program, a school or day care center  
4 must assign a designated person to assume responsibility for  
5 the oversight of pest management practices in that school or  
6 day care center and for recordkeeping requirements.

7 (b-1) If adopting an integrated pest management program is  
8 not economically feasible because such adoption would result in  
9 an increase in the pest control costs of the school or day care  
10 center, the school or day care center must provide, within one  
11 year after the effective date of this amendatory Act of the  
12 95th General Assembly and every 5 years thereafter, written  
13 notification to the Department, on forms provided by the  
14 Department, that the development and implementation of an  
15 integrated pest management program is not economically  
16 feasible. The notification must include projected pest control  
17 costs for the term of the pest control program and projected  
18 costs for implementing an integrated pest management program  
19 for that same time period.

20 (b-2) Each school or day care center that provides written  
21 notification to the Department that the adoption of an  
22 integrated pest management program is not economically  
23 feasible pursuant to subsection (b-1) of this Section must have  
24 its designated person attend a training course on integrated  
25 pest management within one year after the effective date of  
26 this amendatory Act of the 95th General Assembly, and every 5

1 years thereafter until an integrated pest management program is  
2 developed and implemented in the school or day care center. The  
3 training course shall be approved by the Department in  
4 accordance with the minimum standards established by the  
5 Department under this Act.

6 (b-3) Each school and day care center shall ensure that all  
7 parents, guardians, and employees are notified at least once  
8 each school year that the notification requirements  
9 established by this Section have been met. The school and day  
10 care center shall keep copies of all notifications required by  
11 this Section and any written integrated pest management program  
12 plan developed in accordance with this Section and make these  
13 copies available for public inspection at the school or day  
14 care center.

15 (c) The Structural Pest Control Advisory Council shall  
16 assist the Department in developing the guidelines for  
17 integrated pest management programs. In developing the  
18 guidelines, the Council shall consult with individuals  
19 knowledgeable in the area of integrated pest management.

20 (d) The Department, with the assistance of the Cooperative  
21 Extension Service and other relevant agencies, may prepare a  
22 training program for school or day care center pest control  
23 specialists.

24 (e) The Department may request copies of a school's or day  
25 care center's integrated pest management program plan and  
26 notification required by this Act and offer assistance and

1 training to schools and day care centers on integrated pest  
2 management programs.

3 (f) The requirements of this Section are subject to  
4 appropriation to the Department for the implementation of  
5 integrated pest management programs.

6 (Source: P.A. 95-58, eff. 8-10-07.)

7 (225 ILCS 235/10.3)

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

9 Sec. 10.3. Notification. School districts and day care  
10 centers must maintain a registry of parents and guardians of  
11 students and employees who have registered to receive written  
12 notification prior to application of pesticides to school  
13 property or day care centers or provide written notification to  
14 all parents and guardians of students before such pesticide  
15 application. Written notification may be included in  
16 newsletters, bulletins, calendars, or other correspondence  
17 currently published by the school district or day care center.  
18 The written notification must be given at least 2 business days  
19 before application of the pesticide application and should  
20 identify the intended date of the application of the pesticide  
21 and the name and telephone contact number for the school or day  
22 care center personnel responsible for the pesticide  
23 application program. Prior written notice shall not be required  
24 if there is an imminent threat to health or property. If such a  
25 situation arises, the appropriate school or day care center

1 personnel must sign a statement describing the circumstances  
2 that gave rise to the health threat and ensure that written  
3 notice is provided as soon as practicable. For purposes of this  
4 Section, pesticides subject to notification requirements shall  
5 not include (i) an antimicrobial agent, such as disinfectant,  
6 sanitizer, or deodorizer, or (ii) insecticide baits and  
7 rodenticide baits.

8 (Source: P.A. 93-381, eff. 7-1-04.)

9 (225 ILCS 235/12) (from Ch. 111 1/2, par. 2212)

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

11 Sec. 12. Subject to the requirement for public hearings as  
12 hereinafter provided, the Department shall promulgate,  
13 publish, and adopt, and may from time to time after public  
14 hearing amend such rules and regulations as may be necessary  
15 for the proper enforcement of this Act, to protect the health  
16 and safety of the public and may, when necessary, utilize the  
17 services of any other state agencies to assist in carrying out  
18 the purposes of this Act. The Department shall hold a public  
19 hearing on all proposed rules and regulations.

