



Sen. Michael W. Frerichs

Filed: 3/4/2009

09600SB1443sam002

LRB096 08942 ASK 23034 a

1 AMENDMENT TO SENATE BILL 1443

2 AMENDMENT NO. _____. Amend Senate Bill 1443 by replacing
3 everything after the enacting clause with the following:

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,

1 shall also include:

2 (a) any facility which is devoted primarily to
3 providing psychiatric and related services and programs
4 for the diagnosis and treatment or care of 2 or more
5 unrelated persons suffering from emotional or nervous
6 diseases;

7 (b) all places where pregnant females are received,
8 cared for, or treated during delivery irrespective of the
9 number of patients received.

10 The term "hospital" includes general and specialized
11 hospitals, tuberculosis sanitarium, mental or psychiatric
12 hospitals and sanitarium, and includes maternity homes,
13 lying-in homes, and homes for unwed mothers in which care is
14 given during delivery.

15 The term "hospital" does not include:

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

18 (2) hospitalization or care facilities maintained by
19 the State or any department or agency thereof, where such
20 department or agency has authority under law to establish
21 and enforce standards for the hospitalization or care
22 facilities under its management and control;

23 (3) hospitalization or care facilities maintained by
24 the federal government or agencies thereof;

25 (4) hospitalization or care facilities, either animal
26 or human, maintained by any university or college

1 established under the laws of this State and supported
2 ~~principally~~ by public funds raised by taxation;

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

6 (6) any facility operated solely by and for persons who
7 rely exclusively upon treatment by spiritual means through
8 prayer, in accordance with the creed or tenets of any
9 well-recognized church or religious denomination; or

10 (7) An Alzheimer's disease management center
11 alternative health care model licensed under the
12 Alternative Health Care Delivery Act.

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

17 (C) "Department" means the Department of Public Health of
18 the State of Illinois.

19 (D) "Director" means the Director of Public Health of the
20 State of Illinois.

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

24 (F) "Federally designated organ procurement agency" means
25 the organ procurement agency designated by the Secretary of the
26 U.S. Department of Health and Human Services for the service

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

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

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

21 Section 10. The Pharmacy Practice Act is amended by
22 changing Section 15 as follows:

23 (225 ILCS 85/15) (from Ch. 111, par. 4135)

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

1 Sec. 15. Pharmacy requirements. It shall be unlawful for
2 the owner of any pharmacy, as defined in this Act, to operate
3 or conduct the same, or to allow the same to be operated or
4 conducted, unless:

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

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

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

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

26 The Secretary ~~Director~~ may waive the requirement for a

1 pharmacist to be on duty at all times for State facilities not
2 treating human ailments. This waiver of the requirement remains
3 in effect until it is rescinded by the Secretary and the
4 Department provides written notice of the rescission to the
5 State facility.

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

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

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

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

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

2 Sec. 302. (a) Every person who manufactures, distributes,
3 or dispenses any controlled substances, or engages in chemical
4 analysis, and instructional activities which utilize
5 controlled substances, or who purchases, stores, or
6 administers euthanasia drugs, within this State or who proposes
7 to engage in the manufacture, distribution, or dispensing of
8 any controlled substance, or to engage in chemical analysis,
9 and instructional activities which utilize controlled
10 substances, or to engage in purchasing, storing, or
11 administering euthanasia drugs, within this State, must obtain
12 a registration issued by the Department of Professional
13 Regulation in accordance with its rules. The rules shall
14 include, but not be limited to, setting the expiration date and
15 renewal period for each registration under this Act. The
16 Department, ~~and~~ any facility or service licensed by the
17 Department, and any animal hospitalization or care facility
18 that is maintained by any university or college established
19 under the laws of this State and supported by public funds
20 raised by taxation shall be exempt from the regulation
21 requirements of this Section.

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

1 distribute, or dispense those substances, or purchase, store,
2 or administer euthanasia drugs, to the extent authorized by
3 their registration and in conformity with the other provisions
4 of this Article.

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

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

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

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

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

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

1 lawful profession, business, or employment.

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

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."