



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4655

Introduced 2/3/2026, by Rep. William E Hauter

SYNOPSIS AS INTRODUCED:

225 ILCS 85/4
225 ILCS 85/30

from Ch. 111, par. 4124
from Ch. 111, par. 4150

Amends the Pharmacy Practice Act. In provisions exempting the practice of specified professionals and their prescribing of such drugs, medicines, or poisons as may seem appropriate to the professionals, provides that this exemption is without regard to whether such drugs, medicines, or poisons are not typically prescribed by such licensed individuals or by licensed individuals in a same or similar specialty or are self-prescribed, with the exception of controlled substances. Provides that a licensee does not act in good faith when the licensee refuses to compound, fill, or dispense prescriptions of physicians licensed to practice medicine in all its branches solely because the prescriptions are not typically issued by that physician or by physicians in the same or similar specialty or are self-prescribed, with the exception of controlled substances. Provides that it is a violation of specified provisions for any prescriber or dispenser to adopt a contrary policy. Effective immediately.

LRB104 19521 BAB 32969 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 Sections 4 and 30 as follows:

6 (225 ILCS 85/4) (from Ch. 111, par. 4124)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 4. Exemptions. Nothing contained in any Section of
9 this Act shall apply to, or in any manner interfere with:

10 (a) the lawful practice of any physician licensed to
11 practice medicine in all of its branches, dentist,
12 podiatric physician, veterinarian, or therapeutically or
13 diagnostically certified optometrist within the limits of
14 his or her license, or prevent him or her from supplying to
15 his or her bona fide patients such drugs, medicines, or
16 poisons as may seem to him appropriate, regardless of
17 whether such drugs, medicines, or poisons are not
18 typically prescribed by such licensed individuals or by
19 licensed individuals in a same or similar specialty or are
20 self-prescribed, with the exception of controlled
21 substances;

22 (b) the sale of compressed gases;

23 (c) the sale of patent or proprietary medicines and

1 household remedies when sold in original and unbroken
2 packages only, if such patent or proprietary medicines and
3 household remedies be properly and adequately labeled as
4 to content and usage and generally considered and accepted
5 as harmless and nonpoisonous when used according to the
6 directions on the label, and also do not contain opium or
7 coca leaves, or any compound, salt or derivative thereof,
8 or any drug which, according to the latest editions of the
9 following authoritative pharmaceutical treatises and
10 standards, namely, The United States
11 Pharmacopoeia/National Formulary (USP/NF), the United
12 States Dispensatory, and the Accepted Dental Remedies of
13 the Council of Dental Therapeutics of the American Dental
14 Association or any or either of them, in use on the
15 effective date of this Act, or according to the existing
16 provisions of the Federal Food, Drug, and Cosmetic Act and
17 Regulations of the Department of Health and Human
18 Services, Food and Drug Administration, promulgated
19 thereunder now in effect, is designated, described or
20 considered as a narcotic, hypnotic, habit forming,
21 dangerous, or poisonous drug;

22 (d) the sale of poultry and livestock remedies in
23 original and unbroken packages only, labeled for poultry
24 and livestock medication;

25 (e) the sale of poisonous substances or mixture of
26 poisonous substances, in unbroken packages, for

1 nonmedicinal use in the arts or industries or for
2 insecticide purposes; provided, they are properly and
3 adequately labeled as to content and such nonmedicinal
4 usage, in conformity with the provisions of all applicable
5 federal, state and local laws and regulations promulgated
6 thereunder now in effect relating thereto and governing
7 the same, and those which are required under such
8 applicable laws and regulations to be labeled with the
9 word "Poison", are also labeled with the word "Poison"
10 printed thereon in prominent type and the name of a
11 readily obtainable antidote with directions for its
12 administration;

13 (f) the delegation of limited prescriptive authority
14 by a physician licensed to practice medicine in all its
15 branches to a physician assistant under Section 7.5 of the
16 Physician Assistant Practice Act of 1987. This delegated
17 authority under Section 7.5 of the Physician Assistant
18 Practice Act of 1987 may, but is not required to, include
19 prescription of controlled substances, as defined in
20 Article II of the Illinois Controlled Substances Act, in
21 accordance with a written supervision agreement;

22 (g) the delegation of prescriptive authority by a
23 physician licensed to practice medicine in all its
24 branches or a licensed podiatric physician to an advanced
25 practice registered nurse in accordance with a written
26 collaborative agreement under Sections 65-35 and 65-40 of

