



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3350

Introduced 2/24/2011, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 570/102

from Ch. 56 1/2, par. 1102

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

LRB097 08239 CEL 48365 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

22 Section 10. Definitions. In this Act:

1 "Approved naturopathic medical program" means any of the
2 following:

3 (1) a naturopathic medical education program in the
4 United States accredited by the Council on Naturopathic
5 Medical Education, or an equivalent federally recognized
6 accrediting body for the naturopathic medical profession
7 recognized by the Board, that offers graduate-level
8 full-time didactic and supervised clinical training
9 leading to the degree of Doctor of Naturopathy or Doctor of
10 Naturopathic Medicine and is part of an institution of
11 higher education that is either accredited or is a
12 candidate for accreditation by a regional institutional
13 accrediting agency recognized by the United States
14 Secretary of Education;

15 (2) a full-time structured curriculum, having been not
16 less than 132 weeks in duration, requiring completion
17 within a period of not less than 35 months, and offered
18 prior to the existence of the CNME, in basic sciences and
19 supervised patient care comprising a doctoral naturopathic
20 medical education offered by a degree-granting college or
21 university that is reputable and in good standing in the
22 judgment of the Board; or

23 (3) a full-time structured curriculum, having been not
24 less than 132 weeks in duration and requiring completion
25 within a period of not less than 35 months, in basic
26 sciences and supervised patient care comprising a doctoral

1 naturopathic medical education offered by a
2 degree-granting college or university in Canada that is
3 reputable and in good standing in the judgment of the Board
4 and has provincial approval for participation in
5 government funded student aid programs; such course, as a
6 prerequisite to graduation therefrom, .

7 "Board" means the Board of Naturopathic Medicine appointed
8 by the Secretary.

9 "CNME" means the Council on Naturopathic Medical
10 Education.

11 "Committee" means the Naturopathic Childbirth Attendance
12 Advisory Committee.

13 "Council" means the Naturopathic Formulary Council
14 comprised of members appointed pursuant to this Act to
15 determine and authorize the formulary list.

16 "Department" means the Department of Financial and
17 Professional Regulation.

18 "Minor office procedures" means the methods used for the
19 repair of and provision of care incidental to superficial
20 lacerations and abrasions or superficial lesions and the
21 removal of foreign bodies located in the superficial tissues.

22 "Naturopathic childbirth attendance" means the specialty
23 practice of natural childbirth by a naturopathic physician that
24 meets the additional requirements set forth in this Act, that
25 includes the management of normal pregnancy, normal labor and
26 delivery, and the normal postpartum period, including normal

1 newborn care.

2 "Naturopathic formulary" means the list of natural
3 medicines, nonprescription and prescription that naturopathic
4 physicians use in the practice of the profession, as determined
5 by the Council and reviewed by the Board.

6 "Naturopathic medicine" means a system of primary health
7 care for the prevention, diagnosis, and treatment of human
8 health conditions, injury, and disease; the promotion or
9 restoration of health; and the support and stimulation of a
10 patient's inherent self-healing processes through patient
11 education and the use of natural therapies and therapeutic
12 substances.

13 "Naturopathic physician" means a practitioner of
14 naturopathic medicine who has been properly licensed for that
15 purpose by the Department under this Act. "Naturopathic
16 physician" includes all titles and designations associated
17 with the practice of naturopathic medicine, including, "doctor
18 of naturopathic medicine", "doctor of naturopathy",
19 "naturopathic doctor", "naturopath", "doctor of naturopathic
20 medicine", "doctor of naturopathy", "naturopathic medical
21 doctor", "N.D.", "ND", "N.M.D", and "NMD".

22 "Naturopathic residency" means a post-graduate medical
23 education program approved by the Council on Naturopathic
24 Medical Education, a subcommittee thereof, or an equivalent
25 agency, as recognized by the Board, that provides a structured
26 curriculum with diagnosis and management of patients under

1 appropriate levels of supervision for graduates of an approved
2 naturopathic medical program.

3 "Prescription drug" means any drug defined by Section
4 503(b) of the federal Food, Drug and Cosmetic Act with a label
5 that is required to bear the statement "RX only".

6 "Secretary" means the Secretary of Financial and
7 Professional Regulation.

8 Section 15. Exemption from civil liability. Exemption from
9 civil liability for emergency care is as provided in the Good
10 Samaritan Act.

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

19 Section 20. Exceptions.

20 (a) This Act does not prohibit or restrict any of the
21 following:

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

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

5 (3) The practice of naturopathic medicine by an
6 individual employed by the government of the United States
7 while the individual is engaged in the performance of
8 duties prescribed by the laws and regulations of the United
9 States.

