

1 AN ACT concerning regulation.

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

4 Section 1. The Regulatory Sunset Act is amended by changing  
5 Section 4.23 and by adding Section 4.33 as follows:

6 (5 ILCS 80/4.23)

7 Sec. 4.23. Acts and Sections repealed on January 1, 2013.

8 The following Acts and Sections of Acts are repealed on January  
9 1, 2013:

10 The Dietetic and Nutrition Services Practice Act.

11 The Elevator Safety and Regulation Act.

12 The Fire Equipment Distributor and Employee Regulation Act  
13 of 2011.

14 The Funeral Directors and Embalmers Licensing Code.

15 The Naprapathic Practice Act.

16 The Professional Counselor and Clinical Professional  
17 Counselor Licensing Act.

18 ~~The Wholesale Drug Distribution Licensing Act.~~

19 Section 2.5 of the Illinois Plumbing License Law.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-1499, eff. 1-18-11.)

21 (5 ILCS 80/4.33 new)

22 Sec. 4.33. Act repealed on January 1, 2023. The following

1 Act is repealed on January 1, 2023:

2 The Wholesale Drug Distribution Licensing Act.

3 Section 5. The Wholesale Drug Distribution Licensing Act is  
4 amended by changing Sections 15, 20, 25, 26, 50, 55, and 59 and  
5 by adding Section 173 as follows:

6 (225 ILCS 120/15) (from Ch. 111, par. 8301-15)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 15. Definitions. As used in this Act:

9 "Authentication" means the affirmative verification,  
10 before any wholesale distribution of a prescription drug  
11 occurs, that each transaction listed on the pedigree has  
12 occurred.

13 "Authorized distributor of record" means a wholesale  
14 distributor with whom a manufacturer has established an ongoing  
15 relationship to distribute the manufacturer's prescription  
16 drug. An ongoing relationship is deemed to exist between a  
17 wholesale distributor and a manufacturer when the wholesale  
18 distributor, including any affiliated group of the wholesale  
19 distributor, as defined in Section 1504 of the Internal Revenue  
20 Code, complies with the following:

21 (1) The wholesale distributor has a written agreement  
22 currently in effect with the manufacturer evidencing the  
23 ongoing relationship; and

24 (2) The wholesale distributor is listed on the

1 manufacturer's current list of authorized distributors of  
2 record, which is updated by the manufacturer on no less  
3 than a monthly basis.

4 "Blood" means whole blood collected from a single donor and  
5 processed either for transfusion or further manufacturing.

6 "Blood component" means that part of blood separated by  
7 physical or mechanical means.

8 "Board" means the State Board of Pharmacy of the Department  
9 of Professional Regulation.

10 "Chain pharmacy warehouse" means a physical location for  
11 prescription drugs that acts as a central warehouse and  
12 performs intracompany sales or transfers of the drugs to a  
13 group of chain or mail order pharmacies that have the same  
14 common ownership and control. Notwithstanding any other  
15 provision of this Act, a chain pharmacy warehouse shall be  
16 considered part of the normal distribution channel.

17 "Co-licensed partner or product" means an instance where  
18 one or more parties have the right to engage in the  
19 manufacturing or marketing of a prescription drug, consistent  
20 with the FDA's implementation of the Prescription Drug  
21 Marketing Act.

22 "Department" means the Department of Financial and  
23 Professional Regulation.

24 "Drop shipment" means the sale of a prescription drug to a  
25 wholesale distributor by the manufacturer of the prescription  
26 drug or that manufacturer's co-licensed product partner, that

1 manufacturer's third party logistics provider, or that  
2 manufacturer's exclusive distributor or by an authorized  
3 distributor of record that purchased the product directly from  
4 the manufacturer or one of these entities whereby the wholesale  
5 distributor or chain pharmacy warehouse takes title but not  
6 physical possession of such prescription drug and the wholesale  
7 distributor invoices the pharmacy, chain pharmacy warehouse,  
8 or other person authorized by law to dispense or administer  
9 such drug to a patient and the pharmacy, chain pharmacy  
10 warehouse, or other authorized person receives delivery of the  
11 prescription drug directly from the manufacturer, that  
12 manufacturer's third party logistics provider, or that  
13 manufacturer's exclusive distributor or from an authorized  
14 distributor of record that purchased the product directly from  
15 the manufacturer or one of these entities.

