



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB3849**

Introduced 2/18/2025, by Rep. Nicolle Grasse

#### SYNOPSIS AS INTRODUCED:

225 ILCS 85/16b  
720 ILCS 570/302

from Ch. 56 1/2, par. 1302

Amends the Pharmacy Practice Act and the Illinois Controlled Substances Act. Provides that any authorized employee (instead of an advanced practice registered nurse, practical nurse, registered nurse, or physician) of an organization that provides hospice services to a hospice patient or that provides home health services to a person may receive a patient's prescription orders, including controlled substances, and deliver the prescription orders to the patient.

LRB104 08874 AAS 18929 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 Pharmacy Practice Act is amended by  
5 changing Section 16b as follows:

6 (225 ILCS 85/16b)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 16b. Prescription pick up and drop off. Nothing  
9 contained in this Act shall prohibit a pharmacist or pharmacy,  
10 by means of its employee or by use of a common carrier or the  
11 U.S. mail, at the request of the patient, from picking up  
12 prescription orders from the prescriber or delivering  
13 prescription drugs to the patient or the patient's agent,  
14 including any authorized employee of an organization that an  
15 ~~advanced practice registered nurse, practical nurse, or~~  
16 ~~registered nurse licensed under the Nurse Practice Act, or a~~  
17 ~~physician assistant licensed under the Physician Assistant~~  
18 ~~Practice Act of 1987, who~~ provides hospice services to a  
19 hospice patient or that who provides home health services to a  
20 person, at the residence or place of employment of the person  
21 for whom the prescription was issued or at the hospital or  
22 medical care facility in which the patient is confined.  
23 Conversely, the patient or patient's agent may drop off

1 prescriptions at a designated area. In this Section, "home  
2 health services" has the meaning ascribed to it in the Home  
3 Health, Home Services, and Home Nursing Agency Licensing Act;  
4 and "hospice patient" and "hospice services" have the meanings  
5 ascribed to them in the Hospice Program Licensing Act.

6 (Source: P.A. 99-163, eff. 1-1-16; 100-513, eff. 1-1-18.)

7 Section 10. The Illinois Controlled Substances Act is  
8 amended by changing Section 302 as follows:

9 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

10 Sec. 302. (a) Every person who manufactures, distributes,  
11 or dispenses any controlled substances; engages in chemical  
12 analysis, research, or instructional activities which utilize  
13 controlled substances; purchases, stores, or administers  
14 euthanasia drugs, within this State; provides canine odor  
15 detection services; proposes to engage in the manufacture,  
16 distribution, or dispensing of any controlled substance;  
17 proposes to engage in chemical analysis, research, or  
18 instructional activities which utilize controlled substances;  
19 proposes to engage in purchasing, storing, or administering  
20 euthanasia drugs; or proposes to provide canine odor detection  
21 services within this State, must obtain a registration issued  
22 by the Department of Financial and Professional Regulation in  
23 accordance with its rules. The rules shall include, but not be  
24 limited to, setting the expiration date and renewal period for

1 each registration under this Act. The Department, any facility  
2 or service licensed by the Department, and any veterinary  
3 hospital or clinic operated by a veterinarian or veterinarians  
4 licensed under the Veterinary Medicine and Surgery Practice  
5 Act of 2004 or maintained by a State-supported or publicly  
6 funded university or college shall be exempt from the  
7 regulation requirements of this Section; however, such  
8 exemption shall not operate to bar the University of Illinois  
9 from requesting, nor the Department of Financial and  
10 Professional Regulation from issuing, a registration to the  
11 University of Illinois Veterinary Teaching Hospital under this  
12 Act. Neither a request for such registration nor the issuance  
13 of such registration to the University of Illinois shall  
14 operate to otherwise waive or modify the exemption provided in  
15 this subsection (a).

16 (b) Persons registered by the Department of Financial and  
17 Professional Regulation under this Act to manufacture,  
18 distribute, or dispense controlled substances, engage in  
19 chemical analysis, research, or instructional activities which  
20 utilize controlled substances, purchase, store, or administer  
21 euthanasia drugs, or provide canine odor detection services,  
22 may possess, manufacture, distribute, engage in chemical  
23 analysis, research, or instructional activities which utilize  
24 controlled substances, dispense those substances, or purchase,  
25 store, or administer euthanasia drugs, or provide canine odor  
26 detection services to the extent authorized by their

1 registration and in conformity with the other provisions of  
2 this Article.

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

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

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

13 (3) an ultimate user or a person in possession of a  
14 controlled substance prescribed for the ultimate user  
15 under a lawful prescription of a practitioner, including  
16 any authorized employee of an organization that ~~an~~  
17 ~~advanced practice registered nurse, practical nurse, or~~  
18 ~~registered nurse licensed under the Nurse Practice Act, or~~  
19 ~~a physician assistant licensed under the Physician~~  
20 ~~Assistant Practice Act of 1987, who~~ provides hospice  
21 services to a hospice patient or that ~~who~~ provides home  
22 health services to a person, or a person in possession of  
23 any controlled substance pursuant to a lawful prescription  
24 of a practitioner or in lawful possession of a Schedule V  
25 substance. In this Section, "home health services" has the  
26 meaning ascribed to it in the Home Health, Home Services,

1 and Home Nursing Agency Licensing Act; and "hospice  
2 patient" and "hospice services" have the meanings ascribed  
3 to them in the Hospice Program Licensing Act;

4 (4) officers and employees of this State or of the  
5 United States while acting in the lawful course of their  
6 official duties which requires possession of controlled  
7 substances;

8 (5) a registered pharmacist who is employed in, or the  
9 owner of, a pharmacy licensed under this Act and the  
10 Federal Controlled Substances Act, at the licensed  
11 location, or if he or she is acting in the usual course of  
12 his or her lawful profession, business, or employment;

13 (6) a holder of a temporary license issued under  
14 Section 17 of the Medical Practice Act of 1987 practicing  
15 within the scope of that license and in compliance with  
16 the rules adopted under this Act. In addition to  
17 possessing controlled substances, a temporary license  
18 holder may order, administer, and prescribe controlled  
19 substances when acting within the scope of his or her  
20 license and in compliance with the rules adopted under  
21 this Act.

22 (d) A separate registration is required at each place of  
23 business or professional practice where the applicant  
24 manufactures, distributes, or dispenses controlled substances,  
25 or purchases, stores, or administers euthanasia drugs. Persons  
26 are required to obtain a separate registration for each place

1 of business or professional practice where controlled  
2 substances are located or stored. A separate registration is  
3 not required for every location at which a controlled  
4 substance may be prescribed.

5 (e) The Department of Financial and Professional  
6 Regulation or the Illinois State Police may inspect the  
7 controlled premises, as defined in Section 502 of this Act, of  
8 a registrant or applicant for registration in accordance with  
9 this Act and the rules promulgated hereunder and with regard  
10 to persons licensed by the Department, in accordance with  
11 subsection (bb) of Section 30-5 of the Substance Use Disorder  
12 Act and the rules and regulations promulgated thereunder.

13 (Source: P.A. 99-163, eff. 1-1-16; 99-247, eff. 8-3-15;  
14 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; 100-759, eff.  
15 1-1-19.)