10 (4) The practice of naturopathic medicine by students
11 enrolled in an approved naturopathic medical college. The
12 performance of services shall be pursuant to a course of
13 instruction or assignments from an instructor and under the
14 supervision of the instructor, who shall be a naturopathic
15 physician licensed under this Act or a duly licensed
16 professional in the instructed field.

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

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

21 (7) Any person or practitioner who recommends any
22 therapy that is within the scope of practice of
23 naturopathic physicians and that is within that
24 individual's legal rights or scope of practice granted by
25 the existing laws of this State.

26 (b) This Act shall not be construed to prohibit the

1 practice of naturopathic medicine by persons who are licensed
2 to practice naturopathic medicine in any other state or
3 district in the United States who enter this State to consult
4 with a naturopathic physician licensed under this Act;
5 provided, however, that the consultation is limited to
6 examination, recommendation, or testimony in litigation.

7 Section 25. Title and designation.

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

10 (b) Naturopathic physicians shall have the exclusive right
11 to use the terms: "naturopathic physician", "naturopathic
12 doctor", "naturopath", "doctor of naturopathic medicine",
13 "doctor of naturopathy", "naturopathic medical doctor",
14 "naturopathic medicine", "naturopathic health care",
15 "naturopathy", "N.D.", "ND", "N.M.D." and "NMD".

16 (c) No person shall represent himself or herself to the
17 public as a naturopathic physician, a doctor of naturopathic
18 medicine, a doctor of naturopathy, or as being otherwise
19 authorized to practice naturopathic medicine in this State
20 without first obtaining from the Department a license to
21 practice naturopathic medicine under this Act.

22 (d) The titles and designations set forth in this Section
23 identify naturopathic physicians and are restricted to
24 describing and identifying licensed practitioners.

1 Section 30. Powers and duties of the Department and the
2 Secretary.

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

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

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

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

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

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

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

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

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

7 (2) The content of any clinical, practical, or
8 residency requirement.

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

11 (4) The investigation of complaints from naturopathic
12 physicians and the public and the technical aspects of the
13 complaint;

14 (5) The requirements for issuance and renewal of
15 naturopathic medical licenses.

16 Section 35. Naturopathic Medical Licensing Board.

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

1 naturopathic practice.

2 (b) The Secretary shall take into consideration
3 recommendations from the Illinois Association of Naturopathic
4 Physicians in determining the names of naturopathic physicians
5 eligible to serve on the Board.

6 (c) Members shall serve for terms of 4 years and shall
7 serve until a successor is appointed, except that, for the
8 purpose of staggering terms, the Secretary shall initially
9 appoint to the Board 3 members for terms of 4 years each, 2
10 members for terms of 3 years each, and 2 members for terms of 2
11 years each.

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

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

17 (f) The Board, within 30 days after its appointment, and at
18 least annually thereafter, shall hold a meeting and elect a
19 chairperson and vice-chairperson. The Board may hold
20 additional meetings at the call of the chair or at the written
21 request of any 2 members of the Board. The Board may appoint
22 committees as it deems necessary to carry out its duties.

23 (g) A majority of the Board shall constitute a quorum. A
24 vacancy in the membership of the Board shall not impair the
25 right of the quorum to exercise the rights and perform all of
26 the duties of the Board.

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

4 (i) The members of the Board shall each receive as
5 compensation a reasonable sum as determined by the Secretary
6 for each day actually engaged in the duties of office and all
7 legitimate and necessary expenses incurred in attending the
8 meetings of the Board.

9 Section 40. Duties of the Board.

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

13 (b) The Board shall determine the qualifications of persons
14 applying for licensure and define, by rule, the appropriate
15 scope of naturopathic medicine in this State, provided however,
16 that the scope of practice may not exceed that defined in this
17 Act.

18 (c) The Board shall review the content of rules and
19 proposed rules governing the practice of naturopathic medicine
20 in Illinois.

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

23 (e) The Board shall grant approval for naturopathic
24 childbirth attendance privileges to those licensees who apply,
25 provided that such applicants can document training and

1 experience equal to or greater than that required by the
2 Childbirth Attendance Advisory Committee.

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

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

8 Section 45. Naturopathic Formulary Council.

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

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

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

1 (d) The formulary list may not go beyond the scope of
2 natural medicines, prescription substances and devices covered
3 by approved naturopathic education and training and existing
4 naturopathic formularies, or continuing education approved by
5 the Board.

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

9 (f) Nothing in this Act shall allow a naturopathic
10 physician to dispense, administer, or prescribe any legend drug
11 or device as defined in the Illinois Controlled Substance Act,
12 unless such prescription drug or legend device is specifically
13 included in the naturopathic formulary.

