

1 AN ACT concerning public health.

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

4 Section 5. The Wholesale Drug Distribution Licensing Act is
5 amended by adding Section 200 as follows:

6 (225 ILCS 120/200 new)

7 Sec. 200. Drugs in shortage.

8 (a) For the purpose of this Section, "drug in shortage"
9 means a drug listed on the drug shortage list maintained by the
10 U.S. Food and Drug Administration in accordance with Section
11 356e of the federal Food, Drug, and Cosmetic Act.

12 (b) Any person engaged in the wholesale distribution of a
13 drug in shortage must be licensed by the Department. This
14 subsection (b) shall not apply to entities within the normal
15 distribution channel as defined under Section 15 of this Act.

16 (c) It is unlawful for any person, other than those
17 licensed as a manufacturer, a manufacturer's exclusive
18 distributor, or an authorized distributor of record, to
19 purchase or receive a drug in shortage from any person not
20 licensed by the Department. This subsection (c) does not apply
21 to the return of drugs.

22 (d) A person found to have violated a provision of this
23 Section shall be subject to administrative fines, orders for

1 restitution, and orders for disgorgement.

2 (e) The Department shall create a centralized, searchable
3 database of those entities licensed to sell or distribute a
4 drug in shortage, including manufacturers, wholesale
5 distributors, and pharmacy distributors, to enable purchasers
6 of a drug in shortage to easily verify the licensing status of
7 an entity offering such drugs.

8 (f) The Department shall establish a system for reporting
9 the suspected instances of unscrupulous conduct by
10 distributors of a drug in shortage. Reports made through this
11 system shall be referred to the Office of the Attorney General
12 for further investigation and prosecution.

13 (g) The Department shall adopt rules to carry out the
14 provisions of this Section.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.