

HB1638



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1638

Introduced 1/28/2025, by Rep. Amy L. Grant

SYNOPSIS AS INTRODUCED:

720 ILCS 570/312

from Ch. 56 1/2, par. 1312

Amends the Illinois Controlled Substances Act. Provides that any person, other than the person for whom a Schedule II controlled substance is prescribed, who receives the prescribed Schedule II controlled substance at a pharmacy shall provide: (1) identifying information of the person for whom the controlled substance is prescribed; and (2) photo identification given to the pharmacy, which shall keep a photo copy in the file of the person for whom the controlled substance is prescribed for a period of 90 days.

LRB104 07471 RLC 17513 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 312 as follows:

6 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

7 Sec. 312. Requirements for dispensing controlled
8 substances.

9 (a) A practitioner, in good faith, may dispense a Schedule
10 II controlled substance, which is a narcotic drug listed in
11 Section 206 of this Act; or which contains any quantity of
12 amphetamine or methamphetamine, their salts, optical isomers
13 or salts of optical isomers; phenmetrazine and its salts; or
14 pentazocine; and Schedule III, IV, or V controlled substances
15 to any person upon a written or electronic prescription of any
16 prescriber, dated and signed by the person prescribing (or
17 electronically validated in compliance with Section 311.5) on
18 the day when issued and bearing the name and address of the
19 patient for whom, or the owner of the animal for which the
20 controlled substance is dispensed, and the full name, address
21 and registry number under the laws of the United States
22 relating to controlled substances of the prescriber, if he or
23 she is required by those laws to be registered. If the

1 prescription is for an animal it shall state the species of
2 animal for which it is ordered. The practitioner filling the
3 prescription shall, unless otherwise permitted, write the date
4 of filling and his or her own signature on the face of the
5 written prescription or, alternatively, shall indicate such
6 filling using a unique identifier as defined in paragraph (v)
7 of Section 3 of the Pharmacy Practice Act. The written
8 prescription shall be retained on file by the practitioner who
9 filled it or pharmacy in which the prescription was filled for
10 a period of 2 years, so as to be readily accessible for
11 inspection or removal by any officer or employee engaged in
12 the enforcement of this Act. Whenever the practitioner's or
13 pharmacy's copy of any prescription is removed by an officer
14 or employee engaged in the enforcement of this Act, for the
15 purpose of investigation or as evidence, such officer or
16 employee shall give to the practitioner or pharmacy a receipt
17 in lieu thereof. If the specific prescription is machine or
18 computer generated and printed at the prescriber's office, the
19 date does not need to be handwritten. A prescription for a
20 Schedule II controlled substance shall not be issued for more
21 than a 30 day supply, except as provided in subsection (a-5),
22 and shall be valid for up to 90 days after the date of
23 issuance. A written prescription for Schedule III, IV or V
24 controlled substances shall not be filled or refilled more
25 than 6 months after the date thereof or refilled more than 5
26 times unless renewed, in writing, by the prescriber. A

1 pharmacy shall maintain a policy regarding the type of
2 identification necessary, if any, to receive a prescription in
3 accordance with State and federal law. The pharmacy must post
4 such information where prescriptions are filled.

5 (a-5) Physicians may issue multiple prescriptions (3
6 sequential 30-day supplies) for the same Schedule II
7 controlled substance, authorizing up to a 90-day supply.
8 Before authorizing a 90-day supply of a Schedule II controlled
9 substance, the physician must meet the following conditions:

10 (1) Each separate prescription must be issued for a
11 legitimate medical purpose by an individual physician
12 acting in the usual course of professional practice.

13 (2) The individual physician must provide written
14 instructions on each prescription (other than the first
15 prescription, if the prescribing physician intends for the
16 prescription to be filled immediately) indicating the
17 earliest date on which a pharmacy may fill that
18 prescription.

19 (3) The physician shall document in the medical record
20 of a patient the medical necessity for the amount and
21 duration of the 3 sequential 30-day prescriptions for
22 Schedule II narcotics.

23 (a-10) Prescribers who issue a prescription for an opioid
24 shall inform the patient that opioids are addictive and that
25 opioid antagonists are available by prescription or from a
26 pharmacy.