14 Section 50. Naturopathic childbirth attendance.

15 (a) The Secretary shall establish a Naturopathic
16 Childbirth Attendance Advisory Committee to issue
17 recommendations concerning the practice of naturopathic
18 childbirth attendance based upon a review of naturopathic
19 medical education and training. The Committee shall be
20 comprised of 4 members, one of whom shall be a medical doctor
21 with a clinical specialty or board certification in obstetrics,
22 one of whom shall be a certified nurse midwife, and 2 of whom
23 shall be naturopathic physicians with clinical experience in
24 natural childbirth.

25 (b) The Committee shall review naturopathic education and

1 training and make specific recommendations to the Department
2 regarding the practice of naturopathic childbirth attendance
3 and qualifications for the practice of naturopathic childbirth
4 attendance. The Department shall adopt these recommendations
5 as rule for use in reviewing all naturopathic physician
6 applicants seeking privileges to perform naturopathic
7 childbirth attendance.

8 (c) A person must pass the North American Registry of
9 Midwives (NARM) examination, or an examination that is
10 determined by the Committee to be equivalent, to practice
11 naturopathic childbirth attendance.

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

14 Section 55. Qualifications for licensure.

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

17 (1) an application for licensure designed and approved
18 by the Department;

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

20 (3) documentation attesting to the applicant's good,
21 ethical, and professional reputation;

22 (4) evidence that the applicant is a graduate of an
23 approved naturopathic medical program, in accordance with
24 the requirements of this Act, and that he or she has
25 successfully passed a competency-based national

1 naturopathic licensing examination administered by the
2 North American Board of Naturopathic Examiners or an
3 equivalent agency, as recognized by the Board; and

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

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

20 Section 60. Scope of practice.

21 (a) A naturopathic physician may order and perform physical
22 and laboratory examinations consistent with naturopathic
23 education and training, for diagnostic purposes, including,
24 but not limited to, phlebotomy, clinical laboratory tests,
25 orificial examinations, and physiological function tests.

1 (b) A naturopathic physician may order diagnostic imaging
2 studies consistent with naturopathic training.

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

5 (1) Food, extracts of food, nutraceuticals, vitamins,
6 amino acids, minerals, enzymes, botanicals and their
7 extracts, botanical medicines, homeopathic medicines, all
8 dietary supplements, and nonprescription drugs, as defined
9 by the federal Food, Drug, and Cosmetic Act.

10 (2) Prescription substances as determined by the
11 Naturopathic Formulary Council.

12 (3) Hot or cold hydrotherapy, naturopathic physical
13 medicine, electromagnetic energy, colon hydrotherapy, and
14 therapeutic exercise.

15 (4) Devices, including, but not limited to,
16 therapeutic devices, barrier contraception, and durable
17 medical equipment.

18 (5) Health education and health counseling.

19 (6) Repair and care incidental to superficial
20 lacerations and abrasions.

21 (7) Removal of foreign bodies located in the
22 superficial tissues.

23 (8) Musculoskeletal manipulation consistent with
24 naturopathic education and training, not to exceed level 4
25 high velocity manipulation.

26 (d) A naturopathic physician may utilize routes of

1 administration that include oral, nasal, auricular, ocular,
2 rectal, vaginal, transdermal, intradermal, subcutaneous,
3 intravenous, and intramuscular and are consistent with the
4 education and training of a naturopathic physician.

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

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

10 (1) Prescribe, dispense, or administer any controlled
11 substance or device identified in the federal Controlled
12 Substance Act, as amended, except as authorized by this
13 Act.

14 (2) Perform surgical procedures other than those minor
15 office procedures authorized by this Act.

16 (3) Practice or claim to practice as a medical doctor,
17 osteopath, dentist, podiatrist, optometrist, psychologist,
18 advanced practice professional nurse, physician assistant,
19 chiropractor, physical therapist, acupuncturist, or any
20 other health care professional not authorized under this
21 Act, unless licensed to do so.

22 (4) Use general or spinal anesthetics.

23 (5) Administer ionizing radioactive substances for
24 therapeutic purposes.

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

1 (7) Perform surgical procedures involving the eye,
2 ear, tendons, nerves, veins, or arteries extending beyond
3 superficial tissue.

4 (8) Induce or perform abortions.

5 (9) Treat any lesion suspicious of malignancy or
6 requiring surgical removal. Lesions suspicious of
7 malignancy or requiring surgical removal shall be referred
8 to an appropriately licensed health care professional.
9 Nothing in this Act shall prohibit treatment of a person
10 with suspicious or malignant lesions in collaboration with
11 a physician licensed to practice medicine in all of its
12 branches.

13 (10) Perform acupuncture, unless licensed as an
14 acupuncturist, as defined in the Illinois Acupuncture
15 Practice Act.