20 (Source: P.A. 82-725.)

21 (225 ILCS 235/13) (from Ch. 111 1/2, par. 2213)

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

23 Sec. 13. Violations of the Act. It is a violation of this  
24 Act and the Department may suspend, revoke or refuse to issue

1 or renew any certificate, registration or license, in  
2 accordance with Section 14 of this Act, upon proof of any of  
3 the following:

4 (a) Violation of this Act or any rule or regulation  
5 promulgated hereunder.

6 (b) Conviction of a certified technician, registrant, or  
7 licensee of a violation of any provision of this Act or of pest  
8 control laws in any other state, or any other laws or rules and  
9 regulations adopted thereto relating to pesticides.

10 (c) Knowingly making false or fraudulent claims,  
11 misrepresenting the effects of materials or methods or failing  
12 to use methods or materials suitable for structural pest  
13 control.

14 (d) Performing structural pest control in a careless or  
15 negligent manner so as to be detrimental to health.

16 (e) Failure to supply within a reasonable time, upon  
17 request from the Department or its authorized representative,  
18 true information regarding methods and materials used, work  
19 performed or other information essential to the administration  
20 of this Act.

21 (f) Fraudulent advertising or solicitations relating to  
22 structural pest control.

23 (g) Aiding or abetting a person to evade any provision of  
24 this Act, conspiring with any person to evade provisions of  
25 this Act or allowing a license, permit, certification or  
26 registration to be used by another person.



1 (h) Impersonating any federal, state, county or city  
2 official.

3 (i) Performing structural pest control, utilizing or  
4 authorizing the use or sale of, pesticides which are in  
5 violation of the FIFRA, or the Illinois Pesticide Act.

6 (Source: P.A. 85-177.)

7 (225 ILCS 235/14) (from Ch. 111 1/2, par. 2214)

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

9 Sec. 14. Suspension, revocation or refusal to renew  
10 license, registration or certification.

11 (a) Whenever the Department determines that there are  
12 reasonable grounds to believe that there has been violation of  
13 any provision of this Act or the rules or regulations issued  
14 hereunder, the Department shall give notice of the alleged  
15 violation to the person to whom the license, registration or  
16 certificate was issued, as herein provided. Such notice shall:

17 (1) be in writing;

18 (2) include a statement of the alleged violation which  
19 necessitates issuance of the notice;

20 (3) contain an outline of remedial action which, if  
21 taken, will effect compliance with the provisions of this  
22 Act and the rules and regulations issued hereunder;

23 (4) prescribe a reasonable time as determined by the  
24 Department for the performance of any action required by  
25 the notice; and

1           (5) be served upon the licensee, registrant or  
2 certified technician as the case may require, provided that  
3 such notice shall be deemed to have been properly served  
4 upon the person when a copy thereof has been sent by  
5 registered or certified mail to his last known address as  
6 furnished to the Department or when he has been served with  
7 such notice by any other method authorized by law.

8           (b) If the person to whom the notice is served does not  
9 comply with the terms of the notice within the time limitations  
10 specified in the notice, the Department may proceed with action  
11 to suspend, revoke or refuse to issue a license, registration  
12 or certificate as provided in this Section. Other requirements  
13 of this Act to the contrary notwithstanding, when the  
14 Department determines that reasonable grounds exist to  
15 indicate that a violation of this Act has been committed which  
16 is the third separate violation by that person in an 18-month  
17 period, the Department shall not be required to issue notice as  
18 required by subsection (a) of this Section but may proceed  
19 immediately with action to suspend, revoke or refuse to issue a  
20 license, registration or certificate.

