



Rep. Angelo Saviano

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1 AMENDMENT TO HOUSE BILL 5890

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5890, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Pharmacy Practice Act of 1987 is amended by  
6 changing Sections 14, 15, and 18 as follows:

7 (225 ILCS 85/14) (from Ch. 111, par. 4134)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 14. Structural and equipment requirements. No person  
10 shall establish or move to a new location any pharmacy unless  
11 the pharmacy is licensed with the Department and has on file  
12 with the Department a verified statement that:

13 (1) such pharmacy is or will be engaged in the practice  
14 of pharmacy; and

15 (2) other than a Division VI pharmacy, such pharmacy  
16 will have in stock and shall maintain sufficient drugs and  
17 materials as to protect the public it serves within 30 days  
18 after the issuance of the registration of the pharmacy.

19 Division I, II, III, IV, or V pharmacies shall be in a  
20 suitable, well-lighted and well-ventilated area with at least  
21 300 square feet of clean and sanitary contiguous space and  
22 shall be suitably equipped for compounding prescriptions,  
23 storage of drugs and sale of drugs and to otherwise conduct the  
24 practice of pharmacy. The space occupied shall be equipped with

1 a sink with hot and cold water or facilities for heating water,  
2 proper sewage outlet, refrigeration storage equipment, and  
3 such fixtures, facilities, drugs, equipment and material,  
4 which shall include the current editions of the United States  
5 Pharmacopoeia/DI, Facts and Comparisons, or any other current  
6 compendium approved by the Department, and other such reference  
7 works, as will enable a pharmacist to practice pharmacy,  
8 including this Act and the rules promulgated under this Act.  
9 Such pharmacy shall have the following items: accurate weights  
10 of 0.5 gr. to 4 oz. and 20 mg to 100 Gm; and a prescription  
11 balance equipped with balance indicator and with mechanical  
12 means of arresting the oscillations of the mechanism and which  
13 balance shall be sensitive to 0.5 grain (32 mg) or less or an  
14 alternative weighing device as approved by the Department, and  
15 such other measuring devices as may be necessary for the  
16 conduct of the practice of pharmacy.

17 The provisions of this Section with regard to 300 square  
18 feet of space shall apply to any pharmacy which is opened after  
19 the effective date of this Act. Nothing shall require a  
20 pharmacy in existence on the effective date of this Act which  
21 is comprised of less than 300 square feet to provide additional  
22 space to meet these requirements.

23 The structural and equipment requirements for a Division VI  
24 pharmacy shall be set by rule.

25 (Source: P.A. 92-880, eff. 1-1-04.)

26 (225 ILCS 85/15) (from Ch. 111, par. 4135)

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

28 Sec. 15. Pharmacy requirements. It shall be unlawful for  
29 the owner of any pharmacy, as defined in this Act, to operate  
30 or conduct the same, or to allow the same to be operated or  
31 conducted, unless:

32 (a) It has a licensed pharmacist, authorized to practice  
33 pharmacy in this State under the provisions of this Act, on

1 duty whenever the practice of pharmacy is conducted;

2 (b) Security provisions for all drugs and devices, as  
3 determined by rule of the Department, are provided during the  
4 absence from the licensed pharmacy of all licensed pharmacists.  
5 Maintenance of security provisions is the responsibility of the  
6 licensed registered pharmacist in charge; and

7 (c) The pharmacy is licensed under this Act to do business.

8 The Department shall, by rule, provide requirements for  
9 each division of pharmacy license and shall, as well provide  
10 guidelines for the designation of a registered pharmacist in  
11 charge for each division.

12 Division I. Retail Licenses for pharmacies which are open  
13 to, or offer pharmacy services to, the general public.

14 Division II. Licenses for pharmacies whose primary  
15 pharmacy service is provided to patients or residents of  
16 facilities licensed under the Nursing Home Care Act or the  
17 Hospital Licensing Act, or "An Act in relation to the founding  
18 and operation of the University of Illinois Hospital and the  
19 conduct of University of Illinois health care programs",  
20 approved July 3, 1931, as amended, and which are not located in  
21 the facilities they serve.

22 Division III. Licenses for pharmacies which are located in  
23 a facility licensed under the Nursing Home Care Act or the  
24 Hospital Licensing Act, or "An Act in relation to the founding  
25 and operation of the University of Illinois Hospital and the  
26 conduct of University of Illinois health care programs",  
27 approved July 3, 1931, as amended, or a facility which is  
28 operated by the Department of Human Services (as successor to  
29 the Department of Mental Health and Developmental  
30 Disabilities) or the Department of Corrections, and which  
31 provide pharmacy services to residents or patients of the  
32 facility, as well as employees, prescribers and students of the  
33 facility.