16 Section 70. Licensure without examination. The Department
17 may issue a license without examination to any applicant who
18 submits an application for licensure, together with the
19 appropriate fee, and proof acceptable to the Department of
20 current licensure in good standing in another state, the
21 District of Columbia, or a territory of the United States whose
22 standards for licensure are at least equivalent to those of
23 this State.

24 Any applicant seeking a license without examination under
25 this Section shall provide proof of licensure in good standing

1 in all states in which he or she is licensed.

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

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

12 Section 85. Mandated reporting.

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

- 21 (1) naturopathic physicians licensed under this Act;
22 (2) licensed health care providers;
23 (3) employees of licensed health care institutions in

1 the State;

2 (4) State agency employees; and

3 (5) State law enforcement personnel.

4 (b) A naturopathic physician's voluntary resignation from
5 the staff of a health care institution, voluntary limitation of
6 staff privileges, or failure to reapply for hospital privileges
7 at such an institution, shall be promptly reported to the
8 Department by the health care institution and the licensee, if
9 such action occurs while the licensee is under investigation by
10 the institution or a committee thereof for any reason related
11 to possible medical incompetence, unprofessional conduct, or
12 mental or physical impairment.

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

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

22 (e) Within 10 days after receipt of a report mandated under
23 this Section, the Secretary shall acknowledge receipt of all
24 reports and any complaint against a licensee submitted to the
25 Department. Within 10 days thereafter, the Secretary shall
26 inform any person or entity whose report or complaint has

1 resulted in action by the Department, of the final disposition
2 of the matter.

3 (f) Any person or entity who fails to make a report as
4 mandated under this Section may be assessed by the Secretary,
5 in his or her discretion and after consultation with the Board,
6 a civil penalty. Assessment of a civil penalty pursuant to this
7 subsection shall be supported by substantial evidence and may
8 be appealed to the circuit court. On appeal, the circuit court
9 may receive any relevant evidence supporting or opposing the
10 assessment and may affirm or reverse the Secretary's decision.

11 Section 90. Refusal of licensure.

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

14 (1) The conviction of a felony, a criminal conviction
15 record, or a pending criminal charge relating to an
16 offense, the circumstances of which substantially relate
17 to the practice of naturopathic medicine.

18 (2) Impairment related to drugs or alcohol that would
19 limit an applicant's ability to undertake the practice of
20 naturopathic medicine in a manner consistent with the
21 safety of the public.

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

1 (b) The Department shall not reinstate the license of a
2 naturopathic physician until such time as the Department is
3 satisfied that such person has complied with all the terms and
4 conditions set forth in the final order and that such person is
5 capable of safely engaging in the practice of naturopathic
6 medicine.

7 Section 95. Disciplinary action. The following acts
8 constitute grounds for denial of a license or disciplinary
9 action:

10 (1) Attempting to obtain, obtaining, or renewing a
11 license to practice naturopathic medicine by bribery, or by
12 fraudulent misrepresentation.

13 (2) Having a license to practice naturopathic medicine
14 revoked, suspended, or otherwise acted against, including
15 the denial of licensure, by the licensing authority of
16 another state, territory, or country.

17 (3) Being convicted or found guilty, regardless of
18 adjudication, of a crime in any jurisdiction which directly
19 relates to the practice of naturopathic medicine or to the
20 ability to practice naturopathic medicine. Any plea of nolo
21 contendere shall be considered a conviction for purposes of
22 this Act.

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

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

1 (6) Aiding, assisting, procuring, or advising any
2 unlicensed person to practice naturopathic medicine
3 contrary to this Act or a rule of the Department or the
4 Board.

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

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

24 (9) Exercising influence within a patient-physician
25 relationship for the purposes of engaging a patient in
26 sexual activity. A patient shall be presumed to be

1 incapable of giving free, full, and informed consent to
2 sexual activity with her or his naturopathic physician.

3 (10) Failing to keep written medical records
4 justifying the course of treatment of the patient,
5 including, but not limited to, patient histories,
6 examination results, test results, imaging results, and
7 records of the prescribing, dispensing, and administering
8 of drugs.

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

14 (12) Delegating professional responsibilities to a
15 person while knowing or having reason to know that the
16 person is not qualified by training, experience, or
17 licensure to perform such responsibilities.

18 (13) Violating any provision of this Act or any rules
19 adopted pursuant to this Act.

20 (14) Selling, fraudulently obtaining, or furnishing
21 any naturopathic diploma, license, record, or registration
22 or aiding or abetting in the same.

23 (15) Practicing naturopathic medicine under the cover
24 of any diploma, license, record, or registration illegally
25 or fraudulently obtained or secured or issued unlawfully or
26 upon fraudulent representations.