21           (c) In any proceeding to suspend, revoke or refuse to issue  
22 a license, registration or certificate, the Department shall  
23 first serve or cause to be served upon the person violating  
24 this Act or the rules or regulations promulgated under this Act  
25 a written notice of the Department's intent to take action. The  
26 notice shall specify the way in which the person has failed to

1 comply with this Act or any rules, regulations or standards of  
2 the Department. In the case of revocation or suspension, the  
3 notice shall require the person to remove or abate the  
4 violation or objectionable condition specified in the notice  
5 within 5 days or within a longer period of time as the  
6 Department may allow. If the person fails to comply with the  
7 terms and conditions of the revocation or suspension notice  
8 within the time specified or the time extension allowed by the  
9 Department, the Department may revoke or suspend the license,  
10 registration or certification. In the case of refusal to issue  
11 a license, registration or certification, if the person fails  
12 to comply with the Act or rules, regulations or standards  
13 promulgated under the Act, the Department may refuse to issue a  
14 license, registration or certification.

15 (Source: P.A. 82-725.)

16 (225 ILCS 235/15) (from Ch. 111 1/2, par. 2215)

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

18 Sec. 15. Administrative hearing. The Department shall give  
19 written notice by certified or registered mail to any  
20 applicant, licensee, registrant or certified technician of the  
21 Department's intent to suspend, revoke, or refuse to issue a  
22 license, registration, or certificate or to assess a fine. Such  
23 person has a right to a hearing before the Department; however,  
24 a written notice of a request for such a hearing shall be  
25 served on the Department within 10 days of notice of such

1 refusal, suspension, or revocation of a license, registration,  
2 or certification, or imposition of a fine. The hearing shall be  
3 conducted by the Director, or a Hearing Officer designated in  
4 writing by the Director, to conduct the hearing. A stenographic  
5 record shall be made of the hearing and the cost borne by the  
6 Department; however, a transcription of the hearing will be  
7 made only if a person requests and shall be transcribed at the  
8 cost of such person.

9 The hearing shall be conducted at such place as designated  
10 by the Department.

11 (Source: P.A. 87-703.)

12 (225 ILCS 235/16) (from Ch. 111 1/2, par. 2216)

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

14 Sec. 16. Subpoena powers of Department or hearing officer).  
15 The Director or Hearing Officer may compel by subpoena or  
16 subpoena duces tecum the attendance and testimony of witnesses  
17 and the production of books and papers and administer oaths to  
18 witnesses. All subpoenas issued by the Director or Hearing  
19 Officer may be served as provided for in a civil action. The  
20 fees of witnesses for attendance and travel shall be the same  
21 as the fees for witnesses before the circuit court and shall be  
22 paid by the party to such proceeding at whose request the  
23 subpoena is issued. If such subpoena is issued at the request  
24 of the Department, the witness fee shall be paid as an  
25 administrative expense.

1           In the cases of refusal of a witness to attend or testify,  
2           or to produce books or papers, concerning any matter upon which  
3           he might be lawfully examined, the circuit court of the county  
4           where the hearing is held, upon application of any party to the  
5           proceeding, may compel obedience by proceeding as for contempt.  
6           (Source: P.A. 83-334.)

7           (225 ILCS 235/17) (from Ch. 111 1/2, par. 2217)

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

9           Sec. 17. Deposition of witnesses; testimony at hearing  
10          recorded). In the event of the inability of any party, or the  
11          Department, to procure the attendance of witnesses to give  
12          testimony or produce books and papers, such party or the  
13          Department may take the deposition of witnesses in accordance  
14          with the laws of this State. All testimony taken at a hearing  
15          shall be reduced to writing, and all such testimony and other  
16          evidence introduced at the hearing shall be a part of the  
17          record of the hearing.

18          (Source: P.A. 82-725.)

19          (225 ILCS 235/19) (from Ch. 111 1/2, par. 2219)

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

21          Sec. 19. Certification of record). The Department is not  
22          required to certify any record or file any answer or otherwise  
23          appear in any proceeding for judicial review unless the party  
24          filing the complaint deposits with the clerk of the court the

1 sum of \$1 per page representing costs of such certification.  
2 Failure on the part of the plaintiff to make such deposit shall  
3 be grounds for dismissal of the action.

4 (Source: P.A. 82-725.)

5 (225 ILCS 235/20) (from Ch. 111 1/2, par. 2220)

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

7 Sec. 20. Injunction). The performance of structural pest  
8 control or the operation of a business location as defined in  
9 Section 3 of this Act within this State in violation of this  
10 Act or the rules and regulations promulgated hereunder is  
11 declared a nuisance and inimical to the public health, welfare  
12 and safety and a deceptive business practice. The Director, in  
13 the name of the people of the State, through the Attorney  
14 General or the State's Attorney of the county in which such  
15 violation occurs may, in addition to other remedies herein  
16 provided, bring an action for an injunction to restrain such  
17 violation or enjoin the future performance of structural pest  
18 control or the operating of a business location until  
19 compliance with the provisions of this Act has been obtained.

