

SB0636



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0636

Introduced 1/25/2017, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

225 ILCS 85/4

from Ch. 111, par. 4124

Amends the Pharmacy Practice Act. Provides that the Act shall not apply to, or in any manner interfere with, the sale or distribution of dialysate, drugs, or devices necessary to perform home renal dialysis for patients with chronic kidney failure, provided that certain conditions are met. Effective immediately.

LRB100 06838 SMS 16887 b

A BILL FOR

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 5. The Pharmacy Practice Act is amended by changing
5 Section 4 as follows:

6 (225 ILCS 85/4) (from Ch. 111, par. 4124)

7 (Section scheduled to be repealed on January 1, 2018)

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

10 (a) the lawful practice of any physician licensed to
11 practice medicine in all of its branches, dentist, podiatric
12 physician, veterinarian, or therapeutically or diagnostically
13 certified optometrist within the limits of his or her license,
14 or prevent him or her from supplying to his or her bona fide
15 patients such drugs, medicines, or poisons as may seem to him
16 appropriate;

17 (b) the sale of compressed gases;

18 (c) the sale of patent or proprietary medicines and
19 household remedies when sold in original and unbroken packages
20 only, if such patent or proprietary medicines and household
21 remedies be properly and adequately labeled as to content and
22 usage and generally considered and accepted as harmless and
23 nonpoisonous when used according to the directions on the

1 label, and also do not contain opium or coca leaves, or any
2 compound, salt or derivative thereof, or any drug which,
3 according to the latest editions of the following authoritative
4 pharmaceutical treatises and standards, namely, The United
5 States Pharmacopoeia/National Formulary (USP/NF), the United
6 States Dispensatory, and the Accepted Dental Remedies of the
7 Council of Dental Therapeutics of the American Dental
8 Association or any or either of them, in use on the effective
9 date of this Act, or according to the existing provisions of
10 the Federal Food, Drug, and Cosmetic Act and Regulations of the
11 Department of Health and Human Services, Food and Drug
12 Administration, promulgated thereunder now in effect, is
13 designated, described or considered as a narcotic, hypnotic,
14 habit forming, dangerous, or poisonous drug;

15 (d) the sale of poultry and livestock remedies in original
16 and unbroken packages only, labeled for poultry and livestock
17 medication;

18 (e) the sale of poisonous substances or mixture of
19 poisonous substances, in unbroken packages, for nonmedicinal
20 use in the arts or industries or for insecticide purposes;
21 provided, they are properly and adequately labeled as to
22 content and such nonmedicinal usage, in conformity with the
23 provisions of all applicable federal, state and local laws and
24 regulations promulgated thereunder now in effect relating
25 thereto and governing the same, and those which are required
26 under such applicable laws and regulations to be labeled with

1 the word "Poison", are also labeled with the word "Poison"
2 printed thereon in prominent type and the name of a readily
3 obtainable antidote with directions for its administration;

4 (f) the delegation of limited prescriptive authority by a
5 physician licensed to practice medicine in all its branches to
6 a physician assistant under Section 7.5 of the Physician
7 Assistant Practice Act of 1987. This delegated authority under
8 Section 7.5 of the Physician Assistant Practice Act of 1987
9 may, but is not required to, include prescription of controlled
10 substances, as defined in Article II of the Illinois Controlled
11 Substances Act, in accordance with a written supervision
12 agreement; ~~and~~

13 (g) the delegation of prescriptive authority by a physician
14 licensed to practice medicine in all its branches or a licensed
15 podiatric physician to an advanced practice nurse in accordance
16 with a written collaborative agreement under Sections 65-35 and
17 65-40 of the Nurse Practice Act; ~~and-~~

18 (h) the sale or distribution of dialysate, drugs, or
19 devices necessary to perform home renal dialysis for patients
20 with chronic kidney failure, provided that all of the following
21 conditions are met:

22 (1) the dialysate, drugs, or devices are approved or
23 cleared by the federal Food and Drug Administration, as
24 required by federal law;

25 (2) the dialysate, drugs, or devices are lawfully held
26 by a manufacturer or the manufacturer's agent, which is

1 properly registered with the Board as a manufacturer or
2 wholesaler;

3 (3) the dialysate, drugs, or devices are held by the
4 manufacturer or the manufacturer's agent and delivered to
5 the patient in the original, sealed packaging from the
6 manufacturing facility;

7 (4) the dialysate, drugs, or devices are delivered only
8 by the manufacturer or the manufacturer's agent and only
9 upon receipt of a physician's order; and

10 (5) the manufacturer or the manufacturer's agent
11 delivers the dialysate, drugs, or devices directly to: (i)
12 a patient with chronic kidney failure, or his or her
13 designee, for the patient's self-administration of the
14 dialysis therapy or (ii) a health care provider or
15 institution for administration or delivery of the dialysis
16 therapy to a patient with chronic kidney failure.

17 (Source: P.A. 98-214, eff. 8-9-13.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.