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

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

5 (18) Practicing or advertising the practice of
6 naturopathic medicine or using in connection with one's own
7 name any designation tending to imply or to designate a
8 person as a practitioner of naturopathic medicine without
9 then being lawfully licensed and authorized to practice
10 naturopathic medicine in this State.

11 (19) Practicing naturopathic medicine under a
12 suspended or revoked license.

13 Section 100. Returned checks; fines. Any person who
14 delivers a check or other payment to the Department that is
15 returned to the Department unpaid by the financial institution
16 upon which it is drawn shall pay to the Department, in addition
17 to the amount already owed to the Department, a fine of \$50.
18 The fines imposed by this Section are in addition to any other
19 discipline provided under this Act for unlicensed practice or
20 practice on a nonrenewed license. The Department shall notify
21 the person that fees and fines shall be paid to the Department
22 by certified check or money order within 30 calendar days of
23 the notification. If, after the expiration of 30 days from the
24 date of the notification, the person has failed to submit the
25 necessary remittance, the Department shall automatically

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

11 Section 105. Injunctions; cease and desist orders.

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

1 (b) If any person practices as a naturopathic physician or
2 holds himself or herself out as a naturopathic physician
3 without being licensed under the provisions of this Act then
4 any licensed naturopathic physician, any interested party, or
5 any person injured thereby may, in addition to the Secretary,
6 petition for relief as provided in subsection (a) of this
7 Section.

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

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

21 Section 115. Investigation; notice; hearing. The
22 Department may investigate the actions of any applicant or of
23 any person or persons holding or claiming to hold a license.
24 Before refusing to issue, refusing to renew, or taking any

1 disciplinary action regarding a license, the Department shall,
2 at least 30 days prior to the date set for the hearing, notify
3 in writing the applicant for, or holder of, a license of the
4 nature of any charges and that a hearing will be held on a date
5 designated. The Department shall direct the applicant or
6 licensee to file a written answer with the Committee under oath
7 within 20 days after the service of the notice and inform the
8 applicant or licensee that failure to file an answer shall
9 result in default being taken against the applicant or licensee
10 and that the license may be suspended, revoked, or placed on
11 probationary status, or that other disciplinary action may be
12 taken, including limiting the scope, nature, or extent of
13 practice, as the Secretary may deem proper. Written notice may
14 be served by personal delivery or certified or registered mail
15 to the respondent at the address of his or her last
16 notification to the Department. If the person fails to file an
17 answer after receiving notice, his or her license may, in the
18 discretion of the Department, be suspended, revoked, or placed
19 on probationary status, or the Department may take any
20 disciplinary action deemed proper, including limiting the
21 scope, nature, or extent of the person's practice or the
22 imposition of a fine, without a hearing, if the act or acts
23 charged constitute sufficient grounds for such action under
24 this Act. At the time and place fixed in the notice, the
25 Committee shall proceed to hear the charges and the parties or
26 their counsel shall be accorded ample opportunity to present

1 such statements, testimony, evidence and argument as may be
2 pertinent to the charges or to their defense. The Committee may
3 continue a hearing from time to time.

4 Section 120. Formal hearing; preservation of record. The
5 Department, at its expense, shall preserve a record of all
6 proceedings at the formal hearing of any case. The notice of
7 hearing, complaint, and all other documents in the nature of
8 pleadings and written motions filed in the proceedings, the
9 transcript of testimony, the report of the Committee or hearing
10 officer, and order of the Department shall be the record of the
11 proceeding. The Department shall furnish a transcript of the
12 record to any person interested in the hearing upon payment of
13 the fee required under Section 2105-115 of the Department of
14 Professional Regulation Law (20 ILCS 2105/2105-115).

15 Section 125. Witnesses; production of documents; contempt.
16 Any circuit court may, upon application of the Department or
17 its designee or of the applicant or licensee against whom
18 proceedings under Section 95 of this Act are pending, enter an
19 order requiring the attendance of witnesses and their testimony
20 and the production of documents, papers, files, books, and
21 records in connection with any hearing or investigation. The
22 court may compel obedience to its order by proceedings for
23 contempt.

1 Section 130. Subpoena; oaths. The Department shall have
2 power to subpoena and bring before it any person in this State
3 and to take testimony either orally or by deposition or both
4 with the same fees and mileage and in the same manner as
5 prescribed in civil cases in circuit courts of this State.

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

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

1 its recommendations to the Secretary.

2 The report of findings of fact, conclusions of law, and
3 recommendations of the Committee shall be the basis for the
4 Department's order. If the Secretary disagrees in any regard
5 with the report of the Committee, the Secretary may issue an
6 order in contravention of the report. The finding is not
7 admissible in evidence against the person in a criminal
8 prosecution brought for the violation of this Act, but the
9 hearing and findings are not a bar to a criminal prosecution
10 brought for the violation of this Act.