16 "Drug sample" means a unit of a prescription drug that is  
17 not intended to be sold and is intended to promote the sale of  
18 the drug.

19 "Facility" means a facility of a wholesale distributor  
20 where prescription drugs are stored, handled, repackaged, or  
21 offered for sale.

22 "FDA" means the United States Food and Drug Administration.

23 "Manufacturer" means a person licensed or approved by the  
24 FDA to engage in the manufacture of drugs or devices,  
25 consistent with the definition of "manufacturer" set forth in  
26 the FDA's regulations and guidances implementing the

1 Prescription Drug Marketing Act.

2 "Manufacturer's exclusive distributor" means anyone who  
3 contracts with a manufacturer to provide or coordinate  
4 warehousing, distribution, or other services on behalf of a  
5 manufacturer and who takes title to that manufacturer's  
6 prescription drug, but who does not have general responsibility  
7 to direct the sale or disposition of the manufacturer's  
8 prescription drug. A manufacturer's exclusive distributor must  
9 be licensed as a wholesale distributor under this Act and, in  
10 order to be considered part of the normal distribution channel,  
11 must also be an authorized distributor of record.

12 "Normal distribution channel" means a chain of custody for  
13 a prescription drug that goes, directly or by drop shipment,  
14 from (i) a manufacturer of the prescription drug, (ii) that  
15 manufacturer to that manufacturer's co-licensed partner, (iii)  
16 that manufacturer to that manufacturer's third party logistics  
17 provider, or (iv) that manufacturer to that manufacturer's  
18 exclusive distributor to:

19 (1) a pharmacy or to other designated persons  
20 authorized by law to dispense or administer the drug to a  
21 patient;

22 (2) a wholesale distributor to a pharmacy or other  
23 designated persons authorized by law to dispense or  
24 administer the drug to a patient;

25 (3) a wholesale distributor to a chain pharmacy  
26 warehouse to that chain pharmacy warehouse's intracompany

1 pharmacy to a patient or other designated persons  
2 authorized by law to dispense or administer the drug to a  
3 patient;

4 (4) a chain pharmacy warehouse to the chain pharmacy  
5 warehouse's intracompany pharmacy or other designated  
6 persons authorized by law to dispense or administer the  
7 drug to the patient;

8 (5) an authorized distributor of record to one other  
9 authorized distributor of record to an office-based health  
10 care practitioner authorized by law to dispense or  
11 administer the drug to the patient; or

12 (6) an authorized distributor to a pharmacy or other  
13 persons licensed to dispense or administer the drug.

14 "Pedigree" means a document or electronic file containing  
15 information that records each wholesale distribution of any  
16 given prescription drug from the point of origin to the final  
17 wholesale distribution point of any given prescription drug.

18 "Person" means and includes a natural person, partnership,  
19 association, ~~or~~ corporation, or any other legal business  
20 entity.

21 "Pharmacy distributor" means any pharmacy licensed in this  
22 State or hospital pharmacy that is engaged in the delivery or  
23 distribution of prescription drugs either to any other pharmacy  
24 licensed in this State or to any other person or entity  
25 including, but not limited to, a wholesale drug distributor  
26 engaged in the delivery or distribution of prescription drugs

1 who is involved in the actual, constructive, or attempted  
2 transfer of a drug in this State to other than the ultimate  
3 consumer except as otherwise provided for by law.

4 "Prescription drug" means any human drug, including any  
5 biological product (except for blood and blood components  
6 intended for transfusion or biological products that are also  
7 medical devices), required by federal law or regulation to be  
8 dispensed only by a prescription, including finished dosage  
9 forms and bulk drug substances subject to Section 503 of the  
10 Federal Food, Drug and Cosmetic Act.

