

1 AN ACT concerning professional regulation.

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

4 Section 5. The Hospital Licensing Act is amended by
5 changing Section 3 as follows:

6 (210 ILCS 85/3) (from Ch. 111 1/2, par. 144)

7 Sec. 3. As used in this Act:

8 (A) "Hospital" means any institution, place, building, or
9 agency, public or private, whether organized for profit or not,
10 devoted primarily to the maintenance and operation of
11 facilities for the diagnosis and treatment or care of 2 or more
12 unrelated persons admitted for overnight stay or longer in
13 order to obtain medical, including obstetric, psychiatric and
14 nursing, care of illness, disease, injury, infirmity, or
15 deformity.

16 The term "hospital", without regard to length of stay,
17 shall also include:

18 (a) any facility which is devoted primarily to
19 providing psychiatric and related services and programs
20 for the diagnosis and treatment or care of 2 or more
21 unrelated persons suffering from emotional or nervous
22 diseases;

23 (b) all places where pregnant females are received,

1 cared for, or treated during delivery irrespective of the
2 number of patients received.

3 The term "hospital" includes general and specialized
4 hospitals, tuberculosis sanitarium, mental or psychiatric
5 hospitals and sanitarium, and includes maternity homes,
6 lying-in homes, and homes for unwed mothers in which care is
7 given during delivery.

8 The term "hospital" does not include:

9 (1) any person or institution required to be licensed
10 pursuant to the Nursing Home Care Act, as amended;

11 (2) hospitalization or care facilities maintained by
12 the State or any department or agency thereof, where such
13 department or agency has authority under law to establish
14 and enforce standards for the hospitalization or care
15 facilities under its management and control;

16 (3) hospitalization or care facilities maintained by
17 the federal government or agencies thereof;

18 (4) hospitalization or care facilities maintained by
19 any university or college established under the laws of
20 this State and supported principally by public funds raised
21 by taxation;

22 (5) any person or facility required to be licensed
23 pursuant to the Alcoholism and Other Drug Abuse and
24 Dependency Act;

25 (6) any facility operated solely by and for persons who
26 rely exclusively upon treatment by spiritual means through

1 prayer, in accordance with the creed or tenets of any
2 well-recognized church or religious denomination; ~~or~~

3 (7) an ~~An~~ Alzheimer's disease management center
4 alternative health care model licensed under the
5 Alternative Health Care Delivery Act; or ~~or~~

6 (8) any veterinary hospital or clinic operated by a
7 veterinarian or veterinarians licensed under the
8 Veterinary Medicine and Surgery Practice Act of 2004 or
9 maintained by a State-supported or publicly funded
10 university or college.

11 (B) "Person" means the State, and any political subdivision
12 or municipal corporation, individual, firm, partnership,
13 corporation, company, association, or joint stock association,
14 or the legal successor thereof.

15 (C) "Department" means the Department of Public Health of
16 the State of Illinois.

17 (D) "Director" means the Director of Public Health of the
18 State of Illinois.

19 (E) "Perinatal" means the period of time between the
20 conception of an infant and the end of the first month after
21 birth.

22 (F) "Federally designated organ procurement agency" means
23 the organ procurement agency designated by the Secretary of the
24 U.S. Department of Health and Human Services for the service
25 area in which a hospital is located; except that in the case of
26 a hospital located in a county adjacent to Wisconsin which

1 currently contracts with an organ procurement agency located in
2 Wisconsin that is not the organ procurement agency designated
3 by the U.S. Secretary of Health and Human Services for the
4 service area in which the hospital is located, if the hospital
5 applies for a waiver pursuant to 42 USC 1320b-8(a), it may
6 designate an organ procurement agency located in Wisconsin to
7 be thereafter deemed its federally designated organ
8 procurement agency for the purposes of this Act.

9 (G) "Tissue bank" means any facility or program operating
10 in Illinois that is certified by the American Association of
11 Tissue Banks or the Eye Bank Association of America and is
12 involved in procuring, furnishing, donating, or distributing
13 corneas, bones, or other human tissue for the purpose of
14 injecting, transfusing, or transplanting any of them into the
15 human body. "Tissue bank" does not include a licensed blood
16 bank. For the purposes of this Act, "tissue" does not include
17 organs.

18 (Source: P.A. 91-838, eff. 6-16-00.)

19 Section 10. The Pharmacy Practice Act is amended by
20 changing Section 15 as follows:

21 (225 ILCS 85/15) (from Ch. 111, par. 4135)

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

23 Sec. 15. Pharmacy requirements. It shall be unlawful for
24 the owner of any pharmacy, as defined in this Act, to operate

1 or conduct the same, or to allow the same to be operated or
2 conducted, unless:

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

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

11 (c) The pharmacy is licensed under this Act to conduct the
12 practice of pharmacy in any and all forms from the physical
13 address of the pharmacy's primary inventory where U.S. mail is
14 delivered. If a facility, company, or organization operates
15 multiple pharmacies from multiple physical addresses, a
16 separate pharmacy license is required for each different
17 physical address .