11 Section 140. Hearing officer. The Secretary shall have the
12 authority to appoint any attorney duly licensed to practice law
13 in the State of Illinois to serve as the hearing officer in any
14 action for Departmental refusal to issue, renew, or license an
15 applicant, or disciplinary action against a licensee. The
16 hearing officer shall have full authority to conduct the
17 hearing. The hearing officer shall report his or her findings
18 of fact, conclusions of law, and recommendations to the
19 Committee and the Secretary. The Committee shall have 60
20 calendar days from receipt of the report to review the report
21 of the hearing officer and present its findings of fact,
22 conclusions of law, and recommendations to the Secretary. If
23 the Committee fails to present its report within the 60
24 calendar day period, the Secretary may issue an order based on
25 the report of the hearing officer. If the Secretary disagrees

1 with the recommendation of the Committee or hearing officer, he
2 or she may issue an order in contravention of that
3 recommendation.

4 Section 145. Service of report; rehearing; order. In any
5 case involving the discipline of a license, a copy of the
6 Committee's report shall be served upon the respondent by the
7 Department, either personally or as provided in this Act for
8 the service of the notice of hearing. Within 20 days after the
9 service, the respondent may present to the Department a motion
10 in writing for a rehearing that shall specify the particular
11 grounds for rehearing. If no motion for rehearing is filed,
12 then upon the expiration of the time specified for filing a
13 motion, or if a motion for rehearing is denied, then upon the
14 denial the Secretary may enter an order in accordance with this
15 Act. If the respondent orders from the reporting service and
16 pays for a transcript of the record within the time for filing
17 a motion for rehearing, the 20 calendar day period within which
18 the motion may be filed shall commence upon the delivery of the
19 transcript to the respondent.

20 Section 150. Substantial justice to be done; rehearing.
21 Whenever the Secretary is satisfied that substantial justice
22 has not been done in the revocation, suspension, or refusal to
23 issue or renew a license, the Secretary may order a rehearing
24 by the same or another hearing officer or by the Committee.

1 Section 155. Order or certified copy as prima facie proof.
2 An order or a certified copy thereof, over the seal of the
3 Department and purporting to be signed by the Secretary, shall
4 be prima facie proof:

5 (a) that the signature is the genuine signature of the
6 Secretary;

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

8 (c) that the Committee and its members are qualified to
9 act.

10 Section 160. Restoration of license. At any time after the
11 suspension or revocation of any license the Department may
12 restore the license to the accused person, unless after an
13 investigation and a hearing the Department determines that
14 restoration is not in the public interest.

15 Section 165. Surrender of license. Upon the revocation or
16 suspension of any license, the licensee shall immediately
17 surrender the license to the Department. If the licensee fails
18 to do so, the Department shall have the right to seize the
19 license.

20 Section 170. Imminent danger to public; summary
21 suspension. The Secretary may summarily suspend the license of
22 a naturopathic physician without a hearing, simultaneously

1 with the institution of proceedings for a hearing provided for
2 in this Act, if the Secretary finds that evidence in his or her
3 possession indicates that continuation in practice would
4 constitute an imminent danger to the public. In the event that
5 the Secretary summarily suspends a license without a hearing, a
6 hearing by the Department must be held within 30 days after the
7 suspension has occurred.

8 Section 175. Review under Administrative Review Law. All
9 final administrative decisions of the Department are subject to
10 judicial review under the Administrative Review Law and its
11 rules. The term "administrative decision" is defined as in
12 Section 3 101 of the Code of Civil Procedure.

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

21 Section 185. Administrative Procedure Act. The Illinois
22 Administrative Procedure Act is expressly adopted and
23 incorporated in this Act as if all of the provisions of that

1 Act were included in this Act, except that the provision of
2 paragraph (d) of Section 10 65 of the Illinois Administrative
3 Procedure Act, which provides that at hearings the licensee has
4 the right to show compliance with all lawful requirements for
5 retention, continuation, or renewal of the license, is
6 specifically excluded. For the purpose of this Act, the notice
7 required under Section 10 25 of the Administrative Procedure
8 Act is deemed sufficient when mailed to the last known address
9 of a party.

10 Section 190. Severability. If any provision of this Act or
11 its application to any person or circumstance is held invalid,
12 the remainder of the act or the application of the provision to
13 other persons or circumstances is not affected.

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

16 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

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

19 (a) "Addict" means any person who habitually uses any drug,
20 chemical, substance or dangerous drug other than alcohol so as
21 to endanger the public morals, health, safety or welfare or who
22 is so far addicted to the use of a dangerous drug or controlled
23 substance other than alcohol as to have lost the power of self

1 control with reference to his addiction.