20 (Source: P.A. 83-825.)

21 (225 ILCS 235/21) (from Ch. 111 1/2, par. 2221)

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

23 Sec. 21. Penalty). Any person who violates this Act or any  
24 rule or regulation adopted by the Department, or who violates

1 any determination or order of the Department under this Act  
2 shall be guilty of a Class A misdemeanor and shall be fined a  
3 sum not less than \$100.

4 Each day's violation constitutes a separate offense. The  
5 State's Attorney of the county in which the violation occurred  
6 or the Attorney General shall bring such actions in the name of  
7 the people of the State of Illinois.

8 (Source: P.A. 82-725.)

9 (225 ILCS 235/21.1) (from Ch. 111 1/2, par. 2221.1)

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

11 Sec. 21.1. Administrative Civil Fines. The Department is  
12 empowered to assess administrative civil fines against a  
13 licensee, registrant or certified technician for violations of  
14 this Act or its rules and regulations. These fines shall be  
15 established by the Department by rule and may be assessed in  
16 addition to, or in lieu of, license, registration, or  
17 certification suspensions and revocations. Rules to implement  
18 this Section shall be proposed by the Department by January 1,  
19 1993.

20 The amount of these fines shall be determined by the  
21 hearing officer upon determination that a violation or  
22 violations of the Act or rules has occurred. Any fine assessed  
23 and not paid within 60 days of notice from the Department may  
24 be submitted to the Attorney General's Office for collection.  
25 Failure to pay a fine shall also be grounds for immediate

1 suspension or revocation of a license, registration, or  
2 certification issued under this Act.

3 (Source: P.A. 87-703.)

4 (225 ILCS 235/22) (from Ch. 111 1/2, par. 2222)

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

6 Sec. 22. Scope of Act). The provisions of this Act apply to  
7 any structural pest control operations performed by the State  
8 or agency thereof. However, the State or agency thereof or any  
9 unit of local government shall not be required to pay any fees,  
10 nor shall the employees thereof be required to pay any fees for  
11 examination, certification or renewal of certification in the  
12 sub-categories of either (f) or (g) specified in Section 7 of  
13 this Act.

14 This Act does not apply to any person certified by the  
15 Illinois Department of Agriculture to use restricted  
16 pesticides in structures on his own individual property.

17 (Source: P.A. 82-725.)

18 (225 ILCS 235/23) (from Ch. 111 1/2, par. 2223)

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

20 Sec. 23. Judicial review of final administrative  
21 decision). The Administrative Review Law, as amended, and the  
22 rules adopted under the Administrative Review Law, apply to and  
23 govern all proceedings for judicial review of final  
24 administrative decisions of the Department under this Act. Such



1 judicial review shall be had in the circuit court of the county  
2 in which the cause of action arose. The term "Administrative  
3 decision" is defined as in Section 3-101 of the Code of Civil  
4 Procedure.

5 (Source: P.A. 82-783.)

6 (225 ILCS 235/23.1) (from Ch. 111 1/2, par. 2223.1)

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

8 Sec. 23.1. The provisions of the Illinois Administrative  
9 Procedure Act are hereby expressly adopted and shall apply to  
10 all administrative rules and procedures of the Department of  
11 Public Health under this Act, except that in case of conflict  
12 between the Illinois Administrative Procedure Act and this Act  
13 the provisions of this Act shall control, and except that  
14 Section 5-35 of the Illinois Administrative Procedure Act  
15 relating to procedures for rule-making does not apply to the  
16 adoption of any rule required by federal law in connection with  
17 which the Department is precluded by law from exercising any  
18 discretion.

19 (Source: P.A. 88-45.)

20 (225 ILCS 235/24) (from Ch. 111 1/2, par. 2224)

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

22 Sec. 24. Severability clause). If any part of this Act is  
23 adjudged invalid, such adjudication shall not affect the  
24 validity of the Act as a whole or of any other part.