11 "Repackage" means repackaging or otherwise changing the  
12 container, wrapper, or labeling to further the distribution of  
13 a prescription drug, excluding that completed by the pharmacist  
14 responsible for dispensing the product to a patient.

15 "Secretary" means the Secretary of Financial and  
16 Professional Regulation.

17 "Third party logistics provider" means anyone who  
18 contracts with a prescription drug manufacturer to provide or  
19 coordinate warehousing, distribution, or other services on  
20 behalf of a manufacturer, but does not take title to the  
21 prescription drug or have general responsibility to direct the  
22 prescription drug's sale or disposition. A third party  
23 logistics provider must be licensed as a wholesale distributor  
24 under this Act and, in order to be considered part of the  
25 normal distribution channel, must also be an authorized  
26 distributor of record.

1 "Wholesale distribution" means the distribution of  
2 prescription drugs to persons other than a consumer or patient,  
3 but does not include any of the following:

4 (1) Intracompany sales of prescription drugs, meaning  
5 (i) any transaction or transfer between any division,  
6 subsidiary, parent, or affiliated or related company under  
7 the common ownership and control of a corporate entity or  
8 (ii) any transaction or transfer between co-licensees of a  
9 co-licensed product.

10 (2) The sale, purchase, distribution, trade, or  
11 transfer of a prescription drug or offer to sell, purchase,  
12 distribute, trade, or transfer a prescription drug for  
13 emergency medical reasons.

14 (3) The distribution of prescription drug samples by  
15 manufacturers' representatives.

16 (4) Drug returns, when conducted by a hospital, health  
17 care entity, or charitable institution in accordance with  
18 federal regulation.

19 (5) The sale of minimal quantities of prescription  
20 drugs by licensed ~~retail~~ pharmacies to licensed  
21 practitioners for office use or other licensed pharmacies.

22 (6) The sale, purchase, or trade of a drug, an offer to  
23 sell, purchase, or trade a drug, or the dispensing of a  
24 drug pursuant to a prescription.

25 (7) The sale, transfer, merger, or consolidation of all  
26 or part of the business of a pharmacy or pharmacies from or



1 with another pharmacy or pharmacies, whether accomplished  
2 as a purchase and sale of stock or business assets.

3 (8) The sale, purchase, distribution, trade, or  
4 transfer of a prescription drug from one authorized  
5 distributor of record to one additional authorized  
6 distributor of record when the manufacturer has stated in  
7 writing to the receiving authorized distributor of record  
8 that the manufacturer is unable to supply the prescription  
9 drug and the supplying authorized distributor of record  
10 states in writing that the prescription drug being supplied  
11 had until that time been exclusively in the normal  
12 distribution channel.

13 (9) The delivery of or the offer to deliver a  
14 prescription drug by a common carrier solely in the common  
15 carrier's usual course of business of transporting  
16 prescription drugs when the common carrier does not store,  
17 warehouse, or take legal ownership of the prescription  
18 drug.

19 (10) The sale or transfer from a retail pharmacy, mail  
20 order pharmacy, or chain pharmacy warehouse of expired,  
21 damaged, returned, or recalled prescription drugs to the  
22 original manufacturer, the originating wholesale  
23 distributor, or a third party returns processor.

24 "Wholesale drug distributor" means anyone engaged in the  
25 wholesale distribution of prescription drugs into, out of, or  
26 within the State, including without limitation manufacturers;

1 repackers; own label distributors; jobbers; private label  
2 distributors; brokers; warehouses, including manufacturers'  
3 and distributors' warehouses; manufacturer's exclusive  
4 distributors; and authorized distributors of record; drug  
5 wholesalers or distributors; independent wholesale drug  
6 traders; specialty wholesale distributors; third party  
7 logistics providers; and retail pharmacies that conduct  
8 wholesale distribution; and chain pharmacy warehouses that  
9 conduct wholesale distribution. In order to be considered part  
10 of the normal distribution channel, a wholesale distributor  
11 must also be an authorized distributor of record.

12 (Source: P.A. 95-689, eff. 10-29-07.)