2 (b) "Administer" means the direct application of a
3 controlled substance, whether by injection, inhalation,
4 ingestion, or any other means, to the body of a patient,
5 research subject, or animal (as defined by the Humane
6 Euthanasia in Animal Shelters Act) by:

7 (1) a practitioner (or, in his presence, by his
8 authorized agent),

9 (2) the patient or research subject at the lawful
10 direction of the practitioner, or

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

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

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

21 (i) boldenone,

22 (ii) chlorotestosterone,

23 (iii) chostebol,

24 (iv) dehydrochlormethyltestosterone,

25 (v) dihydrotestosterone,

26 (vi) drostanolone,

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

25 Any person who is otherwise lawfully in possession of an
26 anabolic steroid, or who otherwise lawfully manufactures,

1 distributes, dispenses, delivers, or possesses with intent to
2 deliver an anabolic steroid, which anabolic steroid is
3 expressly intended for and lawfully allowed to be administered
4 through implants to livestock or other nonhuman species, and
5 which is approved by the Secretary of Health and Human Services
6 for such administration, and which the person intends to
7 administer or have administered through such implants, shall
8 not be considered to be in unauthorized possession or to
9 unlawfully manufacture, distribute, dispense, deliver, or
10 possess with intent to deliver such anabolic steroid for
11 purposes of this Act.

12 (d) "Administration" means the Drug Enforcement
13 Administration, United States Department of Justice, or its
14 successor agency.

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

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

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

1 (h) "Deliver" or "delivery" means the actual, constructive
2 or attempted transfer of possession of a controlled substance,
3 with or without consideration, whether or not there is an
4 agency relationship.

5 (i) "Department" means the Illinois Department of Human
6 Services (as successor to the Department of Alcoholism and
7 Substance Abuse) or its successor agency.

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

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

12 (l) "Department of Professional Regulation" means the
13 Department of Professional Regulation of the State of Illinois
14 or its successor agency.

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

16 (1) a drug which contains any quantity of (i)
17 barbituric acid or any of the salts of barbituric acid
18 which has been designated as habit forming under section
19 502 (d) of the Federal Food, Drug, and Cosmetic Act (21
20 U.S.C. 352 (d)); or

21 (2) a drug which contains any quantity of (i)
22 amphetamine or methamphetamine and any of their optical
23 isomers; (ii) any salt of amphetamine or methamphetamine or
24 any salt of an optical isomer of amphetamine; or (iii) any
25 substance which the Department, after investigation, has
26 found to be, and by rule designated as, habit forming

1 because of its depressant or stimulant effect on the
2 central nervous system; or

3 (3) lysergic acid diethylamide; or

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

9 (n) (Blank).

10 (o) "Director" means the Director of the Department of
11 State Police or the Department of Professional Regulation or
12 his designated agents.

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

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

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

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

22 (t) "Drug" means (1) substances recognized as drugs in the
23 official United States Pharmacopoeia, Official Homeopathic
24 Pharmacopoeia of the United States, or official National
25 Formulary, or any supplement to any of them; (2) substances
26 intended for use in diagnosis, cure, mitigation, treatment, or

1 prevention of disease in man or animals; (3) substances (other
2 than food) intended to affect the structure of any function of
3 the body of man or animals and (4) substances intended for use
4 as a component of any article specified in clause (1), (2), or
5 (3) of this subsection. It does not include devices or their
6 components, parts, or accessories.

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

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

17 (u) "Good faith" means the prescribing or dispensing of a
18 controlled substance by a practitioner in the regular course of
19 professional treatment to or for any person who is under his
20 treatment for a pathology or condition other than that
21 individual's physical or psychological dependence upon or
22 addiction to a controlled substance, except as provided herein:
23 and application of the term to a pharmacist shall mean the
24 dispensing of a controlled substance pursuant to the
25 prescriber's order which in the professional judgment of the
26 pharmacist is lawful. The pharmacist shall be guided by

1 accepted professional standards including, but not limited to
2 the following, in making the judgment:

3 (1) lack of consistency of doctor-patient
4 relationship,

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

7 (3) quantities beyond those normally prescribed,

8 (4) unusual dosages,

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

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

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

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

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

22 (2) which is an immediate chemical intermediary used or
23 likely to be used in the manufacture of such controlled
24 substance; and

25 (3) the control of which is necessary to prevent,
26 curtail or limit the manufacture of such controlled

1 substance.

2 (w) "Instructional activities" means the acts of teaching,
3 educating or instructing by practitioners using controlled
4 substances within educational facilities approved by the State
5 Board of Education or its successor agency.