1 (Source: P.A. 82-725.)

2 (225 ILCS 235/25) (from Ch. 111 1/2, par. 2225)

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

4 Sec. 25. The provisions of "The Illinois Administrative  
5 Procedure Act", approved September 22, 1975, are hereby  
6 expressly adopted and shall apply to all administrative rules  
7 and procedures of the Department of Public Health under this  
8 Act.

9 (Source: P.A. 82-725.)

10 Section 30. The Illinois Controlled Substances Act is  
11 amended by changing Sections 102 and 303.05 as follows:

12 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

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

15 (a) "Addict" means any person who habitually uses any drug,  
16 chemical, substance or dangerous drug other than alcohol so as  
17 to endanger the public morals, health, safety or welfare or who  
18 is so far addicted to the use of a dangerous drug or controlled  
19 substance other than alcohol as to have lost the power of self  
20 control with reference to his addiction.

21 (b) "Administer" means the direct application of a  
22 controlled substance, whether by injection, inhalation,  
23 ingestion, or any other means, to the body of a patient,

1 research subject, or animal (as defined by the Humane  
2 Euthanasia in Animal Shelters Act) by:

3 (1) a practitioner (or, in his presence, by his  
4 authorized agent),

5 (2) the patient or research subject at the lawful  
6 direction of the practitioner, or

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

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

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

17 (i) boldenone,

18 (ii) chlorotestosterone,

19 (iii) chostebol,

20 (iv) dehydrochlormethyltestosterone,

21 (v) dihydrotestosterone,

22 (vi) drostanolone,

23 (vii) ethylestrenol,

24 (viii) fluoxymesterone,

25 (ix) formebulone,

26 (x) mesterolone,

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

21 Any person who is otherwise lawfully in possession of an  
22 anabolic steroid, or who otherwise lawfully manufactures,  
23 distributes, dispenses, delivers, or possesses with intent to  
24 deliver an anabolic steroid, which anabolic steroid is  
25 expressly intended for and lawfully allowed to be administered  
26 through implants to livestock or other nonhuman species, and

1 which is approved by the Secretary of Health and Human Services  
2 for such administration, and which the person intends to  
3 administer or have administered through such implants, shall  
4 not be considered to be in unauthorized possession or to  
5 unlawfully manufacture, distribute, dispense, deliver, or  
6 possess with intent to deliver such anabolic steroid for  
7 purposes of this Act.

8 (d) "Administration" means the Drug Enforcement  
9 Administration, United States Department of Justice, or its  
10 successor agency.

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

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

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

23 (h) "Deliver" or "delivery" means the actual, constructive  
24 or attempted transfer of possession of a controlled substance,  
25 with or without consideration, whether or not there is an  
26 agency relationship.

1 (i) "Department" means the Illinois Department of Human  
2 Services (as successor to the Department of Alcoholism and  
3 Substance Abuse) or its successor agency.

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

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

8 (l) "Department of Professional Regulation" means the  
9 Department of Professional Regulation of the State of Illinois  
10 or its successor agency.

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

12 (1) a drug which contains any quantity of (i)  
13 barbituric acid or any of the salts of barbituric acid  
14 which has been designated as habit forming under section  
15 502 (d) of the Federal Food, Drug, and Cosmetic Act (21  
16 U.S.C. 352 (d)); or

17 (2) a drug which contains any quantity of (i)  
18 amphetamine or methamphetamine and any of their optical  
19 isomers; (ii) any salt of amphetamine or methamphetamine or  
20 any salt of an optical isomer of amphetamine; or (iii) any  
21 substance which the Department, after investigation, has  
22 found to be, and by rule designated as, habit forming  
23 because of its depressant or stimulant effect on the  
24 central nervous system; or

25 (3) lysergic acid diethylamide; or

26 (4) any drug which contains any quantity of a substance

1           which the Department, after investigation, has found to  
2           have, and by rule designated as having, a potential for  
3           abuse because of its depressant or stimulant effect on the  
4           central nervous system or its hallucinogenic effect.

5           (n) (Blank).

6           (o) "Director" means the Director of the Department of  
7           State Police or the Department of Professional Regulation or  
8           his designated agents.