1 the Nurse Practice Act;

2 (g-5) the donation or acceptance, or the packaging,
3 repackaging, or labeling, of drugs to the extent permitted
4 under the Illinois Drug Reuse Opportunity Program Act; and

5 (h) the sale or distribution of dialysate or devices
6 necessary to perform home peritoneal renal dialysis for
7 patients with end-stage renal disease, provided that all
8 of the following conditions are met:

9 (1) the dialysate, comprised of dextrose or
10 icodextrin, or devices are approved or cleared by the
11 federal Food and Drug Administration, as required by
12 federal law;

13 (2) the dialysate or devices are lawfully held by
14 a manufacturer or the manufacturer's agent, which is
15 properly registered with the Board as a manufacturer,
16 third-party logistics provider, or wholesaler;

17 (3) the dialysate or devices are held and
18 delivered to the manufacturer or the manufacturer's
19 agent in the original, sealed packaging from the
20 manufacturing facility;

21 (4) the dialysate or devices are delivered only
22 upon receipt of a physician's prescription by a
23 licensed pharmacy in which the prescription is
24 processed in accordance with provisions set forth in
25 this Act, and the transmittal of an order from the
26 licensed pharmacy to the manufacturer or the

1 manufacturer's agent; and

2 (5) the manufacturer or the manufacturer's agent
3 delivers the dialysate or devices directly to: (i) a
4 patient with end-stage renal disease, or his or her
5 designee, for the patient's self-administration of the
6 dialysis therapy or (ii) a health care provider or
7 institution for administration or delivery of the
8 dialysis therapy to a patient with end-stage renal
9 disease.

10 This paragraph (h) does not include any other drugs
11 for peritoneal dialysis, except dialysate, as described in
12 item (1) of this paragraph (h). All records of sales and
13 distribution of dialysate to patients made pursuant to
14 this paragraph (h) must be retained in accordance with
15 Section 18 of this Act. A student pharmacist or licensed
16 pharmacy technician engaged in remote prescription
17 processing under Section 25.10 of this Act at a licensed
18 pharmacy described in item (4) of this paragraph (h) shall
19 be permitted to access an employer pharmacy's database
20 from his or her home or other remote location while under
21 the supervision of a pharmacist for the purpose of
22 performing certain prescription processing functions,
23 provided that the pharmacy establishes controls to protect
24 the privacy and security of confidential records.

25 (Source: P.A. 101-420, eff. 8-16-19; 102-84, eff. 7-9-21;
26 102-389, eff. 1-1-22; 102-813, eff. 5-13-22.)

1 (225 ILCS 85/30) (from Ch. 111, par. 4150)

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

3 Sec. 30. Refusal, revocation, suspension, or other
4 discipline.

5 (a) The Department may refuse to issue or renew, or may
6 revoke a license, or may suspend, place on probation, fine, or
7 take any disciplinary or non-disciplinary action as the
8 Department may deem proper, including fines not to exceed
9 \$10,000 for each violation, with regard to any licensee for
10 any one or combination of the following causes:

11 1. Material misstatement in furnishing information to
12 the Department.

13 2. Violations of this Act, or the rules promulgated
14 hereunder.

15 3. Making any misrepresentation for the purpose of
16 obtaining licenses.

17 4. A pattern of conduct which demonstrates
18 incompetence or unfitness to practice.

19 5. Aiding or assisting another person in violating any
20 provision of this Act or rules.

21 6. Failing, within 60 days, to respond to a written
22 request made by the Department for information.

23 7. Engaging in unprofessional, dishonorable, or
24 unethical conduct of a character likely to deceive,
25 defraud, or harm the public as defined by rule.

1 8. Adverse action taken by another state or
2 jurisdiction against a license or other authorization to
3 practice as a pharmacy, pharmacist, registered certified
4 pharmacy technician, or registered pharmacy technician
5 that is the same or substantially equivalent to those set
6 forth in this Section, a certified copy of the record of
7 the action taken by the other state or jurisdiction being
8 prima facie evidence thereof.

9 9. Directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership, or association
11 any fee, commission, rebate, or other form of compensation
12 for any professional services not actually or personally
13 rendered. Nothing in this item 9 affects any bona fide
14 independent contractor or employment arrangements among
15 health care professionals, health facilities, health care
16 providers, or other entities, except as otherwise
17 prohibited by law. Any employment arrangements may include
18 provisions for compensation, health insurance, pension, or
19 other employment benefits for the provision of services
20 within the scope of the licensee's practice under this
21 Act. Nothing in this item 9 shall be construed to require
22 an employment arrangement to receive professional fees for
23 services rendered.

