

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 Wholesale Drug Distribution Licensing Act
5 is amended by changing Section 56 as follows:

6 (225 ILCS 120/56)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 56. Restrictions on transactions.

9 (a) A licensee shall receive prescription drug returns or
10 exchanges from a pharmacy or other persons authorized to
11 administer or dispense drugs or a chain pharmacy warehouse
12 pursuant to the terms and conditions of the agreement between
13 the wholesale distributor and the pharmacy or chain pharmacy
14 warehouse. Returns of expired, damaged, recalled, or otherwise
15 non-saleable pharmaceutical products shall be distributed by
16 the receiving wholesale distributor only to either the
17 original manufacturer or a third party returns processor.
18 Returns or exchanges of prescription drugs, saleable or
19 otherwise, including any redistribution by a receiving
20 wholesaler, shall not be subject to the pedigree requirements
21 of Section 57 of this Act, so long as they are exempt from the
22 pedigree requirement of the FDA's currently applicable
23 Prescription Drug Marketing Act guidance. Both licensees under

1 this Act and pharmacies or other persons authorized to
2 administer or dispense drugs shall be accountable for
3 administering their returns process and ensuring that the
4 aspects of this operation are secure and do not permit the
5 entry of adulterated and counterfeit product.

6 (b) A manufacturer or wholesale distributor licensed under
7 this Act may furnish prescription drugs only to a person
8 licensed by the appropriate state licensing authorities.
9 Before furnishing prescription drugs to a person not known to
10 the manufacturer or wholesale distributor, the manufacturer or
11 wholesale distributor must affirmatively verify that the
12 person is legally authorized to receive the prescription drugs
13 by contacting the appropriate state licensing authorities.

14 (c) Prescription drugs furnished by a manufacturer or
15 wholesale distributor licensed under this Act may be delivered
16 only to the business address of a licensee, to the premises
17 listed on a ~~the~~ license, or, if the Department has received
18 notice that a licensee has authorized a health care entity to
19 receive the prescription drugs, to the address of a health
20 care entity, provided that the manufacturer or wholesale
21 distributor may furnish prescription drugs to an authorized
22 person or agent of that person at the premises of the
23 manufacturer or wholesale distributor if:

24 (1) the identity and authorization of the recipient is
25 properly established; and

26 (2) this method of receipt is employed only to meet

1 the immediate needs of a particular patient of the
2 authorized person.

3 Prescription drugs that are controlled substances
4 furnished by a manufacturer or wholesale distributor licensed
5 under this Act may be delivered only to a registered place of
6 business or professional practice, as required by Section 302
7 of the Illinois Controlled Substances Act.

8 For the purposes of this subsection (c), "health care
9 entity" means an entity where medical, dental, or veterinary
10 services are provided by a licensed practitioner and where the
11 licensed practitioner is responsible for the receipt, storage,
12 and use of drugs.

13 (d) Prescription drugs may be furnished to a hospital
14 pharmacy receiving area, provided that a pharmacist or
15 authorized receiving personnel signs, at the time of delivery,
16 a receipt showing the type and quantity of the prescription
17 drug received. Any discrepancy between the receipt and the
18 type and quantity of the prescription drug actually received
19 shall be reported to the delivering manufacturer or wholesale
20 distributor by the next business day after the delivery to the
21 pharmacy receiving area.

22 (e) A manufacturer or wholesale distributor licensed under
23 this Act may not accept payment for, or allow the use of, a
24 person or entity's credit to establish an account for the
25 purchase of prescription drugs from any person other than the
26 owner of record, the chief executive officer, or the chief

1 financial officer listed on the license of a person or entity
2 legally authorized to receive the prescription drugs. Any
3 account established for the purchase of prescription drugs
4 must bear the name of the licensee. This subsection (e) shall
5 not be construed to prohibit a pharmacy or chain pharmacy
6 warehouse from receiving prescription drugs if payment for the
7 prescription drugs is processed through the pharmacy's or
8 chain pharmacy warehouse's contractual drug manufacturer or
9 wholesale distributor.

10 (Source: P.A. 95-689, eff. 10-29-07.)