9           (p) "Dispense" means to deliver a controlled substance to  
10          an ultimate user or research subject by or pursuant to the  
11          lawful order of a prescriber, including the prescribing,  
12          administering, packaging, labeling, or compounding necessary  
13          to prepare the substance for that delivery.

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

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

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

18          (t) "Drug" means (1) substances recognized as drugs in the  
19          official United States Pharmacopoeia, Official Homeopathic  
20          Pharmacopoeia of the United States, or official National  
21          Formulary, or any supplement to any of them; (2) substances  
22          intended for use in diagnosis, cure, mitigation, treatment, or  
23          prevention of disease in man or animals; (3) substances (other  
24          than food) intended to affect the structure of any function of  
25          the body of man or animals and (4) substances intended for use  
26          as a component of any article specified in clause (1), (2), or

1 (3) of this subsection. It does not include devices or their  
2 components, parts, or accessories.

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

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

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

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



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

3           (3) quantities beyond those normally prescribed,

4           (4) unusual dosages,

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

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

8           (u-1) "Home infusion services" means services provided by a  
9           pharmacy in compounding solutions for direct administration to  
10          a patient in a private residence, long-term care facility, or  
11          hospice setting by means of parenteral, intravenous,  
12          intramuscular, subcutaneous, or intraspinal infusion.

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

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

18           (2) which is an immediate chemical intermediary used or  
19           likely to be used in the manufacture of such controlled  
20           substance; and

21           (3) the control of which is necessary to prevent,  
22           curtail or limit the manufacture of such controlled  
23           substance.

24          (w) "Instructional activities" means the acts of teaching,  
25          educating or instructing by practitioners using controlled  
26          substances within educational facilities approved by the State

1 Board of Education or its successor agency.

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

4 (y) "Look-alike substance" means a substance, other than a  
5 controlled substance which (1) by overall dosage unit  
6 appearance, including shape, color, size, markings or lack  
7 thereof, taste, consistency, or any other identifying physical  
8 characteristic of the substance, would lead a reasonable person  
9 to believe that the substance is a controlled substance, or (2)  
10 is expressly or impliedly represented to be a controlled  
11 substance or is distributed under circumstances which would  
12 lead a reasonable person to believe that the substance is a  
13 controlled substance. For the purpose of determining whether  
14 the representations made or the circumstances of the  
15 distribution would lead a reasonable person to believe the  
16 substance to be a controlled substance under this clause (2) of  
17 subsection (y), the court or other authority may consider the  
18 following factors in addition to any other factor that may be  
19 relevant:

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

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

24 (c) whether the substance is packaged in a manner  
25 normally used for the illegal distribution of controlled  
26 substances;

1           (d) whether the distribution or attempted distribution  
2           included an exchange of or demand for money or other  
3           property as consideration, and whether the amount of the  
4           consideration was substantially greater than the  
5           reasonable retail market value of the substance.

6           Clause (1) of this subsection (y) shall not apply to a  
7           noncontrolled substance in its finished dosage form that was  
8           initially introduced into commerce prior to the initial  
9           introduction into commerce of a controlled substance in its  
10          finished dosage form which it may substantially resemble.

11          Nothing in this subsection (y) prohibits the dispensing or  
12          distributing of noncontrolled substances by persons authorized  
13          to dispense and distribute controlled substances under this  
14          Act, provided that such action would be deemed to be carried  
15          out in good faith under subsection (u) if the substances  
16          involved were controlled substances.

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

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

1           (z) "Manufacture" means the production, preparation,  
2 propagation, compounding, conversion or processing of a  
3 controlled substance other than methamphetamine, either  
4 directly or indirectly, by extraction from substances of  
5 natural origin, or independently by means of chemical  
6 synthesis, or by a combination of extraction and chemical  
7 synthesis, and includes any packaging or repackaging of the  
8 substance or labeling of its container, except that this term  
9 does not include:

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

12           (2) by a practitioner, or his authorized agent under  
13 his supervision, the preparation, compounding, packaging,  
14 or labeling of a controlled substance:

15           (a) as an incident to his administering or  
16 dispensing of a controlled substance in the course of  
17 his professional practice; or

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

20           (z-1) (Blank).