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

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

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

26 (b) statements made to the buyer or recipient that the

1 substance may be resold for profit;

2 (c) whether the substance is packaged in a manner
3 normally used for the illegal distribution of controlled
4 substances;

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

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

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

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

26 (y-1) "Mail-order pharmacy" means a pharmacy that is

1 located in a state of the United States, other than Illinois,
2 that delivers, dispenses or distributes, through the United
3 States Postal Service or other common carrier, to Illinois
4 residents, any substance which requires a prescription.

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

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

16 (2) by a practitioner, or his authorized agent under
17 his supervision, the preparation, compounding, packaging,
18 or labeling of a controlled substance:

19 (a) as an incident to his administering or
20 dispensing of a controlled substance in the course of
21 his professional practice; or

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

24 (z-1) (Blank).

25 (aa) "Narcotic drug" means any of the following, whether
26 produced directly or indirectly by extraction from substances

1 of natural origin, or independently by means of chemical
2 synthesis, or by a combination of extraction and chemical
3 synthesis:

4 (1) opium and opiate, and any salt, compound,
5 derivative, or preparation of opium or opiate;

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

10 (3) opium poppy and poppy straw;

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

21 (bb) "Nurse" means a registered nurse licensed under the
22 Nurse Practice Act.

23 (cc) (Blank).

24 (dd) "Opiate" means any substance having an addiction
25 forming or addiction sustaining liability similar to morphine
26 or being capable of conversion into a drug having addiction

1 forming or addiction sustaining liability.

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

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

6 (gg) "Person" means any individual, corporation,
7 mail-order pharmacy, government or governmental subdivision or
8 agency, business trust, estate, trust, partnership or
9 association, or any other entity.

10 (hh) "Pharmacist" means any person who holds a license or
11 certificate of registration as a registered pharmacist, a local
12 registered pharmacist or a registered assistant pharmacist
13 under the Pharmacy Practice Act.

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

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

19 (kk) "Practitioner" means a physician licensed to practice
20 medicine in all its branches, dentist, optometrist,
21 podiatrist, veterinarian, scientific investigator, pharmacist,
22 physician assistant, advanced practice nurse, licensed
23 practical nurse, registered nurse, hospital, laboratory, or
24 pharmacy, or other person licensed, registered, or otherwise
25 lawfully permitted by the United States or this State to
26 distribute, dispense, conduct research with respect to,

1 administer or use in teaching or chemical analysis, a
2 controlled substance in the course of professional practice or
3 research.

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

7 (mm) "Prescriber" means a physician licensed to practice
8 medicine in all its branches, dentist, optometrist, podiatrist
9 or veterinarian who issues a prescription, a physician
10 assistant who issues a prescription for a controlled substance
11 in accordance with Section 303.05, a written delegation, and a
12 written supervision agreement required under Section 7.5 of the
13 Physician Assistant Practice Act of 1987, ~~or~~ an advanced
14 practice nurse with prescriptive authority delegated under
15 Section 65-40 of the Nurse Practice Act and in accordance with
16 Section 303.05, a written delegation, and a written
17 collaborative agreement under Section 65-35 of the Nurse
18 Practice Act, or a naturopathic physician who issues a
19 prescription for a controlled substance in accordance with the
20 naturopathic formulary established under Section 45 of the
21 Naturopathic Medical Practice Act.

22 (nn) "Prescription" means a lawful written, facsimile, or
23 verbal order of a physician licensed to practice medicine in
24 all its branches, dentist, podiatrist or veterinarian for any
25 controlled substance, of an optometrist for a Schedule III, IV,
26 or V controlled substance in accordance with Section 15.1 of

1 the Illinois Optometric Practice Act of 1987, of a physician
2 assistant for a controlled substance in accordance with Section
3 303.05, a written delegation, and a written supervision
4 agreement required under Section 7.5 of the Physician Assistant
5 Practice Act of 1987, or of an advanced practice nurse with
6 prescriptive authority delegated under Section 65-40 of the
7 Nurse Practice Act who issues a prescription for a controlled
8 substance in accordance with Section 303.05, a written
9 delegation, and a written collaborative agreement under
10 Section 65-35 of the Nurse Practice Act.

11 (oo) "Production" or "produce" means manufacture,
12 planting, cultivating, growing, or harvesting of a controlled
13 substance other than methamphetamine.

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

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

19 (rr) "State" includes the State of Illinois and any state,
20 district, commonwealth, territory, insular possession thereof,
21 and any area subject to the legal authority of the United
22 States of America.

23 (ss) "Ultimate user" means a person who lawfully possesses
24 a controlled substance for his own use or for the use of a
25 member of his household or for administering to an animal owned
26 by him or by a member of his household.

1 (Source: P.A. 95-242, eff. 1-1-08; 95-639, eff. 10-5-07;
2 95-689, eff. 10-29-07; 95-876, eff. 8-21-08; 96-189, eff.
3 8-10-09; 96-268, eff. 8-11-09.)