24 10. A finding by the Department that the licensee,
25 after having his license placed on probationary status,
26 has violated the terms of probation.

1 11. Selling or engaging in the sale of drug samples
2 provided at no cost by drug manufacturers.

3 12. Physical illness, including, but not limited to,
4 deterioration through the aging process, or loss of motor
5 skill which results in the inability to practice the
6 profession with reasonable judgment, skill or safety.

7 13. A finding that licensure or registration has been
8 applied for or obtained by fraudulent means.

9 14. Conviction by plea of guilty or nolo contendere,
10 finding of guilt, jury verdict, or entry of judgment or
11 sentencing, including, but not limited to, convictions,
12 preceding sentences of supervision, conditional discharge,
13 or first offender probation, under the laws of any
14 jurisdiction of the United States that is (i) a felony or
15 (ii) a misdemeanor, an essential element of which is
16 dishonesty, or that is directly related to the practice of
17 pharmacy or involves controlled substances.

18 15. Habitual or excessive use or addiction to alcohol,
19 narcotics, stimulants, or any other chemical agent or drug
20 which results in the inability to practice with reasonable
21 judgment, skill, or safety.

22 16. Willfully making or filing false records or
23 reports in the practice of pharmacy, including, but not
24 limited to, false records to support claims against the
25 medical assistance program of the Department of Healthcare
26 and Family Services (formerly Department of Public Aid)

1 under the Public Aid Code.

2 17. Gross and willful overcharging for professional
3 services including filing false statements for collection
4 of fees for which services are not rendered, including,
5 but not limited to, filing false statements for collection
6 of monies for services not rendered from the medical
7 assistance program of the Department of Healthcare and
8 Family Services (formerly Department of Public Aid) under
9 the Public Aid Code.

10 18. Dispensing prescription drugs without receiving a
11 written or oral prescription in violation of law.

12 19. Upon a finding of a substantial discrepancy in a
13 Department audit of a prescription drug, including
14 controlled substances, as that term is defined in this Act
15 or in the Illinois Controlled Substances Act.

16 20. Physical or mental illness or any other impairment
17 or disability, including, without limitation: (A)
18 deterioration through the aging process or loss of motor
19 skills that results in the inability to practice with
20 reasonable judgment, skill, or safety; or (B) mental
21 incompetence, as declared by a court of competent
22 jurisdiction.

23 21. Violation of the Health Care Worker Self-Referral
24 Act.

25 22. Failing to sell or dispense any drug, medicine, or
26 poison in good faith. "Good faith", for the purposes of

1 this Section, has the meaning ascribed to it in subsection
2 (u) of Section 102 of the Illinois Controlled Substances
3 Act. "Good faith", as used in this item (22), shall not be
4 limited to the sale or dispensing of controlled
5 substances, but shall apply to all prescription drugs. A
6 licensee does not act in good faith when the licensee
7 refuses to compound, fill, or dispense prescriptions of
8 physicians licensed to practice medicine in all its
9 branches solely because the prescriptions are not
10 typically issued by that physician or by a physician in
11 the same or similar specialty or are self-prescribed, with
12 the exception of controlled substances. It shall be a
13 violation of this Section for any prescriber or dispenser
14 to adopt a policy contrary to this Section.

15 23. Interfering with the professional judgment of a
16 pharmacist by any licensee under this Act, or the
17 licensee's agents or employees.

18 24. Failing to report within 60 days to the Department
19 any adverse final action taken against a pharmacy,
20 pharmacist, registered pharmacy technician, or registered
21 certified pharmacy technician by another licensing
22 jurisdiction in any other state or any territory of the
23 United States or any foreign jurisdiction, any
24 governmental agency, any law enforcement agency, or any
25 court for acts or conduct similar to acts or conduct that
26 would constitute grounds for discipline as defined in this

1 Section.

2 25. Failing to comply with a subpoena issued in
3 accordance with Section 35.5 of this Act.

4 26. Disclosing protected health information in
5 violation of any State or federal law.

6 27. Willfully failing to report an instance of
7 suspected abuse, neglect, financial exploitation, or
8 self-neglect of an eligible adult as defined in and
9 required by the Adult Protective Services Act.

10 28. Being named as an abuser in a verified report by
11 the Department on Aging under the Adult Protective
12 Services Act, and upon proof by clear and convincing
13 evidence that the licensee abused, neglected, or
14 financially exploited an eligible adult as defined in the
15 Adult Protective Services Act.