1 (b) In lieu of a written prescription required by this
2 Section, a pharmacist, in good faith, may dispense Schedule
3 III, IV, or V substances to any person either upon receiving a
4 facsimile of a written, signed prescription transmitted by the
5 prescriber or the prescriber's agent or upon a lawful oral
6 prescription of a prescriber which oral prescription shall be
7 reduced promptly to writing by the pharmacist and such written
8 memorandum thereof shall be dated on the day when such oral
9 prescription is received by the pharmacist and shall bear the
10 full name and address of the ultimate user for whom, or of the
11 owner of the animal for which the controlled substance is
12 dispensed, and the full name, address, and registry number
13 under the law of the United States relating to controlled
14 substances of the prescriber prescribing if he or she is
15 required by those laws to be so registered, and the pharmacist
16 filling such oral prescription shall write the date of filling
17 and his or her own signature on the face of such written
18 memorandum thereof. The facsimile copy of the prescription or
19 written memorandum of the oral prescription shall be retained
20 on file by the proprietor of the pharmacy in which it is filled
21 for a period of not less than two years, so as to be readily
22 accessible for inspection by any officer or employee engaged
23 in the enforcement of this Act in the same manner as a written
24 prescription. The facsimile copy of the prescription or oral
25 prescription and the written memorandum thereof shall not be
26 filled or refilled more than 6 months after the date thereof or

1 be refilled more than 5 times, unless renewed, in writing, by
2 the prescriber.

3 (c) Except for any non-prescription targeted
4 methamphetamine precursor regulated by the Methamphetamine
5 Precursor Control Act, a controlled substance included in
6 Schedule V shall not be distributed or dispensed other than
7 for a medical purpose and not for the purpose of evading this
8 Act, and then:

9 (1) only personally by a person registered to dispense
10 a Schedule V controlled substance and then only to his or
11 her patients, or

12 (2) only personally by a pharmacist, and then only to
13 a person over 21 years of age who has identified himself or
14 herself to the pharmacist by means of 2 positive documents
15 of identification.

16 The dispenser shall record the name and address of the
17 purchaser, the name and quantity of the product, the date and
18 time of the sale, and the dispenser's signature.

19 No person shall purchase or be dispensed more than 120
20 milliliters or more than 120 grams of any Schedule V substance
21 which contains codeine, dihydrocodeine, or any salts thereof,
22 or ethylmorphine, or any salts thereof, in any 96-hour period.
23 The purchaser shall sign a form, approved by the Department of
24 Financial and Professional Regulation, attesting that he or
25 she has not purchased any Schedule V controlled substances
26 within the immediately preceding 96 hours.

1 All records of purchases and sales shall be maintained for
2 not less than 2 years.

3 No person shall obtain or attempt to obtain within any
4 consecutive 96-hour period any Schedule V substances of more
5 than 120 milliliters or more than 120 grams containing
6 codeine, dihydrocodeine or any of its salts, or ethylmorphine
7 or any of its salts. Any person obtaining any such
8 preparations or combination of preparations in excess of this
9 limitation shall be in unlawful possession of such controlled
10 substance.

11 A person qualified to dispense controlled substances under
12 this Act and registered thereunder shall at no time maintain
13 or keep in stock a quantity of Schedule V controlled
14 substances in excess of 4.5 liters for each substance; a
15 pharmacy shall at no time maintain or keep in stock a quantity
16 of Schedule V controlled substances as defined in excess of
17 4.5 liters for each substance, plus the additional quantity of
18 controlled substances necessary to fill the largest number of
19 prescription orders filled by that pharmacy for such
20 controlled substances in any one week in the previous year.
21 These limitations shall not apply to Schedule V controlled
22 substances which Federal law prohibits from being dispensed
23 without a prescription.

24 No person shall distribute or dispense butyl nitrite for
25 inhalation or other introduction into the human body for
26 euphoric or physical effect.

1 (d) Every practitioner shall keep a record or log of
2 controlled substances received by him or her and a record of
3 all such controlled substances administered, dispensed or
4 professionally used by him or her otherwise than by
5 prescription. It shall, however, be sufficient compliance with
6 this paragraph if any practitioner utilizing controlled
7 substances listed in Schedules III, IV and V shall keep a
8 record of all those substances dispensed and distributed by
9 him or her other than those controlled substances which are
10 administered by the direct application of a controlled
11 substance, whether by injection, inhalation, ingestion, or any
12 other means to the body of a patient or research subject. A
13 practitioner who dispenses, other than by administering, a
14 controlled substance in Schedule II, which is a narcotic drug
15 listed in Section 206 of this Act, or which contains any
16 quantity of amphetamine or methamphetamine, their salts,
17 optical isomers or salts of optical isomers, pentazocine, or
18 methaqualone shall do so only upon the issuance of a written
19 prescription blank or electronic prescription issued by a
20 prescriber.

21 (d-1) Any person, other than the person for whom a
22 Schedule II controlled substance is prescribed, who receives
23 the prescribed Schedule II controlled substance at a pharmacy
24 shall provide:

25 (1) identifying information of the person for whom the
26 controlled substance is prescribed; and

1 (2) photo identification given to the pharmacy, which
2 shall keep a photo copy in the file of the person for whom
3 the controlled substance is prescribed for a period of 90
4 days.