13 (225 ILCS 120/20) (from Ch. 111, par. 8301-20)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 20. Prohibited drug purchases or receipt. It shall be  
16 unlawful for any person or entity located in this State to  
17 knowingly ~~purchase or~~ receive any prescription drug from any  
18 source other than a person or entity required by the laws of  
19 this State to be licensed to ship into, out of, or within this  
20 State licensed under the laws of this State or the state of  
21 ~~domicile except where otherwise provided~~. A person or entity  
22 licensed under the laws of this State shall include, but is not  
23 limited to, a wholesale distributor, manufacturer, pharmacy  
24 distributor, or pharmacy. Any person violating this Section  
25 shall, upon conviction, be adjudged guilty of a Class C

1 misdemeanor. A second violation shall constitute a Class 4  
2 felony.

3 (Source: P.A. 87-594.)

4 (225 ILCS 120/25) (from Ch. 111, par. 8301-25)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 25. Wholesale drug distributor licensing  
7 requirements.

8 (a) Every resident wholesale distributor who engages in the  
9 wholesale distribution of prescription drugs must be licensed  
10 by the Department, and every non-resident wholesale  
11 distributor must be licensed in this State if it ships  
12 prescription drugs into this State, in accordance with this  
13 Act, before engaging in wholesale distributions of wholesale  
14 prescription drugs.

15 (b) The Department shall require without limitation all of  
16 the following information from each applicant for licensure  
17 under this Act:

18 (1) The name, full business address, and telephone  
19 number of the licensee.

20 (2) All trade or business names used by the licensee.

21 (3) Addresses, telephone numbers, and the names of  
22 contact persons for all facilities used by the licensee for  
23 the storage, handling, and distribution of prescription  
24 drugs.

25 (4) The type of ownership or operation, such as a

1 partnership, corporation, or sole proprietorship.

2 (5) The name of the owner or operator of the wholesale  
3 distributor, including:

4 (A) if a natural person, the name of the natural  
5 person;

6 (B) if a partnership, the name of each partner and  
7 the name of the partnership;

8 (C) if a corporation, the name and title of each  
9 corporate officer and director, the corporate names,  
10 and the name of the state of incorporation; and

11 (D) if a sole proprietorship, the full name of the  
12 sole proprietor and the name of the business entity.

13 (6) A list of all licenses and permits issued to the  
14 applicant by any other state that authorizes the applicant  
15 to purchase or possess prescription drugs.

16 (7) The name of the designated representative for the  
17 wholesale distributor, together with the personal  
18 information statement and fingerprints, as required under  
19 subsection (c) of this Section.

20 (8) Minimum liability insurance and other insurance as  
21 defined by rule.

22 (9) Any additional information required by the  
23 Department.

24 (c) Each wholesale distributor must designate an  
25 individual representative who shall serve as the contact person  
26 for the Department. This representative must provide the

1 Department with all of the following information:

2 (1) Information concerning whether the person has been  
3 enjoined, either temporarily or permanently, by a court of  
4 competent jurisdiction from violating any federal or State  
5 law regulating the possession, control, or distribution of  
6 prescription drugs or criminal violations, together with  
7 details concerning any such event.

8 (2) A description of any involvement by the person with  
9 any business, including any investments, other than the  
10 ownership of stock in a publicly traded company or mutual  
11 fund which manufactured, administered, prescribed,  
12 distributed, or stored pharmaceutical products and any  
13 lawsuits in which such businesses were named as a party.

14 (3) A description of any misdemeanor or felony criminal  
15 offense of which the person, as an adult, was found guilty,  
16 regardless of whether adjudication of guilt was withheld or  
17 whether the person pled guilty or nolo contendere. If the  
18 person indicates that a criminal conviction is under appeal  
19 and submits a copy of the notice of appeal of that criminal  
20 offense, the applicant must, within 15 days after the  
21 disposition of the appeal, submit to the Department a copy  
22 of the final written order of disposition.