16 29. Using advertisements or making solicitations that
17 may jeopardize the health, safety, or welfare of patients,
18 including, but not limited to, the use of advertisements
19 or solicitations that:

20 (A) are false, fraudulent, deceptive, or
21 misleading; or

22 (B) include any claim regarding a professional
23 service or product or the cost or price thereof that
24 cannot be substantiated by the licensee.

25 30. Requiring a pharmacist to participate in the use
26 or distribution of advertisements or in making

1 solicitations that may jeopardize the health, safety, or
2 welfare of patients.

3 31. Failing to provide a working environment for all
4 pharmacy personnel that protects the health, safety, and
5 welfare of a patient, which includes, but is not limited
6 to, failing to:

7 (A) employ sufficient personnel to prevent
8 fatigue, distraction, or other conditions that
9 interfere with a pharmacist's ability to practice with
10 competency and safety or creates an environment that
11 jeopardizes patient care;

12 (B) provide appropriate opportunities for
13 uninterrupted rest periods and meal breaks;

14 (C) provide adequate time for a pharmacist to
15 complete professional duties and responsibilities,
16 including, but not limited to:

17 (i) drug utilization review;

18 (ii) immunization;

19 (iii) counseling;

20 (iv) verification of the accuracy of a
21 prescription; and

22 (v) all other duties and responsibilities of a
23 pharmacist as listed in the rules of the
24 Department.

25 32. Introducing or enforcing external factors, such as
26 productivity or production quotas or other programs

1 against pharmacists, student pharmacists or pharmacy
2 technicians, to the extent that they interfere with the
3 ability of those individuals to provide appropriate
4 professional services to the public.

5 33. Providing an incentive for or inducing the
6 transfer of a prescription for a patient absent a
7 professional rationale.

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

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

25 (c-5) The Department shall not revoke, suspend, summarily
26 suspend, place on prohibition, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary
2 action against a person's authorization to practice under this
3 Act based solely upon the person providing, authorizing,
4 recommending, aiding, assisting, referring for, or otherwise
5 participating in any health care service, so long as the care
6 was not unlawful under the laws of this State, regardless of
7 whether the patient was a resident of this State or another
8 state.

9 (c-10) The Department shall not revoke, suspend, summarily
10 suspend, place on prohibition, reprimand, refuse to issue or
11 renew, or take any other disciplinary or non-disciplinary
12 action against a person's authorization to practice under this
13 Act based upon the person's license, registration, or permit
14 being revoked or suspended, or the person being otherwise
15 disciplined, by any other state if that revocation,
16 suspension, or other form of discipline was based solely on
17 the person violating another state's laws prohibiting the
18 provision of, authorization of, recommendation of, aiding or
19 assisting in, referring for, or participation in any health
20 care service if that health care service as provided would not
21 have been unlawful under the laws of this State and is
22 consistent with the applicable standard of conduct for a
23 person practicing in Illinois under this Act.

24 (c-15) The conduct specified in subsections (c-5) and
25 (c-10) shall not constitute grounds for suspension under
26 Section 35.16.

1 (c-20) An applicant seeking licensure, certification, or
2 authorization pursuant to this Act who has been subject to
3 disciplinary action by a duly authorized professional
4 disciplinary agency of another jurisdiction solely on the
5 basis of having provided, authorized, recommended, aided,
6 assisted, referred for, or otherwise participated in health
7 care shall not be denied such licensure, certification, or
8 authorization, unless the Department determines that such
9 action would have constituted professional misconduct in this
10 State; however, nothing in this Section shall be construed as
11 prohibiting the Department from evaluating the conduct of such
12 applicant and making a determination regarding the licensure,
13 certification, or authorization to practice a profession under
14 this Act.

15 (d) Fines may be imposed in conjunction with other forms
16 of disciplinary action, but shall not be the exclusive
17 disposition of any disciplinary action arising out of conduct
18 resulting in death or injury to a patient. Fines shall be paid
19 within 60 days or as otherwise agreed to by the Department. Any
20 funds collected from such fines shall be deposited in the
21 Illinois State Pharmacy Disciplinary Fund.

22 (e) The entry of an order or judgment by any circuit court
23 establishing that any person holding a license or certificate
24 under this Act is a person in need of mental treatment operates
25 as a suspension of that license. A licensee may resume his or
26 her practice only upon the entry of an order of the Department

1 based upon a finding by the Board that he or she has been
2 determined to be recovered from mental illness by the court
3 and upon the Board's recommendation that the licensee be
4 permitted to resume his or her practice.