5 (e) Whenever a manufacturer distributes a controlled
6 substance in a package prepared by him or her, and whenever a
7 wholesale distributor distributes a controlled substance in a
8 package prepared by him or her or the manufacturer, he or she
9 shall securely affix to each package in which that substance
10 is contained a label showing in legible English the name and
11 address of the manufacturer, the distributor and the quantity,
12 kind and form of controlled substance contained therein. No
13 person except a pharmacist and only for the purposes of
14 filling a prescription under this Act, shall alter, deface or
15 remove any label so affixed.

16 (f) Whenever a practitioner dispenses any controlled
17 substance except a non-prescription Schedule V product or a
18 non-prescription targeted methamphetamine precursor regulated
19 by the Methamphetamine Precursor Control Act, he or she shall
20 affix to the container in which such substance is sold or
21 dispensed, a label indicating the date of initial filling, the
22 practitioner's name and address, the name of the patient, the
23 name of the prescriber, the directions for use and cautionary
24 statements, if any, contained in any prescription or required
25 by law, the proprietary name or names or the established name
26 of the controlled substance, and the dosage and quantity,

1 except as otherwise authorized by regulation by the Department
2 of Financial and Professional Regulation. No person shall
3 alter, deface or remove any label so affixed as long as the
4 specific medication remains in the container.

5 (g) A person to whom or for whose use any controlled
6 substance has been prescribed or dispensed by a practitioner,
7 or other persons authorized under this Act, and the owner of
8 any animal for which such substance has been prescribed or
9 dispensed by a veterinarian, may lawfully possess such
10 substance only in the container in which it was delivered to
11 him or her by the person dispensing such substance.

12 (h) The responsibility for the proper prescribing or
13 dispensing of controlled substances that are under the
14 prescriber's direct control is upon the prescriber. The
15 responsibility for the proper filling of a prescription for
16 controlled substance drugs rests with the pharmacist. An order
17 purporting to be a prescription issued to any individual,
18 which is not in the regular course of professional treatment
19 nor part of an authorized methadone maintenance program, nor
20 in legitimate and authorized research instituted by any
21 accredited hospital, educational institution, charitable
22 foundation, or federal, state or local governmental agency,
23 and which is intended to provide that individual with
24 controlled substances sufficient to maintain that individual's
25 or any other individual's, habitual or customary use,
26 dependence, or diversion of that controlled substance is not a

1 prescription within the meaning and intent of this Act; and
2 the person issuing it, shall be subject to the penalties
3 provided for violations of the law relating to controlled
4 substances.

5 (i) A prescriber shall not pre-print or cause to be
6 pre-printed a prescription for any controlled substance; nor
7 shall any practitioner issue, fill or cause to be issued or
8 filled, a pre-printed prescription for any controlled
9 substance.

10 (i-5) A prescriber may use a machine or electronic device
11 to individually generate a printed prescription, but the
12 prescriber is still required to affix his or her manual
13 signature.

14 (j) No person shall manufacture, dispense, deliver,
15 possess with intent to deliver, prescribe, or administer or
16 cause to be administered under his or her direction any
17 anabolic steroid, for any use in humans other than the
18 treatment of disease in accordance with the order of a
19 physician licensed to practice medicine in all its branches
20 for a valid medical purpose in the course of professional
21 practice. The use of anabolic steroids for the purpose of
22 hormonal manipulation that is intended to increase muscle
23 mass, strength or weight without a medical necessity to do so,
24 or for the intended purpose of improving physical appearance
25 or performance in any form of exercise, sport, or game, is not
26 a valid medical purpose or in the course of professional

1 practice.

2 (k) Controlled substances may be mailed if all of the
3 following conditions are met:

4 (1) The controlled substances are not outwardly
5 dangerous and are not likely, of their own force, to cause
6 injury to a person's life or health.

7 (2) The inner container of a parcel containing
8 controlled substances must be marked and sealed as
9 required under this Act and its rules, and be placed in a
10 plain outer container or securely wrapped in plain paper.

11 (3) If the controlled substances consist of
12 prescription medicines, the inner container must be
13 labeled to show the name and address of the pharmacy or
14 practitioner dispensing the prescription.

15 (4) The outside wrapper or container must be free of
16 markings that would indicate the nature of the contents.

17 (l) Notwithstanding any other provision of this Act to the
18 contrary, emergency medical services personnel may administer
19 Schedule II, III, IV, or V controlled substances to a person in
20 the scope of their employment without a written, electronic,
21 or oral prescription of a prescriber.

22 (Source: P.A. 102-1040, eff. 1-1-23; 103-154, eff. 6-30-23;
23 103-881, eff. 1-1-25.)