23 (4) The designated representative of an applicant for  
24 licensure as a wholesale drug distributor shall have his or  
25 her fingerprints submitted to the Department of State  
26 Police in an electronic format that complies with the form

1 and manner for requesting and furnishing criminal history  
2 record information as prescribed by the Department of State  
3 Police. These fingerprints shall be checked against the  
4 Department of State Police and Federal Bureau of  
5 Investigation criminal history record databases now and  
6 hereafter filed. The Department of State Police shall  
7 charge applicants a fee for conducting the criminal history  
8 records check, which shall be deposited into the State  
9 Police Services Fund and shall not exceed the actual cost  
10 of the records check. The Department of State Police shall  
11 furnish, pursuant to positive identification, records of  
12 Illinois convictions to the Department. The Department may  
13 require applicants to pay a separate fingerprinting fee,  
14 either to the Department or to a vendor. The Department, in  
15 its discretion, may allow an applicant who does not have  
16 reasonable access to a designated vendor to provide his or  
17 her fingerprints in an alternative manner. The Department  
18 may adopt any rules necessary to implement this Section.

19 The designated representative of a licensee shall  
20 receive and complete continuing training in applicable  
21 federal and State laws governing the wholesale  
22 distribution of prescription drugs.

23 (d) The Department may not issue a wholesale distributor  
24 license to an applicant, unless the Department first:

25 (1) ensures that a physical inspection of the facility  
26 satisfactory to the Department has occurred at the address

1 provided by the applicant, as required under item (1) of  
2 subsection (b) of this Section; and

3 (2) determines that the designated representative  
4 meets each of the following qualifications:

5 (A) He or she is at least 21 years of age.

6 (B) He or she has been employed full-time for at  
7 least 3 years in a pharmacy or with a wholesale  
8 distributor in a capacity related to the dispensing and  
9 distribution of, and recordkeeping relating to,  
10 prescription drugs.

11 (C) He or she is employed by the applicant full  
12 time in a managerial level position.

13 (D) He or she is actively involved in and aware of  
14 the actual daily operation of the wholesale  
15 distributor.

16 (E) He or she is physically present at the facility  
17 of the applicant during regular business hours, except  
18 when the absence of the designated representative is  
19 authorized, including without limitation sick leave  
20 and vacation leave.

21 (F) He or she is serving in the capacity of a  
22 designated representative for only one applicant at a  
23 time, except where more than one licensed wholesale  
24 distributor is co-located in the same facility and such  
25 wholesale distributors are members of an affiliated  
26 group, as defined in Section 1504 of the Internal

1 Revenue Code.

2 (e) If a wholesale distributor distributes prescription  
3 drugs from more than one facility, the wholesale distributor  
4 shall obtain a license for each facility.

5 (f) The information provided under this Section may not be  
6 disclosed to any person or entity other than the Department or  
7 another government entity in need of such information for  
8 licensing or monitoring purposes.

9 (Source: P.A. 94-942, eff. 1-1-07; 95-689, eff. 10-29-07.)

10 (225 ILCS 120/26)

11 (Section scheduled to be repealed on January 1, 2013)

12 Sec. 26. Unlicensed practice; violation; civil penalty.

13 (a) Any person who practices, offers to practice, attempts  
14 to practice, or holds oneself out to practice as a wholesale  
15 drug distributor or pharmacy distributor without being  
16 licensed to ship into, out of, or within the State under this  
17 Act shall, in addition to any other penalty provided by law,  
18 pay a civil penalty to the Department in an amount not to  
19 exceed \$10,000 ~~\$5,000~~ for each offense as determined by the  
20 Department. The civil penalty shall be assessed by the  
21 Department after a hearing is held in accordance with the  
22 provisions set forth in this Act regarding the provision of a  
23 hearing for the discipline of a licensee.

24 (b) The Department has the authority and power to  
25 investigate any and all unlicensed activity.



1 (c) The civil penalty shall be paid within 60 days after  
2 the effective date of the order imposing the civil penalty. The  
3 order shall constitute a judgment and may be filed and  
4 execution had thereon in the same manner as any judgment from  
5 any court of record.

6 (Source: P.A. 89-474, eff. 6-18-96.)