5 (f) The Department shall issue quarterly to the Board a
6 status of all complaints related to the profession received by
7 the Department.

8 (g) In enforcing this Section, the Board or the
9 Department, upon a showing of a possible violation, may compel
10 any licensee or applicant for licensure under this Act to
11 submit to a mental or physical examination or both, as
12 required by and at the expense of the Department. The
13 examining physician, or multidisciplinary team involved in
14 providing physical and mental examinations led by a physician
15 consisting of one or a combination of licensed physicians,
16 licensed clinical psychologists, licensed clinical social
17 workers, licensed clinical professional counselors, and other
18 professional and administrative staff, shall be those
19 specifically designated by the Department. The Board or the
20 Department may order the examining physician or any member of
21 the multidisciplinary team to present testimony concerning
22 this mental or physical examination of the licensee or
23 applicant. No information, report, or other documents in any
24 way related to the examination shall be excluded by reason of
25 any common law or statutory privilege relating to
26 communication between the licensee or applicant and the

1 examining physician or any member of the multidisciplinary
2 team. The individual to be examined may have, at his or her own
3 expense, another physician of his or her choice present during
4 all aspects of the examination. Failure of any individual to
5 submit to a mental or physical examination when directed shall
6 result in the automatic suspension of his or her license until
7 such time as the individual submits to the examination. If the
8 Board or Department finds a pharmacist, registered certified
9 pharmacy technician, or registered pharmacy technician unable
10 to practice because of the reasons set forth in this Section,
11 the Board or Department shall require such pharmacist,
12 registered certified pharmacy technician, or registered
13 pharmacy technician to submit to care, counseling, or
14 treatment by physicians or other appropriate health care
15 providers approved or designated by the Department as a
16 condition for continued, restored, or renewed licensure to
17 practice. Any pharmacist, registered certified pharmacy
18 technician, or registered pharmacy technician whose license
19 was granted, continued, restored, renewed, disciplined, or
20 supervised, subject to such terms, conditions, or
21 restrictions, and who fails to comply with such terms,
22 conditions, or restrictions or to complete a required program
23 of care, counseling, or treatment, as determined by the chief
24 pharmacy coordinator, shall be referred to the Secretary for a
25 determination as to whether the licensee shall have his or her
26 license suspended immediately, pending a hearing by the Board.

1 In instances in which the Secretary immediately suspends a
2 license under this subsection (g), a hearing upon such
3 person's license must be convened by the Board within 15 days
4 after such suspension and completed without appreciable delay.
5 The Department and Board shall have the authority to review
6 the subject pharmacist's, registered certified pharmacy
7 technician's, or registered pharmacy technician's record of
8 treatment and counseling regarding the impairment.

9 (h) An individual or organization acting in good faith,
10 and not in a willful and wanton manner, in complying with this
11 Section by providing a report or other information to the
12 Board, by assisting in the investigation or preparation of a
13 report or information, by participating in proceedings of the
14 Board, or by serving as a member of the Board shall not, as a
15 result of such actions, be subject to criminal prosecution or
16 civil damages. Any person who reports a violation of this
17 Section to the Department is protected under subsection (b) of
18 Section 15 of the Whistleblower Act.

19 (i) Members of the Board shall have no liability in any
20 action based upon any disciplinary proceedings or other
21 activity performed in good faith as a member of the Board. The
22 Attorney General shall defend all such actions unless he or
23 she determines either that there would be a conflict of
24 interest in such representation or that the actions complained
25 of were not in good faith or were willful and wanton.

26 If the Attorney General declines representation, the

1 member shall have the right to employ counsel of his or her
2 choice, whose fees shall be provided by the State, after
3 approval by the Attorney General, unless there is a
4 determination by a court that the member's actions were not in
5 good faith or were willful and wanton.

6 The member must notify the Attorney General within 7 days
7 of receipt of notice of the initiation of any action involving
8 services of the Board. Failure to so notify the Attorney
9 General shall constitute an absolute waiver of the right to a
10 defense and indemnification.

11 The Attorney General shall determine, within 7 days after
12 receiving such notice, whether he or she will undertake to
13 represent the member.

14 (j) The Department may adopt rules to implement,
15 administer, and enforce this Section.

16 (Source: P.A. 104-432, eff. 1-1-26.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.