



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1459

Introduced 2/21/2007, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

215 ILCS 5/512-4.5 new
225 ILCS 85/15.7 new
225 ILCS 120/53 new

Amends the Third Party Prescription Programs Article of the Insurance Code, the Pharmacy Practice Act of 1987, and the Wholesale Drug Distribution Licensing Act. Prohibits the licensure, transference, use, or sale of any records relative to prescription information containing patient-identifiable or prescriber-identifiable data by any licensee or registrant of the Acts for commercial purposes.

LRB095 11171 RAS 31540 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation, which may be known as the
2 Prescription Data Privacy Act.

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

5 Section 5. The Illinois Insurance Code is amended by adding
6 Section 512-4.5 as follows:

7 (215 ILCS 5/512-4.5 new)

8 Sec. 512-4.5. License, transfer, use, and sale of
9 prescription information prohibited.

10 (a) In this Section, "commercial purpose" includes,
11 without limitation, advertising, marketing, promotion, or any
12 activity that could be used to (i) influence sales or market
13 share of a pharmaceutical product, (ii) influence or evaluate
14 the prescribing behavior of an individual health care
15 professional, or (iii) evaluate the effectiveness of a
16 professional pharmaceutical sales force.

17 (b) Records relative to prescription information
18 containing patient-identifiable or prescriber-identifiable
19 data may not be licensed, transferred, used, or sold by any
20 registrant under this Act for any commercial purpose, except
21 for any of the following limited purposes:

22 (1) Pharmacy reimbursement.

23 (2) Formulary compliance.

1 (3) Care management.

2 (4) Utilization review by a health care provider, the
3 patient's insurance provider, or the agent of either.

4 (5) Health care research.

5 (6) Any purpose otherwise provided by law.

6 (c) Nothing in this Section shall prohibit the dispensing
7 of prescription medications to a patient or to the patient's
8 authorized representative; the transmission of prescription
9 information between an authorized prescriber and a licensed
10 pharmacy; the transfer of prescription information between
11 licensed pharmacies; the transfer of prescription records that
12 may occur in the event a pharmacy ownership is changed or
13 transferred; or care management educational communications
14 provided to a patient about the patient's health condition,
15 adherence to a prescribed course of therapy, or other
16 information about the drug being dispensed, treatment options,
17 or clinical trials.

18 (d) Nothing in this Section shall prohibit the collection,
19 use, transfer, or sale of patient and prescriber de-identified
20 data by zip code, geographic region, or medical specialty for
21 commercial purposes.

22 Section 10. The Pharmacy Practice Act of 1987 is amended by
23 adding Section 15.7 as follows:

24 (225 ILCS 85/15.7 new)

1 Sec. 15.7. License, transfer, use, and sale of prescription
2 information prohibited.

3 (a) In this Section, "commercial purpose" includes,
4 without limitation, advertising, marketing, promotion, or any
5 activity that could be used to (i) influence sales or market
6 share of a pharmaceutical product, (ii) influence or evaluate
7 the prescribing behavior of an individual health care
8 professional, or (iii) evaluate the effectiveness of a
9 professional pharmaceutical sales force.

10 (b) Records relative to prescription information
11 containing patient-identifiable or prescriber-identifiable
12 data may not be licensed, transferred, used, or sold by any
13 licensee or registrant under this Act for any commercial
14 purpose, except for any of the following limited purposes:

15 (1) Pharmacy reimbursement.

16 (2) Formulary compliance.

17 (3) Care management.

18 (4) Utilization review by a health care provider, the
19 patient's insurance provider, or the agent of either.

20 (5) Health care research.

21 (6) Any purpose otherwise provided by law.

22 (c) Nothing in this Section shall prohibit the dispensing
23 of prescription medications to a patient or to the patient's
24 authorized representative; the transmission of prescription
25 information between an authorized prescriber and a licensed
26 pharmacy; the transfer of prescription information between

1 licensed pharmacies; the transfer of prescription records that
2 may occur in the event a pharmacy ownership is changed or
3 transferred; or care management educational communications
4 provided to a patient about the patient's health condition,
5 adherence to a prescribed course of therapy, or other
6 information about the drug being dispensed, treatment options,
7 or clinical trials.

8 (d) Nothing in this Section shall prohibit the collection,
9 use, transfer, or sale of patient and prescriber de-identified
10 data by zip code, geographic region, or medical specialty for
11 commercial purposes.

12 Section 15. The Wholesale Drug Distribution Licensing Act
13 is amended by adding Section 53 as follows:

14 (225 ILCS 120/53 new)

15 Sec. 53. License, transfer, use, and sale of prescription
16 information prohibited.

17 (a) In this Section, "commercial purpose" includes,
18 without limitation, advertising, marketing, promotion, or any
19 activity that could be used to (i) influence sales or market
20 share of a pharmaceutical product, (ii) influence or evaluate
21 the prescribing behavior of an individual health care
22 professional, or (iii) evaluate the effectiveness of a
23 professional pharmaceutical sales force.

24 (b) Records relative to prescription information

1 containing patient-identifiable or prescriber-identifiable
2 data may not be licensed, transferred, used, or sold by any
3 licensee under this Act for any commercial purpose, except for
4 any of the following limited purposes:

5 (1) Pharmacy reimbursement.

6 (2) Formulary compliance.

7 (3) Care management.

8 (4) Utilization review by a health care provider, the
9 patient's insurance provider, or the agent of either.

10 (5) Health care research.

11 (6) Any purpose otherwise provided by law.

12 (c) Nothing in this Section shall prohibit the dispensing
13 of prescription medications to a patient or to the patient's
14 authorized representative; the transmission of prescription
15 information between an authorized prescriber and a licensed
16 pharmacy; the transfer of prescription information between
17 licensed pharmacies; the transfer of prescription records that
18 may occur in the event a pharmacy ownership is changed or
19 transferred; or care management educational communications
20 provided to a patient about the patient's health condition,
21 adherence to a prescribed course of therapy, or other
22 information about the drug being dispensed, treatment options,
23 or clinical trials.

24 (d) Nothing in this Section shall prohibit the collection,
25 use, transfer, or sale of patient and prescriber de-identified
26 data by zip code, geographic region, or medical specialty for

1 commercial purposes.