7 (225 ILCS 120/50) (from Ch. 111, par. 8301-50)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 50. Inspection powers; access to records.

10 (a) Any pharmacy investigator authorized by the Department  
11 has the right of entry for inspection during normal business  
12 hours of premises purporting or appearing to be used by a  
13 wholesale drug distributor in this State, including the  
14 business premises of a person licensed pursuant to this Act.  
15 This right of entry shall permit the authorized pharmacy  
16 investigator unfettered access to the entire business  
17 premises. Any attempt to hinder an authorized pharmacy  
18 investigator from inspecting the business premises and  
19 documenting the inspection shall be a violation of this Act.

20 The duly authorized investigators shall be required to show  
21 appropriate identification before being given access to a  
22 wholesale drug distributor's premises and delivery vehicles.  
23 ~~Any wholesale drug distributor providing adequate~~  
24 ~~documentation of the most recent satisfactory inspection less~~  
25 ~~than 3 years old of the distributor's wholesale drug~~

1 ~~distribution activities and facilities by either the U.S. FDA,~~  
2 ~~a State agency, or any person or entity lawfully designated by~~  
3 ~~a State agency to perform an inspection determined to be~~  
4 ~~comparable by the Department shall be exempt from further~~  
5 ~~inspection for a period of time to be determined by the~~  
6 ~~Department. The exemption shall not bar the Department from~~  
7 ~~initiating an investigation of a public or governmental~~  
8 ~~complaint received by the Department regarding a wholesale drug~~  
9 ~~distributor. Wholesale drug distributors shall be given an~~  
10 ~~opportunity to correct minor violations determined by these~~  
11 ~~investigations.~~

12 (b) With the exception of the most recent 12 months of  
13 records that must be kept on the premises where the drugs are  
14 stored, wholesale ~~Wholesale~~ drug distributors may keep records  
15 regarding purchase and sales transactions electronically at a  
16 central location apart from the principal office of the  
17 wholesale drug distributor or the location at which the drugs  
18 were stored and from which they were shipped, provided that the  
19 records shall be made readily available for inspection within 2  
20 working days of a request by the Department. The records may be  
21 kept in any form permissible under federal law applicable to  
22 prescription drugs record keeping.

23 (c) (Blank).

24 (Source: P.A. 94-942, eff. 1-1-07.)

25 (225 ILCS 120/55) (from Ch. 111, par. 8301-55)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 55. Discipline; grounds.

3 (a) The Department may refuse to issue, restore, or renew,  
4 or may revoke, suspend, place on probation, reprimand or take  
5 other disciplinary or non-disciplinary action as the  
6 Department may deem appropriate, including imposing fines not  
7 to exceed \$10,000 for each violation, with regard to any  
8 applicant or licensee or any officer, director, manager, or  
9 shareholder who owns 5% or more interest in the business that  
10 holds the license ~~proper~~ for any one or a combination of the  
11 following reasons:

12 (1) Violation of this Act or of the ~~its~~ rules adopted  
13 under this Act.

14 (2) Aiding or assisting another person in violating any  
15 provision of this Act or the ~~its~~ rules adopted under this  
16 Act.

17 (3) Failing, within 60 days, to provide information in  
18 response ~~respond~~ to a written requirement made by the  
19 Department ~~for information.~~

20 (4) Engaging in dishonorable, unethical, or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud, or harm the public. This includes violations of  
23 "good faith" as defined by the Illinois Controlled  
24 Substances Act and applies to all prescription drugs.

25 (5) Discipline by another U.S. jurisdiction or foreign  
26 nation, if at least one of the grounds for the discipline

1 is the same or substantially equivalent to those set forth  
2 in this Act.

3 (6) Selling or engaging in the sale of drug samples  
4 provided at no cost by drug manufacturers.