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

26           (1) opium and opiate, and any salt, compound,

1 derivative, or preparation of opium or opiate;

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

6 (3) opium poppy and poppy straw;

7 (4) coca leaves and any salts, compound, isomer, salt  
8 of an isomer, derivative, or preparation of coca leaves  
9 including cocaine or ecgonine, and any salt, compound,  
10 isomer, derivative, or preparation thereof which is  
11 chemically equivalent or identical with any of these  
12 substances, but not including decocainized coca leaves or  
13 extractions of coca leaves which do not contain cocaine or  
14 ecgonine (for the purpose of this paragraph, the term  
15 "isomer" includes optical, positional and geometric  
16 isomers).

17 (bb) "Nurse" means a registered nurse licensed under the  
18 Nurse Practice Act.

19 (cc) (Blank).

20 (dd) "Opiate" means any substance having an addiction  
21 forming or addiction sustaining liability similar to morphine  
22 or being capable of conversion into a drug having addiction  
23 forming or addiction sustaining liability.

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

26 (ff) "Parole and Pardon Board" means the Parole and Pardon

1 Board of the State of Illinois or its successor agency.

2 (gg) "Person" means any individual, corporation,  
3 mail-order pharmacy, government or governmental subdivision or  
4 agency, business trust, estate, trust, partnership or  
5 association, or any other entity.

6 (hh) "Pharmacist" means any person who holds a license or  
7 certificate of registration as a registered pharmacist, a local  
8 registered pharmacist or a registered assistant pharmacist  
9 under the Pharmacy Practice Act.

10 (ii) "Pharmacy" means any store, ship or other place in  
11 which pharmacy is authorized to be practiced under the Pharmacy  
12 Practice Act.

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

15 (kk) "Practitioner" means a physician licensed to practice  
16 medicine in all its branches, dentist, optometrist,  
17 podiatrist, veterinarian, scientific investigator, pharmacist,  
18 physician assistant, advanced practice nurse, licensed  
19 practical nurse, registered nurse, hospital, laboratory, or  
20 pharmacy, or other person licensed, registered, or otherwise  
21 lawfully permitted by the United States or this State to  
22 distribute, dispense, conduct research with respect to,  
23 administer or use in teaching or chemical analysis, a  
24 controlled substance in the course of professional practice or  
25 research.

26 (ll) "Pre-printed prescription" means a written

1 prescription upon which the designated drug has been indicated  
2 prior to the time of issuance.

3 (mm) "Prescriber" means a physician licensed to practice  
4 medicine in all its branches, dentist, optometrist, podiatrist  
5 or veterinarian who issues a prescription, a physician  
6 assistant who issues a prescription for a ~~Schedule III, IV, or~~  
7 ~~V~~ controlled substance in accordance with Section 303.05 and  
8 the written guidelines required under Section 7.5 of the  
9 Physician Assistant Practice Act of 1987, or an advanced  
10 practice nurse with prescriptive authority delegated under  
11 Section 65-40 of the Nurse Practice Act and in accordance with  
12 Section 303.05, a written delegation, and a written  
13 collaborative agreement under Section 65-35 of the Nurse  
14 Practice Act.

15 (nn) "Prescription" means a lawful written, facsimile, or  
16 verbal order of a physician licensed to practice medicine in  
17 all its branches, dentist, podiatrist or veterinarian for any  
18 controlled substance, of an optometrist for a ~~Schedule III, IV,~~  
19 ~~or V~~ controlled substance in accordance with Section 15.1 of  
20 the Illinois Optometric Practice Act of 1987, of a physician  
21 assistant for a ~~Schedule III, IV, or V~~ controlled substance in  
22 accordance with Section 303.05 and the written guidelines  
23 required under Section 7.5 of the Physician Assistant Practice  
24 Act of 1987, or of an advanced practice nurse with prescriptive  
25 authority delegated under Section 65-40 of the Nurse Practice  
26 Act who issues a prescription for a Schedule III, IV, or V

1 controlled substance in accordance with Section 303.05, a  
2 written delegation, and a written collaborative agreement  
3 under Section 65-35 of the Nurse Practice Act.

4 (oo) "Production" or "produce" means manufacture,  
5 planting, cultivating, growing, or harvesting of a controlled  
6 substance other than methamphetamine.