18 (d) The Department may allow a pharmacy that is not located
19 at the same location as its home pharmacy and at which pharmacy
20 services are provided during an emergency situation, as defined
21 by rule, to be operated as an emergency remote pharmacy. An
22 emergency remote pharmacy operating under this subsection (d)
23 shall operate under the license of the home pharmacy.

24 The Secretary ~~Director~~ may waive the requirement for a
25 pharmacist to be on duty at all times for State facilities not
26 treating human ailments. This waiver of the requirement remains

1 in effect until it is rescinded by the Secretary and the
2 Department provides written notice of the rescission to the
3 State facility.

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

16 The holder of any license or certificate of registration
17 shall conspicuously display it in the pharmacy in which he is
18 engaged in the practice of pharmacy. The pharmacist in charge
19 shall conspicuously display his name in such pharmacy. The
20 pharmacy license shall also be conspicuously displayed.

21 (Source: P.A. 94-84, eff. 6-28-05; 95-689, eff. 10-29-07.)

22 Section 15. The Illinois Controlled Substances Act is
23 amended by changing Section 302 as follows:

24 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

1 Sec. 302. (a) Every person who manufactures, distributes,
2 or dispenses any controlled substances, or engages in chemical
3 analysis, and instructional activities which utilize
4 controlled substances, or who purchases, stores, or
5 administers euthanasia drugs, within this State or who proposes
6 to engage in the manufacture, distribution, or dispensing of
7 any controlled substance, or to engage in chemical analysis,
8 and instructional activities which utilize controlled
9 substances, or to engage in purchasing, storing, or
10 administering euthanasia drugs, within this State, must obtain
11 a registration issued by the Department of Professional
12 Regulation in accordance with its rules. The rules shall
13 include, but not be limited to, setting the expiration date and
14 renewal period for each registration under this Act. The
15 Department, ~~and~~ any facility or service licensed by the
16 Department, and any veterinary hospital or clinic operated by a
17 veterinarian or veterinarians licensed under the Veterinary
18 Medicine and Surgery Practice Act of 2004 or maintained by a
19 State-supported or publicly funded university or college shall
20 be exempt from the regulation requirements of this Section.

21 (b) Persons registered by the Department of Professional
22 Regulation under this Act to manufacture, distribute, or
23 dispense controlled substances, or purchase, store, or
24 administer euthanasia drugs, may possess, manufacture,
25 distribute, or dispense those substances, or purchase, store,
26 or administer euthanasia drugs, to the extent authorized by

1 their registration and in conformity with the other provisions
2 of this Article.

3 (c) The following persons need not register and may
4 lawfully possess controlled substances under this Act:

5 (1) an agent or employee of any registered
6 manufacturer, distributor, or dispenser of any controlled
7 substance if he is acting in the usual course of his
8 employer's lawful business or employment;

9 (2) a common or contract carrier or warehouseman, or an
10 agent or employee thereof, whose possession of any
11 controlled substance is in the usual lawful course of such
12 business or employment;

13 (3) an ultimate user or a person in possession of any
14 controlled substance pursuant to a lawful prescription of a
15 practitioner or in lawful possession of a Schedule V
16 substance;

17 (4) officers and employees of this State or of the
18 United States while acting in the lawful course of their
19 official duties which requires possession of controlled
20 substances;

21 (5) a registered pharmacist who is employed in, or the
22 owner of, a pharmacy licensed under this Act and the
23 Federal Controlled Substances Act, at the licensed
24 location, or if he is acting in the usual course of his
25 lawful profession, business, or employment.

26 (d) A separate registration is required at each place of

1 business or professional practice where the applicant
2 manufactures, distributes, or dispenses controlled substances,
3 or purchases, stores, or administers euthanasia drugs. Persons
4 are required to obtain a separate registration for each place
5 of business or professional practice where controlled
6 substances are located or stored. A separate registration is
7 not required for every location at which a controlled substance
8 may be prescribed.

9 (e) The Department of Professional Regulation or the
10 Department of State Police may inspect the controlled premises,
11 as defined in Section 502 of this Act, of a registrant or
12 applicant for registration in accordance with this Act and the
13 rules promulgated hereunder and with regard to persons licensed
14 by the Department, in accordance with subsection (bb) of
15 Section 30-5 of the Alcoholism and Other Drug Abuse and
16 Dependency Act and the rules and regulations promulgated
17 thereunder.

18 (Source: P.A. 93-626, eff. 12-23-03.)

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