



Rep. Jack D. Franks

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LRB098 02833 RPM 42373 a

1 AMENDMENT TO HOUSE BILL 84

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 84 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wholesale Drug Distribution Licensing Act  
5 is amended by adding Section 200 as follows:

6 (225 ILCS 120/200 new)

7 Sec. 200. Drugs in shortage.

8 (a) For the purpose of this Section, "drug in shortage"  
9 means a drug listed on the drug shortage list maintained by the  
10 U.S. Food and Drug Administration in accordance with Section  
11 356e of the federal Food, Drug, and Cosmetic Act.

12 (b) Any person engaged in the wholesale distribution of a  
13 drug in shortage must be licensed by the Department. This  
14 subsection (b) shall not apply to entities within the normal  
15 distribution channel as defined under Section 15 of this Act.

16 (c) It is unlawful for any person, other than those

1 licensed as a manufacturer, a manufacturer's exclusive  
2 distributor, or an authorized distributor of record, to  
3 purchase or receive a drug in shortage from any person not  
4 licensed by the Department. This subsection (c) does not apply  
5 to the return of drugs.

6 (d) A person found to have violated a provision of this  
7 Section shall be subject to administrative fines, orders for  
8 restitution, and orders for disgorgement.

9 (e) The Department shall create a centralized, searchable  
10 database of those entities licensed to sell or distribute a  
11 drug in shortage, including manufacturers, wholesale  
12 distributors, and pharmacy distributors, to enable purchasers  
13 of a drug in shortage to easily verify the licensing status of  
14 an entity offering such drugs.

15 (f) The Department shall establish a system for reporting  
16 the suspected instances of unscrupulous conduct by  
17 distributors of a drug in shortage. Reports made through this  
18 system shall be referred to the Office of the Attorney General  
19 for further investigation and prosecution.

20 (g) The Department shall adopt rules to carry out the  
21 provisions of this Section.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.".