



Rep. Ron Stephens

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09400HB2768ham001

LRB094 07808 RAS 42770 a

1 AMENDMENT TO HOUSE BILL 2768

2 AMENDMENT NO. _____. Amend House Bill 2768 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pharmacy Practice Act of 1987 is amended by
5 changing Section 15 and by adding Section 24.5 as follows:

6 (225 ILCS 85/15) (from Ch. 111, par. 4135)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 15. Pharmacy requirements. It shall be unlawful for
9 the owner of any pharmacy, as defined in this Act, to operate
10 or conduct the same, or to allow the same to be operated or
11 conducted, unless:

12 (a) It has a licensed pharmacist, authorized to practice
13 pharmacy in this State under the provisions of this Act, on
14 duty whenever the practice of pharmacy is conducted;

15 (b) Security provisions for all drugs and devices, as
16 determined by rule of the Department, are provided during the
17 absence from the licensed pharmacy of all licensed pharmacists.
18 Maintenance of security provisions is the responsibility of the
19 licensed registered pharmacist in charge; and

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

21 The Department shall, by rule, provide requirements for
22 each division of pharmacy license and shall, as well provide
23 guidelines for the designation of a registered pharmacist in
24 charge for each division.

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

3 Division II. Licenses for pharmacies whose primary
4 pharmacy service is provided to patients or residents of
5 facilities licensed under the Nursing Home Care Act or the
6 Hospital Licensing Act, or "An Act in relation to the founding
7 and operation of the University of Illinois Hospital and the
8 conduct of University of Illinois health care programs",
9 approved July 3, 1931, as amended, and which are not located in
10 the facilities they serve.

11 Division III. Licenses for pharmacies which are located in
12 a facility licensed under the Nursing Home Care Act or the
13 Hospital Licensing Act, or "An Act in relation to the founding
14 and operation of the University of Illinois Hospital and the
15 conduct of University of Illinois health care programs",
16 approved July 3, 1931, as amended, or a facility which is
17 operated by the Department of Human Services (as successor to
18 the Department of Mental Health and Developmental
19 Disabilities) or the Department of Corrections, and which
20 provide pharmacy services to residents or patients of the
21 facility, as well as employees, prescribers and students of the
22 facility.

23 Division IV. Licenses for pharmacies which provide or offer
24 for sale radioactive materials.

25 Division V. Licenses for pharmacies which hold licenses in
26 Division II or Division III which also provide pharmacy
27 services to the general public, or pharmacies which are located
28 in or whose primary pharmacy service is to ambulatory care
29 facilities or schools of veterinary medicine or other such
30 institution or facility.

31 Division VI. Licenses for pharmacies that provide drug
32 reviews, medication therapy management, and other
33 pharmaceutical care services. Pharmacists practicing in
34 Division VI pharmacies shall not purchase, stock, sell, or

1 dispense drugs. Nothing in this paragraph shall limit the
2 practice of pharmacy or provision of pharmaceutical care by a
3 pharmacist practicing in pharmacies licensed under Division I,
4 II, III, IV, or V.

5 The Director may waive the requirement for a pharmacist to
6 be on duty at all times for State facilities not treating human
7 ailments.

8 It shall be unlawful for any person, who is not a licensed
9 pharmacy or health care facility, to purport to be such or to
10 use in name, title, or sign designating, or in connection with
11 that place of business, any of the words: "pharmacy",
12 "pharmacist", "pharmacy department", "apothecary", "druggist",
13 "drug", "drugs", "medicines", "medicine store", "drug
14 sundries", "prescriptions filled", or any list of words
15 indicating that drugs are compounded or sold to the lay public,
16 or prescriptions are dispensed therein. Each day during which,
17 or a part which, such representation is made or appears or such
18 a sign is allowed to remain upon or in such a place of business
19 shall constitute a separate offense under this Act.

20 The holder of any license or certificate of registration
21 shall conspicuously display it in the pharmacy in which he is
22 engaged in the practice of pharmacy. The registered pharmacist
23 in charge shall conspicuously display his name in such
24 pharmacy. The pharmacy license shall also be conspicuously
25 displayed.

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

27 (225 ILCS 85/24.5 new)

28 Sec. 24.5. Sale of prescription drugs at best price. If a
29 wholesale drug distributor or pharmacy benefit manager has
30 entered into a contract with the State to sell or negotiate the
31 sale of a prescription drug to the State at a particular price,
32 then, upon the request of any pharmacy domiciled in this State,
33 the wholesale drug distributor or pharmacy benefit manager must

1 disclose that price and make that prescription drug available
2 to the pharmacy at that same price during the period that the
3 contract with the State is in effect, regardless of the
4 quantity of the drug purchased by the pharmacy. This Section
5 applies only to contracts for the sale of prescription drugs
6 entered into between a pharmacy and a wholesale drug
7 distributor or pharmacy benefit manager on or after the
8 effective date of this amendatory Act of the 94th General
9 Assembly.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".