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

9 (qq) "Registry number" means the number assigned to each  
10 person authorized to handle controlled substances under the  
11 laws of the United States and of this State.

12 (rr) "State" includes the State of Illinois and any state,  
13 district, commonwealth, territory, insular possession thereof,  
14 and any area subject to the legal authority of the United  
15 States of America.

16 (ss) "Ultimate user" means a person who lawfully possesses  
17 a controlled substance for his own use or for the use of a  
18 member of his household or for administering to an animal owned  
19 by him or by a member of his household.

20 (Source: P.A. 94-556, eff. 9-11-05; 95-242, eff. 1-1-08;  
21 95-639, eff. 10-5-07; 95-689, eff. 10-29-07; revised  
22 11-19-07.)

23 (720 ILCS 570/303.05)

24 Sec. 303.05. Mid-level practitioner registration.

25 (a) The Department of Professional Regulation shall



1 register licensed physician assistants and licensed advanced  
2 practice nurses to prescribe and dispense ~~Schedule III, IV, or~~  
3 ~~V~~ controlled substances under Section 303 and euthanasia  
4 agencies to purchase, store, or administer animal euthanasia  
5 drugs under the following circumstances:

6 (1) with respect to physician assistants ~~or advanced~~  
7 ~~practice nurses,~~

8 (A) the physician assistant ~~or advanced practice~~  
9 ~~nurse~~ has been delegated ~~prescriptive~~ authority to  
10 prescribe any Schedule III through V controlled  
11 substances by a physician licensed to practice  
12 medicine in all its branches in accordance with Section  
13 7.5 of the Physician Assistant Practice Act of 1987 ~~or~~  
14 ~~Section 65-40 of the Nurse Practice Act;~~ and

15 (B) the physician assistant ~~or advanced practice~~  
16 ~~nurse~~ has completed the appropriate application forms  
17 and has paid the required fees as set by rule; ~~or~~

18 (2) with respect to advanced practice nurses,

19 (A) the advanced practice nurse has been delegated  
20 authority to prescribe any Schedule III through V  
21 controlled substances by a physician licensed to  
22 practice medicine in all its branches or a podiatrist  
23 in accordance with Section 65-40 of the Nurse Practice  
24 Act. The advanced practice nurse has completed the  
25 appropriate application forms and has paid the  
26 required fees as set by rule; or

1           (B) the advanced practice nurse has been delegated  
2           authority by a collaborating physician licensed to  
3           practice medicine in all its branches to prescribe or  
4           dispense Schedule II controlled substances through a  
5           written delegation of authority and under the  
6           following conditions:

7                   (i) no more than 5 Schedule II controlled  
8                   substances by oral dosage may be delegated;

9                   (ii) any delegation must be of controlled  
10                  substances prescribed by the collaborating  
11                  physician;

12                  (iii) all prescriptions must be limited to no  
13                  more than a 30-day oral dosage, with any  
14                  continuation authorized only after prior approval  
15                  of the collaborating physician;

16                  (iv) the advanced practice nurse must discuss  
17                  the condition of any patients for whom a controlled  
18                  substance is prescribed monthly with the  
19                  delegating physician; and

20                  (v) the advanced practice nurse must have  
21                  completed the appropriate application forms and  
22                  paid the required fees as set by rule; or

23           (3) ~~(2)~~ with respect to animal euthanasia agencies, the

24           euthanasia agency has obtained a license from the

25           Department of Professional Regulation and obtained a

26           registration number from the Department.

1           (b) The mid-level practitioner shall only be licensed to  
2 prescribe those schedules of controlled substances for which a  
3 licensed physician or licensed podiatrist has delegated  
4 prescriptive authority, except that an animal euthanasia  
5 agency does not have any prescriptive authority. A physician  
6 assistant and an advanced practice nurse are prohibited from  
7 prescribing medications and controlled substances not set  
8 forth in the required written delegation of authority.

9           (c) Upon completion of all registration requirements,  
10 physician assistants, advanced practice nurses, and animal  
11 euthanasia agencies shall be issued a mid-level practitioner  
12 controlled substances license for Illinois.

13           (Source: P.A. 95-639, eff. 10-5-07.)

14           Section 99. Effective date. This Act takes effect upon  
15 becoming law."