5 (7) Conviction by ~~of or entry of a~~ plea of guilty or  
6 nolo contendere, finding of guilt, jury verdict, or entry  
7 of judgment or by sentencing of any crime, including, but  
8 not limited to, convictions, preceding sentences of  
9 supervision, conditional discharge, or first offender  
10 probation, under the laws of any jurisdiction of the United  
11 States (i) by the applicant or licensee, or any officer,  
12 director, manager or shareholder who owns more than 5% of  
13 stock, to any crime under the laws of the United States or  
14 any state or territory of the United States that is a  
15 felony or (ii) a misdemeanor, of which an essential element  
16 of which is dishonesty, or ~~any crime~~ that is directly  
17 related to the practice of this profession.

18 (8) Habitual or excessive use or addiction to alcohol,  
19 narcotics, stimulants, or any other chemical agent or drug  
20 by the designated representative, as provided for in item  
21 (7) of subsection (b) of Section 25 of this Act, any  
22 officer, or director that results in the inability to  
23 function with reasonable judgment, skill, or safety.

24 ~~(b) The Department may refuse to issue, restore, or renew,~~  
25 ~~or may revoke, suspend, place on probation, reprimand or take~~  
26 ~~other disciplinary action as the Department may deem property~~

1 ~~including fines not to exceed \$10,000 per offense for any of~~  
2 ~~the following reasons:~~

3 (9) ~~(1)~~ Material misstatement in furnishing  
4 information to the Department.

5 ~~(2) Making any misrepresentation for the purpose of~~  
6 ~~obtaining a license.~~

7 (10) ~~(3)~~ A finding by the Department that the licensee,  
8 after having his or her license placed on probationary  
9 status, has violated the terms of probation.

10 (11) Fraud or misrepresentation in applying for, or  
11 procuring, a license under this Act or in connection with  
12 applying for renewal of a license under this Act. ~~(4) A~~  
13 ~~finding that licensure or registration has been applied for~~  
14 ~~or obtained by fraudulent means.~~

15 (12) ~~(5)~~ Willfully making or filing false records or  
16 reports.

17 (13) ~~(6)~~ A finding of a substantial discrepancy in a  
18 Department audit of a prescription drug, including a  
19 controlled substance as that term is defined in this Act or  
20 in the Illinois Controlled Substances Act.

21 (14) Falsifying a pedigree or selling, distributing,  
22 transferring, manufacturing, repackaging, handling, or  
23 holding a counterfeit prescription drug intended for human  
24 use.

25 (15) Interfering with a Department investigation.

26 (16) Failing to adequately secure controlled

1 substances or other prescription drugs from diversion.

2 (17) Acquiring or distributing prescription drugs not  
3 obtained from a source licensed by the Department.

4 (18) Failing to properly store drugs.

5 (19) Failing to maintain the licensed premises with  
6 proper storage and security controls.

7 (b) ~~(e)~~ The Department may refuse to issue or may suspend  
8 the license or registration of any person who fails to file a  
9 return, or to pay the tax, penalty or interest shown in a filed  
10 return, or to pay any final assessment of tax, penalty or  
11 interest, as required by any tax Act administered by the  
12 Illinois Department of Revenue, until the time the requirements  
13 of the tax Act are satisfied.

14 (c) ~~(d)~~ The Department shall revoke the license or  
15 certificate of registration issued under this Act or any prior  
16 Act of this State of any person who has been convicted a second  
17 time of committing any felony under the Illinois Controlled  
18 Substances Act or the Methamphetamine Control and Community  
19 Protection Act or who has been convicted a second time of  
20 committing a Class 1 felony under Sections 8A-3 and 8A-6 of the  
21 Illinois Public Aid Code. A person whose license or certificate  
22 of registration issued under this Act or any prior Act of this  
23 State is revoked under this subsection (b) ~~(e)~~ shall be  
24 prohibited from engaging in the practice of pharmacy in this  
25 State.

26 (Source: P.A. 94-556, eff. 9-11-05; 95-689, eff. 10-29-07;

1 revised 11-18-11.)

2 (225 ILCS 120/59)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 59. Injunctive action; cease and desist order.