34 Division IV. Licenses for pharmacies which provide or offer

1 for sale radioactive materials.

2 Division V. Licenses for pharmacies which hold licenses in  
3 Division II or Division III which also provide pharmacy  
4 services to the general public, or pharmacies which are located  
5 in or whose primary pharmacy service is to ambulatory care  
6 facilities or schools of veterinary medicine or other such  
7 institution or facility.

8 Division VI. Licenses for pharmacies located in Illinois  
9 and providing pharmaceutical care to patients of institutions  
10 maintaining a Division III pharmacy on its premises without  
11 using its own stock of drugs. The pharmaceutical care shall  
12 only be given in conjunction with the Division III pharmacy. No  
13 services shall be provided to the public. Each Division VI  
14 pharmacy shall file with the Department a notarized statement  
15 identifying the institutions to which it provides services  
16 within 10 days of providing services. A pharmacy maintaining a  
17 Division I, II, or IV license may not apply for a Division VI  
18 license. Nothing in this paragraph shall constitute a change to  
19 the practice of pharmacy as defined in Section 3.

20 The Director may waive the requirement for a pharmacist to  
21 be on duty at all times for State facilities not treating human  
22 ailments.

23 It shall be unlawful for any person, who is not a licensed  
24 pharmacy or health care facility, to purport to be such or to  
25 use in name, title, or sign designating, or in connection with  
26 that place of business, any of the words: "pharmacy",  
27 "pharmacist", "pharmacy department", "apothecary", "druggist",  
28 "drug", "drugs", "medicines", "medicine store", "drug  
29 sundries", "prescriptions filled", or any list of words  
30 indicating that drugs are compounded or sold to the lay public,  
31 or prescriptions are dispensed therein. Each day during which,  
32 or a part which, such representation is made or appears or such  
33 a sign is allowed to remain upon or in such a place of business  
34 shall constitute a separate offense under this Act.

1           The holder of any license or certificate of registration  
2 shall conspicuously display it in the pharmacy in which he is  
3 engaged in the practice of pharmacy. The registered pharmacist  
4 in charge shall conspicuously display his name in such  
5 pharmacy. The pharmacy license shall also be conspicuously  
6 displayed.

7           (Source: P.A. 92-880, eff. 1-1-04.)

8           (225 ILCS 85/18) (from Ch. 111, par. 4138)

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

10          Sec. 18. Record retention.

11          (a) Except as provided in subsection (b), there shall be  
12 kept in every drugstore or pharmacy a suitable book, file, or  
13 electronic record keeping system in which shall be preserved  
14 for a period of not less than 5 years the original of every  
15 written prescription and the original transcript or copy of  
16 every verbal prescription filled, compounded, or dispensed, in  
17 such pharmacy; and such book or file of prescriptions shall at  
18 all reasonable times be open to inspection to the pharmacy  
19 coordinator and the duly authorized agents or employees of the  
20 Department.

21          Every prescription filled or refilled shall contain the  
22 unique identifier of the person authorized to practice pharmacy  
23 under the provision of this Act who fills or refills the  
24 prescription.

25          Records kept pursuant to this Section may be maintained in  
26 an alternative data retention system, such as a direct digital  
27 imaging system, provided that:

28                 (1) the records maintained in the alternative data  
29 retention system contain all of the information required in  
30 a manual record;

31                 (2) the data processing system is capable of producing  
32 a hard copy of the electronic record on the request of the  
33 Board, its representative, or other authorized local,

1 State, or federal law enforcement or regulatory agency; and  
2 (3) the digital images are recorded and stored only by  
3 means of a technology that does not allow subsequent  
4 revision or replacement of the images.

5 As used in this Section, "digital imaging system" means a  
6 system, including people, machines, methods of organization,  
7 and procedures, that provides input, storage, processing,  
8 communications, output, and control functions for digitized  
9 representations of original prescription records.

10 Inpatient drug orders may be maintained within an  
11 institution in a manner approved by the Department.

12 (b) The record retention requirements for a Division VI  
13 pharmacy shall be set by rule.

14 (Source: P.A. 92-880, eff. 1-1-04.)".