



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1343

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

210 ILCS 150/17

225 ILCS 85/15

from Ch. 111, par. 4135

Amends the Safe Pharmaceutical Disposal Act and the Pharmacy Practice Act. Provides that a retail pharmacy licensed under the Pharmacy Practice Act may display at its premises a container suitable for use as a receptacle for used, expired, or unwanted pharmaceuticals, with the same security, accessibility, and signage requirements as in effect for such containers located at a city hall or police department. Provides that the pharmacy may not dispense any prescription drug in exchange or in return for any pharmaceuticals deposited into the container but may dispense prescription drugs only pursuant to a prescription as otherwise authorized under the Pharmacy Practice Act. Effective January 1, 2014.

LRB098 07758 DRJ 37837 b

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 5. The Safe Pharmaceutical Disposal Act is amended
5 by changing Section 17 as follows:

6 (210 ILCS 150/17)

7 Sec. 17. Pharmaceutical disposal.

8 (a) Notwithstanding any provision of law, any city,
9 village, or municipality may authorize the use of its city hall
10 or police department to display a container suitable for use as
11 a receptacle for used, expired, or unwanted pharmaceuticals.
12 These used, expired, or unwanted pharmaceuticals may include
13 unused medication and prescription drugs. This receptacle
14 shall only permit the deposit of items, and the contents shall
15 be locked and secured. The container shall be accessible to the
16 public and shall have posted clearly legible signage indicating
17 that expired or unwanted prescription drugs may be disposed of
18 in the receptacle.

19 (b) Notwithstanding any other provision of law, any retail
20 pharmacy licensed under the Pharmacy Practice Act may display
21 at its premises a container suitable for use as a receptacle
22 for used, expired, or unwanted pharmaceuticals. These used,
23 expired, or unwanted pharmaceuticals may include unused

1 medication and prescription drugs. This receptacle shall only
2 permit the deposit of items, and the contents shall be locked
3 and secured. The container shall be accessible to the public
4 and shall have posted clearly legible signage indicating that
5 expired or unwanted prescription drugs may be disposed of in
6 the receptacle.

7 (Source: P.A. 97-546, eff. 1-1-12.)

8 Section 10. The Pharmacy Practice Act is amended by
9 changing Section 15 as follows:

10 (225 ILCS 85/15) (from Ch. 111, par. 4135)

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

12 Sec. 15. Pharmacy requirements.

13 (1) It shall be unlawful for the owner of any pharmacy, as
14 defined in this Act, to operate or conduct the same, or to
15 allow the same to be operated or conducted, unless:

16 (a) It has a licensed pharmacist, authorized to
17 practice pharmacy in this State under the provisions of
18 this Act, on duty whenever the practice of pharmacy is
19 conducted;

20 (b) Security provisions for all drugs and devices, as
21 determined by rule of the Department, are provided during
22 the absence from the licensed pharmacy of all licensed
23 pharmacists. Maintenance of security provisions is the
24 responsibility of the licensed pharmacist in charge; and

1 (c) The pharmacy is licensed under this Act to conduct
2 the practice of pharmacy in any and all forms from the
3 physical address of the pharmacy's primary inventory where
4 U.S. mail is delivered. If a facility, company, or
5 organization operates multiple pharmacies from multiple
6 physical addresses, a separate pharmacy license is
7 required for each different physical address.

8 (2) The Department may allow a pharmacy that is not located
9 at the same location as its home pharmacy and at which pharmacy
10 services are provided during an emergency situation, as defined
11 by rule, to be operated as an emergency remote pharmacy. An
12 emergency remote pharmacy operating under this subsection (2)
13 shall operate under the license of the home pharmacy.

14 (3) The Secretary may waive the requirement for a
15 pharmacist to be on duty at all times for State facilities not
16 treating human ailments. This waiver of the requirement remains
17 in effect until it is rescinded by the Secretary and the
18 Department provides written notice of the rescission to the
19 State facility.

20 (4) It shall be unlawful for any person, who is not a
21 licensed pharmacy or health care facility, to purport to be
22 such or to use in name, title, or sign designating, or in
23 connection with that place of business, any of the words:
24 "pharmacy", "pharmacist", "pharmacy department", "apothecary",
25 "druggist", "drug", "drugs", "medicines", "medicine store",
26 "drug sundries", "prescriptions filled", or any list of words

1 indicating that drugs are compounded or sold to the lay public,
2 or prescriptions are dispensed therein. Each day during which,
3 or a part which, such representation is made or appears or such
4 a sign is allowed to remain upon or in such a place of business
5 shall constitute a separate offense under this Act.

6 (5) The holder of any license or certificate of
7 registration shall conspicuously display it in the pharmacy in
8 which he is engaged in the practice of pharmacy. The pharmacist
9 in charge shall conspicuously display his name in such
10 pharmacy. The pharmacy license shall also be conspicuously
11 displayed.

12 (6) A retail pharmacy licensed under this Act may display
13 at its premises a container suitable for use as a receptacle
14 for used, expired, or unwanted pharmaceuticals as authorized
15 under Section 17 of the Safe Pharmaceutical Disposal Act. The
16 pharmacy may not dispense any prescription drug in exchange or
17 in return for any pharmaceuticals deposited into the container
18 but may dispense prescription drugs only pursuant to a
19 prescription as otherwise authorized under this Act.

20 (Source: P.A. 95-689, eff. 10-29-07; 96-219, eff. 8-10-09;
21 96-1000, eff. 7-2-10.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2014.