5 ~~Enforcement; order to cease distribution of a drug.~~

6 (a) If any person violates the provisions of this Act, the  
7 Secretary, in the name of the People of the State of Illinois,  
8 through the Attorney General or the State's Attorney of the  
9 county where the violation is alleged to have occurred, may  
10 petition for an order enjoining the violation or for an order  
11 enforcing compliance with this Act. Upon the filing of a  
12 verified petition, the court with appropriate jurisdiction may  
13 issue a temporary restraining order, without notice or bond,  
14 and may preliminarily and permanently enjoin the violation. If  
15 it is established that the person has violated or is violating  
16 the injunction, then the court may punish the offender for  
17 contempt of court. Proceedings under this Section are in  
18 addition to, and not in lieu of, all other remedies and  
19 penalties provided by this Act. ~~The Department shall issue an~~  
20 ~~order requiring the appropriate person, including the~~  
21 ~~distributors or retailers of a drug, to immediately cease~~  
22 ~~distribution of the drug within this State, if the Department~~  
23 ~~finds that there is a reasonable probability that:~~

24 ~~(1) a wholesale distributor has (i) violated a~~  
25 ~~provision in this Act or (ii) falsified a pedigree or sold,~~

1 ~~distributed, transferred, manufactured, repackaged,~~  
2 ~~handled, or held a counterfeit prescription drug intended~~  
3 ~~for human use;~~

4 ~~(2) the prescription drug at issue, as a result of a~~  
5 ~~violation in paragraph (1) of this subsection (a), could~~  
6 ~~cause serious, adverse health consequences or death; and~~

7 ~~(3) other procedures would result in unreasonable~~  
8 ~~delay.~~

9 (b) Whenever, in the opinion of the Department, a person  
10 violates any provision of this Act, the Department may issue a  
11 rule to show cause why an order to cease and desist shall not  
12 be entered against that person. The rule shall clearly set  
13 forth the grounds relied upon by the Department and shall allow  
14 a person at least 7 days after the date of the rule to file an  
15 answer satisfactory to the Department. Failure to answer to the  
16 satisfaction of the Department shall cause an order to cease  
17 and desist to be issued. An order issued under this Section  
18 shall provide the person subject to the order with an  
19 opportunity for an informal hearing, to be held not later than  
20 10 days after the date of the issuance of the order, on the  
21 actions required by the order. If, after providing an  
22 opportunity for a hearing, the Department determines that  
23 inadequate grounds exist to support the actions required by the  
24 order, the Department shall vacate the order.

25 (Source: P.A. 95-689, eff. 10-29-07.)



1 (225 ILCS 120/173 new)

2 Sec. 173. Confidentiality. All information collected by  
3 the Department in the course of an examination or investigation  
4 of a licensee or applicant, including, but not limited to, any  
5 complaint against a licensee filed with the Department and  
6 information collected to investigate any such complaint, shall  
7 be maintained for the confidential use of the Department and  
8 shall not be disclosed. The Department may not disclose the  
9 information to anyone other than law enforcement officials,  
10 other regulatory agencies that have an appropriate regulatory  
11 interest as determined by the Secretary, or a party presenting  
12 a lawful subpoena to the Department. Information and documents  
13 disclosed to a federal, State, county, or local law enforcement  
14 agency shall not be disclosed by the agency for any purpose to  
15 any other agency or person. A formal complaint filed against a  
16 licensee by the Department or any order issued by the  
17 Department against a licensee or applicant shall be a public  
18 record, except as otherwise prohibited by law.

19 Section 99. Effective date. This Act takes effect on  
20 January 1, 2013.

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2	Statutes amended in order of appearance	
3	5 ILCS 80/4.23	
4	5 ILCS 80/4.33 new	
5	225 ILCS 120/15	from Ch. 111, par. 8301-15
6	225 ILCS 120/20	from Ch. 111, par. 8301-20
7	225 ILCS 120/25	from Ch. 111, par. 8301-25
8	225 ILCS 120/26	
9	225 ILCS 120/50	from Ch. 111, par. 8301-50
10	225 ILCS 120/55	from Ch. 111, par. 8301-55
11	225 ILCS 120/59	
12	225 ILCS 120/173 new	